

**CBJ Docks and Harbors Board**  
**REGULAR BOARD MEETING MINUTES**  
**For Thursday, October 27th, 2016**

I. Call to Order.

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

II. Roll Call.

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

Absent: John Bush and Robert Mosher

Also present were the following: Carl Uchtyl - Port Director, David Borg- Harbormaster, Gary Gillette - Port Engineer, and Matthew Creswell - Senior Harbor Officer

III. Approval of Agenda - No Changes

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

**Motion passed with no objection**

IV. Approval of September 22<sup>nd</sup>, 2016 Regular Board Meeting Minutes.

Hearing no objection, the September 22<sup>nd</sup>, 2016 Regular Board Meeting Minutes were approved as presented.

V. Public Participation on Non-Agenda Items - None

VI. Consent Agenda

- A. Public Requests for Consent Agenda Changes - None
- B. Board Members Requests for Consent Agenda Changes - None
- C. Items for Action - None

1. An Assembly Resolution in support for full funding of the Alaska Municipal Harbor Facility Grant

**RECOMMENDATION: THAT THE ASSEMBLY APPROVE A RESOLUTION IN SUPPORT OF FULL FUNDING (\$18,160,055) FOR THE STATE OF ALASKA MUNICIPAL HARBOR FACILITY GRANT PROGRAM IN THE FY2018 STATE CAPITAL BUDGET.**

2. An Assembly Resolution in support of proposed changed to Alaska Statutes chapter 30.30 and 05.25 regarding management and prevention of derelict vessels.

**RECOMMENDATION: THAT THE ASSEMBLY APPROVE A RESOLUTION IN SUPPORT OF PROPOSED CHANGES TO ALASKA STATUTES CHAPTER 30.30 AND 05.25 IMPROVING THE MANAGEMENT AND PREVENTION OF DERELICT VESSELS.**

3. A Docks & Harbors Resolution in support of changes to the 2017 National Electrical Code  
**RECOMMENDATION: RESOLUTION IN SUPPORT OF THE STATE OF ALASKA ADOPTING THE FOLLOWING FINE PRINT NOTE TO THE 2017 NATIONAL**

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ELECTRICAL CODE ARTICLE 555.3: FPN: The 30mA requirement can be applied to all feeder circuits or all branch circuits in lieu of the main overcurrent protection device.

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

Motion passed with no objection.

VII. Unfinished Business - None

VIII. New Business

1. An Assembly Resolution in support of the addition of port and harbor employees to be covered under Alaska Statute AS 12.55.135.

Mr. Uchytel said this Resolution was drafted by AAHPA. AAHPA is asking municipal harbors throughout the state to have this resolution approved at the municipal level, collate them, and send it onto the Legislature for consideration. This Resolution speaks to placing Port and Harbors employees under Alaska Statute AS 12.55.135. Board member Mr. Summers recommended different language as follows;

*“That the Assembly approve a resolution in support of the addition of Port and Harbor Port Directors, Harbormasters, and certified badge wearing security officer employees to list employee’s covered by the Alaska Statute”.*

This would be more specific as to what employees under the Port and Harbor description would be covered under this resolution. Mr. Uchytel said part of his concern for making this too specific is it is harder to talk to Legislatures about this because some Municipalities are wanting specific language pertaining just to them. He said the longer he is in the position of Port Director, he sees more and more hostility toward all Docks & Harbors workers. The admin staff at Aurora and Statter are equally subjected to hostility. He is unsure if this will have support from the Legislature, but it has not had support in the past three years. The Assembly didn’t approve moving this forward a couple of years ago because they didn’t feel it included the Park Ranger and Life Guards. He said he is ready to try again this year.

Board Questions - None

Public Comment - None

Board Discussion/Action

Mr. Summers said the reason he brings up the point to not have this resolution be so broad is there are some Docks & Harbors staff that are not trained or certified by the state and don’t have a duty to act or go toward a conflict. Unlike, a police officer, EMT, paramedic, that are trained and certified and have a requirement as part of their duties to go toward an incident or a potentially dangerous situation. All harbor staff do not have a duty to do this, but some do and should fall under the protective umbrella and classified in the same as a police officer, firefighter, correctional employee, and a paramedic. If you read the Statute, the scope is very specific. If the Board considers adding all the employees in this resolution, the Board should consider the clerks at the Sales Tax office, who at some point has taken some heat and could have had a concern for their own safety, the Assessor’s Office where there has a potential for conflict with property tax, the Parks & Rec Department, who has employees that patrol the parks, and Lifeguards.

Mr. Summers said there are Statutes that already protect all class of people for all kinds of assaults, and there is a reason that we place a special emphasis by Statute on certain classes of people who have a duty to act and take themselves toward a potentially harmful situation.

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Mr. Eiler asked what extent does Docks & Harbors staff acts as Port Security?

Mr. Borg said in the summer time with the cruise ships in town, all the Port personnel are designated as security personnel. None of our personnel are armed. They only monitor, detect, report, and at no time does he require hands on with an individual. The dangerous situations the Harbor personnel could have a potential to be exposed to are, fire, and flooding boats, but we have had an increase of bad characters in the north end of Aurora Harbor. He said with his previous law enforcement experience in the Coast Guard, he does ask questions when he sees something that doesn't look right. Up to this point, he hasn't had anything that has put him in danger, but he does see a potential for it. There is no doubt something is going to happen sooner or later. His direction to staff is not to be confrontational, and if there is a situation that is not right, call the Police Department.

Mr. Eiler asked when there is an elevated MARSEC level, is that just Coast Guard or is our staff also involved in monitoring that? Does the Harbor have a heightened state of alertness?

Mr. Borg said that is more "hardened security", gates, fencing, and more ID checks. JPD would be involved with this also.

