

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

DATE: June 8, 2011

TO: Planning Commission

FROM: Teri Camery, Senior Planner
Community Development Department

FILE NO.: USE2011-00006

PROPOSAL: Modification to USE2007-00009 and USE2008-00036 to allow commercial vessel fueling from fuel trucks (fuel bunkering) at Auke Bay Loading Facility

GENERAL INFORMATION

Applicant: CBJ Harbors

Property Owner: City & Borough of Juneau

Property Address: Glacier Highway

Legal Description: ATS 104

Parcel Code Number: 4-B31-0-100-002-1

Site Size: approximately 6.38 acres

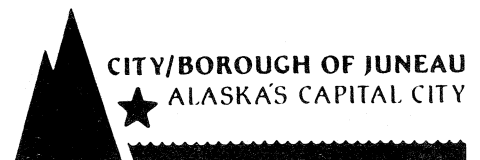
Zoning: Waterfront Commercial

Utilities: CBJ water

Access: Glacier Highway

Existing Land Use: Auke Bay Loading Facility

Surrounding Land Use: North - Glacier Highway/dispersed D-3 residential
South - Auke Cape/Stephens Passage
East - Waterfront Commercial seafood plant
West - Auke Nu Cove; D-3 residential condominiums



Attachments

Attachment 1	Vicinity Map
Attachment 2	Development Permit Application
Attachment 3	Conditional Use Application
Attachment 4	Project Narrative
Attachment 5	Currently Approved Site Plan
Attachment 6	5/11/11 CBJ Docks and Harbors Supplemental Project Description
Attachment 7	5/19/11 National Marine Fisheries Service comments
Attachment 8	6/3/11 CBJ Docks and Harbors Response to NMFS
Attachment 9	USE2007-0009 Notice of Decision
Attachment 10	USE2008-00036 Notice of Decision
Attachment 11	6/7/11 Griggs Public Comment

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit to modify the previously approved Conditional Use Permits, USE2007-00009 and USE2008-00036, for the CBJ Docks and Harbors Auke Bay Commercial Loading Facility (ABLF), adjacent to the seafood processing plant. The proposed modification would allow fueling of commercial vessels from fuel trucks (known as fuel bunkering), which was prohibited in the Notice of Decision conditions under USE2007-00009 (see Background section). No additional fill or site plan modifications are proposed. The previously approved site plan and previously approved project conditions would not change.

The applicant has provided a detailed description of fueling operations in Attachments 4 and 6. The proposal would allow fueling on an on-call basis from a fuel truck that would come to the facility. The vessel would be required to contact Statter Harbor to schedule the fuel delivery at ABLF. The fuel would then be transported by truck to the site, dispensed, and then the truck would leave. The float is 180 feet long so the fuel delivery service would be limited to vessels at a maximum size of approximately 200 feet. The proposed development would not provide a fueling station for the general recreational boater; these services are available at Statter Harbor and ABLF does not seek to duplicate them.

The applicant states that fuel delivery is needed at the site to separate large commercial users from recreational users in Statter Harbor. Without fuel delivery availability at ABLF, large vessel operators such as the U.S. Coast Guard must take on fuel at the boarding float in Statter Harbor by positioning the fuel truck at the top of the gang way and running the hose down to the vessel. This creates congestion and safety problems because this is the same pathway for general moorage users and tour patrons accessing tour boats. Fueling may take hours to complete and impacts use by other patrons.

Fuel truck operators must follow a strict bunkering protocol which is reviewed and certified by the U.S. Coast Guard. The applicant has described this protocol in detail in Attachment 4, page

two, and again in Attachment 8. The applicant has also described the oil spill response protocol at the site. These issues will be discussed further in the Habitat Section of this report.

BACKGROUND

The Auke Bay Loading Facility was first approved as USE2007-00009 in May 2007, following a zone change from D-3 to Waterfront Commercial (MAP2006-00002). The USE2007-00009 Notice of Decision included the following condition:

8) No oils or fuels will be available for commercial use on the site. Docks and Harbors will provide a waste oil container and will maintain small quantities of fuel on site for winter snow removal equipment. (Attachment 9)

This condition must be modified by the Planning Commission before the proposed fuel operations may proceed.

USE2008-00036 expanded the Auke Bay Loading Facility by .82 acres to accommodate fisheries support. No additional conditions were placed on the development. (Attachment 10)

ANALYSIS

Project Site and Design

No changes are proposed to the Project Site or Design. Fueling trucks for fuel bunkering would come to the site as scheduled and approved by Docks and Harbors staff, fuel the vessel, and leave the site.

Traffic, Parking, and Circulation

The proposed modification would result in fuel trucks visiting the site on an occasional basis. This increase in traffic is not expected to be significant, because fuel delivery services are typically requested only by large vessels, not by small commercial vessels, which would continue using Statter Harbor services. No changes are proposed to parking and circulation.

Noise, Public Health, and Safety

The proposed modification is not expected to generate additional noise. Public health and safety issues are addressed through a strict oil spill prevention and response protocol, as discussed in the Habitat section of this report.

Property Value or Neighborhood Harmony

The development is in a Waterfront Commercial zone adjacent to a series of marine commercial facilities including a ferry terminal and seafood processing plant. Modification of the facility to allow

fuel sales and delivery is not expected to add significant activity, traffic, or noise at the facility, therefore impacts to property value or neighborhood harmony would be minimal.

