For Wednesday, October 19th, 2022

CBJ Room 224 and Via Zoom Meeting

- **A.** Call to Order: Mr. Ridgway called the meeting to order at 5:00 pm in CBJ Room 224 and via Zoom.
- **B.** Roll Call: The following members attended in person or via zoom James Becker, Lacey Derr, Don Etheridge, Paul Grant, Matthew Leither (arrived at 5:46pm), Debbie Hart and Mark Ridgway).

Absent: David Larkin, and Annette Smith

Also in attendance: Matthew Creswell – Harbormaster, Matthew Sill – Deputy Port Engineer, Kevin Dugan – Port Operations Supervisor, and Teena Larson – Administrative Officer.

- C. Port Director requests for Agenda changes Mr. Creswell had no changes
- D. Public Participation on Non-Agenda Items None
- **E.** Approval of Minutes
 - 1. September 21st, 2022 minutes Hearing no objection, the September 21st, 2022 minutes were approved as presented.

F. Unfinished Business

2. Harbor Rate Study

Mr. Creswell said in the packet starting on page 14 is the memo from Mr. Uchytil summarizing the rate study process with timeline, intended purpose of the study, and tasks. The main take away from the information about the tasks is to meet the contractual obligation from HDR, they are to provide a power point presentation to the Board with the results of the rate study. The actual rate study starts on page 19. There are lots of good points laid out in the rate study. A good point is that the Harbor rates are a small component to boat ownership and the maritime business in Juneau, and our patrons would not be as sensitive to rate increases. Another part of the study shows a replacement reserve analysis table on page 32 of the packet. The way this is broken out is the second column is potential funding and the last column is our net expenditures should we receive all the funding that could be coming our way for that project. The rate increase recommended from this study is a nine percent rate increase based on if all the funding in the second column is received. Really the nine percent is the low end of the number for the replacement reserves to be able to recapitalize what we have. The ask of the Committee for tonight is to make a recommendation to accept and forward to the full Board for approval, or not to.

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Committee Questions

Mr. Grant asked if staff has identified any weaknesses in the study that should be addressed? Is the study useful for what staff needs are?

Mr. Creswell said staff believes the study is adequate to address the questions we have.

Mr. Ridgway commented that Mr. Uchytil's memo was very helpful. He asked if staff believes we can use the HDR study as a foundation for establishing rates?

Mr. Creswell said the HDR study is a good starting point and provides documentation and research that shows we can raise rates without negatively impacting our customers too much and it also shows we need to raise rates to replace our aging infrastructure.

Mr. Etheridge commented that this does meet the contractual obligation with HDR and this can be used to look at the numbers we need to look at to raise rates.

Mr. Ridgway commented, pending submission and the acceptance of the presentation, the study meets the contractual requirements.

Mr. Grant asked how do we use the study to balance between how much of that nine percent do we want to do given what our other funding is for infrastructure. He sees the nine percent as being the long term way to build up balances and is this something we should get into tonight.

Mr. Ridgway said tonight is really asking the question if we want to accept the study and the question for the full Board would be what do we want to do with this study? We do not have a Finance Committee at this time set up so it is up to all the members to read the rate study and decide what we want for a fund balance and make other decisions from the information provided by HDR.

Mr. Grant asked staff if they believe the study is sufficient to make decisions for down the road?

Mr. Creswell said staff does. This is a good starting point with data to go back on. He recommended to not get too hung up on the projected nine percent increase because it could be more or less than nine percent. That will be a decision for the Board.

Mr. Tony Homan, HDR Representative

Mr. Homan said this was a standard exercise and this could change due to more or less grant funding or if the estimates change. The nine percent is not a hard fast number but based on the estimates. The study shows Docks & Harbors needs to raise funds.

Public Comment - None

Committee Discussion/Action

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Ms. Derr commented that this is a decent proposal based on the amount of money paid for it. This gives us the basic points we were looking for. When we started this project, we did not know if we needed to raise rates or how much. The study tells us we do need to raise rates and provides an estimated amount of how much. It is our job now to move forward with these tools and move forward with what we have. This is a good base point to say we have to raise rates and this is why. She approves moving this forward.

