

City Manager
Tom Moran

Port Director
Joy Baker

Harbormaster
Lucas Stotts



Nome Port Commission
Jim West, Jr., Chairman
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**NOME PORT COMMISSION
WORK SESSION & RESCHEDULED REGULAR MEETING AGENDA
THURSDAY, MARCH 8, 2018 @ 5:30/6:30 PM
COUNCIL CHAMBERS IN CITY HALL**

WORK SESSION – 5:30 PM:

USCG – 2018 Enforcement of Regulations for Large Offshore Gold Dredges

REGULAR MEETING – 6:30PM:

- I. ROLL CALL**
- II. APPROVAL OF AGENDA**
- III. APPROVAL OF MINUTES**
 - 18-02-15 Regular Meeting
- IV. CITIZEN’S COMMENTS**
- V. COMMUNICATIONS**
 - Alaska Dept. of Transportation 2018-2021 Draft STIP Listing (Nome)
 - Alaska Senate Bill 92 - Derelict Vessels Act
 - Alaska House Bill 386 - Vessels: Registrations/Titles, Derelicts
 - Alaska House Joint Resolution 33 – Establishment of an Arctic Naval Station
- VI. CITY MANAGER REPORT**
 - 18-03-05 Manager Report
- VII. HARBORMASTER REPORT**
 - Update on Winter Maintenance
- VIII. PORT DIRECTOR REPORT/PROJECTS UPDATE**
 - 18-03-05 Port Director/Projects Status Report
 - Washington D.C. Trip Report 26-28 Feb 2018
 - Barge Ramp Replacement Planks Drawing
- IX. OLD BUSINESS**
 - None
- X. NEW BUSINESS**
 - NCO 12.10 – Nome Port Commission
 - Port & Harbor Projects Listing – Prioritization of Deferred Maintenance
- XI. CITIZEN’S COMMENTS**
- XII. COMMISSIONER COMMENTS**
- XIII. NEXT REGULAR MEETING**
 - April 19, 2018 - 5:30 pm
- XIV. ADJOURNMENT**

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
United States Coast Guard
Sector Anchorage

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Anchorage.Inspections@uscg.mil

16711
December 13, 2017

MARINE SAFETY INFORMATION BULLETIN 04-17

Commercial Vessel Safety Requirements for Gold Dredge Operations in Nome, Alaska for the 2018 Season

PURPOSE: This informational bulletin addresses the gold dredge vessel fleet in Nome, Alaska. The Coast Guard promotes the safety of vessel operators and protection of the marine environment by enforcing regulations applicable to these vessels.

PUBLICATIONS AFFECTED: Sector Anchorage MSIB 01-17 regarding dredge operations in Western Alaska is canceled.

DISCUSSION: The specific commercial standards that apply to each vessel depend on the vessel's length, tonnage, age, area of operation, and means of propulsion.

- a. After a careful legal review and risk assessment analysis, Sector Anchorage has determined that there is an increased need to ensure adherence to the applicable federal regulations for the Nome gold dredge vessel fleet. Some gold dredge vessels will be required to hold a load line certificate and/or a Certificate of Inspection (COI) to operate in 2018.
- b. Vessels which are not required to have a load line certificate or COI may still participate in the voluntary examination program and receive a decal annually.
- c. If you own a dredge that is over 79 feet, more than 300 gross tons, or any size dredge without propulsion, you may have additional regulations that apply and should submit an application for inspection (form CG-3752) to Sector Anchorage at the earliest opportunity.
- d. If you are considering building or buying a large dredge, please contact us *before* doing so. Sector Anchorage will assist dredge owners in determining the regulations that apply to their specific vessel.
- e. If your dredge requires the use of a towing vessel to safely maneuver, please take note that towing vessels of 26 feet or more will be required to hold a COI starting in 2018, and are also required to be operated by a credentialed master mariner.

- f. Starting in the 2018 season, Sector Anchorage's enforcement posture will deviate from previous seasons which allowed dredges leeway and time to come into compliance. The Coast Guard may take enforcement action against any vessel found not to be in compliance with federal regulations. While any vessel has the potential to be boarded by Coast Guard law enforcement personnel, vessels that are inspected or have received a voluntary safety decal from the Coast Guard are less likely to be boarded to verify compliance.
- g. All current and prospective gold dredge owners are encouraged to contact Mr. Jeff Ahlgren at (907) 428-4183 or Jeffrey.L.Ahlgren@uscg.mil at their earliest convenience to ensure they are in compliance with regulatory requirements prior to the start of the season. Our website (<http://www.pacificarea.uscg.mil/Our-Organization/District-17/17th-District-Units/Sector>) has additional gold dredge information. Inspection dates for 2018 will be posted to this website once they are determined.

S. C. MACKENZIE
Captain, U.S. Coast Guard
Officer in Charge, Marine Inspection
Western Alaska



16700
December 20, 2017

GOLD DREDGE SAFETY HANDOUT 2018

Commercial Vessel Safety Requirements for Gold Dredge Operations in Nome, Alaska

- Ref:
- (a) Customs Service Decision 79-331
 - (b) Title 46 United States Code §55109 (46 U.S.C. §55109)
 - (c) 46 U.S.C. §2101
 - (d) Title 46 Code of Federal Regulations §67.7 (46 C.F.R. §67.7)
 - (e) 33 C.F.R. Part 173
 - (f) 46 C.F.R. Subchapter I—Cargo and Miscellaneous Vessels
 - (g) 46 C.F.R. Subchapter C—Uninspected Vessels
 - (h) 46 C.F.R. §15.805(a)(1)
 - (i) 46 C.F.R. §15.820
 - (j) 46 C.F.R. §15.410
 - (k) 46 C.F.R. Subchapter M—Inspected Towing Vessels
 - (l) 46 C.F.R. Subpart 42.07
 - (m) 29 C.F.R. Subpart T—Commercial Diving Operations
 - (n) 33 C.F.R. Subchapter D—International Navigation Rules
 - (o) 46 C.F.R. Part 4—Marine Casualties and Investigations
 - (p) 46 C.F.R. Part 16—Chemical Testing

OVERVIEW: A large variety of vessels dredge for gold in waters within three nautical miles seaward of the territorial sea baseline near Nome, Alaska during ice-free months. The Coast Guard promotes the safety of vessel operators and protection of the marine environment by enforcing regulations applicable to these vessels. The specific commercial standards that apply to each vessel depend on the vessel's length, tonnage, age, area of operation, and means of propulsion. This Marine Safety Information Bulletin (MSIB) explains the Coast Guard's oversight program.

PUBLICATIONS AFFECTED: Sector Anchorage MSIB 01-17 regarding dredge operations in Western Alaska is canceled.

VESSEL TYPES: The Coast Guard considers a *dredge vessel* to be any type of floating dredge, including excavators and dive platforms. The term includes jack-up dredges that float into position, but excludes bottom crawlers. A *self-propelled dredge vessel* has its own motorized propulsion unit(s), while a *non-self-propelled dredge vessel* is a barge that relies on another vessel for movement. A non-self-propelled dredge vessel may still have some form of propulsion to assist with maneuverability or positioning, but will still be classified as non-self-propelled if

the vessel relies on a second vessel for movement beyond docking and undocking. The term *towing vessel* applies to any self-propelled vessel used to push or pull another vessel.

COMMERCIAL STATUS: The Coast Guard considers all gold dredges operating in the vicinity of Nome to be commercial (vice recreational) vessels. Per reference (a), Customs has long held that the term *dredging* means “the use of a vessel equipped with excavating machinery in digging up or otherwise removing submarine material.” Reference (b) applies the coastwise trade laws of the United States to vessels engaged in dredging, with the allowance that Alaskan gold dredge vessels may be documented under either a *registry* or *coastwise* endorsement. *Registry* and *coastwise* are both endorsements on a vessel’s Certificate of Documentation that are not *recreational* endorsements. Though vessels smaller than five net tons need not be federally documented, reference (b) implies that all dredge vessels are, by nature of their function, other than recreational. Reference (c) defines a recreational vessel as one that is “operated primarily for pleasure.” Absent regulations that differentiate between commercial and recreational gold dredging, all vessels engaged in dredging for gold will be subject to the same regulatory framework applicable to other vessels not operating purely for pleasure.

TONNAGE: Because many regulations depend on *net tonnage* and *gross registered tonnage (GRT)*, miners must know these measurements for their vessel. To determine tonnage for vessels less than 79 feet in length, use the fill-able form available at: <http://homeport.uscg.mil/Lists/Content/Attachments/293/CG-5397.pdf>. If you have limited computer access or difficulty getting the form to calculate the tonnage of your vessel, call Sector Anchorage for assistance. If vessel tonnage is not clear to an attending Coast Guard Inspector, dredge operators may be required to hire an accredited naval architect, marine surveyor, or similar professional to complete tonnage measurements (Society of Accredited Marine Surveyors, National Association of Marine Surveyors).

CERTIFICATE OF DOCUMENTATION: Each dredge vessel of five net tons or more must hold a valid Certificate of Documentation with a *registry* or *coastwise* endorsement in accordance with reference (d). Questions related to documenting a vessel should be directed to the National Vessel Documentation Center at 800-799-8362. One additional note, barges comprised of flexi-floats or similar will be considered individual vessels for documentation purposes unless they are rigidly connected (i.e.- welded) and not able to be disassembled or rearranged. If your vessel is five net tons or more, you can view fee schedules, documentation instructions, and apply for a certificate of documentation at <http://www.uscg.mil/nvdc>. This certificate must be renewed every year.

STATE REGISTRATION: A self-propelled dredge vessel of less than five net tons may, in lieu of a Certificate of Documentation, be registered with the State of Alaska in accordance with reference (e). In past years, the Coast Guard has discovered several dredges less than five net tons registered in Washington or other states. Note that if the dredge has operated in Alaska for more than 60 days, it must be registered in Alaska, not elsewhere.

INSPECTED DREDGE VESSELS: Self-propelled dredges of 300 gross tons or more, as well as manned, non-self-propelled dredges of any size are required to be inspected. Dredges are considered “manned” if they have personnel onboard for the purposes of operating or navigating the barge, including the operation of dredging equipment. Dredges subject to inspection must adhere to the requirements of reference (f) and maintain a valid Coast Guard Certificate of

Inspection (COI). Owners and operators of vessels requiring a COI should contact Sector Anchorage as soon as possible to discuss inspection plans. Please note that initial inspection is a somewhat lengthy and involved process and dredge operators are encouraged to begin well in advance of their target start date for operations. Dredges which are required to hold a COI shall call Sector Anchorage's Inspection Division in order to start the inspection process. Additionally, dredgers should note that carrying more than six passengers for hire on dredge vessels requires that the vessel be inspected as a passenger vessel. A CG-3752 (application for inspection) must be filed 30 days prior to the date of requested inspection. That application can be found here:

UNINSPECTED DREDGE VESSELS: An uninspected dredge is a vessel that is self-propelled and less than 300 gross tons. With few exceptions, most dredges in Nome fall into this category. Uninspected dredges must adhere to the general commercial vessel safety standards in reference (g) and are not required to hold a COI.

DOCKSIDE EXAMINATIONS: To help operators of uninspected dredge vessels understand and apply uninspected commercial vessel regulations, Coast Guard examiners offer voluntary dockside safety exams in Nome from June to August. Sector Anchorage will post the 2018 schedule on its webpage <http://www.pacificarea.uscg.mil/Our-Organization/District-17/17th-District-Units/Sector> and at the harbor master's office in Nome. Dredge operators may call Mr. Jeff Ahlgren at Sector Anchorage at (907) 428-4183 to schedule an examination appointment. If a dredge does not pass the exam on the first try, the examiner will provide the operator a worklist to complete prior to re-examination. The checklist of requirements to obtain a Coast Guard decal is found in Enclosure (1). Though the Coast Guard considers dockside exams voluntary for uninspected commercial vessels, owner/operators are strongly encouraged to undergo a dockside safety exam. While any vessel has the potential to be boarded by Coast Guard law enforcement personnel, vessels that are inspected or have received a voluntary safety decal from the Coast Guard are less likely to be boarded to verify compliance. Dredgers that successfully complete a gold dredge dockside safety exam will receive a one year decal to document their compliance with applicable regulations.

MERCHANT MARINER CREDENTIALS: A self-propelled dredge vessel of 200 gross tons or more must be operated by a master and chief engineer credentialed in accordance with references (h) and (i), respectively. Manned, non-self-propelled barges are required to hold a COI and manning will be determined on a case-by-case basis during the certification process. Additionally, towing vessels 26 feet or longer must be operated by a master holding a credential in accordance with reference (j). Dredge operators should also be aware that towing vessels over 26 feet are required to be inspected in accordance with reference (k) and should hold a COI in order to tow dredge vessels.

LOAD LINES: Each dredge vessel 79 feet or longer built in 1986 or later (or 150 gross tons or more if built in 1985 or before) must maintain a valid load line certificate in accordance with reference (l). Sector Anchorage will not give blanket equivalencies or exemptions from load line requirements for gold dredges. Individual operators retain the right to request an individual exemption or equivalency as outlined in reference (l). This request should be made in writing to the Sector Anchorage OCMI. These requests will be ultimately decided by our headquarters office in Washington D.C. Vessels which are required to have a load line will not be permitted to operate without one unless a waiver has been granted.

DIVE SAFETY: The Coast Guard strongly encourages gold dredge divers to follow the Occupational Safety and Health Administration (OSHA) regulations in reference (m). These regulations lay out training, operations, equipment, and recordkeeping requirements that improve diver safety and minimize risk. Two divers have died while dredging for gold in Nome (one in 2011 and one in 2014). Both deaths may have been avoided if the OSHA regulations had been followed. The lead investigator in the 2014 diver death drafted a lessons learned document from that incident, which is included as Enclosure (5).

DIVE LIGHTS: In 2015, the Nome gold dredge fleet made excellent progress toward correcting widespread non-compliance with dive light requirements. Displaying a vertical red-white-red array of all-around lights when diving at night or in restricted visibility sends a visual message to other boats in the area warning them to be aware of operations under the surface. The requirement to display lights applies to both commercial and recreational vessels. The Coast Guard has received many questions from individual miners about how to comply with the dive light requirements. Enclosure (3) provides a FAQ and information about standards for miners who have not yet met the requirement.

RULES OF THE ROAD: Dredge vessel operators are responsible for understanding and complying with the navigation rules in reference (n) and all self-propelled vessels greater than 36 feet are required to maintain a hard copy of these rules onboard while operating. Note that in both Nome's harbor and in all offshore dredging areas, International (not Inland) rules apply. Though the two sets of rules are similar, important distinctions exist. The Coast Guard publication "Navigation Rules" displays International and Inland rules side-by-side for comparison: http://www.navcen.uscg.gov/pdf/navRules/CG_NRHB_20141118.pdf.

AUTOMATIC IDENTIFICATION SYSTEM (AIS): New AIS requirements came into effect on March 2, 2015. These requirements had a delayed implementation date of March 1, 2016. Prior to this regulatory change, Nome gold dredges were exempt from AIS carriage requirements. However, the new AIS regulations extend to all commercial vessels of 65 feet or more. This regulation requires that all Nome gold dredges 65 feet or more in length have an AIS Class A device meeting Coast Guard approval series 165.155. These devices must be onboard and operational at all times while underway. Additionally, all towing vessels over 26 feet and 600 horsepower are required to maintain a Class A AIS.

AT-SEA ENFORCEMENT: The Coast Guard may conduct underway boardings on dredge vessels off the coast of Nome to ensure compliance with applicable federal regulations. If violations are identified, fines or voyage termination may result. Dredge vessels with current safety decals may still be boarded, but generally are not targeted as frequently as dredge vessels that do not have decals.

MARINE CASUALTY REPORTING: Operators of federally documented dredge vessels must immediately report certain types of accidents to Sector Anchorage in accordance with reference (o). Failure to report may result in significant fines. Enclosure (2) contains additional information about casualty reporting requirements. State-registered vessels must report deaths and serious injuries to the Coast Guard; they may do so using the same contact information provided in enclosure (2).

DRUG AND ALCOHOL PROGRAM: In accordance with reference (p), a chemical testing program is mandatory on all dredges that hold a COI, as well as uninspected self-propelled dredges over 200 GRT that are required to have a credentialed crewmember onboard. Any personnel with duties relating to the safety of the vessel must be enrolled in the random testing program. Additionally, *all* gold dredges are subject to post-casualty drug and alcohol testing in accordance with reference (o). Marine casualties resulting in damage greater than \$100,000, injury beyond first aid, or the loss of a vessel (inspected vessels or self-propelled vessels over 100 GRT) are considered serious marine incidents and all directly involved individuals are required to receive an alcohol test within two hours and a department of transportation (DOT) drug test within 32 hours. Alcohol tests can be completed using onboard test strips, while drug tests must be completed with a DOT-certified collector. There is a DOT collector on call at the Nome Hospital seven days per week in order to meet this post-casualty testing requirement. Vessel owners can contact Sector Anchorage for questions regarding drug and alcohol program requirements.

POLLUTION REPORTING: Operators must notify the Coast Guard National Response Center if oil or certain other hazardous pollutants enter the ocean, or waters leading to the ocean. This includes pollution spilled on or through the ice during winter dredging, as well as any spills from non-vessels (i.e., bottom crawlers). To report a spill, call 1-800-424-8802.

EMERGENCIES: The Coast Guard Sector Anchorage Command Center operates 24 hours a day, seven days a week, and can be reached by calling 907-428-4100.

FINAL NOTES: Please direct questions or concerns to Mr. Jeff Ahlgren at Sector Anchorage at (907) 428-4183 or by email: Jeffrey.L.Ahlgren@uscg.mil. Sector Anchorage strongly urges the dredging fleet to contact our office *prior* to building or purchasing a dredge, particularly a large dredge, in order to preemptively ensure that the prospective dredge is able to meet all regulatory requirements. If you are considering purchasing/building a dredge, please fill out the application for inspection in enclosure (5). Dredge owners are reminded that a marine surveyor or professional engineer may be a useful tool for navigating the applicable regulations.

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Enclosures: (1) Gold Dredge Safety Examination Checklist
 (2) Marine Casualty Reporting in Western Alaska
 (3) Lights and Flags
 (4) CG-3752, Application for Inspection of US Vessel
 (5) Lessons learned from diving fatality in Nome

Copy: (1) Commander, Seventeenth Coast Guard District (dp)
 (2) Alaska Department of Natural Resources

NOME GOLD DREDGE SAFETY EXAMINATION

U.S. Coast Guard Sector Anchorage

Inspections Division: 907-428-4161 • anchorage.inspections@uscg.mil

Command Center: 907-428-4100 • sector.anchorage@uscg.mil

Website: <https://www.uscg.mil/d17/SectorAnchorage/golddredging.asp>



Exam Results

☐ **PASS:** A Coast Guard examiner has examined this vessel and found that it was in full compliance with applicable vessel safety requirements at the time of the exam. **Issued decal #** _____.

☐ **PENDS:** This vessel was *not* in full compliance with applicable vessel safety requirements at the time of the exam.

Vessel Particulars

Note: Nome gold dredges require Coast Guard Certificates of Inspection if they are: (a) self-propelled vessels over 300GRT; or (b) manned barges of any size. This form does not apply to these vessels.