Mr. Seng asked if there is a clear duty to intervene in the event of fire, crime, injury or are those duties incumbent on the Coast Guard, Police Department, Fire Department, or EMS?

Mr. Borg said he has made it very clear to staff that their duty is up to their ability and training. If they don't feel comfortable with a situation to back out.

Mr. Seng asked if there is a statute or ordinance that says Docks & Harbors staff has a duty to perform in a dangerous situations?

Mr. Borg said no.

Mr. Eiler asked if it was Docks & Harbors boat that took JPD to the recent fire in the Gastineau Channel?

Mr. Borg said yes.

Mr. Eiler commented that staff does assist or help in dangerous situations.

Mr. Borg said we are part of the plan.

Mr. Donek asked if the wording was changed if there would be a problem with sending this forward to the Legislature?

Mr. Uchtyl said it wouldn't be a unified voice anymore and not as structured.

**MOTION By MR. SIMPSON: MOVE THAT THE ASSEMBLY APPROVE A RESOLUTION IN SUPPORT OF THE ADDITION OF PORT AND HARBOR EMPLOYEES TO THE LIST OF EMPLOYEES COVERED BY AS 12.55.135 AND ASKED FOR A VOTE.**

**Vote**

**Mr. Eiler - Yes**

**Mr. Janes - Yes**

**Mr. Lowell - Yes**

**Mr. Seng - No**

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Mr. Summers – No  
Mr. Simpson – Yes  
Mr. Donek – Yes

Motion passed.

2. Removal of the Marine Park Lightering Float

Mr. Uchytel said Mr. Weber who uses this float, is on the telephone to talk to this issue. The issue is whether to remove the Marine Park Lightering float due to safety concerns. A month ago at the September Board meeting, there was an information item on this. At the last OPS/Planning Committee meeting the Committee voted in favor of removing the float and forwarded to the Board recommending removal of the float. Mr. Uchytel said he discussed the removal of the float with the City Manager and he wants the Planning Commission to take up the removal under a CSP process to make sure there is sufficient public process. This will be in addition to what happens here tonight. In the packet is a letter from Holly Johnson with Wings Airways describing safety concerns for the float planes. The seaplanes maneuverability into the fuel dock will be a safety issue upon the completion of the new Alaska Steamship dock project. Staff did meet with Ms. Johnson and the pilots and have looked at different possibilities for relocating this float, but there was no possibilities that didn't still have safety concerns. The situation is that Docks & Harbors has to address this safety concern in the most efficient way possible.

Board Questions –

Mr. Eiler asked to outline the CSP process and what the City Manager is envisioning the role of the Planning Commission having after the Board's recommendation.

Mr. Gillette said CSP stands for "City State Project". Projects that are put forward for the City or State receive Planning Commission review and they make a recommendation to the Assembly. The Planning Commission reviews planning codes, ordinance, and zoning. The Assembly usually approves their recommendation through the budget process. This is a little different. He believes the City Manager's interest is to reach a broader public than Docks & Harbors Board might reach. Because this is a community asset, people might not be monitoring the Docks & Harbors agenda's to see what is going on.

Mr. Eiler asked if there was any comment about this float years ago in the planning process for the new cruise ship berth whether the float will stay or go?

Mr. Gillette said the original plan was to remove the float because it wasn't going to be used because another float was installed by the Port Field office. However, staff received comments from the Cruise Industry that said they favored this float because it was closer to where the ships anchored and received community comments that it was closer to Marine Park. The plan with working with the Engineer Department and Parks and Rec was to do an expansion to Marine Park and the seawalk would wrap down in front of Merchants Wharf which included a float that would replace the lightering float so people would have access to the water. There has been hang ups getting the seawalk portion moving forward. It was anticipated years ago the seawalk would be under way already, however, this is not the case and is years away.

Mr. Lowell asked if the new lightering float installed by the Port Field office is adequate to accommodate the demand from the lightered vessels?

Mr. Gillette said yes, and there are fewer scheduled lightering vessels for 2017 than in years past.

Public Comment –

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Steve Weber, Juneau AK

He said he had a discussion with Ms. Johnson and agrees that any safety issue needs to be first. He believes this is a speculation on the pilots of what could be and is not a condition that will be constant as far as wind conditions and their docking needs and maneuvering needs. He recommends to not remove the float until after the new Alaska Steamship dock is installed and decide at that point if the float will still work when a ship is tied up. This float is very important to his business and customers who are mainly locals. To move down to the new lightering float adds 1400' to his guests, and parking would also be an issue. He recommends to leave the float where it is currently for one season to see how it truly works out. If it is removed, he would like the ramp parallel to the Wharf and the float rotated 90°. That is a beautiful Wharf that could provide the same accommodations as the IVF with another ramp and more dock space for the intermediate vessels and the yachts. This would be a very nice addition. He understands that would take time and planning and not happen right away, but if the float was rotated it would solve all his problems and also maintain access for the public that wants to get down to the water. This is tighter and tighter between parking and ships, and the larger ships do have an impact. He is objecting to taking out the ramp and the float and hopes there is a different solution. He believes the additional walking will be detrimental to his business and inconvenient for his patrons. This is his position on the matter.

Mr. Janes asked if he has been using this float since the start of his business.

Mr. Weber said yes, 23 seasons. 1994 was the first year of regular daily trips to Tracy Arm. Prior to that was a variety of other trips. He did not expect the new dock was going to impact the float operations. The ships don't, but it has turned into the airplanes are the issue. We do have a cordial relationship with the planes and that relationship will still be maintained.