MOTION By MR. ETHERIDGE: RECOMMEND MOVE FORWARD THE RATE STUDY TO THE FULL BOARD FOR CONTRACTUAL ACCEPTANCE PENDING RECEIPT OF THE PRESENTATION TO THE FULL BOARD AND ASK UNANIMOUS CONSENT.

Motion passed with no objection

3. CBJ Legislative Priorities List

Mr. Creswell said in the packet on page 36 is the CBJ Priority list. We are at that time of year again where the Assembly asks Docks & Harbors Board for input. The time line is on page 36. We need to have a list completed by December 1st. He is asking the Board how they would like to move forward with a list priority. He can bring it to the next Operations meeting on November 9th to finalize this list and advance to the full Board. Several of the items in the packet were on the list last year but there are four new ones, the new Aurora Harbor Office Building, Douglas Harbor Uplands Improvements, Juneau Fisherman's Terminal, and Marine Services Yard.

Committee Questions

Mr. Ridgway asked how does our priority list provided to staff interact with the priority list on page 37 of the packet. Is that list set by the Assembly?

Mr. Creswell said that is correct.

Mr. Derr asked if the Juneau Fisheries Terminal is a viable project with the concern of getting the property? It would have been high on her priority list but because of the uncertainty of getting the property should it not even be on the list at all?

Mr. Creswell said we need to treat it as if we will have the property.

Mr. Grant asked, with the thought the Assembly sets the priority, does the Board need to tell the Assembly what their priority is?

Mr. Creswell said we rank our projects and they add our ranking to their ranking.

Mr. Etheridge commented that the Board members need to sit down as individuals and decide their priority list and then bring it back before the full Board next week and we could discuss as a group at that time.

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Mr. Ridgway requested the priority list be sent out in a doodle poll for ranking.

Public Comment -

Mr. Mike Reiderer, Juneau, AK

He said he wanted to emphasis the new Statter Harbor Breakwater project. He would like the growth of Auke Bay taken into consideration. He is unsure if the plan is to replace the current breakwater or add new floats.

Committee Discussion/Action

Mr. Ridgway asked staff to provide the Committee members with the summary sheet in a doodle poll and rank.

Ms. Derr said last year, staff sent out an excel sheet to all the members to rank and send back. Staff than put all input in another excel that averaged the ranking out.

Ms. Hart asked if staff has their ranking recommendations?

Mr. Etheridge commented we included staff rankings last year.

MOTION: No Motion

G. New Business

4. AELP Grant Agreement – Load Tap Changer Transformer @ Franklin Dock Mr. Sill said we are currently working on a MOA with AELP to change the load tap transformer. In order to serve power for multiple cruise ships, the Franklin Dock needs to be upgraded. AELP requested passenger fee money back in December of 2021 and the Assembly put that money into the budget this year. Docks and Harbors will be doing an MOA with AELP that will allow them to go forward and purchase the load tap transformer. The next step is to get a formal agreement with the Assembly that will pay for the load tap changer transformer.

Committee Questions

Mr. Grant asked what is a load tap changer transformer?

Mr. Sill said the way it works is when a cruise ship plugs into our AELP power network, AELP tweaks the power parameters for the entire City to sync them up with the cruise ship. When we have more than one ship, AELP is unable to tweak the whole city to match multiple ships. The load tap transformer allows AELP to tweak the settings at the transformer and the City power will not need to be adjusted to accommodate the cruise ship. This is a more advanced transformer than what was installed 20 years ago.

Public Comment Mr. Kirby Day, Juneau, AK

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Mr. Day said the current transformer is fine, but AELP needs to manually sync up the power loads. We can go forward with the current transformer but in order for another ship ever to be able to connect at another dock, the transformer has to be changed. That is why the Assembly approved the use of passenger fee money. The CBJ docks will need a similar transformer to be able to connect. He encourages to have this move forward.

Committee Discussion/Action

MOTION By MS. DERR: TO RECOMMEND THE ASSEMBLY APPROVE AN AELP GRANT AGREEMENT FOR PURCHASE AND INSTALLATION OF A LOAD TAP CHANGER TRANSFORMER FOR THE FRANKLIN DOCK SUBSTATION AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

5. Resolution in Support of Full Funding for the FY24 ADOT Harbor Facility Grant Mr. Creswell said on page 52 and 53 in the packet is a request that comes every year from Alaska Association of Harbormasters and Port Administrators. This Resolution is in support of full funding for the State of Alaska Municipal Harbor Facility Grant program in the FY 2024 State Capital Budget. This is really our only source of funding for Harbor improvements. Staff is trying very hard to get our harbor funds expended for Aurora Harbor Phase III right now so we can be complete with that project and go live next year and apply for another harbor matching grant for continued construction to get, or near finishing, our Aurora Harbor. This will be forwarded to the Assembly for final approval.