Vessel Name:	Official Number or State Number:
AK DNR Mining Permit Number:	Vessel Length:
Vessel Gross Registered Tonnage:	Total HP: Number of engines: <input type="checkbox"/> none; <input type="checkbox"/> single; <input type="checkbox"/> twin
Owner's Name:	<input type="checkbox"/> Gasoline; <input type="checkbox"/> Diesel; <input type="checkbox"/> Other:
Captain's Name:	<input type="checkbox"/> Outboard; <input type="checkbox"/> Inboard; <input type="checkbox"/> Other:
Crew# (max including captain):	Hull type: <input type="checkbox"/> Monohull; <input type="checkbox"/> Catamaran; <input type="checkbox"/> Pontoon (#)
Hull material: <input type="checkbox"/> Steel; <input type="checkbox"/> Aluminum; <input type="checkbox"/> Wood; <input type="checkbox"/> Plastic; <input type="checkbox"/> Other:	

Dockside Exam Details

Date of Exam:	Location of Exam: <input type="checkbox"/> Nome Harbor; <input type="checkbox"/> Belmont Beach
Date(s) of Re-exams:	<input type="checkbox"/> Other:
Vessel Representative's Name:	Previous decal issued: <input type="checkbox"/> No; <input type="checkbox"/> Yes - year:
Vessel Representative's Role: <input type="checkbox"/> Owner; <input type="checkbox"/> Captain; <input type="checkbox"/> Other (specify):	USCG Examiner's Name: USCG Examiner's Phone:
Vessel Representative's Phone:	USCG Examiner's Unit:
Vessel Representative's Email:	

Items Required for Decal

GENERAL	REFERENCE	yes	no	n/a
Certificate of Documentation (COD) with coastwise or registry endorsement: <i>required for vessels of 5 net tons or more • min 4" name both sides of bow • min 4" name and hailing port on stern • min 3" official number on interior structural member</i>	46 CFR Subchapter G			
State Certificate of Number: <i>required if vessel has no Certificate of Documentation • must be AK if used in AK 90+ consecutive days • numbers both sides of bow</i>	33 CFR 173 AS 05.25.055			
Merchant Mariner Credentials: <i>required for master and chief engineer if 200 GRT or larger • original MMCs must be on board</i>	46 CFR 15.805 46 CFR 15.820			
Load Line: <i>required for vessels 79ft+ except for vessels <150GRT built in 1985 or before</i>	46 CFR 42, 44			
NAVIGATION AND COMMUNICATION	REFERENCE	yes	no	n/a
Marine VHF Radio: <i>verify transmission on 16 • if over 65.6ft, must also carry FCC Bridge to Bridge Station License</i>	AK DNR Permit 33 CFR 26.03d			
Navigation Lights: <i>under 23ft with max speed of 7 knots may display an all-around white light and no sidelights • under 39.5ft may combine sidelights into centerline red/green and combine masthead and stern light into all-around (alternative is separate sidelights, stern light, mast light) • 39.5ft up to 164ft need sidelights, stern light, masthead, all-around anchor light) • 164ft or longer need sidelights, stern light, 2 mastheads, 1 all-around anchor light, 1 anchor ball (or 2nd anchor light)</i>	46 CFR 25.10-3 COLREGS Rules 20, 21, 22, 23, 30, Annex I			
Diver Lights and Shapes: <i>for dredges that employ divers • 3 vertically-arranged all-around lights (red-white-red) • rigid International Code Flag A (white and blue)</i>	COLREGS Rule 27(e)			
Automatic Identification System: <i>for self-propelled vessels 65ft or longer • must be Class A</i>	33 CFR 164.46			
Tide Tables: <i>for area of operation (obtain from Harbormaster's Office)</i>	46 CFR 26.03			
Charts: <i>may print NOAA Booklet Chart (Norton Sound - Nome Harbor and Approaches)</i>	46 CFR 26.03			

NAVIGATION AND COMMUNICATION (continued)	REFERENCE	yes	no	n/a
Navigation Rules: <i>Hard copy carried onboard if over 36 ft in length</i>	33 CFR 83.01(g)			
Light List: <i>may print just the two pages relevant to Nome from www.navcen.uscg.gov</i>	46 CFR 26.03			
Coast Pilot 9: <i>may print just "Chart 16206" section of "Bering Sea" Chapter from www.nauticalcharts.noaa.gov</i>	46 CFR 26.03			
Sound Signaling Appliance: <i>hand-held air horn is acceptable for vessels up to 39.4ft • vessels 39.4ft or longer must have an installed whistle</i>	COLREGS Rules 32, 33, Annex III			
Bell: <i>required only for vessels 65.5ft or longer • bell diameter must be min 11.8" (300mm)</i>	COLREGS Rules 32, 33			
Visual Distress Signals: <i>readily accessible • all need 3 red flares (hand-held, rocket and/or parachute) or 1 electric distress light • over 16ft using electric light in lieu of red flares also need orange flag or 3 orange smokes</i>	33 CFR 175 Subpart C			
EPIRB: <i>required if operating more than 3NM from shore • float-free Category 1 • properly registered • battery and release not expired</i>	46 CFR 26-20 46 CFR 26-50			
LIFESAVING	REFERENCE	yes	no	n/a
PFDs (Lifejackets): <i>readily accessible • at least one for each person on board • under 40ft need Type I, II or III • 40ft or longer need Type I • may substitute Type V labeled for commercial use (if worn) or immersion suit • if work-vests are used, store separately</i>	46 CFR 25.25-5 46 CFR 20.25-9 46 CFR 26.30			
PFD Lights: <i>one for each PFD or immersion suit • approved under 161.012</i>	46 CFR 25.25-13			
PFD Retro-reflective Tape: <i>Type I tape each side near shoulders (min 31in² per side)</i>	46 CFR 25.25-15			
Life Ring: <i>required for vessels 26ft or longer • min 20" diameter • immediately available • approved under 160.050</i>	46 CFR 25.25-5 46 CFR 20.25-9			
FIREFIGHTING AND FIRE PREVENTION	REFERENCE	yes	no	n/a
Fire Extinguishers (under 65ft): <i>under 26ft need one B-I • 26ft up to 40ft need two B-I's • 40ft up to 65ft need three B-I's • may substitute one B-II for two B-I's • if at least 26ft, may substitute fixed machinery space extinguishing system for a B-I • no extinguisher required <26ft with outboards and no closed spaces to entrap vapors from fuel tanks</i>	46 CFR 25.30			
Fire Extinguishers (65ft and longer): <i>Add this (under 50GRT need 1 B-II • 50GRT up to 100GRT need 2 B-II's • 100GRT up to 300GRT need 3 B-II's) plus this (add a B-II for each 1000 break HP of main engines, rounding up)</i>	46 CFR 25.30			
Fire Extinguisher Selection & Mounting: <i>must be USCG approved, mounted in bracket</i>	46 CFR 25.30			
Ventilation: <i>for vessels with gasoline engines or generators</i>	46 CFR 25.40-1			
Backfire Flame Control: <i>for non-outboard gasoline motors (including generators)</i>	46 CFR 25.35			
POLLUTION PREVENTION	REFERENCE	yes	no	n/a
Marine Sanitation Device: <i>required if piped toilets installed • under 65ft, Type I, II or III • 65ft or longer, Type II or III • Type III discharge locked closed inside 3NM • types II and III must be properly certificated</i>	33 CFR 159			
Oil Retention: <i>no vessel may pump oily bilge water overboard • fixed machinery space discharge piping and pump required if 100GRT or more with no oily water separator</i>	33 CFR 155.350 33 CFR 155.420			
Oil Pollution Placard: <i>required on vessels 26ft or longer in machinery space or near bilge pump controls</i>	33 CFR 155.450			
Garbage Placard: <i>required for vessels 26ft or longer</i>	46 CFR 25.50			
Garbage Management Plan: <i>required for vessels 40ft or longer operating beyond 3NM from shore • write down how to collect, store and discharge garbage, plus who is responsible</i>	33 CFR 151.57			

Special Notes / Deficiencies Identified

☐ Deficiencies Identified:

Discussion Items

Marine casualty reporting requirements	Exhaust (distanced from diver's air intake)
Post-casualty alcohol and drug (DOT) testing	Diver training and communication
Use of navigation lights (when running/anchored/diving)	Boating and diver safety education courses
PFD wear and man-overboard drowning	Navigation rules (book not required, be familiar with rules)
Pollution reporting (NRC 1-800-424-8802)	Bilge pumps and alarms
Housekeeping (reduce fire risk and slip/trip/fall risks)	First aid training and kits (prep for hypothermia)
Heating and cooking systems (fire/explosion danger)	Float plan/emergency contact ashore
Drills (fire, man-overboard, abandon ship)	Anchor with line/chain ready for use

USCG Use Only: ☐ MISLE Entry Complete/ Activity #:

Enclosure (1) to Sector Anchorage Gold Dredge Safety Handout

COAST GUARD MARINE CASUALTY REPORTING

In the Arctic and in Western Alaska (west of 148°26')

Sector Anchorage Command Center

24/7 via radio or phone

phone: 907-428-4100

fax: 907-428-4114

sector.anchorage@uscg.mil

The events described in 46 CFR 4.05 (see page 2) are *Reportable Marine Casualties*. Commercial vessel operators have two reporting responsibilities:

1. Call Sector Anchorage's Command Center **immediately** via radio, sat phone or cell phone to make an initial verbal report. *Note: Immediate reporting is not just for situations in which life or property is in danger; it is required for any incident described in 46 CFR 4.05. If you are unsure about whether or not an event meets the definition, call and ask to discuss the situation with an Investigating Officer.*
2. Complete form CG-2692 and turn it in within **five days** of the accident. Captains can email or fax the form to Sector Anchorage's Command Center, or mail or hand deliver a hard copy to: Sector Anchorage; Marine Safety Detachment Dutch Harbor; Marine Safety Detachment Kodiak; or Marine Safety Detachment Homer.

Some *Reportable Marine Casualties* require follow-up chemical testing. These are *Serious Marine Incidents* (see page 2 for definition). These events require alcohol testing (within 2 hours unless safety concerns delay to within 8 hours) and DOT drug testing (within 32 hours). Not everyone needs to be tested in every event; it is the marine employer's responsibility to determine which crewmembers were directly involved in the incident. Report drug and alcohol testing to the Coast Guard within five days of the accident using form CG-2692b. If drug test results are not available within five days, turn the CG-2692b in and send results later.

Per Coast Guard policy, those involved in *Serious Marine Incidents* should also complete 96-hour work/rest history forms (available at <http://www.uscg.mil/d17/SectorAnchorage/>).

Reportable Marine Casualty

46 CFR 4.05-1 Notice of marine casualty.

(d) Immediately after the addressing of resultant safety concerns, the owner, agent, master, operator, or person in charge, shall notify the nearest Sector Office, Marine Inspection Office or Coast Guard Group Office whenever a vessel is involved in a marine casualty consisting in—

- An unintended **grounding**, or an unintended strike of (allison with) a **bridge**;
- An intended grounding, or an intended strike of a bridge, that creates a hazard to navigation, the environment, or the safety of a vessel, or that meets any criterion of paragraphs (a) (3) through (8);
- A loss of main propulsion, primary steering, or any associated component or control system that reduces the **maneuverability** of the vessel;
- An occurrence materially and adversely affecting the vessel's **seaworthiness** or fitness for service or route, including but not limited to fire, flooding, or failure of or damage to fixed fire-extinguishing systems, lifesaving equipment, auxiliary power-generating equipment, or bilge-pumping systems;
- A **loss of life**;
- An **injury** that requires professional medical treatment (treatment beyond first aid) and, if the person is engaged or employed on board a vessel in commercial service, that renders the individual unfit to perform his or her routine duties; or
- An occurrence causing property-damage in excess of **\$25,000**, this damage including the cost of labor and material to restore the property to its condition before the occurrence, but not including the cost of salvage, cleaning, gas-freeing, drydocking, or demurrage.
- An occurrence involving significant **harm to the environment** as defined in § 4.03-65.

(e) Notice given as required by 33 CFR 160.215 satisfies the requirement of this section if the marine casualty involves a hazardous condition as defined by 33 CFR 160.204.

(f) Except as otherwise required under this subpart, if the marine casualty exclusively involves an occurrence or occurrences described by paragraph (a)(8) of this section, a report made pursuant to 33 CFR 153.203, CFR 117.21, or 40 CFR 302.6 satisfies the immediate notification requirement of this section.

Fines for failure to report immediately or in writing can be as high as \$35,000 per offense

Serious Marine Incident

46 CFR 4.03-2 Serious marine incident.

The term serious marine incident includes the following events involving a vessel in commercial service:

- (d) Any marine casualty or accident as defined in § 4.03-1 which is required by § 4.05-1 to be reported to the Coast Guard and which results in any of the following:
 - One or more **deaths**;
 - An **injury** to a crewmember, passenger, or other person which requires professional medical treatment beyond first aid, and, in the case of a person employed on board a vessel in commercial service, which renders the individual unfit to perform routine vessel duties;
 - Damage to property, as defined in § 4.05-1(a)(7) of this part, in excess of **\$100,000**;
 - Actual or constructive **total loss** of any vessel subject to inspection under 46 U.S.C. 3301; or
 - Actual or constructive **total loss** of any self-propelled vessel, not subject to inspection under 46 U.S.C. 3301, of 100 gross tons or more.
- (e) A discharge of oil of **10,000 gallons** or more into the navigable waters of the United States, as defined in 33 U.S.C. 1321, whether or not resulting from a marine casualty.
- (c) A discharge of a reportable quantity of a **hazardous substance** into the navigable waters of the United States, or a release of a reportable quantity of a hazardous substance into the environment of the United States, whether or not resulting from a marine casualty.

The fine for failure to conduct testing can be as high as \$7000

Dive Lights/Flag for Nome Gold Dredge Divers

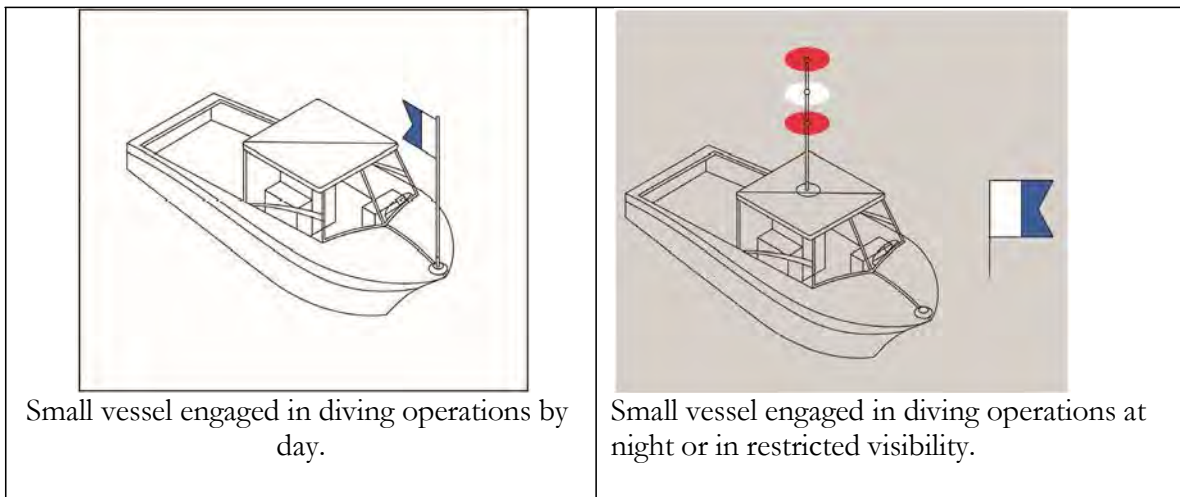
Navigation Rules

—INTERNATIONAL—

Lights and Shapes

Rule 27—CONTINUED

- (e) Whenever the size of a vessel engaged in diving operations makes it impracticable to exhibit all lights and shapes prescribed in paragraph (d) of this Rule, the following shall be exhibited:
- (i) three all-round lights in a vertical line where they can best be seen. The highest and lowest of these lights shall be red and the middle light shall be white;
 - (ii) a rigid replica of the International Code flag “A” not less than 1 meter in height. Measures shall be taken to ensure its all-round visibility.



—INTERNATIONAL—

Annex I—CONTINUED

- (i) When the Rules prescribe two or three lights to be carried in a vertical line, they shall be spaced as follows:
- (i) On a vessel of 20 meters in length or more such lights shall be spaced not less than 2 meters apart, and the lowest of these lights shall, except where a towing light is required, be placed at a height of not less than 4 meters above the hull;
 - (ii) On a vessel of less than 20 meters in length such lights shall be spaced not less than 1 meter apart and the lowest of these lights shall, except where a towing light is required, be placed at a height of not less than 2 meters above the gunwale;
 - (iii) When three lights are carried they shall be equally spaced.



20 meters = 65ft 7in
4 meters = 13ft 1in
2 meters = 6ft 7in
1 meter = 3ft 3in



From the Alaska Boater's Handbook

Diving

Diving has become a very popular activity in Alaska. Boat operators need to be aware of divers in the water and be able to recognize diving flags.

- Alaska law recognizes that a red flag with a white diagonal stripe (a “diver’s flag”) indicates a person is engaged in diving in the immediate area. Displaying the diver’s flag is not required by law and does not in itself restrict the use of the water.
- International Navigation Rules also require a blue and white “Alpha” flag be displayed on boats engaged in diving operations.
- When operating in an area where a diving flag is displayed, boaters must stay at least 100 feet away from the flag unless they are operating at no-wake speed.



Diver Down Flag



Alpha Flag

Frequently Asked Questions on Lights and Flags

The Coast Guard has witnessed an admirable degree of ingenuity from miners in Nome working to comply with the navigation and dive light requirement. Here are some common questions.

Q: Can I use household light bulbs for my lights?

A: No. Lights designed for household or automotive use are inadequate – they are not suitable for the marine environment and not proven to meet color and intensity requirements. You must use navigation lights that meet American Boat & Yacht Council (ABYC) standard A-16 or Underwriters Laboratories standard UL 1104. Look for the letters “ABYC” or “UL” on the light-bulb packaging. More information on lights is available at <http://alaska.coastguard.dodlive.mil/2015/11/the-safety-of-navigation-lights/>.

Q: Can I use a red Sharpie to turn a white light into a red light?

A: No. Red tape and red cellophane are not acceptable either. The red colored lens is an integral part of the light’s approval and suitability for marine service. Red all-around lights are more difficult to find than white all-around lights, but they can be purchased from many different marine suppliers.

Q: What is an all-around light?

A: An all-around light has a 360-degree arc, which means it is visible from all sides. Some navigation lights have smaller arcs, such as the 225-degree masthead light, 112.5-degree sidelight, and 135-degree stern light.

Q: Can I use a 2-by-4 as a mast for my lights?

A: Your dive lights must have a 360-degree arc. If you use a 2-by-4 for a mast and mount lights too close to the mast, the 2-by-4 can block part of the visible arc. Though not ideal, a 2-by-4 can be used if lights are offset far enough from the mast that it blocks only a small fraction of the arc.

Q: Do I really have to have three feet of space between each of the three lights? That’s six feet between the top and bottom light!

A: The spacing allows the light arrangement to be seen clearly at a distance. Coast Guard examiners might not use a tape measure to check spacing, but they do expect you try to meet distance requirements. Examiners understand a tall mast can be impractical on a very small vessel.

Q: I have a unique idea for how to build my dive light mast. Can I check with someone to make sure it will meet Coast Guard standards?

A: If you are not sure whether your idea for dive lights meets the requirements, you may call Sector Anchorage at (907) 428-4183 to discuss your plan before you purchase materials and invest the labor.

Q: Do the lights need to be turned on all the time?

A: No. You should only display dive lights when diving at night or in conditions of restricted visibility (fog or rain). Turn dive lights off and running lights on when moving the vessel to and from the dive site.

Q: I have a red and white flag. Do I need a blue and white flag too?

A: Yes. The blue and white alpha flag is required, even if you already have a red and white flag.

Q: Can I make my own alpha flag?

A: Yes. Painting both sides of a board, for example, is an acceptable alpha flag.

APPLICATION FOR INSPECTION OF U.S. VESSEL

FORM APPROVED
OMB NO: 1625-0002
Expiration Date: 06/30/2017

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number.

The Coast Guard estimates that the average burden for this report is 15 mins. You may submit any comments concerning the accuracy of this burden estimate or any suggestion reducing the burden to: Commandant (G-MOC), U.S. Coast Guard, Washington, DC 20593-0001 or Office of Management and Budget, Paperwork Reduction Project (1625-0002), Washington, DC 20503.

TO: Officer in Charge, Marine Inspection

Marine Inspection Zone _____

The undersigned applies to have the ☐ Steam Vessel ☐ Motor Vessel

☐ Motorboat ☐ Barge ☐ Other (Indicate) _____

named _____ Official or Award No. _____

inspected under the laws of the United States; to be employed as a ☐ Passenger Vessel (No. of Passengers _____)

☐ Cargo Vessel ☐ Tank Vessel ☐ MODU ☐ Other (Indicate) _____

on the following route: (Waters, Geographical limits) _____

Liquid cargo in bulk ☐ will ☐ will not be carried as follows:

☐ Flammable or Combustible (Indicate grade) _____

☐ Chemicals (Indicate) _____

Length of vessel _____ ft.

Hull material: ☐ Steel ☐ Other (Indicate) _____

Vessel will be at (Port, Pier, etc.) _____

The current Certificate of Inspection expires on _____

Inspection is desired on _____

Cargo Ship Safety Construction Certificate to be issued by ☐ ABS ☐ USCG.

Vessel ☐ is ☐ is not to be classed.

If classed, indicate Classification Society: ☐ ABS ☐ Other (Indicate) _____

I CERTIFY that previous application for this inspection ☐ has ☐ has not been made. I further certify that I have instructed the master to present the vessel ready in all respects for the above requested inspection on the date specified. I understand that if this inspection is to be conducted at foreign port or place the vessel owners will be billed for the costs incurred in accordance with 46 USC 385b-1.

(Signature) _____

(Title) _____

Address to reply to:

TELEPHONE NUMBER:

DATE:

PREVIOUS EDITION IS OBSOLETE

Reset

Enclosure (4) to Sector Anchorage Gold Dredge Safety Handout



UNITED STATES COAST GUARD

U.S. Department of Homeland Security

MARINE SAFETY LESSONS LEARNED

Sector Anchorage

May, 2017
Anchorage, AK

Diver Safety on Gold Dredge Vessels

Purpose: The U.S. Coast Guard issues lessons learned to raise awareness of conditions and/or actions that have been identified as being causal factors in marine casualties, and that it believes can be best addressed by the maritime industry and/or the general public.

The Incident: In August 2014, a commercial diver was mining from a gold dredge vessel off Nome, Alaska. An unknown underwater event caused the diver to jettison his dive harness and weight belt. The diver was unconscious when he was spotted floating on the surface. The State Medical Examiner determined the cause of death to be from drowning.

Contributing Factors and Analysis: The investigation identified the lack of crew experience in commercial diving and specifically gold dredging operations. A crew of two is too small to support operations. There were no written or verbal policies for equipment inspections, operations, or emergencies. The condition of the air supply hose was not ruled out as a contributing factor. The surface to diver communications were inoperable. The tender was not actively monitoring the submerged diver. Diving conditions on the day of the incident were far from optimal. These facts contributed to the incident, and when combined, led to an elevated diver risk that were not adequately addressed.

Lessons Learned: Coast Guard investigators have identified the following options for an owner/operator of similar vessels in similar service to mitigate the risks associated with the above identified contributing factors:

- All dredges with divers should operate with a properly trained, minimum crew of three.
- Crew should utilize a risk analysis and conduct equipment inspections prior to every dive.
- Divers should carry a back-up air supply in the event of a primary air supply failure.
- Tenders should have no responsibility other than communicating and tending to the diver.
- All dredges with divers should utilize a surface to diver communication unit.
- Employers should develop a safe practices manual and make available to each dive team member, specifically defining crew position roles and responsibilities.
- Employers and divers should follow the Occupational Safety and Health Standards for Commercial Diving (29CFR1910 § 401-440) as much as practicable to the unique Nome gold dredging operations.

Closing: These lessons learned are provided for informational purpose only and do not relieve any domestic or international safety, operational, or material requirements. This document was developed by the Sector Anchorage Investigations Division. Questions or comments may be sent to WesternAlaskaIO@uscg.mil.

