

Docks & Harbors Policy Statement – Availability of Public Land for Private-Sector Use

Background Authority: The Docks & Harbors Board is charged under Title 85, General Powers's clause (85.02.060), to generally exercise all powers necessary and incidental to operation of all port and harbor facilities in the public interest and in a sound business manner. In particular, and without limitation on the foregoing, the board shall be responsible for the operation, development and marketing of municipally owned and operated port and harbors, including such facilities as boat harbors, docks, ferry terminals, boat launching ramps, and related facilities except as designated by the Assembly by resolution.

Existing Properties: Docks & Harbors has management authority, as designated by the Assembly, of several hundred acres of uplands, submerged and intertidal lands through a variety of contractual vehicles including the following:

- 1) **Direct Management:** Most of Docks & Harbors properties are under the department's ownership and managed directly as municipal harbors, launch ramps or commercial loading facilities, and the public downtown cruise ship docks and adjoining public uplands. This includes management of the portion of the Seawalk along the cruise ship berths from Marine Park to the Franklin Street Dock. This section of the Seawalk is a transportation corridor that is used to safely and efficiently move cruise passengers from the ships to downtown businesses and shore side transportation.
- 2) **Leases:** Properties that are generally leased for long terms (10 to 35 years) and typically are vacant lands for private development. Some leases include infrastructure developed by D&H such as the two marine repair facilities. Docks & Harbors has 25 leases with individuals or businesses on parcels which have been competitively offered on tidelands and a few upland properties. These leases are specifically called out in resolution with the properties designated with surveyed information and recorded with the State. Harri Commercial Marine, through two separate leases, manages boatyard facilities in which Docks & Harbors provides critical infrastructure for the haul-out necessary for operations.
- 3) **Use Agreements:** Similar to a permit in that it is for long term on D&H developed facility. The Taku Dock is owned by CBJ but through a "use permit agreement" the facility is managed by Taku Smokeries Fisheries which compensates CBJ based on a valuation formula of fish landings.
- 4) **Permits:** Typically for use of facilities for recurrent uses such as launch ramps, loading; etc. Docks & Harbors provides, at fees established in code, commercial parking lots and loading zones which provide for staging areas in support of the cruise ship industry and general parking needs for local use, including truck and trailer parking at Statter Harbor. Waterfront Tour Permits, established under 05 CBJAC 10, provide the guidance for the commercial loading zones and for tour brokers to sell approved excursions from booths built and maintained by the department. The tour broker kiosks are provided at three locations along the waterfront and are provided for under outcry auction with a minimum bid of \$30K.
- 5) **Special Use Permits:** Generally for support of specific events such as Salmon Derby. These are issued for very limited time to coincide with a specific event.

Docks & Harbors Policy Statement – Availability of Public Land for Private-Sector Use

Public Consideration & the Public Good: Docks & Harbors recognizes private property owners invest significant capital into improvements with the expectation of economic opportunity proportional to their investment. The public good is not advanced when governmental funds are used for the benefit of few individual businesses at the expense of entrepreneurs who have assumed financial risk to develop and grow successful enterprises. Without limitation, the following considerations are established herein:

- 1) Multiple and diverse uses should be encouraged;
- 2) A sound local economy will be promoted;
- 3) Adequate lands for public development and public use, including open space with appropriate uplands, should be reserved;
- 4) Tidelands and other Docks & Harbors controlled areas should be leased only for specific water-dependent and marine-related uses and not sold;
- 5) The development and growth patterns and potentials of different areas of the City and Borough should encourage waterfront services that may be needed as a result of that development and growth;
- 6) Public access to and along public and navigable bodies of water shall be provided where practical;
- 7) Safe and efficient pedestrian ways linking various facilities and destinations shall be provided; and,
- 8) Docks & Harbors operations should not unreasonably interfere with activities on adjacent uplands property.

Docks & Harbors Policy Statement:

- 1) Docks & Harbors' reaffirms support to private-sector enterprise by providing undeveloped land parcels for lease through public process.
- 2) Docks & Harbors will try to complement private activity adjacent to Docks & Harbors managed property when needed property is not available through the private sector.
- 3) Docks & Harbors shall refrain from providing public lands when doing so would compete with private sector investment;
- 4) D&H shall provide safe and efficient access (pedestrian and vehicular) and open space throughout its facilities including the downtown docks and Seawalk. To this end, Docks & Harbors shall not permit future private-sector commercial activities on the Seawalk and other Docks & Harbors managed properties from Marine Park to Franklin Dock unless tied to an existing private property and on a case by case basis where a compelling public purpose is demonstrated.