Committee Questions - None

Public Comment - None

Committee Discussion/Action

MOTION By MS. DERR: TO RECOMMEND THE ASSEMBLY ADOPT A RESOLUTION IN SUPPORT OF FULL FUNDING FOR THE FY24 ALASKA DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES – HARBOR FACILITY GRANT PROGRAM AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

H. Items for Information/Discussion

6. Auke Bay Speed Restriction - Proposal

Mr. Creswell said in the packet on page 54 is an email from Mr. Mike Reiderer and on 55 of the packet is a diagram of Auke Bay showing the 20 mph speed limit zone request. He said Mr. Reiderer is petitioning the Board for an increased speed zone area in Auke Bay to a 20 mph speed restriction. The email states that over the years there has been an

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increase in Auke Bay traffic and it is the busiest waterway in Juneau. Mr. Reiderer proposes implementing a 20 mph speed restriction running from the Coughlan Cut to Dock Street. This area is State waters and not controlled by Docks & Harbors. Mr. Creswell said Docks & Harbors could be involved with the process but we do not have jurisdiction to approve the speed restriction request.

Mr. Mike Reiderer, Juneau, AK

Mr. Reiderer said he realizes this is extreme but for the waters that CBJ controls they could increase the no wake zone around the Harbor. He would like to work with the State to have a recommended no-wake zone in Auke Bay because being in Auke Bay in the summer there are several different user group boats that park in the no-wake zone. This was brought up before in 2012 and 2015 and maybe other times. The TBMP has worked with the City before on guidelines but he does not believe that is working to reach goals of multiple users in the area. Even on a really calm day it seems like there are three foot seas just in Auke Bay. He suggested in a future master plan to tie in a larger breakwater where there could be more spaces. He believes there could be a better solution with the whale watching boats coming so fast and close to the harbor.

Committee Discussion

Mr. Creswell cautioned with talking about any speed restrictions within Auke Bay. He said when you start reducing boat speed to 20 mph from 30 mph, this creates more wake. His stand point is to start slowing boats down way out but we have no authority, or slow way down to nothing as soon as the boats are in our jurisdiction.

Mr. Grant said if we are going to do anything, it should be off step 5 mph. He does not believe 20 mph is the answer. He asked where does the Harbor jurisdiction end?

Mr. Creswell said the speed buoy is roughly 1,000 feet off the breakwater. At the speed buoy it is 5 mph and as soon as you get to the breakwater it is 4 mph. The problem is with Greens Creek mine boat and other vessels not entering the Harbor and not entering that no wake zone.

Mr. Ridgway said much of this traffic is coming to our facility. Here is a member of the public raising concern. He would like Mr. Reiderer to be assisted with connecting with TBMP, the Auke Bay Steering Committee, and DNR. This may come up again and again. If Docks & Harbors has an opinion with regard to speed zones and wake outside of their jurisdiction, we should develop the opinion and make it known.

Mr. Grant asked if a modest increase to the 5mph zone would address the issue?

Mr. Reiderer said if CBJ has the jurisdiction to increase the 5mph zone, that would be the best solution for next summer.

Mr. Ridgway asked Mr. Ben Brown the CBJ attorney what CBJ authority is with regards to speed restrictions in Auke Bay?