February 12, 2018

To: Nome Port Commission,
From: Andrew Lee

I would like to bring to your attention certain issues that effect the Nome offshore mining fleet, with regards to the Coast Guard, as well as my suggestions for a temporary fix and a long term solution.

Overview

The Coast Guard has stated that they will begin strictly enforcing Code of Federal Regulations, Title 46 (Shipping), Chapter I (Coast Guard), Subchapter I (Cargo and Miscellaneous Vessels), among other regulations, in the offshore Nome area. The focus is currently on gold mining dredges, but will likely expand to fishing vessels, as it has in other parts of Alaska.

As you may be aware, larger gold mining platforms typically use barges, outfitted with digging and processing equipment. These vessels operate within three miles from shore, and within 12 miles of the Port of Nome. The water is shallower than 80 feet, mostly shallower than 45 feet. The barges are towed to their work area, set up anchors or spuds, and conduct mining operations. These vessels always are within sight of Nome and shore. If there were an emergency aboard one of these vessels, assistance is readily available via the dredge's support boat, the Port of Nome response vessel, local helicopter service, a large number of local vessels including smaller dredges. A response time of 15 to 30 minutes is expected, in any conditions when the dredge would be operating. Further, a small raft with modest propulsion launched by one of these dredging barges in an emergency could reach the safety of shore within 5 to 20 minutes. A response by the Coast Guard is typically hours, if not days away.

The regulations of Subchapter I and Loadlines are designed to protect passengers and cargo at sea. In the case of dredging platforms in the area of Nome, these regulations achieve no meaningful improvement to safety; they only cause large compliance costs, and drive away investment in Nome area projects.

It is reasonable to expect all vessels, of any size, operating offshore Nome to have basic safety requirements. Fire extinguishers, flotation devices (PFDs, rings, life boats), communications equipment (such as radios and navigation lights), and signage. However, the requirements designed for ocean voyages, carrying cargo and passengers, are not reasonable and should not be applied to these near-shore, near-port work platforms.

Economic Impacts to Nome

Overly burdensome regulations drive up the cost of projects, making them less economically viable and thus less likely to be undertaken. There are currently three larger dredges in the works: the Tuvi, the Myrtle Irene, and the Tagiuk Provider. Each of these would have significant benefit to the Nome economy. However, the Tuvi and Myrtle Irene will never meet the Loadline regulations; and it would take several tens of thousands, if not over a hundred thousand dollars each for these three to meet the Subchapter I regulations. This is money better spent in Nome, not on out of state engineering consultants and inspectors.

Each of these mining vessels has the following benefits to Nome:

- 5 to 8 new or saved good paying jobs
- 100,000+ gallons of fuel purchased per year; and the associated Port tariffs and sales taxes
- Moorage and storage fees paid to the Port of Nome
- Larger port users increases the justification for expansion of the Port of Nome.
- Tens of thousands of dollars worth of good and services purchased from Nome vendors and landlords each year, and the associated sales taxes
- Diversification of the Nome economy, helps protect Nome from fluctuation in State and Federal Spending.
- Indirect benefits as the above benefits cascade throughout the Nome economy.

Resolution in Favor of Exemptions

We encourage the Nome Port Commission and the Nome City Council to pass a resolution petitioning the United States Coast Guard to grant waivers of the Loadline and Certificate of Inspection requirements for our three vessels , and any others that the Nome Port Commission deems to meet a sufficient level of safety, that operates within 12 miles of the Port of Nome. Specifically, to request that these vessels be treated as if they were operating inside the Boundary Line.

Boundary Line Solution

Nome should have its own Boundary Line exemption. The Boundary Line determines, among other things, where these ocean rules should start to apply. By default, the Boundary Line starts at mean high tide; meaning if your feet are wet at the beach, then you are outside the Boundary Line. Nationwide, here are 35 exemptions defined in regulations that push the Boundary Line out from shore, as far as 12 miles.

Approximately 2500 miles of US coastline have these special adjustments. For most of the Northeastern US coastline, the Boundary line is 5 to 10 miles from the mainland. For the entire US coastline with the Gulf of Mexico, the Boundary Line is 12 miles from shore. In addition, many other ports and sounds have their own adjustments. Three miles offshore Norton Sound is much safer than 12 miles offshore Texas; Norton Sound is shallower, and much more protected.

Without a Boundary Line exemption, Nome is at significant disadvantage to Kotzebue for selection as a deep water port location. Kotzebue already has their surrounding waters exempted (by CFR 46.I.A Part 7 Section 180). Many other ports and entire regions have their surrounding waters carved out of the Subchapter I requirements through a Part 7 exemption.

Without a Boundary Line exemption, Norton Sound fishermen are at risk of becoming subject to these expensive and excessive requirements, as the Coast Guard continues to redefine and expand its authority. Preemptive action needs to be taken to exclude Norton Sound from these rules.

There are three logical ways to modify the Boundary Line, to benefit Nome, Norton Sound, or Western Alaska:

1. Exempt 12-mile radius or 12-mile box around Port of Nome
 - From Rodney Creek to Cape Nome, 12 miles from shore.
 - Benefits all offshore miners and creates new opportunities for local tugboat, lightering and other service providers.
 - Very safe waters, in sight of Nome, shallower than 90 feet, mostly shallower than 45 feet.
 - Similar to other small port exemptions, creates area outside of the harbor where commercial work can be done, like dredging and secondary tugboat assists, without excessively burdensome regulations designed for long voyages.
2. Exempt Norton Sound, from Cape Rodney to Sheldon Point
 - Duplicates the existing Kotzebue Sound exemption benefits for Norton Sound.
 - Boosts economic development opportunity in and between Nome, Golovin, Shaktoolik, Unalakeet, St Michaels
 - Benefits all local fishermen, offshore miners, and creates new opportunities for local tugboat, cargo, and other service providers.
 - Norton Sound is all shallower than 100 feet.
3. Exempt 12-miles out, shallow waters of Alaska's West Coast from Cape Menshikof to Point Hope
 - Helps local fishermen all along the coast
 - Water is shallower and safer than Gulf Coast exemption area; mostly less than 120 feet deep.
 - Opens up an array of local regional service providers, boosts economic development for the entire region.

Resolution in Favor of Boundary Line Adjustments

We encourage the Nome Port Commission and the Nome City Council to pass a resolution petitioning the President of the United States, Senators Murkowski and Sullivan, and Representative Don Young to, by Executive Order or Federal Law, modify the Boundary Line regulations in 46 CFR Part 7 in one or all of the ways described above.

Please let us know if you have any questions or would like more information.

Best Regards,

Andrew Lee	David Young	Shawn Pomrenke
Tagiuk Provider	Myrtle Irene	Tuvi
907-304-0216		

Areas Exempted from 46 CFR Part 7 Boundary Line

Atlantic Coast (§§ 7.10 - 7.100)

- § 7.10 Eastport, ME to Cape Ann, MA.
- § 7.15 Massachusetts Bay, MA.
- § 7.20 Nantucket Sound, Vineyard Sound, Buzzards Bay, Narragansett Bay, MA, Block Island Sound and easterly entrance to Long Island Sound, NY.
- § 7.25 Montauk Point, NY to Atlantic Beach, NY.
- § 7.30 New York Harbor, NY.
- § 7.35 Sandy Hook, NJ to Cape May, NJ.
- § 7.40 Delaware Bay and tributaries.
- § 7.45 Cape Henlopen, DE to Cape Charles, VA.
- § 7.50 Chesapeake Bay and tributaries.
- § 7.55 Cape Henry, VA to Cape Fear, NC.
- § 7.60 Cape Fear, NC to Sullivans Island, SC.
- § 7.65 Charleston Harbor, SC.
- § 7.70 Folly Island, SC to Hilton Head Island, SC.
- § 7.75 Savannah River/Tybee Roads.
- § 7.80 Tybee Island, GA to St. Simons Island, GA.
- § 7.85 St. Simons Island, GA to Little Talbot Island, FL.
- § 7.90 St. Johns River, FL.
- § 7.95 St. Johns Point, FL to Miami Beach, FL.
- § 7.100 Florida Reefs and Keys from Miami, FL to Marquesas Keys, FL.

Gulf Coast (§ 7.105)

- § 7.105 Marquesas Keys, FL to Rio Grande, TX.

Hawaii (§ 7.110)

- § 7.110 Mamala Bay, HI.

Pacific Coast (§§ 7.115 - 7.145)

- § 7.115 Santa Catalina Island, CA.
- § 7.120 Mexican/United States border to Point Fermin, CA.
- § 7.125 Point Vicente, CA to Point Conception, CA.
- § 7.130 Point Conception, CA to Point Sur, CA.
- § 7.135 Point Sur, CA to Cape Blanco, OR.
- § 7.140 Cape Blanco, OR to Cape Flattery, WA.
- § 7.145 Strait of Juan de Fuca, Haro Strait and Strait of Georgia WA.

Alaska (§§ 7.150 - 7.180)

- § 7.150 Canadian (BC) and United States (AK) Borders to Cape Spencer, AK.
- § 7.155 Cape Spencer, AK to Cape St. Elias, AK.
- § 7.160 Point Whittshed, AK to Aialik Cape, AK.
- § 7.165 Kenai Peninsula, AK to Kodiak Island, AK.
- § 7.170 Alaska Peninsula, AK to Aleutian Islands, AK.
- § 7.175 Alaska Peninsula, AK to Nunivak, AK.
- § 7.180 Kotzebue Sound, AK.

USCG “Safety Bulletins”

- MARINE SAFETY INFORMATION BULLETIN 02-17
- “COMMERCIAL STATUS: The Coast Guard considers all gold dredges operating in the vicinity of Nome to be commercial (vice recreational) vessels”
- Because ALL waters offshore Nome are considered “at sea”, all rules for “Commercial Vessels At Sea” now apply.
- This ruling kills jobs and hampers new investments in this rural Alaska village.
- Provides no meaningful increase in safety; at great expense to the small business owners.

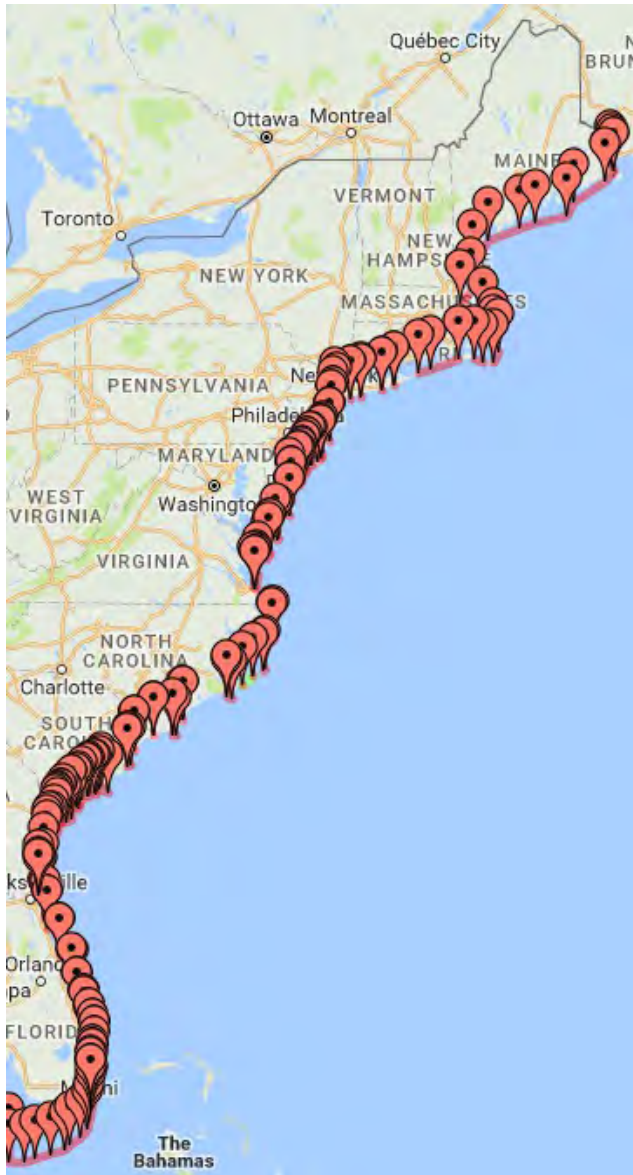
Examples of “Commercial Vessels” under this new definition



Easiest/Fasted Solution: Adjust the “Boundary Line”

- Defined under: CFR Title 46, Chapter I, Subchapter A, Part 7
- 35 Adjustments are currently in place.
- Example: Entire Gulf of Mexico is excluded to 12 miles from shore.
- Nome, Alaska: Currently “Boundary Line” is the shoreline, and rules written for the high seas apply to all vessels that are wet, even when they stay close to shore.

Examples of East Coast “Boundary Line” Adjustments



Atlantic Coast (§§ 7.10 - 7.100)

§ 7.10 Eastport, ME to Cape Ann, MA.

§ 7.15 Massachusetts Bay, MA.

§ 7.20 Nantucket Sound, Vineyard Sound, Buzzards Bay, Narragansett Bay, MA, Block Island Sound and easterly entrance to Long Island Sound, NY.

§ 7.25 Montauk Point, NY to Atlantic Beach, NY.

§ 7.30 New York Harbor, NY.

§ 7.35 Sandy Hook, NJ to Cape May, NJ.

§ 7.40 Delaware Bay and tributaries.

§ 7.45 Cape Henlopen, DE to Cape Charles, VA.

§ 7.50 Chesapeake Bay and tributaries.

§ 7.55 Cape Henry, VA to Cape Fear, NC.

§ 7.60 Cape Fear, NC to Sullivans Island, SC.

§ 7.65 Charleston Harbor, SC.

§ 7.70 Folly Island, SC to Hilton Head Island, SC.

§ 7.75 Savannah River/Tybee Roads.

§ 7.80 Tybee Island, GA to St. Simons Island, GA.

§ 7.85 St. Simons Island, GA to Little Talbot Island, FL.

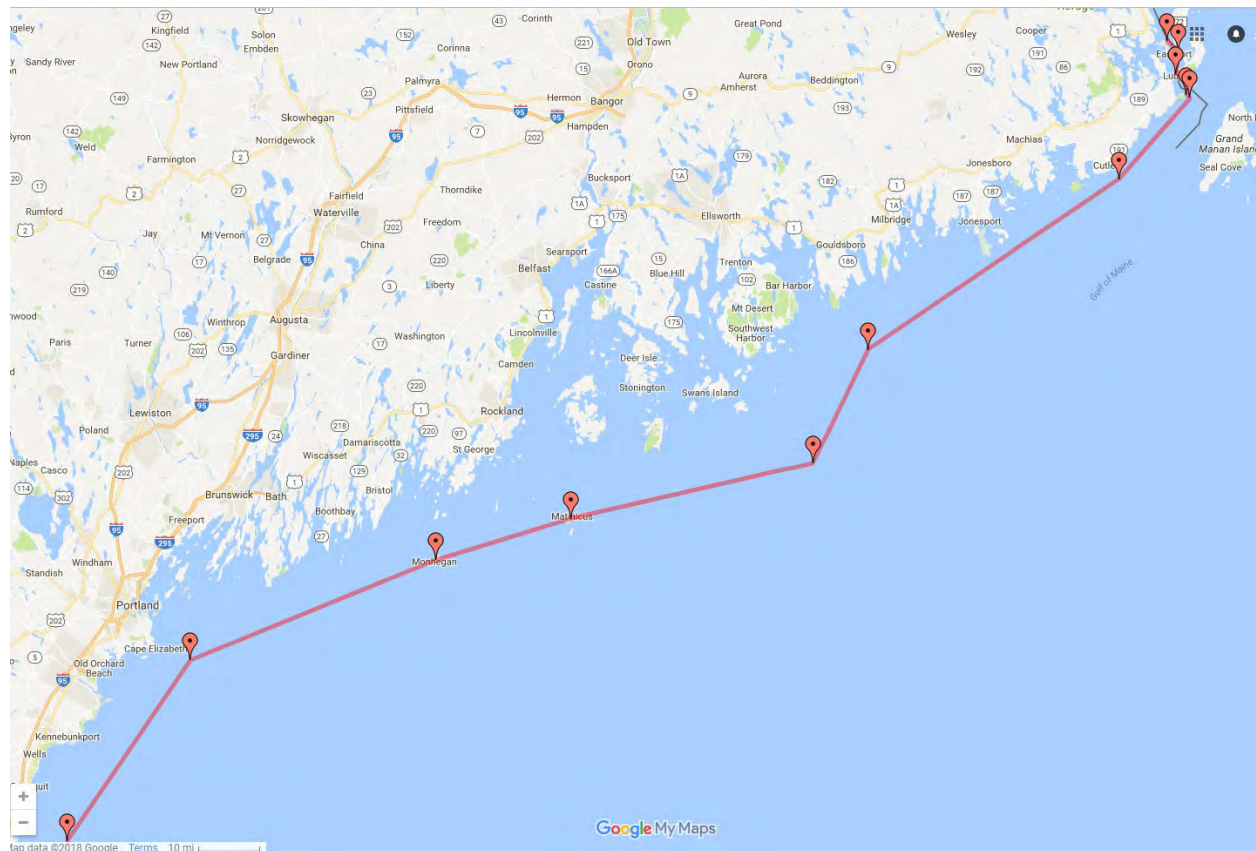
§ 7.90 St. Johns River, FL.

§ 7.95 St. Johns Point, FL to Miami Beach, FL.

§ 7.100 Florida Reefs and Keys from Miami, FL to Marquesas Keys, FL.

Examples of East Coast “Boundary Line” Adjustments

46 CFR 7.10 Eastport, ME to Cape Ann, MA.



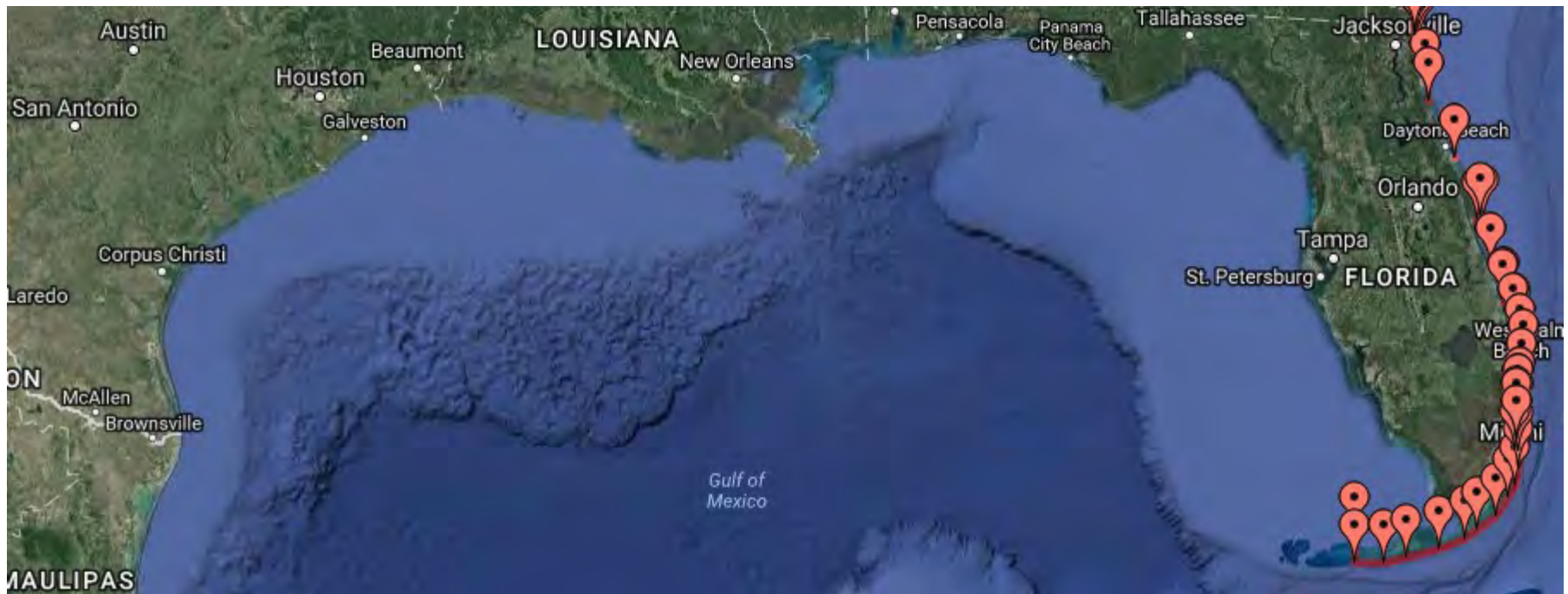
Coasts of Maine and Massachusetts are almost completely exempt, out to an average of 10 miles.