Dennis Watson, Juneau, AK

He said the Planning Commission has already done a CSP on this issue. This doesn't make sense for another CSP, and believes the City Manager is wrong to have this go through another CSP process. If this went in front of the Planning Commission as is, the float would be removed. When the Taku Smokeries Dock situation arose, which was the possibility that a fishing vessel may not be able to maneuver to get to their dock, the Planning Commission recommended to remove it or change it. Because of the Planning Commission, it cost Docks & Harbors \$1M to alter the Taku Smokeries Dock. Docks & Harbors had to make several changes to the cruise ship design to accommodate fishing vessels and the fisherman's memorial issues. These changes were all done on a potential for an accident. With this current situation, if this situation was presented earlier for a potential airplane safety issue, the Planning Commission would have had Docks & Harbors remove this float in the beginning. If Docks & Harbors puts this back in front of the Planning Commission on the pretext that this needs broader exposure to the public, with knowing the Planning Commission's notification process to the public being identical to Docks & Harbors, and knowing they have the same challenges getting people to their meetings, is a waste of time. If the vessels were in danger, they would want the same consideration. The Marine Exchange even provided ship simulations for maneuverability to get to the Taku Smokeries Dock, and the Planning Commission still made Docks & Harbors alter the Cruise Ship Dock and the Taku Smokeries Dock. Sending this to the Planning Commission is silly.

Al Clough, Juneau AK

He said he is the Vice-President for Wings Airways and pilot. At the end of this season, when the Manson pile barge moved onsite which occupied much of the space the new dock project will occupy, the pilots were still working and experienced the safety challenges with the lightering dock. If the lightering dock stays and lightering is allowed to take place, we will be out of business. There

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is no way in good conscience I can operate an airplane going straight into that dock with a lightering vessel operating at the same time. Mr. Clough said he understands Mr. Weber's concerns about the farther distance for his passenger, but he operates a shuttle bus to accommodate passenger coming from the other side of town that are not on a cruise ship. He doesn't like having to bus people, but it is a necessity to best serve his customers. There are no other operating areas for the planes to go besides the area in front of the Wharf. There have been float planes coming to this location since the 1930's.

Mr. Summers asked if the pilings are in the path as being problematic as well?

Mr. Clough said with the current configuration of the dock, if you get to close you can hit the piling with a wing. Where it sits right now, there is no maneuvering space to turn around.

Mr. Summers asked if Wings would consider accommodating vessels at the dock that is parallel to the Merchant's Wharf if the Lightering float was removed?

Mr. Clough said only for special events. During the operating day (8am to 9pm), with the five airplanes on and off the dock every hour, there isn't the room for another user.

Mr. Janes asked if there are other users that use the Marine Park Lightering Float? If this is left, will it remain open for anyone to use?

Mr. Uchtyl said if it is left at the current location, it could be used by the general public.

Mr. Janes asked Mr. Clough if the general public use has caused issues with his planes in the past?

Mr. Clough said yes. With some of the lightering operations currently, Wings calls JPD weekly on various activities that go on that has nothing to do with the float operations. People do jump off the float and fish off the float casting fishing lines over the airplanes. There are people sleeping, drinking, smoking, and sometimes another boat does park there.

Mr. Eiler asked what Mr. Clough thought about the repositioning of the float?

Mr. Clough said if the ramp and float was shifted 90°, pulled up tight to the dock face, and only used by experienced boat captains, the planes might be fine. It is still tight maneuvering. However, if there is active lightering, it will not work. As is, we have experienced a lot of problems with the lightering boats.

Mr. Janes said he doesn't have a problem with moving lightering, he is more concerned with moving Mr. Webers operations. Is there any way to include their operation on Wings dock as a specific sub-contract with them in the future?

Mr. Clough said he looked at that. Someday's it would work, but as a standard business practice there just isn't enough room.

Mr. Eiler asked how long Wing's has been doing business in this location?

Mr. Clough said since 1982.

Mr. Eiler commented there are a lot of moving parts for the Juneau Waterfront and not all are moving in concert which is why we are brought to this situation. He asked from the long term waterfront plan, what was Wings understanding of how the seawalk or waterfront would develop and what planning Wings had for adjusting it's operation? What was Wings understanding for adjusting their operations or what was expected and how was Wings going to react?

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Mr. Clough said Wings was led to believe that when the seawalk was extended through the Merchants Wharf area, Wings operation would move toward the Goldbelt building which would get it out of the corner and we wouldn't be having this discussion. Until that happens, we are stuck in the corner.

Mr. Summers asked Mr. Clough, if there was no lightering at this existing float and reconfigured in some way, would it change the statement that Wings can't operate?

Mr. Clough he would have to see it scaled out. The lightering in this confined space does not work for the planes.

Mr. Eiler asked Mr. Weber when the downtown waterfront plan was put in place several years ago, what was his understanding of how this area of the waterfront would be developed?

Mr. Weber said he thought the float was going to stay there. There was speculation to pull it out, but that changed and it was going to stay to provide public access to the waterfront. Now is the discussion to remove it again because of safety concerns. He recommended a solution to rotate and move the float down 50 feet. He thinks that would eliminate the issue with the airplanes. The lightering operations currently have very poor boatmen and is a hazard. Mr. Weber said his boats were run into three times this last summer while they were tied up by the lightering boats. He is requesting the float be rotated and moved down. The safety issue is important.

Board Discussion/Action -

Mr. Donek asked if this float was pulled up against the Wharf and the gangway moved, would it affect Docks & Harbors security plan for the ships?

Mr. Borg said we are not using this float for lightering anymore. The lightering operations will be going to the new dock by the Port Field office.

Mr. Donek asked if Mr. Webers operations would affect the security program?

Mr. Borg said they don't fall under that security program.

Mr. Summers asked if there is any lightering operations planned to go to the Marine Park Lightering float next season?

Mr. Borg said all the lightering operations are going to the new float under the Port Field office.