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Mr. Brown said the definition of boat harbor and port in title 85.05.010 is what constrains the jurisdictional limits of what speed limit the Board can establish. The first prohibited acts in the Boat Harbors (Aurora, Harris, Douglas, and Statter) entrances and exits and appurtenances and improvements to is still a limited area. The Harbors is quite far from the area that the speed restriction can be extended to. There are legally some things the Board can recommend to the Assembly to do such as changing a regulation or ordinance. However, if you want to address this problem the Board needs to look at federal regulation in title 33 which governs navigation in navigable waters. That has hundreds of specific safety or security zones or regulated navigation areas across the country that is regulated by Coast Guard district. If you look at the regs, the 17th Coast Guard District is Alaska. It could be possible for Mr. Renderer to petition the Coast Guard to create a safety zone and it would be equally possible for the Docks & Harbors Board to do that in conjunction with him as well as Mr. Day with TBMP. If a federal solution is what we are looking at, try to build some consensus among the interested parties here in Juneau and then have that be the proposal made to the Coast Guard. If there is a solution under State law title 05, communicating with Senator Jesse Kiehl, Representative Hannon, and Representative Story and see if they would be willing to try a legislative fix at the State level for a solution.

Mr. Etheridge said he was involved with trying to extend the speed buoy out a few hundred yards in the past and we found that area is under the Coast Guard and DNR jurisdiction to control the speeds out there. The current marker had to be approved through Coast Guard before we were able to put the buoy where it is now. He believes the main organization to contact on this topic would be the Coast Guard.

Mr. Ridgway made known for the record Mr. Leither joined the meeting.

Mr. Brown commented that even if Docks & Harbors were able to get the Assembly to extend City jurisdiction, then Docks & Harbors would be on the hook to enforce that. It would be good to also involve the State and Federal authorities that could also share in the enforcement responsibility.

Mr. Ridgway asked staff to follow up at the next Operations meeting with an idea on how to move this forward.

Ms. Derr said this will be a big project and she does not believe Docks & Harbors has enough band width to tackle this project. She recommended if a member of the public wanted to work on a presentation for this the Board could then support that.

Mr. Ridgway said there are multiple stake holders and multiple interests. The Board needs to decide if this is a good idea, and if it is, then we have a goal. How the stakeholders are involved is a separate issue.

Mr. Etheridge commented that before we can move forward with anything we need to have multiple public hearings on this topic. This needs to start with the Coast Guard. The

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future plans for a new breakwater is outside the existing breakwater and there will be another float added where the existing breakwater is at. That is all in the plan for the new wave attenuator at Statter Harbor.

Mr. Ridgway said he would like staff to engage with D17 Waterways to see if they would be willing to lead this and meet with multiple stakeholders to discuss adjusting the speed restriction area.

Mr. Creswell asked if he should reach out prior to the whale watching meeting next week or after.

Mr. Ridgway commented he will leave that up to Mr. Creswell.

Ms. Hart asked about setting up a collaboratively engaged wake mitigation study that maybe the Board would be supporting of and maybe other entities could help fund. Having a mitigation study that looked at all the different jurisdictions and rules that different entities might be able to play might be helpful to know.

Mr. Creswell said up until 2019, the wake study was discussed but he does not believe it went anywhere.

Mr. Day said there was previous discussion on a wake study. The funding was going to be CBJ and part passenger fees. COVID hit and this was dropped. The other thing discussed at some point was in conjunction with the 5 mph buoy was to hire a Harbor Officer to sit out there in a boat and write tickets if they had the jurisdiction to do so. That also was dropped due to COVID.

Mr. Ridgway wanted staff to bring back the results from the meeting with D17 and any other suggestions to the full Board meeting next week.

Public Comment

Mr. Dennis Watson, Juneau, AK

Mr. Watson said his opinion is the Board needs to follow the federal path, it takes a little longer but they will set it up and apply the rules. There are a lot of constraints coming into Auke Bay. Statter Harbor is a small harbor that was built for the use in the 80's and now it has grown far beyond that. He thinks the federal government will need to be involved with their regulations. To solve this problem permanently, the member of the public will need to work with the Coast Guard.

Alix Pierce, CBJ Tourism Director

Ms. Pierce said she is planning to have some dialog around whale watching operations this winter. There is a meeting planned in a couple weeks to start that dialog. There may be some operational discussion to take this out of the Coast Guard jurisdiction realm at least for whale watching and tourism related vessels.

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Mr. Day, Juneau, AK

Mr. Day said this is at least worthwhile for the Board to keep the speed buoy on their list because he sees every single TBMP comment about everything and this is an issue that needs to be resolved somehow. He suggested to try this as a pilot program for one summer to see if it makes a difference. This has been discussed a lot at TBMP over the last five years. This will not be an easy process for a number of reasons.