Gulf Of Mexico

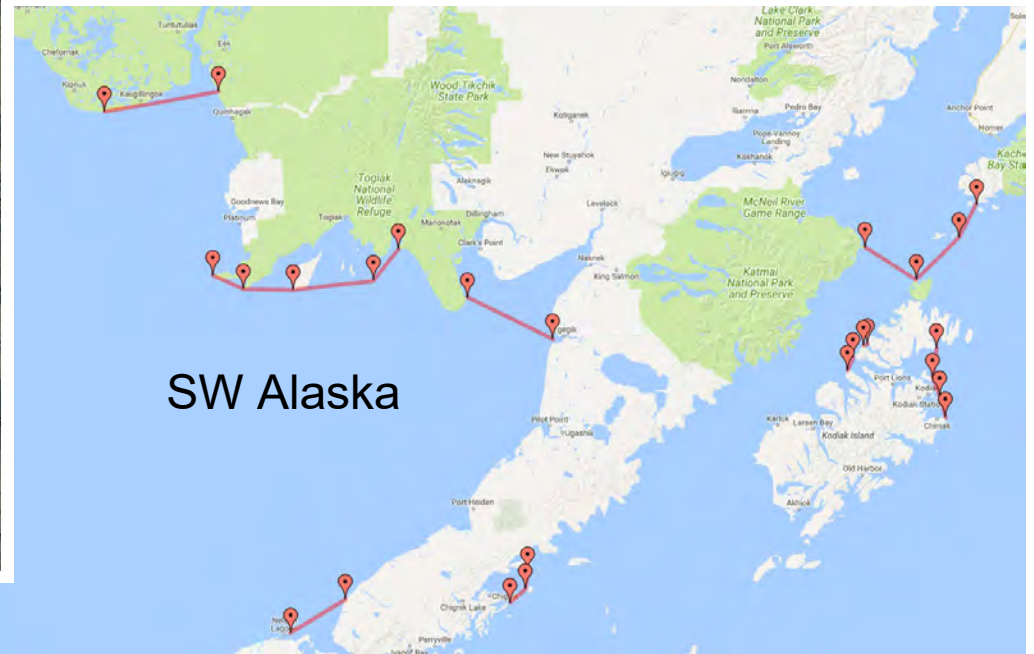
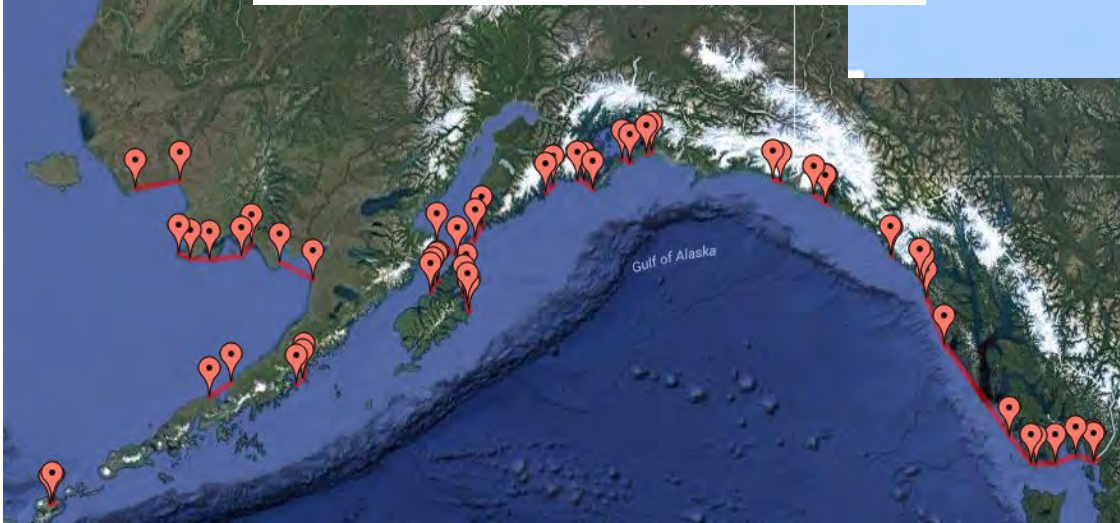
“Boundary Line” Adjustment

§ 7.105 Marquesas Keys, FL to Rio Grande, TX.

A line drawn from Marquesas Keys, Florida at approximate position latitude $24^{\circ}47.5' \text{ N}$, longitude $82^{\circ}11.2' \text{ W}$; along the 12-mile line which marks the seaward limits of the territorial sea (as defined in 33 CFR 2.22(a)(1)) to Rio Grande, Texas at approximate position latitude $25^{\circ}58.6' \text{ N}$, longitude $96^{\circ}55.5' \text{ W}$.

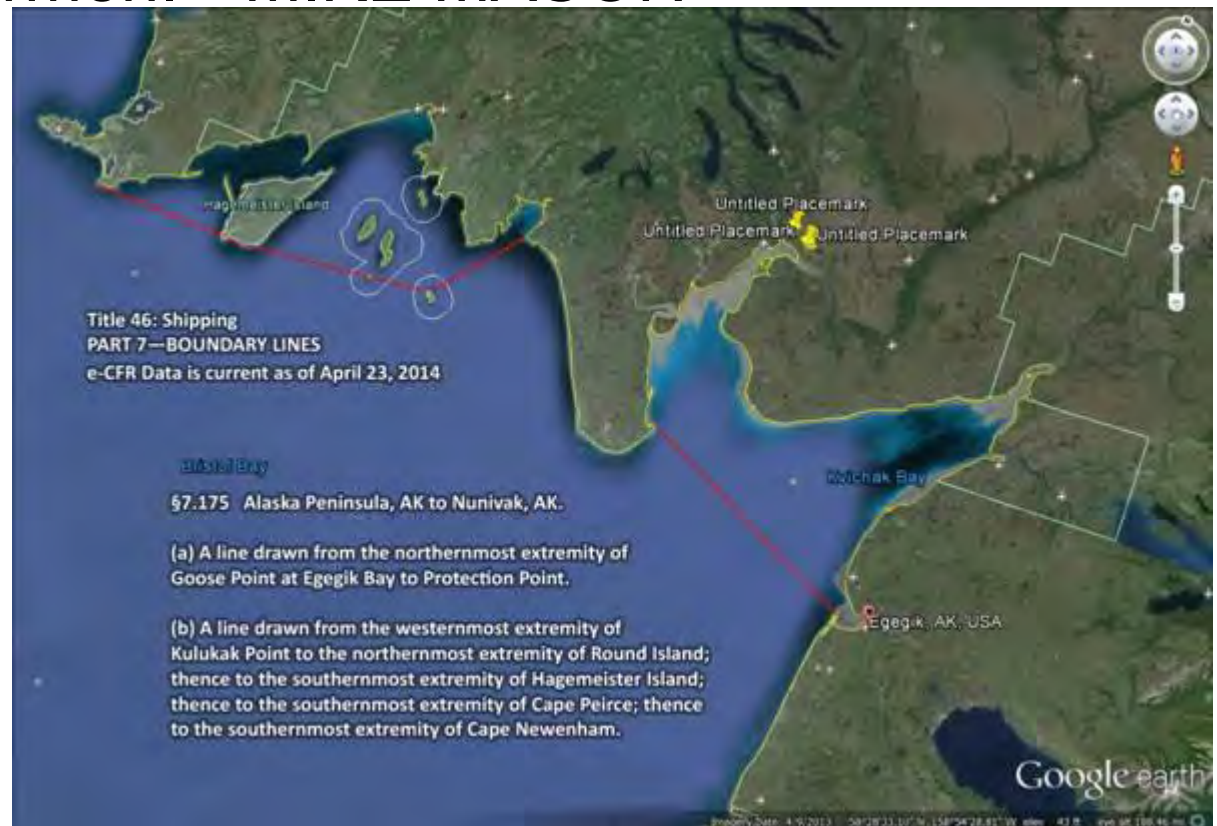


The entire Gulf of Mexico is exempt out to 12 miles from shore



Boundary Line Confusion in Bristol Bay

- “Commercial fishing vessels in Bristol Bay have different requirements to meet depending on whether or not they are used inside or outside of a particular line on the map. The so-called “Boundary Line” can be confusing to fishermen.” -MIKE MASON

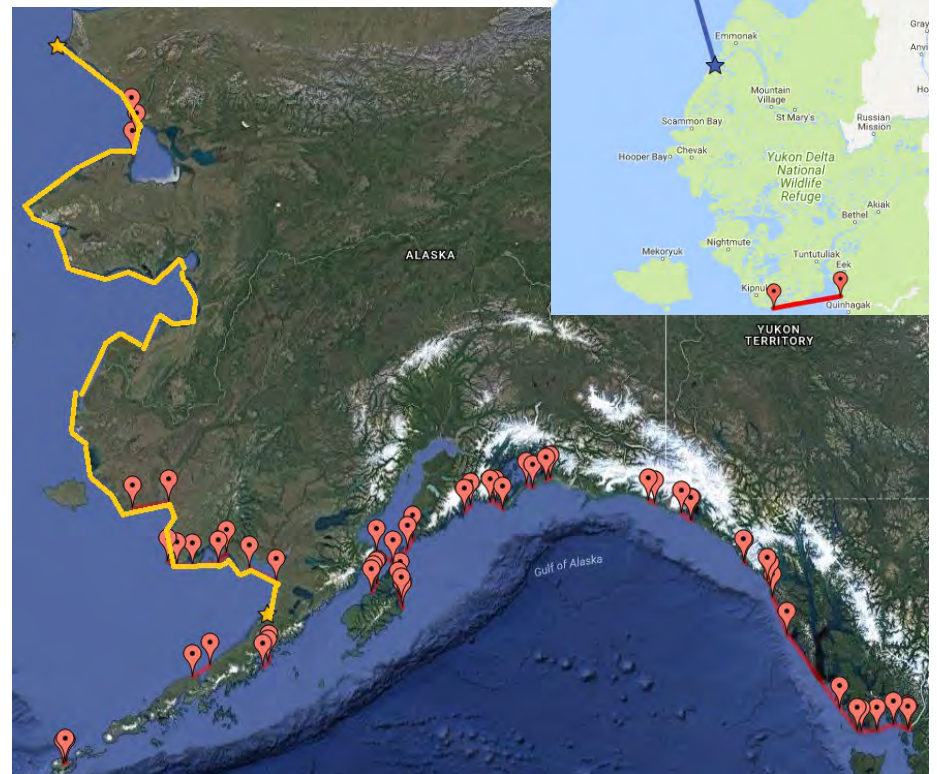


Possible Ways to Fix Regulation

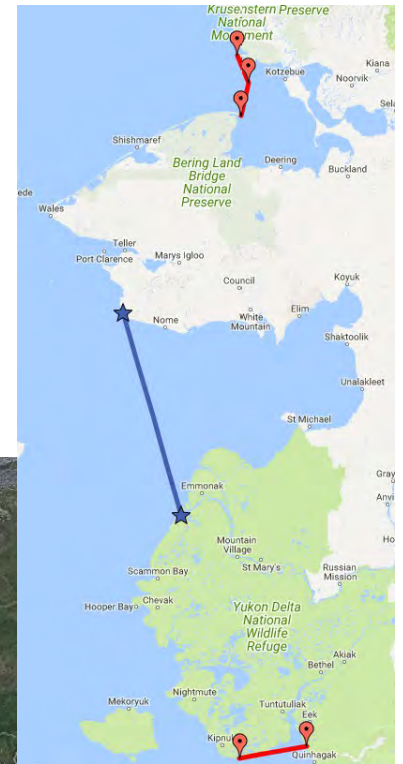
Exempt 12-mile box
around Port of Nome,
Rodney Creek to
Cape Nome



Exempt Norton Sound,
from Cape Rodney to
Sheldon Point



Exempt 12-miles out,
shallow waters of
Alaska's West Coast
from Cape Menshikof
to Point Hope



Exempt 12-mile radius from Port of Nome

- Benefits all offshore miners and creates new opportunities for local tugboat, lightering and other service providers.
- Very safe waters, in sight of Nome, shallower than 90 feet, mostly shallower than 45 feet.
- Similar to other small port exemptions, creates area outside of the harbor where commercial work can be done, like dredging and secondary tugboat assists, without excessively burdensome regulations

Exempt Norton Sound, from Cape Rodney to Sheldon Point

- Duplicates the existing Kotzebue Sound exemption benefits for Norton Sound.
- Boosts economic development opportunity in and between Nome, Golovin, Shaktoolik, Unalakeet, St Micheals
- Benefits all local fishermen, offshore miners, and creates new opportunities for local tugboat, cargo, and other service providers.
- Norton Sound is all shallower than 100 feet.

Exempt 12-miles out, shallow waters of Alaska's West Coast from Cape Menshikof to Point Hope

- Helps local fishermen all along the coast
- Water is shallower and safer than Gulf Coast exemption area; mostly less than 120 feet deep.
- Opens up an array of local regional service providers, boosts economic development for the entire region.

**MINUTES
NOME PORT COMMISSION
REGULAR MEETING
February 15th, 2018**

The Regular Meeting of the Nome Port Commission was called to order at 7:13 pm by Vice-Chairman Lean in Council Chambers at City Hall, located at 102 Division Street.

ROLL CALL

Members Present: C. Smithhisler, C. Lean, C. Henderson; C. Michels; C. McLarty;

Absent: C. West; C. Rowe

Also Present: Lucas Stotts, Harbormaster; Joy Baker, Port Director (telephonically);

In the audience: Zoe Grueskin, KNOM; Sandra Medearis, Arctic News; Howard Farley, Sr.; Seth Bremenschenkel

APPROVAL OF AGENDA

Vice-Chairman Lean asked for a motion to approve the agenda:

A motion was made by Henderson and seconded by McLarty.

At the Roll Call:

Ayes: Lean, Henderson, Michels, McLarty, Smithhisler

Nays:

Abstain:

The motion **CARRIED**.

APPROVAL OF MINUTES

January 18, 2018 Regular Meeting

Lean asked the minutes be amended under his Commissioner's comments regarding the Northern Bering Sea Fishing/Trawl Survey, in the fourth sentence to read, "....the same study shows a strong King Crab recruitment about 3 years out,....."

A motion was made by Smithhisler, seconded by Henderson to approve the minutes as amended.

At the Roll Call:

Ayes: Henderson, Michels, McLarty, Smithhisler, Lean

Nays:

Abstain:

The motion **CARRIED**.

CITIZENS' COMMENTS

Seth Bremenschenkel gave his input on increasing tariff rates. He has been a user of the harbor for the last 5 years, and worked a variety of engineering position south of Nome, and has fished around SE Alaska and used various port facilities along the West Coast. He recently heard of the desire to increase tariff revenues, and he and his many partners/business associates see an increase in the rates as detrimental to the Port. He

believes it's obvious that in the last 5 years usage of the port facilities has been on decline which has caused a decline in revenue. He hopes that when the Commission does not decide to make an increase to the tariff to make up for the dwindling amount of users.. For many users, an increase would mean the procurement of other storage facilities and other options for boat laydown and work yards. He further believes an increase in tariff rates would be a decrease in overall attractiveness to the port facilities. I wish others were heard today to weigh in, but unfortunately they will not have their opinions heard.

COMMUNICATIONS

- 17-12-17 USCG MSIB – 16711 Commercial Gold Dredge Safety Regs 2018
- 18-02-02 Corps Alaska District Press Release – New Nome Port Study
- 18-02-12 Letter to Commission from Mining Operators re: 2018 Regs
- ADAC Flyer re: Arctic Domain Awareness Workshop – 26/27 March 2018
- NSHC Flyer re: Free Hearth Health Screenings – 22 Feb 2018
- NSHC Flyer re: Emergency Responder Nigh of Honor – 23 Feb 2018
-

Discussion:

HM Stotts advised the group that he, PD Baker and Commissioner Lean had a teleconference with Sector Anchorage earlier in the day, to get a clear understanding on how the regulations impact users. The language affects primarily the large mining barges over 79 feet and over 300 gross tons (GT) that must meet compliance with existing USCG regulations in 2018 due to size. Several of the large operators filed an appeal, requesting a waiver, and were denied by the USCG. Vessels under 79 feet are not affected.

Henderson thinks the regulations may have a serious financial impact to the larger mining operations, and believes that makes it worth a separate meeting to discuss their request for the Port to support waiver requests. This could be a serious disincentive to larger operators to come to Nome.

Lean believes really large operators in the future would probably meet compliance based on size, but believes the issue here is the largest of the existing fleet are now caught up in the next classification size. There are costs associated with this compliance, such as certified welders to conduct repairs on the vessels, but it becomes a question of whose fault it is that they are now caught up in this? Another important factor is these regulations have been enforced elsewhere, and it's not an easy exemption to acquire.

Henderson understood that waivers may have been issued in the past, yet now the USCG is not issuing those any longer. Stotts/Baker provided clarity that the only known waiver is based on one vessel being recorded at less than 79 feet. Henderson believes the vessels being impacted in 2018 were previously operating under waivers – Stotts believes that to be false as Sector ANC is only now enforcing compliance. To date, operators have been given cursory inspections and advisory warnings of what was to come, with 2018 being identified as the compliance year.

The Commission agreed to hold a work session on this issue at the next meeting.

Brief discussion regarding upcoming dates for the Arctic Domain Awareness Workshop on 26-27 March, 2018 and the Port of Nome Modification Feasibility Study on 24-25 April 2018

CITY MANAGER'S REPORT (18-02-09 Report)

In the CM's absence, PD Baker noted the only items specifically pertaining to the Port & Harbor were the event dates already discussed.

HARBORMASTER'S REPORT (Verbal)

HM Stotts reported there have been several requests from users for snow removal to access equipment.

PORT DIRECTOR REPORT (Projects Update) (18-02-08 Report)

PD Baker mentioned the Tiger grant funding will hopefully be announced in March for the Snake River Moorage development. Also, the completion of the excavation in the river will begin after 1 March, when Q Trucking completes the Thornbush project by hauling spoils up to the laydown yard for dewatering. The Cape project will have a small construction window in 2018, followed by a new bathymetric survey showing all of the stone placed and we can finally close this project. We still have two security cameras that are not properly functioning – we are coordinating with the City and NJUS for a combined trip to Nome for AFS, who will replace both units and complete the grant funded project. (Potentially March)

Discussion: None

Alaska Senate Bill 92 – Update Abandoned and Derelict Vessel Laws

PD Baker gave a brief overview of SB 92, indicating the bill is evolving weekly based on committee hearings and other input. The latest version will be provided to the group at the next regular meeting.

Discussion: None

OLD BUSINESS There was none

NEW BUSINESS

Draft Port of Nome Tariff Rules & Regulations No. 14 - For Review and Consideration

Discussion:

Vice-chairman Lean asked if there were any additional thoughts or comments to follow up on the tariff discussion held during the earlier work session, before proceeding on the Tariff. Michels stated in the interest of following all City ordinances, wanted to ensure all members with a conflict of interest on the tariff adoption are in compliance. Lean agreed and asked the members to declare any conflicts:

McLarty stated that if this were a body that would actually vote on things and turn them into law, he could see the form being something appropriate, but considering this is not, he hasn't filled one out. He doesn't get any money from the Port, except the \$40/month for serving so don't believe I have anything to gain or not from my opinion on the tariff or how it goes up or down. I do work out of the Port in the summer time, as far as a dredge going into the water, but as far as my opinions and speaking points, I speak more on the fleet in general and not myself. I talk to lots of folks that work at the Port, both fishermen and miners alike, and when I'm in here speaking, the points I bring here to the table are from the users of the Port and not for my personal gain. Michels asked if increase/decrease fees would personally impact McLarty; who responded that most all at the table are affected by a change in rates, but he uses logic and not emotions.

Lean commented that he pays no fees to the Port, but does own property adjacent to the Port. He is a part-time employee for NSEDC, who utilizes the Port but he is not involved in the operations portion of it. He believes he does not have a conflict.

Henderson indicated that, as most know, he is the CEO of Bonanza Fuel, which is a shore-based operator at the Port, and do a substantial amount of business at the Port. My employer also pays wharfage fees in the course of business. Are their things in this tariff that would benefit my employer; we've had discussions about the over-side fueling issue, which would potentially benefit my employer. I do suppose in a tariff discussion my employer could benefit, so yes, there are potential conflicts present, and therefore based on Commissioner Michels concerns, I would ask the Chair to rule as to whether I have a conflict.

Lean stated his understanding is the Commission serves as an advisory body, and the simple act of declaring any conflict of interest at the Port, suffices the requirement. The final decision on whether a rate increase will occur resides with the Council, the Commission's input is advisory, and we are chosen based on our knowledge and interests. He does not believe the formal APOC form is required for that reason. Michels added that the group IS required to have ethics and disclosure, and just believes that the conflicts should be put on public record.

Henderson clarified that each time an issue is raised that may pose a conflict, he states that on the record.

Smithhisler said he works for a local contractor who does business with the Port, but does not believe he has a conflict on giving input on tariff and fee changes.

Michels stated she currently does no business with the Port, and therefore has no conflict.

Henderson asked if after making these statements are all present members able to vote on the Tariff. Lean indicated, yes.

Lean asked if PD Baker is clear on the language changes that were outlined during the work session. Baker agreed that yes, based on explicit notes on the few changes made tonight to the version in the packet. The revised draft can be brought back to the Commission at another meeting, which means 2nd reading of the Council would not occur until the 2nd Monday in April. An alternative path would be if there was support for a motion tonight to forward the revised version to the Council, putting 1st reading on 26 February and 2nd reading on 26 March. It is the Commission's call.

Motion:

The following motion was moved by Michels and seconded by Smithhisler:

Recommend the Nome Common Council adopt Port Tariff No. 14 Rules & Regulations to replace all previously existing tariffs with various regulation and housekeeping changes, and rounding of rates.

At the Roll Call:

Ayes: Henderson, Michels, McLarty, Smithhisler, Lean

Nays:

Abstain:

The motion **CARRIED**.

Further Discussion:

Michels then inquired if delaying the discussion on the tariff increase was going to be detrimental to the users receiving the updated tariff later than in previous years, as she feels it's important to have a full Commission. Baker replied that going that path is an option, but pushes final tariff approval to April.

Henderson asked if all the members were prepared to vote on the rate increase or no increase issue and if so, he doesn't understand why that would be delayed.

Smithhisler stated that his mind is made up, but he does see the value in having all of the members present.

Henderson asked if there was a quorum present today. Lean stated yes, there is a quorum, and he also has a statement from Commissioner Rowe supporting a 3% rate increase, but he was unable to attend and therefore can't vote. Michels agreed that we should just move forward.

McLarty believes there is a definite decrease in the amount of small dredges coming to Nome, and the regulation compliance is definitely affecting the larger miners. He stated Original Productions is not returning for the winter mining, and that's an option for summer which will also decrease the number of users coming up and reduced revenue. That's a slight basis for no rate increase – and sees the market trend going down and agrees with Scot that staff did a good job being fiscally conservative in managing operational costs. I believe that any movements to go up with activity going down is ramping the wrong direction and if anything, would be happy leaving the rates where they are and perhaps be reduced 3%. I think we should at least hold firm and watch the trends before making any increase, as we don't have anything in front of us that justifies an increase.