Mr. Summers asked if Docks & Harbors has the authority to move the lightering operations?

Mr. Borg said Cruise Line Agencies has requested that change.

Mr. Janes asked Mr. Gillette if he has done any rough cost estimates for a reconfiguration of this ramp and float?

Mr. Gillette said no.

Mr. Janes commented that moving the float may not even be possible.

Mr. Gillette said based on the conceptual seawalk design from 2004, this lightering float was removed and another float was included further down that served in the same function as this one. It was actually a bigger float and would still provide access for the public to the water, Mr. Weber's operations, and lightering operations.

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Mr. Janes asked if that was prior to the 16B dock?

Mr. Gillette said no, but it moved Wings operations down toward Goldbelt. At the time 16B was being designed, staff thought the seawalk plan was going to move forward before 16B. The seawalk is stalled because they ran into problems with the property acquisition.

Mr. Uchytel asked if this was the seawalk plan or the conceptual plan for Marine Park?

Mr. Gillette said the plan was for both. The expansion of Marine Park and the seawalk moving out in front of Merchants Wharf down to the Goldbelt property.

Mr. Eiler said this is a regrettable situation with disadvantaging a business owner due to not all the waterfront plans moving in concert. In the future, he wants to have a discussion on the direction of the waterfront plan so a business isn't pushed over the edge with the development of the waterfront.

Mr. Donek said he dislikes the idea of losing an asset access to the water. He would like to see an alternate design to move the float, but with taking the lightering boats out of that area, he is concerned with other vessels using the area coming around a blind corner.

Mr. Seng said this is a safety issue being weighed with convenience. The removal of the lightering float will address the safety issue. That does not mean this float couldn't be relocated or a different float installed at a later time. The core issue is Wings cannot operate safely with the current location and he is in support of removing the float.

**MOTION By MR. SUMMERS: AS A PRECAUTION TO FACILITATE THE SAFETY OF WORKING SEAPLANES, THE EXISTING MARINE PARK LIGHTERING FLOAT SHALL BE REMOVED PRIOR TO THE COMMENCEMENT OF THE 2017 CRUISE SHIP SEASON AND ASK FOR A VOTE.**

Vote

Mr. Eiler - yes

Mr. Janes - yes

Mr. Lowell - yes

Mr. Seng - yes

Mr. Summers - yes

Mr. Simpson - recused himself

Mr. Donek - yes

Motion passed.

Mr. Lowell asked if this float would be relocated away from the seaplane operations?

Mr. Uchytel said he doesn't have a location to move it to at this time.

Mr. Lowell clarified that the intent is to remove the float from this location with no intent of moving it back in any shape or form.

Mr. Uchytel said unless the Board makes it a priority to reinstate the lightering float. He plans to attend the Planning Commission meeting to support the motion from the Board.

**3. ALASKA Glacier Seafood (AGS) - Lease Amendment**

Mr. Uchytel said since 2012 Docks & Harbors has had an arrangement with Alaska Glacier Seafood. On page 33 in the packet shows the sketch of the area. It is a fence line between Alaska

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Glacier Seafood and the Auke Bay Loading Facility. We have intentionally had short agreements to egress across our property when moving their vehicles. Amendment #3 expires this month. The OPS/Planning Committee recommended establishes a new lease agreement that corresponds with a five year lease review period. If this is approved tonight, he said he will work with CBJ Law to draft a lease amendment and bring it back to the Board next month for approval of the lease language.

Board Questions - None

Public Comment - None

Board Discussion/Action

**MOTION By MR. SENG: TO APPROVE A LEASE AMENDMENT WITH ALASKA GLACIER SEAFOOD TO ALLOW INGRESS AND EGRESS ACROSS THE CBJ AUKE BAY LOADING FACILITY AND ASK UNANIMOUS CONSENT.**

Motion passed with no objection

4. Angoon Trading Company, Inc. - New Lease ATS 1670, Tract A

Mr. Uchytel said last month the Board approved entering into a new lease agreement with Angoon Trading Co. The lease language was finished yesterday and is in the packet on page 36. Horan & Company completed an appraisal a year ago as part of the five year review process. Answering Mr. Summers question about appraisals using comparable, he believes this is in regulation.

**5 Minute Break**

Mr. Uchytel said the rent comparisons will include an annual rent comparison chart stating location and rent.

Board Questions -

Mr. Donek asked to do more research on the requirement to use comparables in an appraisal and bring back to the Board at another meeting.

Mr. Eiler said he would like to see a breakdown of the appraisal process. He asked who owns the tract with the travel lift on it?

Mr. Uchytel said Trucano.

Mr. Summers asked if we have a competitive process for who's doing the appraisals?

Mr. Uchytel said we did a RFP for a term contract for appraisal services a couple of years ago and Horan & Company was the only company that submitted a proposal.

Public Comment - None

Board Discussion/Action -

**MOTION By MR. SIMPSON: TO RECOMMEND APPROVAL BY THE ASSEMBLY FOR A 1.46 ACRE LEASE WITH ANGOON TRADING COMPANY FOR ATS 1670 (Tract A) AT A RATE OF \$6,359.80 PER YEAR AND ASK UNANIMOUS CONSENT.**

Motion passed with no objection.

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IX. Items for Information/Discussion -

1. Resident Live-aboard Regulations-

Mr. Borg said the Senior Harbor Officer and myself recently took part in an innovation academy. One of the homework assignments was to come up with an innovation idea. The idea we decided on was how to address the untreated human waste that is entering the Harbor's at a significant rate. The Senior Harbor Officer, Matt Creswell, will show a ten minute presentation. Mr. Borg said the live-aboard regulation needs more work before it is ready to bring to the Board.