7. Omnibus Regulations Changes with Fiscal Notes – Update

Mr. Creswell said in the packet beginning on page 56 is the omnibus regulation that has been discussed in depth. At a previous Special Board meeting we did not include the required fiscal note so we went back out to advertise with fiscal notes and there will be another Special Board meeting for public input before the Operations/Planning meeting on November 9th. There has been no substantive changes other than the inclusion of the fiscal note requirements.

Mr. Brown said there are two elements to this. The first is a fiscal note is required if there is going to be an increased appropriation and that is a somewhat subjective standard and that needs to be approved by the Finance Director. Cost estimates is the second requirement of this and CBJ Law just wanted to error on the side of caution to make sure this is being done un-argumentatively and in compliance with the regulation. There is no actual fiscal note because none of these regulation changes will require an increased appropriation. The red text documents shows that the analysis has been made and the cost estimate is more informal and prepared by staff.

Committee Discussion - None

Public Comment - None

8. Board Strategic Planning

Board Member Ms. Derr said the Board members have been briefly talking about the Board strategic retreat. Last year our retreat time focused on our financial crisis. She asked what should be discussed at this year's retreat? The Legislative priority list is going to be sent out to the Board for ranking.

Committee Discussion

Mr. Etheridge said the Board should discuss the rate increase study at the retreat and try to figure out what direction we want to go as a Board with the rate increase. Another item would be to look at our By-Laws. This could also be done at a Board meeting if there is not time at the Retreat. How much time does the Board want to put into the Retreat? There is more discussion time needed than one evening to figure out some of these issues.

Mr. Ridgway commented that the amount of time he would be willing to give is kind of based on what he will get out of it. He would like to get a good facilitation to get the Board to some decision making criteria. He would like to see a list of issues to work on.

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He suggests to hone the retreat to getting something out of it and not spreading us overly thin. He is willing to put the time in but he wants to make sure the time is productive.

Mr. Grant said early on when he was first on the Board, he and Mr. Wostmann went over the By-Laws. We did come up with recommended changes but it never made its way to the Board. The changes were to do with Zoom meeting and other changes for current times. Mr. Wostmann took the notes for the meetings and if he can get his notes he believes the By-Laws topic could be discussed at a normal Operations/Planning Meeting. He said he will contact Mr. Wostmann to obtain the meeting notes.

Mr. Etheridge said the By-Laws would just need to be updated with the newer technology which has changed dramatically from the last time they were updated.

Ms. Derr suggested to have the retreat over a couple of evenings for two to three hours per evening. The focus could be on big items, setting rates, legislative planning, and weeding through the Boards personal projects list.

Mr. Ridgway commented that he looks at this as we have a bunch of issues and then there is always a list of projects. Projects has many issues of funding, rates, and personnel. Projects is a manageable thing that we spend money on and he would like to see a broader list. He would like staff to send out a list of projects on a spreadsheet similar to how the Legislative priority list and send out prior to a meeting showing staff recommendations. The Board members can go over this individually then go over the individual suggestions in a meeting. He believes this will save the Board time by reviewing all the projects prior to a meeting. There should be two emails sent out, a list of issues to discuss, and a projects list for the next few years.

Mr. Grant suggested any discussion about the rate study we should also look at the list of projects to see how the two relate.

Mr. Ridgway wanted the project list to have a description by each project and an estimated cost.

Mr. Creswell commented that some of that information is in the rate study with a timeline.

Public Comment - None

9. Board 2023 Calendar

Ms. Larson said in the packet is the 2023 Board meeting calendar. This is brought to the Board for the Boards approval every year. The monthly Board meetings are the last Thursday of the month and the Operations/Planning meetings are the Wednesday prior to the last week of the month. The times are 5:00 pm but if the Board wanted to change the dates or times that could be changed.

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Mr. Creswell added the only date required in the By-Laws is the annual meeting which is the last Thursday in July. The Board does have the authority to change dates and times as they see fit.

Committee Discussion –

Mr. Grant asked in October why there are two Thursday meetings?

Ms. Larson commented the Wednesday is Alaska day that we would have normally held the Operations/Planning meeting on so it was moved to a Thursday.

Mr. Etheridge commented that this will need to be approved at the Board level next week.