Henderson stated that the discussion about the tariff this year was very similar to the one last year. There was concern about potential deferred maintenance projects and deferred income and low and behold there's a \$600K +/- surplus. As Joy stated, this doesn't mean those funds are sitting in the bank, but does show the staff did well in managing the facility and watching costs. He did some polling with various port users; and found an interesting dynamic where the large users really didn't have any concerns about 3% but the small users said it made a large difference to them. His take is that the big users can pass it on to their customers and the small users cannot. Their 2nd largest complaint is paying the increased 7% sales tax put in place by the City – and for those reasons I am voting that we not increase the tariff this year.

Motion:

The following motion was moved by Michels and seconded by C Smithhisler:

Recommend a 3% rate increase be submitted to the Nome Common Council for inclusion in the adoption of Port Tariff No. 14 Rules & Regulations to replace all previously existing tariffs and reflecting various regulation changes and minimal rate adjustments.

Further Discussion:

Henderson inquired as to what the reason was for the recommended increase. Michels indicated both of the economic reports recommend increases to address deferred maintenance and funds for development, as well as the CPI increase on an ongoing basis. She supports an increase to at least cover the Consumer Price Index (CPI) as recommended by Cordova Consulting.

Henderson reiterated there are a variety of mechanisms in the report to make increases, but the underlying assumptions in the Cordova report was that business was going to continue to increase which would drive the need to make the regular increase. He looked at the cargo/gravel numbers that show only about 85% of the flat scenario that Cordova projected, meaning these volumes are down. Michels indicated there is also deferred maintenance that must be addressed.

Lean added that there are a number of maintenance things that need to be accomplished, as well as some development needs, but the issue is we are seeing a downturn with small miners, as the gold right on the beach is being mined out. Fishermen are not expecting a good crab season this year, but he believes it will pick up in the next two years. The salmon fishermen have a great outlook for this coming season. Things rise and fall and thankfully don't go in unison or we wouldn't have any security in our economy. Like Denise, I'm concerned about maintenance and would like to see us in the positive. I don't think we should alternate between a positive or negative year, and should always strive for a positive. I would vote in favor of a 3% increase.

Smithhisler called for the question:

At the Roll Call:

Ayes: Michels, Smithhisler, Lean

Nays: McLarty, Henderson
Abstain:

The motion **FAILED**.

CITIZENS' COMMENTS

Sandra Medearis asked where Commissioner Smithhisler worked (Q Trucking). Also, who submitted the written support to increase the tariff? (Commissioner Rowe)

COMMISSIONERS' COMMENTS

C. Michels – thank you to everyone for their passion and all the hard work in the effort to provide services to the fleet and in serving as the next Arctic Deep Draft Port.

C. Henderson – thought it was a good meeting, and though we all agree the Port is challenged, but he doesn't believe raising fees and taxes is the solution. It's a short term solution that doesn't solve long term needs. He is concerned about the users of the Port and what they face every day in earning a living, running a business and feeding their family.

C. Smithhisler – a good meeting and definitely a robust discussion.

C. McLarty – this is probably the most important thing on our docket every year. It was a great discussion and would've loved to be able to look everyone in the eye and have the discussion on the rates. I understand we all have our personal lives, but there are things we shouldn't miss and we should show up for to be part of the discussion.

C. Lean – thanks for putting up with me as Chair, and yes, this hasn't been an easy decision. I'm thinking ahead, and want to see our Port a productive place. We've seen other budgets within the City be chronically underfunded and watched the repercussions from that and do agree this is one of the most important discussions we do every year.

SCHEDULE OF NEXT MEETING

The next meeting is RESCHEDULED to March 8, 2018 due to Iditarod activity:

5:30 PM Work Session to discuss USCG Gold Dredge Regulations

6:30 PM Regular Meeting

ADJOURNMENT

Motion was made by C. Michels for adjournment – meeting adjourned at 8:17 PM.

APPROVED and **SIGNED** this 8th day of March 2018.

Charlie Lean, Vice-Chairman

ATTEST:

Joy Baker, Port Director

2018-2021 Draft STIP

Project							Original Draft						
Need ID: 26057 Name: Nome Port Road Improvements							Ph	Fund	FFY18	FFY19	FFY20	FFY21	After 2021
Program	Region	2013 Election District	Place Name	Highway	Primary Work	Bridge #s	2	3PF	9,030	0	0	0	
CTP	N	39	Nome		Reconstruction		2	SM	9,030	0	0	0	
Description: Widen and resurface the existing Port Road, including but not limited to: drainage improvements, safety improvements and pedestrian facilities.							2	STP	181,940	0	0	0	
							3	3PF	6,772	0	0	0	
							3	SM	6,773	0	0	0	
							3	STP	136,455	0	0	0	
							4	3PF	0	0	0	286,703	
							4	AC	0	0	0	5,776,595	
							4	SM	0	0	0	286,702	
							7	3PF	4,515	0	0	0	
							7	SM	4,515	0	0	0	
							7	STP	90,970	0	0	0	
							Totals:		450,000	0	0	6,350,000	5,776,595
Need ID: 26076 Name: Aurora Drive-Noyes Slough Bridge Replacement							Ph	Fund	FFY18	FFY19	FFY20	FFY21	After 2021
Program	Region	2013 Election District	Place Name	Highway	Primary Work	Bridge #s	2	SM	28,445	0	0	0	
CTP	N	1	Fairbanks	N/A	Bridge Rehabilitation	209	2	STP	286,556	0	0	0	
Description: Replace the Noyes Slough Bridge on Aurora Drive in Fairbanks.							3	SM	35,217	0	0	0	
							3	STP	354,782	0	0	0	
							7	SM	27,090	0	0	0	
							7	STP	272,910	0	0	0	
							Totals:		1,005,000	0	0	0	7,250,000
Need ID: 26080 Name: Gold Mine Trail Road Upgrade							Ph	Fund	FFY18	FFY19	FFY20	FFY21	After 2021
Program	Region	2013 Election District	Place Name	Highway	Primary Work	Bridge #s	4	3PF	270,900	0	0	0	
CTP	N	4	Fairbanks		Reconstruction		4	AC	2,729,100	0	0	0	
Description: Upgrade and pave approximately 4,750 feet of Gold Mine Trail and replace guardrail. Realign two 90 degree turns as it approaches the Steese Highway with possible realignment of the intersection with the Steese.							4	ACC	0	-2,729,100	0	0	
							4	STP	0	2,729,100	0	0	
							Totals:		3,000,000	0	0	0	0
Need ID: 26081 Name: Selawik Footbridge Rehabilitation							Ph	Fund	FFY18	FFY19	FFY20	FFY21	After 2021
Program	Region	2013 Election District	Place Name	Highway	Primary Work	Bridge #s	4	SM	99,330	0	0	0	
CTP	N	40	Selawik		Bridge Rehabilitation	1292	4	STP	1,000,670	0	0	0	
						1401	Totals:		1,100,000	0	0	0	0
Description: Rehabilitate East Fork Footbridge #1292 and West Fork Footbridge #1401. Work will include repair or replacement of surface boards, install a traction system, repair railing on the access ramps, repair steel cross bracing, and foundation repairs.													

2018-2021 Draft STIP

Project							Original Draft						
Need ID: 26085 Name: Nome Seppala Drive Rehabilitation							Ph	Fund	FFY18	FFY19	FFY20	FFY21	After 2021
Program	Region	2013 Election District	Place Name	Highway	Primary Work	Bridge #s	2	SM	18,060	0	0	0	
CTP	N	39	Nome		Reconstruction		2	STP	181,940	0	0	0	
Description: Realign and rehabilitate Seppala Drive in Nome from the intersection of Bering Street to the intersection of Airport Terminal Road.							3	SM	0	27,090	0	0	
							3	STP	0	272,910	0	0	
							4	AC	0	0	0	8,642,150	
							4	SM	0	0	0	857,850	
							7	AC	0	2,729,100	0	0	
							7	ACC	0	0	-2,729,100	0	
							7	SM	0	270,900	0	0	
							7	STP	0	0	2,729,100	0	
							Totals:		200,000	3,300,000	0	9,500,000	8,642,150
Need ID: 26155 Name: Nome Bering Street Rehabilitation							Ph	Fund	FFY18	FFY19	FFY20	FFY21	After 2021
Program	Region	2013 Election District	Place Name	Highway	Primary Work	Bridge #s	2	SM	40,635	0	0	0	
CTP	N	39	Nome		Reconstruction		2	STP	409,365	0	0	0	
Description: Repave Bering Street from Front Street to the intersection of Greg Kruschek Ave/Little Creek Road. Project will include minimal drainage improvements, asphalt repair, improve curb ramps to meet ADA standards as required according to the Alaska Highway Preconstruction Manual, and constructing a pedestrian facility path from the existing sidewalk to the end of the project.							3	SM	5,418	0	0	0	
							3	STP	54,582	0	0	0	
							4	AC	0	0	1,311,308	0	
							4	ACC	0	0	0	-1,311,308	
							4	SM	0	0	328,692	0	
							4	STP	0	0	2,000,000	1,311,308	
							7	SM	23,930	0	0	0	
							7	STP	241,070	0	0	0	
							Totals:		775,000	0	3,640,000	0	0
Need ID: 26156 Name: Nome Center Creek Road Rehabilitation							Ph	Fund	FFY18	FFY19	FFY20	FFY21	After 2021
Program	Region	2013 Election District	Place Name	Highway	Primary Work	Bridge #s	2	SM	67,725	0	22,575	0	
CTP	N	39	Nome		System Preservation		2	STP	682,275	0	227,425	0	
Description: Rehabilitate Center Creek Road in Nome from Seppala Drive to Nome-Teller Hwy, including realignment of Center Creek Road and FAA/Doyle Road intersections. Rehabilitation includes							Totals:		750,000	0	250,000	0	12,350,000
Need ID: 26157 Name: Parks Highway Mile Point 195-196 (Milepost 231) Enhancements							Ph	Fund	FFY18	FFY19	FFY20	FFY21	After 2021
Program	Region	2013 Election District	Place Name	Highway	Primary Work	Bridge #s	2	FLAP	2,000,000	0	0	0	
NHS	N	6	Northern Region	Parks Highway	Transportation Enhancements	694	2	SM	198,527	0	0	0	
Description: Construct dedicated pedestrian facilities at McKinley Village, including intersection improvements, a rest area, and trail and pedestrian facility connections and replacing the Nenana River Park Boundary Bridge #0694.							Totals:		2,198,527	0	0	0	28,000,000

Senator Peter A. Micciche

Alaska State Legislature

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Sponsor Statement

SB92 (ver. O): Derelict Vessels Act

Alaska has become home to an ever-aging fleet of vessels. These vessels have become uneconomical to operate and therefore remain moored in public harbors or grounded in State tidelands. We have an increasing number of derelict and abandoned vessels throughout Alaska's coast and rivers, with hundreds currently documented. There are over 40 large abandoned barges in Steamboat Slough (Bethel) alone. SB92 will provide a program with a clear, pro-active strategy for responding to derelict vessels in public waters. Without action the state of Alaska and its citizens will bear the brunt of not only our own aging fleet, but also of vessels coming north for unencumbered disposal.

A report titled *Trends and Opportunities in the Alaska Maritime Industrial Support Sector* (2014) noted "By 2025, the Alaska fleet will include roughly 3,100 vessels between 28' and 59' that are more than 45 years old...the Alaska fleet also includes 75 passenger vessels, tugs, and barges over 50 years old..." While this represents a field of opportunity for shipbuilders, it fails to recognize the absence of a cradle-to-grave plan for thousands of retired vessels. SB92 is a critical step towards preventing and managing derelict vessels throughout Alaska.

This bill balances the public's rights and freedoms of vessel ownership with the substantial financial, environmental and navigational burden when vessels are abandoned in state waters. SB92 raises the bar of vessel ownership, similar to the responsibility of owning and operating a motor vehicle, with more consistent registration requirements and a titling system for documenting transfer of ownership.

SB92 also updates and improves due process for vessel owners and clarifies the impoundment process for agencies and municipalities. It allows for actual enforcement of Chapter 30.30 through civil actions as well as increased penalties in criminal proceedings. SB92, takes a critically-important step forward to address the current and growing derelict vessel problem in Alaska.

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Sectional Analysis

SB92 (ver. O): Derelict Vessels Act

Section 1

Adds titling to the requirements for boats placed on the waters of the state.

Section 2

Requires all boats have a certificate of number if operated on the waters of the state for more than 90 consecutive days or 60 consecutive days for barges unless otherwise provided in the chapter.

Section 3

Provides exceptions from numbering and registration for boats and barges.

Section 4

Adds new section for establishing a system for certification of titles.

Section 5

Inserts cross-reference.

Section 6

Increases boat registrations for a three-year period from \$24 to \$30, adds barge registration fee at \$75 for a three-year period, adds boat title and duplicate boat title fee of \$20.

Section 7

Adds definition of "barge".

Section 8

Repeals and reenacts definitions from AS 05.25.100.

Sections 9 & 10

Clarifies existing language.

Section 11

Raises the fine for abandoning a vessel from not less than \$500 to not less than \$5,000 or more than \$10,000 and lowers the maximum term of imprisonment from six months to 90 days.

Section 12

Allows the department or a municipality to report violations to the Attorney General in order to enforce criminal penalties.

Section 13

Adds new section allowing an aggrieved person to file a civil injunction with a penalty of not more than \$1,000 per violation.

Section 14

Allows the department to provide written authorization for a vessel to be left within 14 days and clarifies language.

Section 15

Changes section to pre-impoundment notice and hearing. Requires 30 days' notice prior to impoundment, requires the impounding authority to post notice on vessel when possible and online.

Section 16

Adds new subsections establishing notice specification and defines the procedure for pre-impoundment hearings.

Section 17

Adds new section establishing requirements for the notice of disposition.

Section 18

New section providing clear guidelines of procedure for impoundment of a vessel by the state or a municipality.

Section 19

Removes requirement that an interested party taking possession of a derelict vessel post security.

Section 20

Establishes procedure for the immediate impoundment of derelict vessels that pose an imminent threat to safety.

Section 21

Adds new section stating that the individual owning an impounded vessel is liable for all costs incurred in the process.

Section 22

Provides situations that would make a vessel derelict.

Section 23

Gives the department the power to establish and administer the derelict vessel prevention program which includes education, outreach, an advisory council and creates a program fund which consists of money appropriated from donations, vessel sales under this chapter, federal funds, civil penalties and money collected from barge registration and titling of vessels.

Section 24

Adds "floating facility" to the definition of "vessel".

Section 25

Adds definitions.

Section 26

Names this chapter the Derelict Vessels Act.

Section 27

Adds titling to Title 37.

Section 28

Allows civil penalties collected under AS 30.30 to be deposited to the derelict vessel prevention program fund.

Section 29

Removes repealed sections allowing the fund to remain without federal funding.

Section 30

Repealing sections of AS 30.30.

Section 31

Transition language allowing DNR and DOA to adopt regulations.

Section 32

Revisor's instruction to change two headings.

Sections 33-36

Effective date sections.

Frequently Asked Questions on SB92

Can you clearly describe the changes in registration and titling? How does this affect Alaska's boaters?

First, let's clear up the difference between "registration" and "title". This is similar to your car or boat trailer. A title is a document that is used to clearly claim ownership to a boat. Registration is a means of a state to have a regular touch in on a boat to more easily trace ownership for law enforcement and fee collection. At least 26 other states require documented vessels to also be registered. Alaska is only one of a handful of states that still don't title undocumented boats.

Vessel Type	Registration		Title	
	Currently	Under SB92	Currently	Under SB92
Undocumented	Registered with the State of Alaska/has AK numbers. \$24 every three years. Penalty for no registration is \$50. Regulations exist under the Dept. of Administration as to how the registration/numbering of boats works and how it is enforced.	No change to the system of boat registration except a fee increase of \$6 every three years.	Alaska does not provide vessel titles	A title program is rolled out through regulations under DMV and titles are established and required. Penalties for not having a title are the same as not having registration
Documented	Alaska does not currently register documented vessels.	The State's current boat registration program is expanded to include documented vessels. All the existing components are unchanged as far as length of time in state waters, enforcement, etc. The registration fee is increased by \$6 and is no \$30 every three years for all boats. Documented vessels do not have to carry AK numbers as part of their registration requirement per federal law.	Federal Law prohibits state titling of documented vessels.	No change.

Definition of “federally documented”: A vessel or boat over 5 net tons that is engaged in commerce and is owned by a US citizen is required under federal law to be documented with the United States Coast Guard. Under federal law, a documented vessel is NOT ALLOWED to be state titled. It is entirely legal, and very common, for state registration to also be required for documented vessels. Recreational boats that meet the above guidelines may elect to be federally documented, however it is not a requirement.

More information on federal documentation:

USCG National Documentation Center FAQ: <http://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Inspections-Compliance-CG-5PC-/National-Vessel-Documentation-Center/National-Vessel-Documentation-Center-FAQ/>

Boat US Government FAQ: <http://www.boatus.com/gov/faq.asp>

Boat US 101 on registration: <https://www.boatus.org/study-guide/boat/registration/>

Why would we need documented vessels to also be registered? Isn't that redundant?

Through boat registrations, we know there are 68,000 recreational boats in Alaska's waters. We have no idea how many documented vessels are operating across our coast and rivers. Without state registration, there is no way to keep track of the scope of vessels operating in Alaska. Given the expense and liability of abandoned boats that we experience, it is only prudent that the State join the 26 other states around the country (including Washington) in requiring federally documented vessels to also register with the state. This will not only provide information on the sheer number of vessels that call Alaska home, but it will also provide another avenue for determining ownership in derelict vessel disputes.

Okay, aside from registration and title how does this bill impact Alaska's boaters?

It doesn't. If you are a responsible boat owner and don't walk away from a mess, nothing else in the bill will impact you.

Why does the bill talk about 'boats' and 'vessels'? Shouldn't the language be consistent?

This bill amends two different chapters under two different titles of statute. The first eight sections address title and registration, and are under AS 05.25. Our intention is to change as little of this chapter as possible to meet the needs brought forth by the Task Force. AS 05.25 (Watercraft) generally uses the term 'boat', and the chapter covers a full suite of boating laws for the state's boating safety program in addition to registration requirements. This is good law, and we do not wish to change any more of it than is outlined in the bill. The remaining sections of the bill address AS 30.30 where the term 'vessel' is defined and utilized throughout.

This legislation won't change anything – the irresponsible people will still walk away from their boats, so why bother?

First, this is an argument against nearly any law. We know there are major holes in our current derelict vessel statutes, and this bill will create better law that is more understandable, enforceable, and fair. Second, the current law does not provide sufficient due process to boat owners in the event that a public entity seeks to impound their vessel. This bill addresses that and provides a major improvement in the rights afforded to boat owners under federal law. Third, we have seen across the country that states that are doing *something* – even

with limited funds and resources, are seeing improvements in their response to the growing problem of derelict vessels. We cannot afford to keep our heads in the sand with outdated, unenforceable, and unclear laws.

Does this require DNR to impound boats? Where's the funding? Do they have the resources to do that?

No – nothing in this bill requires action from any party, except for clearly spelling out the process for when a vessel is being impounded. The state has only ever impounded three vessels – two in 2013 and one in 2017. We don't anticipate this changing dramatically any time soon. However, the bill does permissively allow for the creation of a derelict vessel prevention program under ADNR. Right now, ADNR is spending ample staff time dealing with derelict vessel cases around the state in a bad game of 'whack-a-mole'. To name just a few on state waters: F/V Akutan, the Adak tugs, M/V Challenger, F/V Pacific Producer, 30+ derelict barges in Steamboat Slough (including the first ever case being brought against an owner under our current derelict vessel laws), illegal floating facilities outside of Kake, Port Protection, and Thorne Bay, and the F/V Kupreanof and F/V Leading Lady. Under this bill, DNR would at least have the statutory authority to begin streamlining their efforts to be more effective in dealing with this statewide chronic problem.

Through the development of the derelict vessel prevention fund, there is an opportunity to begin creating a funding source for this effort. There is revenue generated by the user groups through the registration and titling sections, some of which may be directed by the legislature to help address derelict vessels.

Nothing in the bill ties the hands of DNR; everything in it is work they are already tasked with doing to some degree or another as the manager of our public land and waters.

What about private businesses?

Private individuals and entities are not necessarily required to follow the same rules as state agencies or municipalities when it comes to trespass issues. Derelict vessels left illegally on private property are included in the bill as a violation of state law; however, the requirements for notice, impoundment, disposal, and hearings are specifically written to cover public entities.

Why don't the harbors keep these old boats instead of turning them out onto state waters?

Alaska's harbors are critical infrastructure needed for our fisheries, our subsistence communities, transportation, and our quality of life in coastal and riverine communities. Municipalities are rightfully protective of this infrastructure and their paying customers. Most harbors are operated as enterprise funds, and as such asking the harbor to subsidize derelict boats alone is akin to asking the slip holders and harbor users to pay for this statewide problem. A number of our harbors have dramatically improved their local ordinances to protect against derelict vessels (including Juneau, Kodiak, Cordova, Homer, Seward, and others). If we don't improve our state laws and work together, the burden of liability will rest on the State and on the smaller communities lacking the legal and financial resources to better protect themselves. This is irresponsible at best; this bill provides a more level playing field for all parties to work together to hold vessel owners responsible and better manage derelict vessels statewide.