Mr. Uchytel said at the OPS/Planning meeting there was discussion on the proposed live-aboard regulation. It was decided to do more work on it before bringing it to the Board. The live-aboard fee forwarded from the Harbor Fee Review is heading back to the Harbor Fee Review committee for more work. The discussion on the human waste issue is a good start for tonight.

Mr. Creswell showed a power point presentation of their innovation assignment showing an innovation they can work on. This issue is an important issue because it is part of the Clean Harbor certification. The power point Mr. Creswell showed is attached to these minutes.

Board Discussion/Public Comment -

Mr. Seng asked why the federal regulation not allowing waste to be dumped in the Harbor isn't enforced by the Coast Guard?

Mr. Creswell said that is only enforced on the water with vessels underway. The problem is vessels dumping in the Harbor are vessels that don't move which are houseboats or live-aboard vessels.

Mr. Borg said the Coast Guard jurisdiction is very touchy when it comes to a vessel being moored.

Mr. Eiler asked staff to expand on ADEC authority?

Mr. Creswell said working on a Clean Harbor certification gets Docks & Harbors in good graces with ADEC and complying with Clean Harbor's best practices.

Mr. Summers asked if the Coast Guard has been notified in this process and interweaved them in part of the education program for the live-aboards.

Mr. Creswell said staff intends to involve the Coast Guard and make them part of this process.

Mr. Uchytel said part of the regulation proposal was to limit live-aboards to 10% of the Harbors, and will have a lot of interest. The perception will be that Docks & Harbors is trying to limit affordable housing in Juneau. It is appropriate to let the public be allowed to talk on this topic even though it is not moving forward at this time.

Carrie Warren, Juneau, AK

She said she was thankful for the presentation and it was helpful. She said there is a lot of talk in the Harbor among the live-aboards and it is unfortunate that we as harbor residents and patrons have to rely on gossip rather than a clearly posted notice. She did hear about the meeting tonight on the radio and website. She asked the following questions;

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- What problems is Docks & Harbors attempting to solve with the ideas proposed? She recommended to come to the live-aboard community to ask for ideas on how to solve the problems. It might increase Docks & Harbor's positive perception among the patrons.
- When will this be voted on and what is the process?
- In the proposed regulation it reads, "for three or more days of residency". What is it currently? She was told it is three days currently.
- On page 53, (b), last sentence. What is the basis for having the legal registered owner be one of the live-aboards? She can understand this to a certain degree, but as a free person, she has choices to loan out things she owns. This would add another layer of things the Harbor staff will have to deal with, and seems unnecessary.
- On page 53, (c), how will that affect seasonal users? There are people that come in for the summer and snow birds. There are people that come to Juneau for a couple of weeks at a time, are they suddenly deemed residence and do they have to pay for the entire calendar month?
- Is there a plan to notify people of what is being talked about? When you look at a total of 165 vessels and this is the turn out, that seems to point to not a lot of notification happening.
- On page 53, (d), she is not sure how that just applies to live-aboards. There are a ton of vessels in our Harbor that aren't derelict and they don't move. This is the right of an owner to not move their vessel if they don't want to. How does that make it a maritime transportation hub?
- On page 53, (d), the green area reads "Live aboard residents registered as of January 1, 2017 will be granted residence until the vessel is no longer registered in the harbor. I own a house boat. The very first question she asked was if she would be able to keep her registration. Will the registration in the Harbor be transferrable to a new owner if the boat is sold, or does the registration quit when the vessel changes hands? Clarification on that would be good.
- On page 53, (e), is asking people to self report. That seems like a system that is right for abuse. It also seems it would be hard to enforce equitably and consistently.
- On page 54, (g), live-aboards pay a residence surcharge. What do live-aboards get for that surcharge that isn't available to any patron of the Harbor. Water, garbage, snow removal, and electricity. Why would the fee be raised when there appears to be nothing tangible. Clarifying what more a live aboard gets for this extra fee would be a good thing.
- She recommended to not penalize families with the additional live-aboard fees and add the word "unrelated" when talking about additional people.
- The pet fee, dogs are already licensed with the City. Considering how many non-live-aboard patrons bring their dogs to the Harbor, why are the live-aboards being looked at instead of Harbor patrons in general? There is an equitability issue that needs to be addressed. What resources are going to be put in place to deal with whatever problem this new fee is attempting to address? There are no bags for dog poo by the dumpster ramp. Is there going to be a place designated for dogs to poo?

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- What is the difference in the different areas in the Harbor where there was a significant higher level of fecal coliform? Is there a higher level of live-aboards in that area? Could this be addressed by spacing the live-aboards out?

Al Holzman, Juneau, AK

It seems that this is all aimed at live-aboards. If there is going to be a fee for dogs on boats, most of the dogs in the Harbor are on live-aboard boats, that seems discriminatory. The same with the sewage. It should be dealt with across the board. This needs to be applied to all boats. If there is going to be a live-aboard fee, everyone should have to pay that fee and not just permanent residence. He doesn't know how the Harbor can determine the accurate amount of people that are live-aboards with the Harbors staffing. There is not enough staff to check over the Harbor at 9:00 pm and then again at 5:00 am looking for live-aboards. The definition of a live-aboard means you sleep on a boat. The regulation says use as a residence. If someone has a house in town and decides to stay on their boat for a week, it's not their residence. He has a problem with saying staying in the harbor for more than three nights makes you a residence. He said he is not in favor of polluting the Harbor, but he believes the area's tested were area's staff thought they would get the results they wanted. That is not the way to go about acquiring a scientific investigation.

Mr. Creswell said Admiralty Environmental tested throughout the Harbor and tested with their common practices. They test at the water surface for fecal coliform.