Public Comment - None

10. Working Waterfronts Framework

Mr. Creswell said this is from Senator Murkowski's office. They took the initiative to push forward this working waterfront framework. This is a draft agreement. They are requesting responses prior to December 2nd. Both Mr. Uchytil and Mr. Creswell reviewed what is in the packet starting on page 66. If any member of the Board looks through this and would like to add comment please forward to Mr. Uchytil and Mr. Creswell. A lot of the information in this plan is not directly related to Docks & Harbors except the final two items, Tourism, and Small Boat Harbors/Boat Ramps. This is just stating what we also see, that there is not a funding source for Harbor improvements. Senator Murkowski is proposing to fund the Denali Commission an extra \$5M this year to fund waterfront small boat harbor projects. The \$5M is for the whole State, but it is better than nothing.

Committee Discussion

Mr. Ridgway asked if staff has talked about the Workforce Development Maritime Trade which is something that we have given our position on.

Mr. Creswell said this was newly received and it was put in the packet for the Board's awareness and review.

Ms. Hart commented she sees other things listed in the plan that may also be related to Docks & Harbors supporting fisheries and tourism. This may be able to be used in some dialog.

Mr. Creswell said another thing to point out is in the tourism portion is that the PIDP grant allowing applicants to utilize funding for electrification projects will now be eligible to apply for a period of 10 years so we will have nine more years to apply for this grant opportunity.

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Mr. Ridgway reminded the Committee that if they have comments or suggestions to send in an email to Mr. Creswell and Mr. Uchytil.

Mr. Grant asked if there was going to be direct interaction with the delegation on this topic?

Mr. Creswell said Mr. Uchytil is involved with our federal delegation and will be heading to DC in November and is already scheduling meetings. This is well on his radar.

Public Comment - None

I. Staff & Committee Member Reports

Mr. Creswell said the icebreaker CGC HEALY, is coming to Juneau November 2nd through the 7th. In 2018 we had the Navy ship USS OKANE visit Juneau and we had a Juneau welcoming committee for that ship. Mr. Creswell said he is working to get together a welcoming committee for the CGC Healy's November visit. We want to show our support and welcome to Juneau for the Coast Guard.

J. Harbormaster Report

Mr. Creswell said he has been asked for an update on the Snowcloud camera system. He said Snowcloud provided a camera system to a patron in Douglas Harbor as a pilot program and they worked with Snowcloud so they could see how much data was needed to run that system. When they determined that, they offered a plan to our Harbor patrons with enough data to run the camera system with motion sensing. So far that customer is the only one signed up. Over the summer, Snowcloud had about 100 customers signed up throughout our Harbors for the Wi-Fi service. It is about 70 currently. He said he will re-engage with Snowcloud to push the offer back out to our customers.

Ms. Derr asked if the Harbors looked into putting in the cameras for the Harbor security through Snowcloud?

Mr. Creswell said yes, that is a project he has been working on in the last two years. This is not as easy as doing it all at once but he is getting cameras installed little by little as funds are available and availability of the contractor to install them.

Mr. Creswell said an update on Docks & Harbors staffing is that we are kind of in a rebuilding period.

- The part time limited positions worked well at the Port this summer.
- Kevin Dugan is the new Port Operations Supervisor who took Scott Hinton's position.
- We recently have had two admins resign, one was a long time admin and one resigned after a few weeks. We are currently looking to hire two year around admin positions.
- Mr. Sill is the Acting Port Engineer. The Port Engineer position closes November 15th.

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K. Committee Administrative Matters

Mr. Ridgway said there will be a Special Board Meeting on Friday October 21st at 5:00 pm.

Mr. Creswell said we need to know if any Board Member will not be able to make this meeting. This is important because we open bids at 10:00 am and if the bids are favorable we will need Board approval at that Friday Special Board meeting so it can advance to the Assembly meeting on Monday.

Mr. Etheridge commented that if you are not able to attend in person to please Zoom because it will be a brief meeting. The bids will need to be approved so it can move forward to the Assembly.

Mr. Leither said he has a retreat he will be attending in Sitka and will not be able to attend unless it is absolutely necessary.

Next Operations/Planning Committee Meeting-Wednesday, November 9th, 2022

L. Adjournment – The meeting adjourned at 6:49pm