For questions and more information, please contact Rachel Lord with the Alaska Association of Harbormasters and Port Administrators: info@alaskaharbors.org / (cell) 907-435-7209 / (office) 907-299-9000



ALASKA MUNICIPAL LEAGUE

RESOLUTION #2018-08

A RESOLUTION OF THE ALASKA MUNICIPAL LEAGUE IN SUPPORT OF SB 92; AN ACT RELATING TO ABANDONED AND DERELICT VESSELS

WHEREAS, hundreds of derelict vessels currently litter Alaska's coastline and harbors and these numbers will increase every year unless action is taken to address aging fleets and changing commercial fisheries; and

WHEREAS, in the past two years alone, there have been numerous derelict vessel situations that have cost the state, municipalities, and the federal government, considerable expense, including two ex-Navy tugs in Adak, abandoned barges in Steamboat Slough near Bethel, and the tug Challenger that sunk off Juneau; and

WHEREAS, the Alaska Municipal League recognizes the widespread costs and then environmental and navigational risks for both municipalities and the state, associated with derelict vessels; and

WHEREAS, neighboring states have dramatically strengthened their derelict vessel prevention laws in the past five years to better prevent, track and manage derelict vessels, including raising fees to support state management of derelict vessels and requiring vessel insurance; and

WHEREAS, in 1990, the Alaska Legislature passed a resolution acknowledging the need to better understand and address the existing and growing problem of derelict vessels around the state; and

WHEREAS, the State of Alaska has outdated statutes regarding derelict vessels, which lack the ability to track vessel owners, agency enforcement authority, statewide coordination of response, funding and vessel insurance requirements; and

WHEREAS, in 2013, an ad-hoc Derelict Vessel Task Force was put into place and included representatives from state and federal agencies, municipal representatives, regional tribal representatives, federal and state legislative offices and private industry; and


WHEREAS, over nine full-day meetings, the task force developed thoughtful, robust and meaningful proposed changes that will help all stakeholders around the state, including harbor facilities, better address and prevent derelict vessels; and

WHEREAS, this will help our members protect harbor infrastructure, keep valuable moorage space available in our harbors and prevent unsustainable, economic, environmental and navigational hazards; and

WHEREAS, the proposed changes will improve communication and coordination between Alaska's harbors and state and federal agencies, directly leading to decreased cost associated with managing derelict vessels.

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League fully supports the passage of SB 92 by the State Legislature.

PASSED AND APPROVED by the Alaska Municipal League on this 17th day of November, 2017.

Signed: 
Pat Branson, President, Alaska Municipal League

Attest: 
Kathie Wasserman, Executive Director, Alaska Municipal League

Dear Senate Resources Committee,

I am the Juneau Port Director (www.juneau.org/harbors) and the President of the Alaska Association of Harbormasters & Port Administrators (www.alaskaharbors.org). I respectfully ask your support of SB-92 and welcome any opportunity to discuss the Abandoned & Derelict Vessel (ADV) challenges with you or your staff. I would be pleased to provide a brief Juneau harbor tour to you (or your staff) demonstrating the condition of a “typical derelict vessel”. Additionally, on Thursday, February 15th, the AAHPA Executive Secretary (Rachel Lord) will be presenting on SB92 at the Juneau Yacht Club dinner. If you or your staff would like to attend the dinner, please let me know and will coordinate with the organizers.

One recent example of the need to address ADV comes in the form of a social media post which criticized my (and Coast Guard) handling of pleasure crafts which sank at anchor in Auke Bay (Juneau):

Coast Guard was called several times by at least three residents on Fritz. Cove providing the name, numbers, and place where it was registered. Sadly we watched (after reporting it) for over a week as it lowered in the water. It sank last evening. This is the second boat of this size that has gone down here in Auke Bay. Another is anchored next to our expensive “no wake zone” buoy, and often bounces on and off the buoy. Neither the CBJ Docks and HARBORS or the Coast Guard are acting on removing the unkept vessels before our tax dollars are then spent to raise, haul and remove the vessels and their fuel issues. Is Auke Bay going to become a graveyard for derelict vessels? Does this concern anyone else?

I responded to the above by posting:

1. Docks & Harbors wholly and categorically rejects the assertion “Neither the CBJ Docks and HARBORS ... are acting on removing the unkept [sic] vessels before our tax dollars are then spent to raise, haul and remove the vessels and their fuel issues.”
2. I have informed Auke Bay residents, including the author of the post, that there is not a single entity (i.e. a Water Czar) responsible for all activities in Auke Bay – nor should there be. There are regulatory authorities granted to each level of government – federal, state and local which complement these authorities. The unchecked concentration of a centralized authority to administer the will of certain citizens would not be in the best interest of individual rights or liberty. Generally speaking: Docks & Harbors is responsible for vessels moored in the harbors and anchored on the limited CBJ submerged lands; DNR is responsible for vessels anchored on state submerged/tidal lands (which is the vast majority of the State); the Coast Guard is responsible for safety and prevention of pollution for vessels (typically underway).
3. That said, Docks & Harbors has been extremely proactive (to a fault by some members in the community) in enforcing rules governing derelict and potentially derelict vessels in our CBJ harbors. In the past 3 years, we have impounded in excess of 50 vessels and demolished in excess of 30 vessels, the majority at considerable expense. Docks & Harbors has also drafted regulations to address anchoring on CBJ submerged lands.

4. An unintended consequence of policing our harbors is that some irresponsible owners will seek to scuttle vessels in lieu of doing the right thing. When vessels leave the CBJ harbors, as the author alludes to, some ends up on DNR submerged properties. There are no financial resources or laws available in Alaska to DNR (or the CG) to prevent derelict or potentially derelicts vessels from relocating to other jurisdictions.

5. There is State Legislation to address Derelict & Abandoned Vessels (SB92) , which Docks & Harbors, the Assembly and the Alaska Association of Harbormasters has urged support for. I hope the Auke Bay coastal community will support and back this legislation:

<http://www.alaskaharbors.org/resources/Documents/SB92%20Briefing.pdf>

<http://www.alaskaharbors.org/Derelict-Vessels>

<http://alaskacleanharbors.squarespace.com/derelict-vessels/>

http://www.adfg.alaska.gov/index.cfm?adfg=wildlifeneews.view_article&articles_id=846

As you can see, this is a complicated issue to address. However, it is indisputable that Alaska's derelict vessel laws are outdated and ineffective. I urge you to support SB92 to improve accountability and enforcement to help stop the dumping of old boats on public waters across Alaska.

Sincerely,

Carl Uchtyl, P.E.

Port Director

155 S. Seward Street

Juneau, Alaska 99801

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION 2018-19

A RESOLUTION OF THE UNALASKA CITY COUNCIL SUPPORTING THE PASSAGE
OF SENATE BILL 92

WHEREAS, hundreds of derelict vessels currently litter Alaska's coastline and harbors and these numbers will increase every year unless action is taken to address aging fleets and changing commercial fisheries; and

WHEREAS, in the past two years alone there have been numerous derelict vessel situations that have cost the state, municipalities, and the federal government considerable expense, including two ex-Navy tugs in Adak, abandoned barges in Steamboat Slough near Bethel, the tug Challenger that sunk off Juneau, and the Fishing Vessel Akutan in Captain's Bay in Unalaska; and

WHEREAS, the Alaska Association of Harbormasters and Port Administrators recognizes the widespread costs and the environmental and navigational risks for both municipalities and the state associated with derelict vessels; and

WHEREAS, neighboring states have dramatically strengthened their derelict vessel prevention laws in the past five years to better track, manage, and ultimately prevent derelict vessels, including raising fees to support state management of derelict vessels and requiring vessel insurance; and

WHEREAS, in 1990, the Alaska Legislature passed a resolution acknowledging the need to better understand and address the existing and growing problem of derelict vessels around the state; and

WHEREAS, the State of Alaska's statutes regarding derelict vessels are outdated, which hampers agency enforcement authority, statewide coordination of response, funding or vessel insurance requirements; and the ability to track vessel owners; and

WHEREAS, in 2013 the AAHPA supported the creation of the ad-hoc Derelict Vessel Task Force which includes representatives from state and federal agencies as well as the AAHPA, regional tribal representatives, federal and state legislative offices, and private industry; and

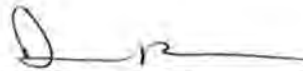
WHEREAS, over nine full-day meetings, the task force developed thoughtful, robust and meaningful proposed changes that will help all stakeholders around the state, including harbor facilities, better address and prevent derelict vessels; and

WHEREAS, this will help our members protect harbor infrastructure, keep valuable moorage space in our harbors available, and prevent environmental and navigational hazards; and

WHEREAS, the proposed changes will improve communication and coordination between Alaska's harbors and state and federal agencies, leading directly to decreased costs associated with managing derelict vessels.

NOW THEREFORE BE IT RESOLVED that the City of Unalaska City Council fully supports the passage by the state legislature of Senate Bill 92.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on February 13, 2018.



Dennis Robinson
Vice Mayor

ATTEST:


Acting City Clerk

Alaska State Legislature

State Capitol Room 505
Juneau, Alaska 99801-1182
(907) 465-2689
1-800-665-2689



270 W. Pioneer Ave. Suite B
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Fax: (907) 235-4008
Kenai: (907) 283-9170

REPRESENTATIVE PAUL SEATON Rep.Paul.Seaton@akleg.gov

Sponsor Statement

House Bill 386: Vessels: Registration/Titles; Derelicts

The state of Alaska is home to aging vessels that are moored or deposited in Alaska harbors, shorelines and in State tidelands. Many of these vessels have fallen into ill repair, leading to their abandonment in the area waters of Alaska. HB 386 will provide through the Department of Administration and Department of Natural Resources a clear management method to stop the accumulation of more derelict and abandoned vessels. The state of Alaska, its municipalities and ultimately Alaska citizens will be accountable for these derelict and abandoned vessels, without legislative action.

A report titled *Trends and Opportunities in the Alaska Maritime Industrial Support Sector* by McDowell Group, Inc. (2014) indicates that Alaska waters are home to over 9,400 vessels with approximately 6% of these vessels being 50 years or older. This report states, “Many vessels in the fleet are nearing the end of their useful life. By 2025, the Alaska fleet will include roughly 3,100 vessels ... that are more than 45 years old.” Current State regulations for disposal and cleanup of these aging vessels contain “no teeth”. There is no State change of ownership tracking system for vessels. Derelict vessels present navigation and environmental hazards; disposal falls to the State or local municipalities without financial means to recover costs.

HB 386 outlines a process for abatement of these derelict vessels, while balancing the public's rights with that of vessel ownership.

- It brings in line the ownership of a vessel to that of other motor vehicles through the Department of Administration; requiring a title, registration and vehicle number.
- Department of Natural Resources, subject to appropriation, shall establish and administer a derelict vessel prevention program.
- It will update and increase fines upon conviction of unlawful abandonment of a vessel.
- It provides due process to a vessel owner with notices and hearings prior to impoundment and prior to disposal.
- It provides a nominal increase in State registration fees and enacts a requirement and fee for State vessel titles.

In summary, HB 386 takes an important step toward responsible vessel ownership to address the current and future derelict vessel issue in Alaska.

Staff Contact: Patricia Nickell-Zimmerman
patricia.nickell-zimmerman@akleg.gov
(907) 465-2028

Rep.Paul.Seaton@akleg.gov

Alaska State Legislature

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REPRESENTATIVE PAUL SEATON Rep.Paul.Seaton@akleg.gov

HB 386: Vessels: Registration/Titles; Derelicts
30 LS1475\A
30th Legislature

Sectional Analysis

Please note that a sectional analysis of a bill or resolution should not be considered an authoritative interpretation of the measure itself. The legislation is the best statement of its content.

Section 1 (page 1, line 9) Requires that a boat placed on the waters of the state is to be “titled”.

Section 2 (page 2, lines 1-8) Current statute requires that all boats have a certificate of number from the Department of Administration if operated on the waters of the state for more than 90. This bill adds consecutive days or 60 consecutive days for barges, unless otherwise provided in the chapter.

Section 3 (page 2, line 16-17, 31- page 3, line 5) This section adds certain barges to the list of certain boats/vessels that are exempt from numbering and registration.

Section 4 (page 3, lines 6-14) Adds new section for adopting regulations and establishing a system for certification of titles. Requires application for title within 30 days after purchase.

Section 5 (page 3, line 17) Inserts cross-reference.

Note: Clarifies that if someone violates 05.25.055 (boats/barges exemption) may be fined up to \$50 (there is no change to this fine).

Section 6 (page 3, lines 23, 28-30) Increases boat registrations from \$24 to \$30 for a three-year period; adds barge registration fee of \$75 for a three-year period, adds boat title and duplicate boat title fee of \$20.

Note: Page 4, line 3 references “the department” meaning the Department of Natural Resources.

Section 7 (page 4, line 6-7) Adds definition of “barge”.

Section 8 (page 4, lines 10-31) Repeals current 05.25.100 definitions and reenacts definitions from section.23, ch. 28, SLA 2000.

Note: Definitions 1-4 are: 1) department; 2) operate; 3) watercraft; 4) water of the state.

Section 9 (page 5, lines 3-11) add “derelict” (defined in 30.30.90) to clarify existing language; amend and add specificity “on state or municipal property”.

Note: Addition of “state... property” rather than just a port or harbor. This would extend to tidelines and state waters outside of the harbor.

Section 10 (page 5, lines 13-18) Clarifies existing language.

Note: Inserts “impound” in place of “remove”.

Section 11 (page 5, lines 20-25) This section makes the violation of 30.30.010 a class A misdemeanor and it raises the fine for abandoning a vessel from not less than \$500 to not less than \$5,000 or more than \$10,000; lowers the maximum term of imprisonment from six months to 90 days; adds forfeiture of the person’s vessel.

Section 12 (page 5, lines 27-29) Allows the department or a municipality to report violations to the Attorney General in order to enforce criminal penalties.

Section 13 (page 5, line 31- page 6, line 9) Adds new section allowing DNR, municipality or an aggrieved person to file a civil injunction with a penalty of not more than \$1,000 per violation.

Section 14 (page 6, lines 11-31) This section clarifies how you can leave a boat without it being considered derelict. It allows the department to provide written authorization for a vessel left in a location for more than 14 days.

Section 15 (page 7, lines 3-19) Clarifies language on taking custody of a vessel. Adds language stating state agency or municipality must provide 30-day notice prior to impoundment, requires the impounding authority to post notice on vessel when possible and online.

Section 16 (page 7, line 20 - page 8, line 18) Adds new subsections establishing pre-impoundment notice requirements; defines the hearing procedure.

Section 17 (page 8, line 20 - page 9, line 7) Adds new section establishing requirements and procedure for the notice of disposition after a derelict vessel has been impounded. The notice must be published on state or municipality website and on vessel if possible, at least 30 days before disposing of the vessel.

Section 18 (page 9, line 9 - page 10, line 3) Adds a new section providing procedures for impoundment, sale, and transfer of title of a vessel by the state or a municipality. Section also outlines how the state or municipality may apply the proceeds from the sale of a vessel.

Section 19 (page 10, lines 5-16) Clarification language on process of taking possession of a derelict vessel before the vessel is disposed of; removes requirement that an interested party taking possession of a derelict vessel post security.

Section 20 (page 10, line 18 - page 11, line 20) Adds new section establishing procedure for the immediate impoundment of derelict vessels that pose an imminent threat to public health, safety or general welfare; provides for hearing process.

Section 21 (page 11, lines 21-25) Adds new section stating that the individual owning an impounded vessel is liable for all costs incurred in the process.

Section 22 (page 11, line 27 - page 12, line 24) Clarifies the definition of a derelict vessel; adds public health, safety and environment and provides situations that would make a vessel derelict.

Section 23 (page 12, line 26 - page 13, line 30) Adds a new section giving the department the power to establish and administer the derelict vessel prevention program which includes education, outreach, an advisory council. It creates a prevention program in the general fund. The purpose is to reimburse the state and municipality for expenses, associated program/project expenses. This section outlines how money is appropriated to the fund; clarifies the department may use the funds without further appropriation and appropriations do not lapse.

Section 24 (page 14, line 1) Adds “floating facility” to the definition of “vessel”.

Section 25 (page 14, lines 5-18) Adds definitions for: 1) abandoned, 2) department, 3) owner, 4) state agency.

Section 26 (page 14, lines 20-21) Names this chapter the Derelict Vessels Act.

Section 27 (page 14, line 22-24) Adds to section 37.05.146. **Definition of program receipts and non-general fund program receipts.** Adds “titling” in 37.05.146 (45) boat registration and titling program

Section 28 (page 14, lines 25-28) Adds to program receipts in section 37.05.146 **Definition of program receipts and non-general fund program receipts** civil penalties collected under AS 30.30 (Sec. 13 of this bill) to be deposited to the derelict vessel prevention program fund.

Section 29 (page 14, lines 29-31) Removes 05.25.055 **Registration and numbering of boats.**, and 05.25.096. **Fees.** from list of repealed statutes in sec. 27 ch. 28, SLA 2000; allows the fund to remain without federal funding.

Section 30 (page 15, lines 1-2) Repeals some sections of AS 30.30, which have been replaced with new language, see the section reference.

30.30.010.(d) **Abandonment of vessel unlawful.** (See Section 14)

30.30.020 **Disposition of certain abandoned vessels.** (See Sections 14 & 16)

30.30.050 **Public auction.** (See Section 18)

30.30.070 **When public auction not required.** (See Section 19)

30.30.080 **Effect of Sale.** (See Section 1)

30.30.100 **Disposition of derelict vessel.** (See section 18)

30.30.110 **Disposition of vessels by persons in vessel repair bus.** (See section 18)

30.30.120 **When vessel abandoned.** (See sections 15-18)
30.30.130 **Sale or disposition of vessel.** (See sections 15-18)
30.30.140 **Disposition of proceeds.** (See section 18)
30.30.150 **Effect of transfer of title.** (See section 18)

Section 31 (page 15, lines 3-8) Transition language allowing DNR and DOA to adopt regulations.

Section 32 (page 15, lines 9-16) Revisor's instruction to change two headings.

Section 33 (page 15, line 17) Section 31 takes effect immediately.

Section 34 (page 15, line 18-20) Technical; Provides effective date (as amended see, SLA 2012) carried forward from 2000 legislation regarding federal funding of statewide boating and safety program.

Section 35 (page 15, line 21-23) Technical; Provides effective date (as amended see, SLA 2012) carried forward from 2000 legislation regarding federal funding of statewide boating and safety program.

Section 36 (page 15, lines 24-25) Effective date of January 1, 2019 except as noted in sections 32-35 above.

CITY OF SEWARD

P. O. Box 167
410 Adams Street
Seward, Alaska 99664



Harbor Department

907.224.3138 907.224.7187 fax
harbormaster@cityofseward.net

February 23, 2018

Rep. Paul Seaton
State Capitol Room 505
Juneau AK, 99801

Representative Seaton:

On behalf of the City of Seward, and the Harbormaster's office, I would like to stress our support of HB386. In November of 2017, Seward City Council unanimously passed a resolution in support of an act relating to abandoned and derelict vessels.

Abandoned and derelict vessels are a problem for many Alaska harbors and water ways. Derelict or abandoned vessels are not only an eyesore, but can be a hazard to navigation.

These vessels can pose a significant threat to natural resources destroying sensitive marine and coastal habitats and leaking fuel and other toxic chemicals further endangering our harbors. Seward Boat harbor worked very hard to become a Certified Alaska Clean Harbor in 2012 and we support HB386 increasing our ability to deal with abandoned and derelict vessels that threaten our waterways.

Regards,



Melody Moline
Seward Harbormaster, Acting

From: Dillingham City Harbor [<mailto:harbor@dillinghamak.us>]
Sent: Friday, February 23, 2018 3:28 PM
To: Rep. Paul Seaton <Rep.Paul.Seaton@akleg.gov>; Patricia Nickell-Zimmerman <Patricia.Nickell-Zimmerman@akleg.gov>
Cc: AAHPA Board <board@alaskaharbors.org>
Subject: House bill 386

Representative Seaton –

I am the Port Director for the City of Dillingham and a Director on the board of the Alaska Association of Harbormasters & Port Administrators (AAHPA) (www.alaskaharbors.org).

I respectfully ask for your support of **HB386** in replacement of SB92.

Fortunately for Dillingham and the waterways that surround us which include the Nushagak and Wood river drainages we are not as affected by derelict and abandoned vessels as other areas of our great state, this being said I am still in full support this bill that will help the Ports and Harbors from around Alaska with the very real problem of derelict vessels.

I understand that this issue has been heavily discussed and is a very delicate and complicated topic but to ALL of the members of the AAHPA so is abandoning vessels on State of Alaska waterways and in the harbors that are owned by the municipalities and then expecting the vessels to just go away, someone will be held accountable for these vessels and unfortunately it seems to fall on the shoulders of the various ports and harbors.

I strongly urge you to support **HB386** to improve accountability and enforcement to help stop the dumping of old boats on public waters across Alaska.

Respectfully

Jean Barrett
Port Director
Public Works Director
City of Dillingham
907-842-1069 office
907-843-1379 cell
harbor@dillinghamak.us

Representative Seaton –

I am the Harbormaster for the City of Cordova and on the board of directors for the Alaska Association of Harbormasters & Port Administrators (AAHPA) (www.alaskaharbors.org).

In Jan 2018 the Cordova City Council unanimously approved resolution 1-18-04 in support of SB92. I respectfully request your support of HB386 in replacement of SB92 which virtually contains the same content.

As you may recall Cordova has dealt with the issue of a derelict vessel (The Sound Developer) sinking within the Cordova Harbor and this vessel sinking ended up being very expensive to clean up. As you know many other locations throughout our beautiful state have felt a much larger impact from derelict and abandoned vessels. That being said I am in full support of HB386 bill that will help the Ports and Harbors from around Alaska with the very real problem of derelict vessels.

I realize this issue has been discussed at lengths and can be a sensitive subject but to ALL of the members of the AAHPA so is abandoning vessels on State of Alaska waterways and in the harbors that are owned by the municipalities.

I would strongly urge you to support HB386 to improve accountability and enforcement to help stop the dumping of old boats on public waters across Alaska.