Mr. Holzman said it would be better to average. Take the amount of water you have and average that. Somehow come up with more correct value. This would make more sense to me. My boat is my home. I don't think staff will ever have the right to come on my boat without a cause or warrant. This may need to be considered in Docks & Harbors plan. I think that considering the fact there is no security in the Harbor from 5:00 pm to 7:00 am. The only security in the Harbor is the live-aboards. He knows they don't catch everything, but they do prevent some crime. Rather than decreasing live-aboards, it would be more logical to increase the live-aboards and make it more attractive and perhaps the Harbor would be more secure. One way to do that would not to take aim at live-aboards.

Renee Rieser, Douglas, AK

She said she has a problem with only having live-aboards 10% of occupancy. She doesn't know how Harris and Aurora is, but Douglas Harbor has a community. She said Docks & Harbor should foster the community rather than restrict it and make it smaller. She said she doesn't know the rational for that. She also has a problem with one of the person living on the boat having to be the legal registered owner. She asked if she had someone come visit her, and she doesn't have room but knows someone else in the Harbor that does, that person can't stay with someone else. This will be illegal now and a huge hassle. These boats are privately owned. Where will it end? Are we going to be told what color to paint out boats? This is infringing on people's property rights. She said she doesn't understand the reasoning to make one of the persons living on the boat the registered owner. There may be a good reason, but that needs to be communicated. She said she doesn't understand the reasoning behind restricting the live-aboard to 10% of the Harbor capacity. The larger the live-aboard community is, the better it will be. Addressing the requirement to registering pets, she does pick up a lot of dog poop by the ramp. She would hope

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there is a better way to deal with it rather than more regulations and registrations. Taking responsibility for your pet is vital. The dogs she has seen pooping on the docks are people that don't live in the Harbor and are patrons checking on their boats. This is penalizing the live-aboards by placing all these extra restrictions on them and that is not necessarily where the problem is.

Mr. Uchytel said he wanted to address the comment about Docks & Harbors not having the right to tell an owner to move their vessel, he read the Assembly policy on intent and use of the Harbor. *"It is hereby declared to be the intent of this title to favor the use of facilities of the boat harbor by commercial fisherman, government vessels, commercial vessels in trade and commerce, and pleasure craft used by the general public at large. It is further the intent of this title to prevent and discourage the use of the facilities of the boat harbor by boats which have been abandoned by their owner to a point of becoming derelicts as defined in chapter 85.05, or becoming a charge and nuisance to the City and Borough, The Port Director, and the general public which are unsafe or which are not used or are not fit to be used regularly for transportation on the water".*

The charge to this body is that the Harbors primary client is for vessels to be regularly used for transportation on the water. He said he agrees having the right number of live-aboards is a good thing for the Harbor. It does add an extra set of eyes, but Docks & Harbors also has to protect the interest of their harbor patrons and make sure the Harbor isn't falling into disrepair because of people flopping on potentially derelict vessels. He said Docks & Harbors could probably go find some samples in the Harbor that is less contaminated, but that is not the point. The point is there is a factual basis there is a high level of fecal coliform in the Harbor.

Mr. Borg said he agrees the human waste issue is not just a live-aboard issue. The regulation will be for all vessels in the Harbor. If a patron is going to use their boat for a house, they need to provide the proper facilities similar to what is required in a house in the uplands. Comparing houses to boats, he has to have a working toilet in his house.

Mr. Donek said the next time this will be in a public meeting is November 9<sup>th</sup> at the OPS/Planning Committee meeting.

## 2. 2004 Long Range Waterfront Plan Review

Mr. Gillette said this plan was a community wide process in 2003/2004 and adopted on October 25<sup>th</sup>, 2004 approved by the Assembly. If you would like more information on this plan you can go to [www.juneau.org/plancomm/Final\\_LRWP\\_112204.php](http://www.juneau.org/plancomm/Final_LRWP_112204.php). The plan looks at the waterfront from the Bridge to the Little Rock Dump, and broken up into different sections by types of development, different themes for future development, and looking at how the waterfront plan would be carried out in the future. Docks & Harbors manages property along this waterfront area and this plan is a key document for our planning purposes. Docks & Harbors managed property in this area consists of, a piece of property by the bridge, the gold creek tideland, the cruise ship berths and the uplands, the national guard dock, and the Little Rock Dump. At the bridge property, in section (A) of the plan there was discussion of mixed use development. Staff did propose a joint venture plan with Marine Exchange for this location with a museum on the first floor with the second floor having office space. The funding options fell through and Marine Exchange has moved on to another site. However, there still is a desire to see some sort of development at this location and that will be addressed in the master planning process from

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Norway Point to the bridge. The idea for the area by the bridge is a community space to add life to the park area. The Gold Creek location has had talk about having a Gold Creek Marina. The most recent talk of the Marina is in the Juneau Ocean Center plan. Section's (C) and (D) of the plan pertain to the cruise ship berth project which is currently under construction and is within the waterfront plan goals. Section (F) is the Little Rock Dump location, this area also suggests a Marina. Docks & Harbors has had a proposal for a marina through a lease process in the past. The 2004 waterfront plan recommends the Little Rock Dump area to be a working waterfront for boat haul out and boat moorage. These are long range plans, coming to fruition is just a matter of time. The completed projects in this area include;

- In 2004, the area in front of the Steamship Wharf was decked over and created about 12 coach spaces and a well used area for Cruise Ships. The intent was when the cruise ships weren't using this location, it could be used as a community space and is currently being used for community functions.
- In 2012 the Port Field Office/Customs office building was built. The Visitor Center was also built and completed the plaza in that area.
- In 2013 Phase I of the cruise ship terminal staging area was completed. This included taking out the floating ramp that was there previously for the Alaska Marine Highway and decked over that area.
- In 2014 we did the reorganization of the uplands staging and parking and also modification to the Taku dock.
- In 2016 the South Berth cruise ship dock project was completed.
- We are currently under construction with the North Berth cruise ship dock.

