



Port of Juneau

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From: Carl Uchytel
Port Director

To: Docks & Harbor Board

Via: Operations-Planning Committee

Date: February 17th, 2025

Re: POTENTIAL COMMERCIAL USE - AURORA HARBOR

Docks & Harbors staff recently received a request from a commercial excursion operator to operate daily jet ski tours out of Aurora Harbor. We have accommodated this operator since 2018 by providing weekly turnarounds of their excursions at Aurora Harbor through a commercial use permit. The company is currently offering on-line this summer: four daily tours of three hours in duration and up to 10 jet skis per tour. Since the company has begun advertising, time is of the essence in addressing concerns with the Docks & Harbors Board and the harbor community we serve.

After code review, the following are relevant to the discussion:

85.25.050 - Commercial operations.

No moorage space shall be sublet or rented to any firm or individual for the purpose of conducting any commercially oriented business enterprises at the facilities unless specifically authorized by the state and by the terms of the lease of the facilities from the state to the City and Borough, except that charter vessels, including aircraft, may pick up and discharge passengers at any space rented to such vessel or aircraft, but may not pick up or discharge cargo at any space or any other part of the facilities of the boat harbor, except as authorized by the port director pursuant to section [85.15.010](#).

05 CBJAC 01.030 - Permit required.

(a) No person may conduct commercial activities on docks and harbors department lands and facilities subject to these regulations except as authorized by a permit issued by the director. A permit under this chapter is not required for activities conducted under a permit issued pursuant to other chapters in this title.

(b) The director may issue a permit for commercial activities within a docks and harbors department land or facility as subject to such conditions as the director may impose and only upon a determination that the use as proposed:

- (1) Will not unreasonably impact the resources and facilities of the docks and harbors department;*
- (2) Will not endanger the public health, safety, and welfare; and*
- (3) Is not inconsistent with the docks and harbors department master plan and all subsidiary plans.*

(c) A permit may contain conditions reasonably required for the protection and use of the docks and harbors department land or facility for which the permit is granted, including limitations as to time, area, equipment, user loading, traffic, parking, discharges, noise, and other factors.

(d) **The director may deny a proposed use upon a reasonable determination that the use, alone or in combination with other uses, would exceed the carrying capacity of the area. The director shall determine the carrying capacity of an area taking into account the nature and extent of the use, the number of users, and the impacts likely to result from the use, including traffic, noise, public access, loading, the availability of parking and other factors. The director shall find that the carrying capacity of an area would be exceeded if it were more likely than not that the proposed use would unreasonably impact the resources and facilities of the docks and harbors department.**

If the cumulative impact of proposed uses would exceed the carrying capacity of the area, the director shall not award any permits for that area until the following procedure is followed:

(1) The director shall notify all members of any group of applicants whose applications, taken together, propose uses in excess of the carrying capacity of an area. The notice shall identify the nature and extent of the impacts exceeding the carrying capacity, and shall invite the applicants to confer among themselves for the purpose of negotiating a resolution to the excess impacts issues.

(2) The applicants may re-submit their applications which shall be granted if the director finds that the excess impact issues have been resolved and the applications otherwise meet the requirements of this section. If excess use issues remain unresolved, the director shall grant permits by lottery to the extent that such uses do not exceed the carrying capacity of the area.

(e) A permit is transferable only with the permittee's entire business interest in activities conducted under the permit and only to a person who has successfully completed the permit application process. No credit will be given for any permit payments made by the previous holder of the permit.

05 CBJAC 10.020 - Prohibitions.

(a) **A person shall not conduct any commercial activity within the downtown waterfront area except as authorized by a permit issued under this chapter by the director.** Except as authorized by a permit, a person shall not within the downtown waterfront area:

- (1) Sell or offer to sell goods or services,
- (2) Construct, maintain, or use any structure, or
- (3) Use any loading zone.

(b) Solicitation, advertisement, sales, use of loading zones or any other commercial activities without a permit issued pursuant to this chapter is a violation of CBJ 85.25.090 (11).

(c) A person delinquent in the payment of fines, taxes, judgments or other monies owed to the city may not receive a permit.

(d) No permit may be issued or reissued to any person whose prior permit hereunder was revoked.

05 CBJAC 20.080 - Passenger-for-hire fee.

(a) **Definition. The fee assessed to a person conducting commercial charter vessel activities at all facilities managed by the docks and harbors department.**

(b) **Relationship to other fees. This fee applies in addition to other fees set out in 05 CBJAC 020, except as follows:**

- (1) A person paying moorage fees for reservations moorage at Statter Harbor as set out in 05 CBJAC 25.040 shall not be required to pay this fee;
- (2) A person paying freight use fees as set out in 05 CBJAC 20.070 shall not be required to pay this fee if the passengers are loaded at a launch ramp; and
- (3) A person conducting passenger-for-hire activities at the Douglas Boat Harbor Launch Ramps, North Douglas Launch Ramp, Amalga Harbor Launch Ramp, and Echo Cove Launch Ramp are assessed fees as set out 05 CBJAC 01 in lieu of this fee.

(c) **Requirements. The owner of a vessel must apply to and obtain a permit from the harbormaster in order to conduct passenger-for-hire activities at all facilities managed by the docks and harbors**

department. Applications are available at any of the docks and harbor department offices or online. The harbormaster is authorized to issue permits with reasonable conditions concerning insurance, operations, and the payment of fees.

(d) *Inspected vessel fees.* The harbormaster shall assess permit fees to the owner of a vessel engaged in passenger-for-hire activities that is regulated under Subchapter T and S of 40 CFR 33 as follows:

(1) *Calendar year permit:* \$671.39 per vessel plus \$1.94 per passenger each calendar day that one or more facilities is used for passenger-for-hire activity.

(2) *Each calendar year after 2022, a fee equal to the previous year's fee adjusted by the Consumer Price Index - Urban Alaska (CPI) as reported by the Alaska Department of Labor & Workforce Development for the calendar year preceding the start of the seasonal cruise vessel year (April 1 - November 1). The Docks and Harbors Board may, by motion, take action to keep the fee the same as the previous year, or increase the fee in an amount less than the CPI adjustment.*

(3) *No charge for non-profit use when approved by the harbormaster on a case-by-case basis.*

(e) *Uninspected vessel fees.* The harbormaster shall assess permit fees to the owner of a vessel engaged in passenger-for-hire activities that is not regulated under Subchapter T and S of 40 CFR 33 (OUPV - operator of uninspected passenger vessels) as follows:

(1) *Calendar year permit:* \$202.20 per vessel plus \$1.94 per passenger each calendar day that one or more facilities is used for passenger-for-hire activity.

(2) *Each calendar year after 2022, a fee equal to the previous year's fee adjusted by the Consumer Price Index - Urban Alaska (CPI) as reported by the Alaska Department of Labor & Workforce Development for the calendar year preceding the start of the seasonal cruise vessel year (April 1 - November 1). The Docks and Harbors Board may, by motion, take action to keep the fee the same as the previous year, or increase the fee in an amount less than the CPI adjustment.*

(3) *No charge for non-profit use when approved by the Harbormaster on a case-by case basis.*

My staff and I have always been very supportive of enterprises which drive economic development within the City & Borough. **However, after reviewing regulations, I am not willing to permit operations at our downtown harbors which will regularly support jet ski tours.** This is not to preclude the company from operating daily tours throughout Gastineau Channel using private facilities. My position is that impact from multiple daily tours operated out of Aurora Harbor is inconsistent with our established patrons and vision for our harbors.

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