Respectfully

Tony Schinella
Harbormaster
City of Cordova
PO Box 1210
Cordova, Alaska 99574
Phone: 907-424-6400
Direct: 907-424-6279
Fax: 907-424-6446
Email: harbor@cityofcordova.net

RE. HB386

My name is Bryan Hawkins and I am the Port Director and Harbormaster for the City of Homer Alaska. I have been in management of the City's port and harbor for the past 14 years and prior to that I worked as a commercial Fisherman and Captain for hire in Alaska for 22 years. I am Vice President for the Alaska Association of Harbormasters and Port Administrators and I'm writing in support of HB386 on behalf of the City of Homer's Port and Harbor and for AAHPA. I remember Homer Harbor just a few years ago when we had 16 large (80' up to 167') derelict vessels in our harbor and a 450' by 50' derelict barge dumped on our beach. Many of our customers complained because they had to work around and over these vessels that never moved, which further increased our congestion issues causing our customers risk and inconvenience. Derelict vessels are a burden wherever they end up, but in a busy harbor the truth is they cause viable operations to seek moorings elsewhere.

I remind folks all the time that harbors are for working vessels, that's how and why we justified the expense of building them in the first place. Every active vessel contributes to the economy no matter what their occupation, the key word being active. In my opinion harbors are not museums or warehouses for "get to it someday" projects. Harbors are for working vessels that are actively engaged in their occupations whether that be a commercial vessel creating commerce up and down the coast, or as a recreational boats giving residents and visitors access to our amazing waterways.

Boats can last for generations if they're maintained but the truth is that most aren't and so they don't. The question then, is what do we do when we have a vessel that no longer has any commercial value left in it? I can tell you that currently in Homer the plan is don't get stuck with it. I call that the hot potato management plan for derelict vessels and that is one of the main issues. These vessels get pushed around from facility to facility, State to State, and more and more end up dumped on public lands causing a huge civic burden. We are vulnerable; we have seen repeatedly with current State Law, the burden for disposal and cleanup of a derelict vessel fall on the public.

Does HB386 solve all these issues?

No, but HB386 does set us on a good course by:

- Comprehensively addressing the statewide and increasing problem of derelict and abandoned boats along our coast and rivers.
- Uses common sense and protects our state waters, our harbors, and responsible boat owners, and holds people accountable who try to walk away from old, risky boats.
- Streamlines derelict vessel response and prevention, increasing efficiency and improving communication between local, state and federal partners.
- Sets the stage for pro-active work to encourage hauling, scrap and salvage opportunities to address the real need to dispose of old boats when they are no longer economical to operate and before they are abandoned or sunk.

- Protects Alaska. It provides greater security to boat owners, protects local communities and the state, and holds those who abandon their boats accountable.

Thank you for taking the time to learn about the issues surrounding the derelict vessel problem in Alaska. Status quo management will no longer work; I am convinced that change to our laws must happen. The responsibility of ownership of any vessel should always fall to the owner not the public, and that in my opinion is the main goal of this legislation.

If you have any questions please do not hesitate to call on me.

Thank you for your service to our great state,

Bryan Hawkins
Port Director/Harbormaster



Homer Port & Harbor
4311 Freight Dock Road
Homer, AK 99603
(907)-235-3160 ext. 6203
bhawkins@ci.homer.ak.us



Representative Chris Tuck

Alaska House Majority Coalition Leader

Serving House District 23 • Dimond Estates, Foxridge, Taku, Campbell, Northwood, and Windemere

Sponsor Statement

House Joint Resolution 33:

HJR 33 sends the message to the Alaska Congressional Delegation that our great state is at the forefront of a rapidly evolving Arctic region. As the only Arctic state in the Union, it will be Alaska's responsibility to ensure that the country's interests are protected along its northernmost flank.

Increased navigability in the Arctic Ocean has opened new trade routes, shortening the distance of intercontinental trips by nearly 5,000 miles. In a four-year span the Coast Guard tracked a 100% increase in Arctic traffic. The potential economic advantages of controlling these routes have caused disputes over freedom of navigation with our Arctic neighbors Russia and Canada. The growing influx of vessels into the Arctic Ocean poses a danger in emergencies, with the nearest rescue ships and helicopters more than seven hundred miles away.

Recognizing the opportunities that lie in the region, the Russian Federation established the Arctic Joint Strategic Command to assert itself in the region. China, a non-Arctic nation, has begun to express its interests in the Arctic as well, developing a vessel with icebreaking capabilities and becoming a permanent observer in the Arctic Council.

The United States has yet to fully embrace its role as an Arctic nation and the responsibilities that come along with it. This is likely to remain the case until a major event—an oil spill, a security breach, or a stranded cruise ship—focuses national attention on Alaska and the lack of infrastructure that exists in the Arctic region. Waiting for a calamity to occur before taking action on Arctic issues is a misguided means of conducting policy, especially due to the fact that the extreme weather of the region will slow large infrastructural projects. Early investment into the region is the only way to ensure that the US does not fall behind in the Arctic region.

HJR 33 urges Congress to take action and direct funds to our state in order to position Alaska as a leader within the increasingly active and contentious Arctic region. HJR 33 serves as a continuing reminder to Congress that the US is an Arctic nation and therefore has certain responsibilities in the region. I humbly ask for your support for this resolution.

Session (January-April):
State Capitol, Room 204
Juneau, AK 99801-1182
Phone (907) 465-2095

Rep.Chris.Tuck@akleg.gov
www.RepChrisTuck.com
Toll-Free (866) 465-2095

Interim (May-December):
1500 W Benson Blvd, Ste 217
Anchorage, AK 99503
Phone (907) 269-0240

HOUSE JOINT RESOLUTION NO. 33

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE TUCK

Introduced: 2/9/18

Referred:

A RESOLUTION

1 **Urging the Alaska delegation in Congress to pursue the establishment of an Arctic naval**
2 **station; supporting the increase in defensive capabilities in the Arctic region; and**
3 **encouraging the development of critical Arctic infrastructure.**

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 **WHEREAS** Alaska is the only state in the nation that has land bordering the Arctic
6 Ocean; and

7 **WHEREAS** the retreat of Arctic sea ice is increasing the seasonal navigability of the
8 Arctic Ocean, which has resulted in an influx of traffic and activity in the circumpolar Arctic;
9 and

10 **WHEREAS** the increased navigability of Arctic routes has the potential to reliably
11 decrease shipping distances of intercontinental vessels by as much as 40 percent in the
12 coming decades; and

13 **WHEREAS** the control of access to newly opening Arctic waterways is becoming an
14 objective for nations in the region; and

15 **WHEREAS** the other seven Arctic nations have been very proactive in addressing the

1 changing situation in the Arctic and have begun to assert their interests in the region; and

2 **WHEREAS** the Russian Federation has recently established the Arctic Joint Strategic
3 Command to assert its long-term military strategy in the Arctic region; and

4 **WHEREAS** the Russian Federation has constructed as many as 40 icebreakers, 14
5 airfields, and 16 deepwater ports in the region; and

6 **WHEREAS** the United States has been very inactive in addressing the changing
7 situation in the Arctic region; and

8 **WHEREAS** the United States possesses only two operating icebreaking vessels, none
9 of which is stationed in this state; and

10 **WHEREAS** vessels with icebreaking capabilities may operate in any environment,
11 but ships without that capability cannot operate in an Arctic environment without an
12 icebreaker escort; and

13 **WHEREAS** the United States has an extremely limited capability to respond to
14 medical emergencies that may occur as a result of increased activity in the region; and

15 **WHEREAS** the United States has no means of asserting itself in the Arctic Ocean or
16 maintaining domain awareness along its northernmost flank; and

17 **WHEREAS** the extreme weather conditions in the Arctic increase the amount of time
18 needed to complete large infrastructure projects in the region; and

19 **WHEREAS** the potential for energy discovery in the Arctic region may produce new
20 investment, infrastructural development, and other economic opportunities;

21 **BE IT RESOLVED** that the Alaska State Legislature recognizes that the increased
22 activity in the Arctic region is becoming a national security concern for the nation; and be it

23 **FURTHER RESOLVED** that the Alaska State Legislature recognizes the potential
24 for economic development in the Arctic; and be it

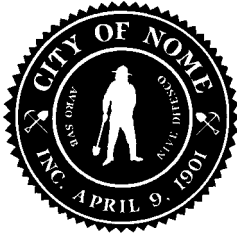
25 **FURTHER RESOLVED** that the Alaska State Legislature recognizes the urgency of
26 developing key infrastructure and defense capabilities, considering the investments other
27 nations have committed to the region as well as the increased amount of time needed for those
28 types of projects because of the extreme weather of the region; and be it

29 **FURTHER RESOLVED** that the Alaska State Legislature urges the Alaska
30 delegation in Congress to pursue the establishment of a United States naval station in the
31 Arctic as well as the development of critical infrastructure that is necessary to improve

1 emergency response capabilities in the region; and be it

2 **FURTHER RESOLVED** that the Alaska State Legislature calls on its Congressional
3 delegation to advocate for the security of the nation's northernmost flank by increasing the
4 military and emergency response capabilities in the Arctic region.

5 **COPIES** of this resolution shall be sent to the Honorable Donald J. Trump, President
6 of the United States; the Honorable Paul D. Ryan, Speaker of the U.S. House of
7 Representatives; the Honorable Orrin Hatch, President pro tempore of the U.S. Senate; the
8 Honorable Jim Mattis, United States Secretary of Defense; the Honorable Ryan Zinke, United
9 States Secretary of the Interior; and the Honorable Lisa Murkowski and the Honorable Dan
10 Sullivan, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the
11 Alaska delegation in Congress.



CITY OF NOME

City Manager's Office

P.O. Box 281

Nome, Alaska 99762

907.443.6600

tmoran@nomealaska.org

City Manager's Report

From: Tom Moran, City Manager
To: Nome Common Council
Date: February 13 – March 5, 2018

- Thanks to Clerk Hammond for once again serving as Acting City Manager from February 14th – 20th.
- The Iron Dog Halfway Banquet was held at the Rec Center on Wednesday, February 21st. Unfortunately, the New Year's Eve fireworks weren't able to be deployed due to weather. The new plan (please keep your fingers crossed this time) is for 9:00 p.m. on the night of the Nome-Golovin Race, which is Saturday, March 10th.
- On Thursday, February 22nd, the NSHC CAMP Department conducted free health screenings in Council Chambers from 8:30 a.m. – noon. Unfortunately, the event wasn't as well-attended as we had hoped.
- The LEPC met on Thursday, February 22nd. The main topic of discussion was the DHSS tabletop exercise being scheduled for June. The point of that exercise is to get regional villages to adopt EOPs (Emergency Operations Plans) that will actually work with their infrastructure, personnel, and resources.
- Also on February 22nd, the BSLT met with Brian Wilson, Director of the Alaska Coalition on Housing and Homelessness. There are many different angles to our housing shortage that made the conversation a difficult one. The group isn't just looking at homelessness, but also a lack of affordable housing and even a lack of high-income housing.
- On Friday, February 23rd, NSHC hosted a fundraiser at the Mini Convention Center for the NVAD. There was a silent auction, live music, and a prime rib dinner. Thanks to Mayor Beneville, Councilman Andersen, and Councilman Doug Johnson for attending. Thanks also to Angie Gorn and Reba Lean for their hard work in pulling it off.
- On Monday, February 26th, I telephonically attended the bimonthly planning meeting for the Arctic Futures Workshop in Nome on March 26th and 27th. This workshop is being held in conjunction with the annual WAISC (Western Alaska Interdisciplinary Sciences Conference) at UAF-Northwest on March 28th and 29th.
- As you know, Mayor Beneville and Port Director Baker headed to Washington, D.C. to advocate on the City's behalf. This year's trip was an abridged one, with a number of high-level meetings happening over a three-day span.

- Please know that the City has completed three appeals of fines that were levied against City Officials by APOC (Alaska Public Offices Commission) for failing to properly file a POFD (Public Official Financial Disclosure) form in 2017. Don't let it happen to you, too! This year's annual POFDs are due by Thursday, March 15th.
- On Tuesday, February 27th, DHSS held an industry roundtable on opioid misuse and addiction at the Mini Convention Center, which was open to the public, from noon until 5:00 p.m.
- As alluded to above (and almost in the blink of an eye), the Iditarod is upon us once again. Please remember that the first March Council meeting (March 12th) will need to be canceled to accommodate for *The Iditarod Insider's* use of Council Chambers.
- As a FYI, the Planning Commission has canceled its March meeting due to the above.
- Per the FY19 budget calendar from Finance Director Liew, the City Council's first real foray into the topic will be at a noon work session on Thursday, April 5th.
- April 24th and 25th have been tentatively selected as the dates for our port feasibility study planning charrette with the USACE, USCG, AKDOT, and other interested parties.



Memo

To: Tom Moran – City Manager
From: Joy L. Baker – Port Director *JLB*
CC: Mayor & Nome Common Council
Nome Port Commission
Date: 3/05/2018
Re: Port & Harbor Report/Projects Update – March 2018

The following provides a status update on active issues and projects pertaining to the Port & Harbor.

Administrative:

The Port Commission completed its annual review of the tariff rules, and has moved on to consider user concerns regarding USCG gold dredge regulations, specific to the larger barge operators. Content for the upcoming March meeting includes Alaska legislation to modify abandoned and derelict vessel laws and prioritization of deferred maintenance projects (see attached listing). A draft of the F19 Port & Harbor Budget will be considered in April.

The F18 Port Budget at 28 Feb shows 91.7 % revenue – with 46.8% expended. Harbormaster Stotts remains active with the Public Works through 31 Mar, and transitions back to the Port & Harbor on 1 April.

Mayor Beneville and I had a productive trip in D.C. on 26-28 Feb 2018. See attached trip report for details on those meetings with various agencies with Arctic oversight, as well as with the Alaska Congressional Delegation. Now that the Nome study has been allowed to proceed, the dynamic of the conversation has evolved to the many benefits to be captured by expanding the Port of Nome, as well as creative ways of funding construction.

Causeway:

Arctic Deep Draft Port (ADDP) Study:

The Army Corps Alaska District is currently compiling their project study team personnel, and has begun building a scope of work framework that will be defined during stakeholder discussions at the Planning Charrette.

Inner Harbor:

Snake River Moorage & Vessel Haulout Facility:

Q Trucking will be moving to the project site in the next couple of weeks to begin excavating the remaining dredged material in the river – with anticipated completion by late March or early April. Haul trucks will be traveling from the east side of Port Road, at the west side of the Snake River, and traveling up to the disposal site behind the PO annex.

Port Industrial Pad:Industrial Pad Development (Thornbush Site):

Spoils from the Snake River dredging excavation will be hauled from the project and disposed of in the dewatering area of the Thornbush site, similar to last year, to create a base foundation for a portion of the undeveloped site.

West Nome Tank Farm (Property Conveyance):

As an update, the USAF has advised that an Environmental Baseline Survey (EBS) performed by the Corps in 2015 as required by EPA and ADEC, was not written properly to allow for execution of an interim lease to the City. Instead, the language only allows for ongoing environmental sampling and restoration, which is contrary to the National Defense Authorization Act (NDAA) 2014, which formerly conveyed the property to the City of Nome, with all costs for surveys and lease drafting being at the City's expense. The City paid \$69,300 in 2015 for the original EBS and Cadastral surveys, and the USAF has therefore asked if the City is in agreement to pay for a new EBS to be performed. I have questioned the need for the City to cover these costs, as the error appears to be between the USAF and the Army Corps. More info will be provided as it comes available.

External Facilities:Cape Nome Repairs:

This project is still on schedule for the remaining stone work to be performed in early summer 2018, followed by another bathymetric survey to ensure accuracy of stone placement. If accuracy is achieved, we will have reached final project completion.

According to Alaska DHS, the project worksheet (PW17) version 4 is still under review by FEMA, with no completion date yet provided. We are in consistent communication with DHS staff and will continue to monitor the situation.

Port Security Cameras:

Arctic Fire & Security (AFS) has identified the problems with two of the installed cameras and will be making the adjustments upon their next trip to Nome (which is being coordinated with other pending NJUS/City work). Final retainage is being withheld until the last two units are fully operational, which once paid, will fully closeout the FEMA Port Security grant.

A variety of other projects continue for the off-season period for various planning, design and funding phases. Additional information can be made available on request.

NOME DELEGATION MEETING SCHEDULE - WA D.C.

Feb 26-28, 2018

Monday, Feb 26

8:00 AM	Breakfast/Planning Meeting in Hotel Café
9:30 AM	Director John Crowther, Governor's Washington, DC, Office, 444 North Capitol Street NW, Suite 336 Cursory meeting to inform of status of ADDP cost-share study with Corps and broaden awareness of project as new staffer
10:30 AM	Helen Brohl, executive director, Committee on Marine Transportation Systems, and Alyson Azzara, MARAD Office of Int'l Activities, plus Robert Bouchard from the Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE Group very interested in progress of Nome Study Scope under RSH authority + SAR + OSR + Nat'l Security. Several will be participating in Charrette Great deal of interest remains on magnitude of offshore fuel transfers as speculative volumes continue to rise Discussed various funding opportunities for Waste Reception Facility development - coordination will continue with this group with waste reception focus
12:00 PM	Lunch w/John Smolen Nossaman (P3 Principal) Thorough discussion regarding project financing repayment revenue streams - INFRA grants - low interest loans/bonds and anchor tenant relationships AIDEA options - variations of P3 investments is new model for attracting and leveraging federal funds
2:30 PM	William Cahill, Director of Strategic Planning w/National Security Council - White House Significant interest in fuel transshipment detail - strategic location and commodity hub distribution - traffic growth
4:00 PM	WRDA fact check with long time committee resource typical 3 x 3 x 3 also includes +2 years for additional study - also allows for up to \$3M in COE study funds - identify expectations for each cost-share pmt
5:30 PM	Evening dinner connect w/Helen Brohl at the Capital Yacht Club at The Wharf

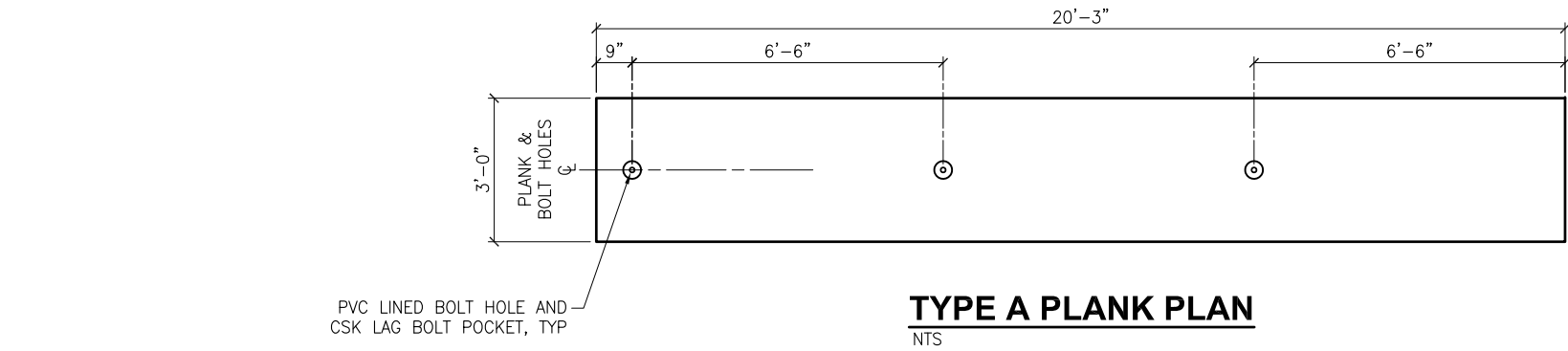
Tuesday, Feb 27

7:30 AM	Breakfast/Planning Meeting in Hotel Café
9:00 AM	Coast Guard - Capt. Kevin Keifer SES, Marine Transportation Systems, Mr. Shannon Jenkins, Senior Ocean Policy Advisor and other staff, Douglas A. Munro Headquarters Building, 2699 Firth Sterling Ave SE Review USCG 2018 Arctic missions - offshore fuel tanker traffic - projections on SAR/OSR asset placement (target communities for FRC's in Alaska) Significant interest remains in development of Port Waste Reception Facility in Nome (follow up with Condino on IMO progress for regional Arctic language)
10:30 AM - 3:30 PM	Port of Baltimore Facilities Trip - NS Savannah w/Capt. Kevin Keifer and Shannon Jenkins & others from USCG Arctic Group Preview layout of large port facility accommodating deep draft vessel traffic - overhead container cranes, and port security aspects (tour NS Savannah)

Wednesday, Feb 28

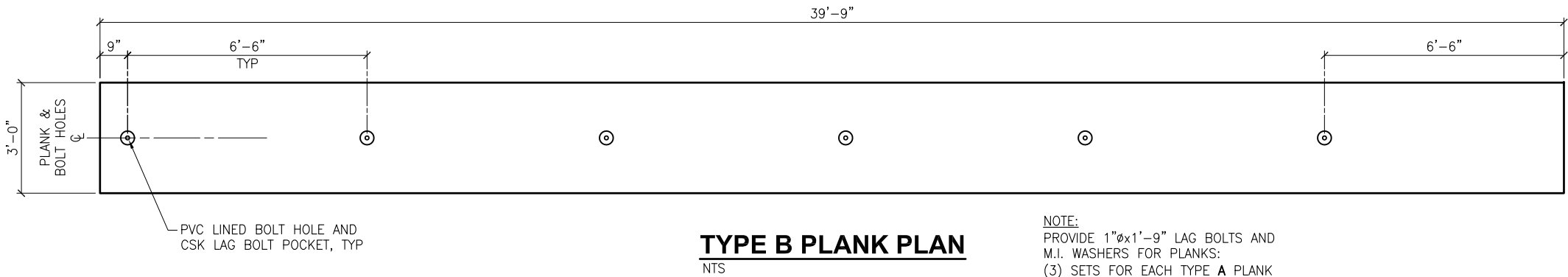
8:30 AM	Breakfast/Planning Meeting in Hotel Café
10:00 AM	Pauline Thorndike - Majority Detailee from USACE Senate EPW Committee Review need for WRDA auth for -12' MLLW in SBH - potential new language for upcoming WRDA legislation - ongoing O&M dredging maintenance at Nome
11:00 AM	Congressman Don Young and staff, 2314 Rayburn House Office Building Update Congressman on forward progress with Corps - Strategic Vessel Fleet Placement & Staging - Rural Infrastructure Funding - WNTF - NJUS priorities
12:15 PM	Senator Dan Sullivan and staff, Scott Leathard and Jason Suslavich, 702 Hart Senator Office Building Convey appreciation and study progress with Corps - Discuss USAF delay in conveying WNTF property - discuss DOD Strategic Port Report & USCG vessels
3:00 PM	Senator Murkowski and staff, Garrett Boyle, 702 Hart Senate Office Building Convey appreciation and study progress with Corps - discuss WRDA auth for -12' MLLW in SBH - NJUS priorities - new WRDA language - USCG vessels progress