In this downtown area there is the undeveloped Archipelago property, as well as the tideland in front of the People Wharf and Warner's Wharf. These are areas of potential future development that staff would like to see some planning for. Staff has received lease requests for this area. This area should have more detailed planning to make sure to take full advantage/use of the area. The other element of this 2004 plan was the seawalk to tie this all together. The seawalk would go from the Bridge to the AJ Dock tying the entire waterfront together. This document is Docks & Harbors guide to how to develop the downtown waterfront.

**Board Discussion/Public Comments-**

Mr. Eiler asked when this plan was first put in place, was the timing of how these things were to be constructed thought out or was the market to determine the timing? Was there a succession intended?

Mr. Gillette said he is not aware of any scheduling. This plan was to help guide development as proposals came forward. Docks & Harbors development to date has been close to what was originally envisioned.

Mr. Eiler asked when will CDD revisit/redo this plan?

Mr. Gillette said on a special plan like this he is unsure. The plan prior to this 2004 plan was in 1986. It states in regulation the comprehensive plan needs to be looked at every three to five years, but this is a special plan.

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3. Archipelago Property Acquisition

Mr. Uchtyl said on page 55 of the packet is a document on the acquisition of the Archipelago property. He said he would like to start the momentum and support from the Board to proceed with acquiring the Archipelago lot. On page 57 in the packet shows what is already owned by CBJ and there is about 1.14 acres left to acquire. The purchase of this property is in Docks & Harbors' best interest and have a planning process on the best way to maximize this limited area. With the completion of the Steamship dock, there has a potential for insufficient vehicle carrying capacity for this portion of Franklin street. At a minimum, Docks & Harbors needs to invest in a staging area. On page 58 in the packet is a document that went to the Assembly in 2012 with four options for development with the purchase of the Archipelago property. At this time, Docks & Harbors is not prepared to pick a specific plan, but he believes the next step is to acquire this property moving toward a vehicular transportation solution.

Board Discussion/Public Comments

Mr. Donek asked how the funding for this would be handled?

Mr. Uchtyl said there may be \$3M to \$4M left from the 16B project, Docks funds, and a possibility to use State Marine Passenger fees.

Mr. Donek asked how would the acquisition of this property impact the funding for the For-Hire float at Statter Harbor?

Mr. Uchtyl said the priority would be, the next two years of State Marine Passenger fees FY16 and FY17 fund the Statter Harbor Phase III For-Hire float, and FY18 funds use toward the acquisition of the Archipelago property.

Mr. Eiler asked who the owners of the Archipelago property is?

Mr. Uchtyl said he heard informally it is Morris Communications.

Mr. Donek said if we move forward with this, would we have to wait two years before this property could be acquired or could the process be started sooner?

Mr. Uchtyl said if the Board and Assembly is in agreement, he doesn't think all the money would be needed up front. He recommends to negotiate a five year payment plan with the owners and start the process now.

Mr. Donek asked what the next step is?

Mr. Uchtyl said this will be brought back to the Board next month for approval to move forward.

Mr. Janes asked when this is brought back, he would like to see a transportation plan for south Franklin street connected to this request. How is this area going to be managed? There is going to be more traffic crossing the sidewalk, how will the traffic be entering and leaving the right of way? Is there going to be more crossing guards? Is there a need for a traffic light? How will this affect the crosswalks both to the south and north on south Franklin street? Will the traffic be stopped longer

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because of more traffic entering or leaving this lot? He would like a vision of how traffic flow will be associated with this plan.

Mr. Uchytel asked if he wants a plan cemented before bringing this back to the Board for endorsement?

Mr. Janes said just a venue for discussing other ideas, and how this will fit into the long term traffic plan for south Franklin street. There is a lot of value for CBJ obtaining this land, but we just need to look at this comprehensively.

Mr. Seng said this could be two separate issues. One is the acquisition of the land and the other is the development of the land. This property is in private hands today and could be sold to another party at any time. If we are going to act on this, acquiring the property first is the more important thing. Developing a plan for this property could be timely and complex and the property could be sold during our planning process.

Mr. Donek said he suggests to have a general description of the use and move forward with the purchase.

4. Docks & Harbors Customer Satisfaction Survey

Mr. Uchytel said staff is trying to be more customer focused with Docks & Harbors processes and we have established a survey monkey for input on how we are doing as a facility. The idea is to have different surveys that will rotate every two to three months in hopes to gain feedback from patrons. Please go to the link to participate in our survey; [www.juneau.org/harbors/surveys.php](http://www.juneau.org/harbors/surveys.php)

Board Discussion/Public Comments

X. Committee and Member Reports

1. Harbor Fee Review Committee Meeting - Wednesday, October 5<sup>th</sup>, 2016

Mr. Simpson reported everything discussed at the meeting was discussed here tonight. There was a lot of time spent on live-aboard fees.

2. Operations/Planning Committee Meeting - Wednesday, October 19<sup>th</sup>, 2016

Mr. Simpson reported everything discussed at this meeting was discussed here tonight. There was a lot of time spent on live-aboard rules, sewage, and fees.

3. Finance Committee Meeting - Thursday, October 20<sup>th</sup>, 2016

Mr. Eiler reported the Committee reviewed the FY16 year end summary for both Docks and Harbor enterprise funds revenue and expenses. Finance staff came and talked about changes to Docks & Harbors budget and how to account for pension obligations. He described how it is broken out and tracked as part of our budget. The next Finance Meeting scheduled for November 10<sup>th</sup> may change due to staff and member availability.