4:00 PM JOY & RICHARD TAXI TO DCA FLIGHT #3 DPT 6:45PM



TYPE A PLANK PLAN

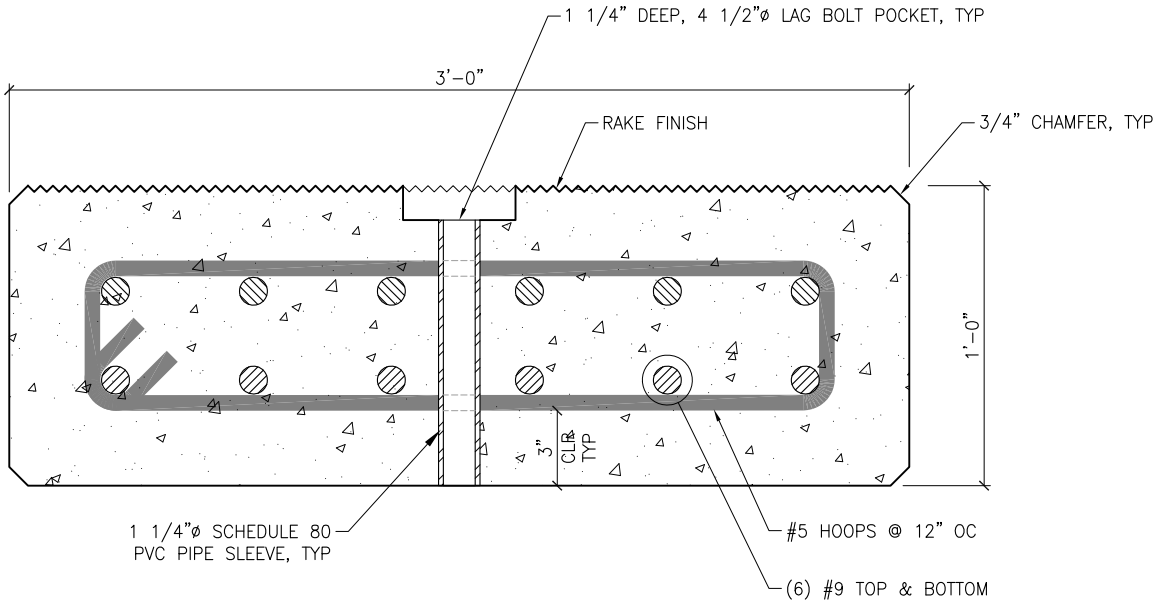
NTS



TYPE B PLANK PLAN

NTS

NOTE:
PROVIDE 1"Øx1'-9" LAG BOLTS AND
M.I. WASHERS FOR PLANKS:
(3) SETS FOR EACH TYPE **A** PLANK
(6) SETS FOR EACH TYPE **B** PLANK



TYPICAL PLANK SECTION

NTS

GENERAL NOTES

BOLTS –
ASTM A307

GALVANIZING –
ALL PLATE, REINFORCING, AND PIPE SHALL BE GALVANIZED PER
ASTM A123. ALL BOLTS AND HARDWARE SHALL BE GALVANIZED PER
ASTM A153.

CONCRETE PLANKS –
CONCRETE FOR PLANKS SHALL CONFORM TO THE FOLLOWING:

TOLERANCE NOT MORE THAN 1/4" VARIATION IN DIMENSION OR TWIST.

CONCRETE SHALL CONFORM TO ASTM C150 TYPE I OR III WITH
TRI-CALCIUM ALUMINATE CONTENT BELOW 8%.
(94 LB. SACKS/CY) 6.0 MIN.
SILICA FUME IN LBS./CY 50
PLASTICIZER SUBMIT FOR APPROVAL
SLUMP RANGE IN INCHES (AFTER PLASTICIZER) 6 MAX.
(SLUMP SHALL BE NOT MORE THAN 1"
BEFORE ADDING PLASTICIZER. ADD PLASTICIZER
JUST BEFORE PLACING CONCRETE.)
ENTRAINED AIR RANGE IN PERCENTAGE 5-7% PER ASTM C33
MAX AGGREGATE SIZE 3/4"

MINIMUM DESIGN STRENGTH, PSI (f'c) 6,000

MIX AND PLACE PER ASTM C94. RAKE FINISH AFTER VIBRATING AND
SCREEDING. COVER AND WET CURE 5 DAYS MINIMUM.

GALVANIZED REINFORCING –
GALVANIZED REINFORCING STEEL SHALL CONFORM TO ASTM A767,
CLASS I WITH CHROMATING REQUIREMENTS OF SECTION 4.3
OMITTED, WITH STEEL CONFORMING TO: ASTM A706 GRADE 60 FOR
BENT OR WELDED BARS; AND ASTM A615 FOR STRAIGHT BARS.
GALVANIZING SHALL BE PERFORMED AFTER FABRICATION.

BARS SHALL BE SUPPORTED ON APPROVED CHAIRS. REINFORCING
STEEL SHALL BE DETAILED, BENT, AND PLACED IN ACCORDANCE
WITH THE LATEST ACI 318. REINFORCEMENT SHALL BE LAP-SPLICED
PER ACI 318 FOR TENSION UNLESS OTHERWISE NOTED ON THE
DRAWINGS. STAGGER SPLICES BY 40 BAR DIAMETERS. BARS SHALL
BE CLEAN AND FREE FROM CUTTING OIL OR OTHER DELETERIOUS
MATERIAL. REINFORCING STEEL SHOP DRAWINGS SHALL BE
PREPARED ACCORDING TO ACI 315 "DETAILS AND DETAILING OF
CONCRETE REINFORCEMENT."

SUBMITTALS –
PROVIDE CERTIFICATIONS OR TESTS FOR APPROVAL AS FOLLOWS:

- CONCRETE MIX DESIGN AND 28-DAY COMPRESSION TEST
CYLINDER RESULTS BEFORE CASTING AND AT LEAST SIX
28-DAY COMPRESSION TESTS FROM PLANK CONCRETE.
- REINFORCING STEEL
- BOLTS AND WASHERS
- GALVANIZING
- REBAR SHOP DRAWINGS

THE CITY OF NOME MAY PERIODICALLY INSPECT THE WORK FOR
CONFORMANCE WITH PLANS AND SPECIFICATIONS. WORK DETERMINED
TO BE DEFECTIVE SHALL BE CORRECTED WITHOUT CHARGE. WORK
NOT SPECIFICALLY SPECIFIED SHALL MEET GENERALLY ACCEPTED
INDUSTRY STANDARDS.

DRAFT
3/05/2018

PND Engineers, Inc. (PND) is not responsible for safety
programs, methods or procedures of operation, or the
construction of the design shown on these drawings.
Where specifications are general or not called out, the
specifications shall conform to standards of industry.
Drawings are for use on this project only and are not
intended for reuse without written approval from PND.
Drawings are also not to be used in any manner that
would constitute a detriment directly or indirectly to PND.

REV	DATE	DESCRIPTION

DATE: _____

1506 West 36th Avenue
Anchorage, Alaska 99503
Phone: 907.561.1011
www.pndengineers.com
AK. LIC# AECC250



PROJECT:
NOME BARGE RAMP REPAIRS

TITLE:
RAMP PLANK PLAN & DETAILS

DESIGNED BY:	BH	DATE:	3/05/2018
CHECKED BY:	BH	PROJECT NO:	181033

SHEET NO:
1 OF 1

Chapter 12.10 PORT COMMISSION

Sections:

- [12.10.010](#) Reservation of powers.
- [12.10.020](#) Port commission.
- [12.10.030](#) Commission powers and duties.
- [12.10.040](#) Nome port commission composition and qualifications.
- [12.10.050](#) Compensation of commissioners.
- [12.10.060](#) Meetings of the commission.
- [12.10.070](#) Rules and regulations.

12.10.010 Reservation of powers.

The city council reserves to itself the power and authority to approve or disapprove by ordinance all regulations, tariff rates, and the acquisition or disposal of any interest in real property pertaining in any manner to the administration of the Nome port. (Ord. O-93-6-6 § 1 (part), 1994)

12.10.020 Port commission.

There is created the Nome port commission to manage and operate the Nome port. The membership of the commission shall consist of the mayor and city council, provided however, that this constituted commission may at any time by resolution change the membership composition and qualifications as provided in Section [12.10.040](#). At any time thereafter, the city council may by resolution terminate the commission as constituted pursuant to Section [12.10.040](#) and revert again to a mayor-council composition. (Ord. O-93-6-6 § 1 (part), 1994)

12.10.030 Commission powers and duties.

The Nome port commission shall:

- (a) Prepare and submit to the city council rules and regulations for promulgation by the city council pertaining to all operations of terminal and transportation facilities at the Nome port;
- (b) Enforce and regulate the operation of terminal and transportation facilities at the Nome port;
- (c) Study and make recommendations generally on Nome port matters such as, but not limited to, tariff rates, bond issues, fiscal matters, management services, personnel staffing, safety precautions, labor relations, expansion or extension of services and public relations;
- (d) Prepare and submit to the city council an annual report of operations and finances, including recommendations for the safe, efficient and economical operation of the Nome port. (Ord. O-93-6-6 § 1 (part), 1994)

12.10.040 Nome port commission composition and qualifications.

- (a) If the council chooses the alternative membership composition and qualifications pursuant to NCO Section [12.10.020](#), then the Nome port commission shall consist of seven members appointed by the mayor and confirmed by the city council. Each commissioner shall be appointed for a period of three years and until a successor is appointed and has qualified.
- (b) Any person eighteen years of age or older whose permanent residence is on the Nome road system is eligible to be appointed as a port commissioner.
- (c) Each member of the Nome port commission serves at the pleasure of the mayor unless the port commission is the mayor-council composition described in NCO Section [12.10.020](#). In addition, the remaining commission shall declare a vacancy on the commission when an appointed commissioner:

- (1) Fails to qualify or take office within thirty days after appointment;
- (2) Is physically absent from the Nome road system for ninety consecutive days unless excused by the commission;

- (3) Resigns in writing and the resignation is accepted by the city council;
- (4) Is physically or mentally unable to perform the duties of office as determined by the commission or city council;
- (5) Is convicted of a felony or of an offense involving a violation of the oath of office;
- (6) Is convicted of a felony or misdemeanor described in AS [15.56](#) and two-thirds of the city council concur in expelling the person appointed;
- (7) Is convicted of a violation of AS [15.13](#);
- (8) Misses two consecutive regular meetings and is not excused by the commission;
- (9) No longer physically resides on the Nome road system and the city council by two-thirds vote declares the seat vacant; or
- (10) Is otherwise qualified but currently serves in the capacity of mayor or council member.

(d) Vacancies shall be filled by a majority of the city council. Such appointments shall continue for the unexpired term and until a successor is appointed and has qualified.

(e) For the purpose of this section, "Nome road system" shall mean all roads, whether public or private, that are accessible via the Nome-Council Highway, the Kougarak Road, or the Nome-Teller Highway. (Ord. O-17-11-02A § 1, 2017; Ord. O-11-07-02 § 1, 2011; Ord. O-93-6-6 § 1 (part), 1994)

12.10.050 Compensation of commissioners.

Each member of the port commission shall receive compensation in an amount to be determined by resolution of the city council from time to time. In addition, commissioners may be reimbursed by the city council for reasonable expenses that are approved by the city council prior to being incurred. (Ord. O-12-02-03 § 2, 2012; Ord. O-93-6-6 § 1 (part), 1994)

12.10.060 Meetings of the commission.

(a) A majority of the membership of the commission shall constitute a quorum for the transaction of all business, and the chairperson shall have the vote on all matters. The affirmative vote of a majority of the commission shall be sufficient to pass upon all matters coming before it.

(b) The commission shall choose a chairperson, vice chairperson, and secretary each year at the first meeting following the qualification of the one or more commissioners appointed that year by the city council.

(c) The commission shall meet at least six times each year at a regularly scheduled time and place within the city. All meetings of the commission shall be open to the public. The secretary shall draft the minutes of all regular and special meetings in a manner accurately reflecting the actions of the commission, and shall file the minutes of these meetings permanently as public records. (Ord. O-17-11-02A § 2, 2017; Ord. O-93-6-6 § 1 (part), 1994)

12.10.070 Rules and regulations.

(a) The commission shall propose to the city council rules and regulations consistent with this chapter for the conduct of its meetings and for the orderly, safe and efficient operation of the Nome port.

(b) Prior to the submission of proposed rules and regulations to the city council for promulgation, the same proposed rules and regulations shall be presented at a regularly scheduled meeting of the commission and approved or disapproved for public notice. Public notice shall be accomplished by the timely publishing in a local newspaper of general circulation of a descriptive summary of the proposed rules or regulations, including the date and time of consideration for passage by the commission, and a statement that the full text of the proposed rules or regulations is available for public inspection at the office of the Nome city clerk. (Ord. O-93-6-6 § 1 (part), 1994)

The Code of Ordinances of Nome is current through Ordinance O-17-1 1-02 (Amended), passed December 1 1, 2017.

Disclaimer: The City Clerk's Office has the official version of the Code of Ordinances of Nome. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

PORT/HARBOR PROJECTS STATUS

PROJECTS				ESTIMATED	FUNDING	
TYPE	NAME	SCOPE	STATUS	SCHEDULE	SOURCE	Estimate
ONGOING CONSTRUCTION (FUNDED)						
	SECURITY CAMERA SYSTEM	Install 24 camera security system in Port/Harbor w/desktop stations, server, software and fiber connections	In-house work underway/contractor procuring with install scheduled for early Sept 2017	COMPLETION MAR 2018	FEMA CITY	\$202K \$70K
	CAPE NOME JETTY REPAIR	Repair Jetty from Nov 2011 storm - replace missing core rock and key in armor stone surface layers-remove scattered rock	Field work is complete - awaiting topo and bath survey for engineer review	COMPLETION AUG 2018	ADHES FEMA	\$4.55M
	VESSEL SCRAP	Hazmat Cleanup/Demo Cabin/Disposal of 65' tugboat	tug house demo partial - awaiting PWR staff availability	COMPLETED OCT 2017	P&H Op Funds	ROM \$16K
	THORNBUSH SITE DEVELOP.	Development of portion of 9 of 18 acre parcel for needed uplands space.	Project fill underway - survey expected in mid-Sept	COMPLETION SEPT 2017	SOA Grants	\$1.285
	SNAKE RIVER DEVELOPMENT ADDT'L DREDGING	Additional dredging to -8' MLLW along west bank of Snake River to accommodate light draft anchorage	60% of material captured - remaining 40% scheduled for Mar/April 2018	COMPLETION APRIL 2018		
PENDING (SECURING FUNDS)						
	PORT RD IMPROVEMENTS	Cost-share project w/ADOT to widen, resurface Port Rd w/drainage and safety improvements (sidewalks)	PDC Engineers working feasibility/env	Construction 2021	SOA City	pending

PORT/HARBOR PROJECTS STATUS

PROJECTS				ESTIMATED	FUNDING	
TYPE	NAME	SCOPE	STATUS	SCHEDULE	SOURCE	Estimate
PROPOSED (IN PLANNING)						
	ARCTIC DEEP DRAFT PORT STUDY & DESIGN	Cost-share project w/USACE for a rescope of the draft Arctic Deep Draft Port Study, followed by the design of the project, once authorized by Congress. Execution of cost-share agreement pending confirmation of USACE rescoping plans.	Signed FCSA with Corps - compiling project study team to framework Planning Charrette foundation	Study Rescoping 2018 - 2020	SOA F17 Grant Funds	\$1.6M
	HAUL OUT - DEAD MAN	Design/install dead man mechanism to serve as anchoring point for equipment in vessel haul-outs	Fabricated - awaiting installation	Summer 2018	City	\$20k +/-
	Port Ship's Waste Reception Facility	Evaluate/conceptualize/ROM Costs for buried pipeline and surface infrastructure to receive ship's sewage and gray water -evaluate NJUS WWT capacity to accommodate marine volume levels	Feasibility effort underway with Bristol, NJUS, CE2, & Port Commission	Unknown	Unknown	Unknown
	SNAKE RIVER DEVELOPMENT COMPLETE CONSTRUCTION	Rescoping of original design to more economically feasible, reduced scale or phased construction to include floats, shore protection and uplands development	Pursuing reduced scale design and grant funds for construction.	Unknown	Unknown	Full design ROM @ \$13M
	WNTF SITE DEVELOPMENT	Development of 7 acre parcel to provide additional vessel storage near existing and future launch ramps. USAF installed fence in 2015 and placed cap in 2016	ADEC has issued approval of USAF mitigation measures - City awaits interim lease & final conveyance	Anticipated 2017	Unknown	Unknown
	OUTER HARBOR DOLPHINS	Design/procure/install large diameter dolphins inside east breakwater in outer harbor for vessel standby.	Evaluating priority before expending design funds	Unknown	Unknown	Unknown
	CRUISE TENDER FLOATS	Evaluate/conceptualize establishing disembarking floats at ramp in SE corner of harbor for cruise ship tenders to minimize congestion	Evaluating options for in-house float use before new construction	Unknown	Unknown	Unknown
	SHOWER/LAUNDRY FACILITIES	Design/install shower facilities by SBH floats, extend existing water/sewer from Office & coin-op or credit card mechanism	Evaluating priority and ROM costs - specifically water/sewer charges	Unknown	Unknown	\$800K
	ELECTRICAL SHORE POWER	Design/install electrical outlets near base of street lights, develop suitable mechanism to charge users to access	Evaluating priority and ROM costs - specifically charging mechanism	Seeking	Unknown	ROM \$35K
	SHORE-SIDE FUELING	Work w/terminal fuel operators to develop fueling station in SBH, identify most suitable site and preferential access agrmt	ROM/Concept Design Underway with In-house City Engineer	Unknown	PRIVATE INDUSTRY	Unknown
	WASTE OIL/BILGE PUMPOUT	Pursue as adjacent operation to terminal operator fueling station - potential cost-share	ROM/Concept Design Underway with In-house City Engineer	Unknown	Unknown	Unknown
	IP LIGHTING IMPROVEMENTS	Upgrade or install lighting near barge ramp, garco building and new Thornbush Pad for security purposes and operational needs	Working w/NJUS on site placement and rough estimates	Unknown	P&H Op Funds	ROM \$56K

PORT/HARBOR PROJECTS STATUS

PROJECTS				ESTIMATED	FUNDING	
TYPE	NAME	SCOPE	STATUS	SCHEDULE	SOURCE	Estimate
MAINTENANCE						
	PORT RD OH LINE BURY	Bury overhead lines crossing Port Rd & WNTF entrances to allow for unobstructed vessel/equipment movement	Obtained estimate from EPS	Unknown	Unknown	\$670K
		Permitting - engineering - design	Estimate from EPS	Identifying Funds	P&H Op Funds	\$56K
2	CSWY BRIDGE FUEL LINE HANGAR/ROLLER REPAIRS	Replace corroded hangars/rollers - recommend USACE adjust fill behind backwalls located under bridge approaches	Repair Summary Completed - Work Scheduled for Winter	Spring/Fall 2018	P&H Op Funds	\$50K +/-
5	GARCO BUILDING UPGRADE	Demo existing walls/roof, Install new roof/panels, prep interior for insulation install - concrete curb around perimeter	Awaiting funds	Unknown	Unknown	ROM \$450K
1	HYDROTESTS & CP INSPECT - PORT FUEL LINES	Annual maintenance tests/inspection/maintenance on port fuel lines system to meet compliance/ensure integrity	Hydrotesting Complete CP Work Scheduled	PERFORMED ANNUALLY	P&H Op Funds	\$15k +/-
4	LAUNCH RAMP REPAIR	Remove upper concrete planks at harbor launch ramp and fill with grout to fill in voids and increase structure support	Evaluating replacement plank design to develop repair scope & costs	Potential 2018	P&H Op Funds	ROM \$150-200K
	INNER HARBOR SURVEY/DREDGING	There is a periodic need to survey/dredge the SBH and Snake River ramp approaches to ensure control depth maintained	Evaluate pre & post COE 2018 surveys - determine if shoaling	Potential 2018	P&H Op funds	\$45K
	More Ladders to allow full wall use/reduce congestion	User request for additional ladders to avoid wasting dock space and allow crew to reach top of dock	PND cost estimate fabricate/ship/install - \$10k/each	Potential 2018	P&H Op funds	\$60K
3	Replacement of Harbor Skiff & Trailer	Replace old boston whaler that was refurbished from an abandoned vessel - along with failing trailer	Awaiting funds	Potential 2018	P&H Op funds	Unknown
	Purchase New Vehicle	Replace oldest of Port & Harbor vehicle fleet	Awaiting funds	Unknown	P&H Op funds	\$30K

Deferred Maintenance Needs	Development Projects in need of funding
Completed Projects	
In progress Projects	

FISH DOCK PILING ISSUES??