4. Docks Fee Review Committee Meeting - Thursday, October 20<sup>th</sup>, 2016

Mr. Eiler reported the Committee passed two motions; Loading zone permits- a recommendation was passed to keep the current fee structure with a CPI increase. The company fee would increase to \$400 and have a \$9.00 per seat fee. This keeps the structure of the fee in place but adds a CPI increase.

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Water fees- A recommendation was passed to change the rate structure for water service to 150% of the bulk rate of what Docks & Harbors pays to CBJ. This rate will increase as Docks & Harbors rate increases.

Both of these rates were forwarded to OPS/Planning.

5. Member Reports - None

XI. Port Engineers Report-

Mr. Gillette's said his written report was in the packet and could answer any questions.

XII. Harbormaster's Report

Mr. Borg reported;

- Docks & Harbors term contract holder North Pacific Erectors is repairing the N float damage from the Norgale. This should be completed in the next couple of weeks.
- Staff is preparing for winter.

XIII. Port Director's Report

Mr. Uchytel reported;

- Staff held a public meeting last night for Aurora Harbor Phase II. There were 16 members of the public and six members of staff and consultants. The take away was the boat shelter owners are concerned about having the project drag out past Halloween and staff is looking at ways to mitigate their concerns. We will try to get this project awarded and started as early as possible post Salmon Derby weekend.
- Mary Becker is our new Assembly Liaison.

Mr. Uchytel wanted to make sure all Board members were able to access their .org email account.

XIV. Assembly Liaison Report - None

XV. Board Administrative Matters

- a. Harbor Fee Review - Wednesday November 2<sup>nd</sup>, 2016 at 5:00 pm
- b. Ops/Planning Committee Meeting - Wednesday November 9th, 2016 at 5:00pm
- c. Finance Committee Meeting -Thursday, November 10th, 2016 at 5:00pm - Cancelled
- d. Docks Fee Review - Thursday November 10<sup>th</sup>, 2016 at 5:00 pm.
- e. Board Meeting - Thursday, November 17th, 2016 at 5:00pm

Mr. Uchytel said he will be out of town November 17<sup>th</sup> for the next Board meeting.

~~XVI. Executive Session~~

XVII. Adjournment - The regular Board Meeting adjourned at 7:57 p.m.



# Solving Juneau's Maritime Sewage Disposal Problem

Matthew Creswell

Dave Borg

CBJ Docks and Harbors



## Why Change?

Through our effort to achieve Alaska Clean Harbors certification we have found that there is an elevated level of fecal coliform in the waters of our harbors. These high levels are concerning because our harbors are public use areas with lots of traffic and the contamination is on a level that could potentially pose health risks to the public.



**Current State:**

Currently there is no regulation contained in CBJ code that prohibits the discharge of sewage into our harbors. There are also no procedures in place to ensure that live aboard vessels have the proper approved Marine Sanitation Devices required by federal law. Many vessels are discharging untreated sewage directly into our harbors.

ADEC uses a benchmark of 100 fecal coliforms per 100 ml of sampled water to determine if water is safe for swimming.

Observed fecal coliform levels in Aurora and Harris Harbors as tested by Admiralty Environmental:

08/04/2016

Aurora K Float	62 FC/100 ml
Aurora C Ramp	700 FC/100ml
Harris Ramp	510 FC/100 ml

06/20/2016

Aurora N Float	66 FC/100 ml
Aurora J Float	270 FC/100 ml

These samples were taken on negative tides after the harbor had had the maximum opportunity to flush.



#### Future State:

*To achieve ACH certification we need to develop and enforce a regulation that prohibits the discharge of sewage into our harbors. We also need to develop policies and procedures for our staff to inspect these vessels to ensure that they have an installed Marine Sanitation Device and are using our pump out stations regularly. When these regulations and procedures are in place we will test the waters once more and would hope to see total fecal coliform counts below the ADEC recommended level of 100 fc's per 100 ml of sampled water.*

## Gap Analysis, Five Whys

### WHY

- Why are the Fecal Coliform levels in our harbors elevated?
- Why are people dumping their sewage?
- Why don't we have any sewage discharge regulations?
- Why are patrons not aware of federal regulations?

### Because

- People are dumping their sewage into the harbor.
- We don't currently have any harbor specific regulations prohibiting the discharge of raw sewage.
- We were under the impression that all patrons were aware of the federal regulation prohibiting the discharge of sewage within 3NM of shore.
- We have not effectively communicated the regulations.
- We have no way to enforce federal regulations

## Brainstorming

### If we...

- Develop a regulation to prohibit the discharge of sewage in our harbors.
- Fail to enforce the new regulation.
- Properly educate patrons and enforce the new regulation.

### Then we...

- Have to be prepared to enforce the regulation.
- Continue to have elevated Fecal Coliform levels.
- Must allow the appropriate time for compliance.

## Brainstorming

### If we...

- Hold public meetings with our harbor users and make them aware of the new regulations and offer resources to help them come into compliance.

### Then we...

- Reinforce our position that we are here to help our customers and it gives us a chance to address their concerns as a group.

## Proposed Regulation

No human waste or any substance or material deleterious to fish, plants or animal life may be discharged from a vessel except in a lawful and approved manner within the confines of the harbor system. Additionally, live aboard vessels shall be equipped with a permanently installed, operational, Coast Guard approved, toilet facility and waste holding tank with a capacity of no less than ten (10) gallons. The harbormaster shall have the right, upon reasonable notice, to inspect the interior of any such vessel to verify compliance with this requirement. Portable toilets and use of upland toilet facilities are not considered an installed toilet facility and do not meet the requirements of this section. Waste may not be discharged within the harbors except at one of the City's sewage pump out stations or legally offloaded to a licensed private sewage handling contractor. The harbormaster shall have the right to require owners of live aboard vessels to demonstrate and/or document regular, legal off-loading of waste.