Conformity With Adopted Plans

2008 CBJ Comprehensive Plan. Several Comprehensive Plan policies dealing with fisheries development and natural resource protection are relevant to the proposed expansion, including the following:

***POLICY 5.6.** It is the policy of the CBJ to facilitate availability of sufficient and suitable water-based facilities and associated land-based acreage to support water-dependent uses, and to work closely with the public and private sectors to facilitate sustainable marine commerce, recreation, public access to the shoreline and enjoyment of the waterfront through development of well-designed port facilities.*

***POLICY 5.10.** It is the policy of the CBJ To support the development and expansion of the seafood industry and of services and facilities that benefit commercial fishing activity and to attract and retain harvesters, processors, and sustainable aquaculture activities in Juneau.*

The proposed development meets the intent of these policies by providing additional services to marine vessels, including, but not limited to, commercial fishing vessels.

49.70.900-49.70.1097 COASTAL DEVELOPMENT, HABITAT, AND WETLANDS

Staff received one comment during the agency review period from the National Marine Fisheries Service (NMFS). NMFS described the habitat value of the Auke Nu Cove intertidal habitat, with a special emphasis on the eelgrass beds in the Cove. Eelgrass is classified as Essential Fish Habitat under NMFS' authority, and is recognized as an important marine habitat that supports many diverse species, including rearing habitat for juvenile salmonids, crab, shrimp, forage fish, and spawning substrate for Pacific Herring. CBJ Docks and Harbors is negotiating with DNR Division of Mining Land and Water for transfer of 32 acres of intertidal habitat in the Cove as part of the final mitigation agreement for establishment of the ABLF. Once transferred, this area will be placed under a Conservation Easement.

Because of the sensitivity of the Essential Fish Habitat in Auke Nu Cove and the proposed Conservation Area adjacent to the facility, NMFS recommends "that the most stringent fuel transfer best management practices be used during fuel bunkering at ABLF." NMFS specifically recommends placement of a conex spill response container on site. (Attachment 7)

The applicant has described the bunkering protocol and spill prevention and response methods in detail in Attachments 4 and 8. Below is a brief bulleted summary of the applicant's description:

- Fuel truck operators must have a Marine Transfer Related (MTR) plan for bunkering which is reviewed and approved by the U.S. Coast Guard (USCG). As part of the MTR, fuel hoses are pressure tested annually and documented to the USCG for approval.
- Before bunkering fuel, the truck operator must complete a Declaration of Inspection of more than 27 required elements to insure that the vessel meets safety, spill prevention, and response requirements of the USCG. This document is signed by both the fuel truck operator and vessel engineer, and the inspection is required for every bunkering event.
- The vessel engineer informs the fuel truck driver of the number of gallons to be transferred before starting. The engineer controls and visually monitors the fuel nozzle throughout the process. The truck driver and vessel engineer are in constant visual contact throughout the fueling process.
- The maximum amount of fuel that could be spilled during bunkering is limited to what is in the fuel hose. The ABLF has DEC-approved spill response material on the float that would accommodate this level of spill. The fuel truck driver also has response materials for this level of spill.
- The materials on the float meet the requirements for first response. For a higher level of spill, two boats are available in Statter Harbor. One or both boats would be loaded with the appropriate materials from the conex (advanced spill response) container at Statter Harbor to respond to the spill.

In conclusion, oil spill prevention and response methods for fuel bunkering have strict inspection protocols from the U.S. Coast Guard. ABLF has first response materials available on-site, while advanced oil spill response materials are available from Statter Harbor just a short distance away.

ALASKA COASTAL MANAGEMENT PROGRAM (ACMP)

Not applicable. This project does not require a state-coordinated ACMP review.

PUBLIC COMMENTS

Staff received one public comment, included in Attachment 11, from a resident approximately one quarter mile from the facility. The applicant states that the facility has had minimal impacts to wildlife and he supports the facility, however he thinks that fuel storage at the site is “a terrible idea” and not worth the risk of a fuel spill that would kill the ecosystem for the sake of convenience. He further states that “It is not that big a deal to arrange fuel from existing sources. Let’s not risk a special place for such a small gain.” (Attachment 11)

Staff notes that there will not be fuel storage at the site. No fuel tanks are proposed. Fueling will be done from authorized and inspected fuel truck operators only, under the USCG protocol described in the previous section. With strict adherence to these procedures, staff concludes that the oil spill risk has been sufficiently minimized. In the unlikely event of a spill, the applicant has described a lengthy list of resources at ABLF and at Statter Harbor, as well as equipment provided by the fuel truck operator, to ensure a fast response.

FINDINGS

CBJ §49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ §49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area;
or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ §49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested conditional use permit complete?

Yes. We find the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 9.600 for the Waterfront Commercial zoning district.

3. Will the proposed development comply with the other requirements of this chapter?

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the Friday, June 3, 2011 and Monday, June 13, 2011 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all

property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

4. *Will the proposed development materially endanger the public health or safety?*

No. No evidence indicates that the proposed development will materially endanger the public health or safety. Oil spill prevention and response has been thoroughly addressed through U.S. Coast Guard fuel bunkering inspection protocols. No fuel will be stored on site.

5. *Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?*

No. No evidence indicates that the proposed development will substantially decrease the value of or be out of harmony with property in the neighboring area. The fuel delivery operations will be conducted in a Waterfront Commercial zone adjacent to a series of marine commercial facilities including a ferry terminal and seafood processing plant. Modification of the facility to allow fuel bunkering is not expected to add significant activity, traffic, or noise at the facility.

6. *Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?*

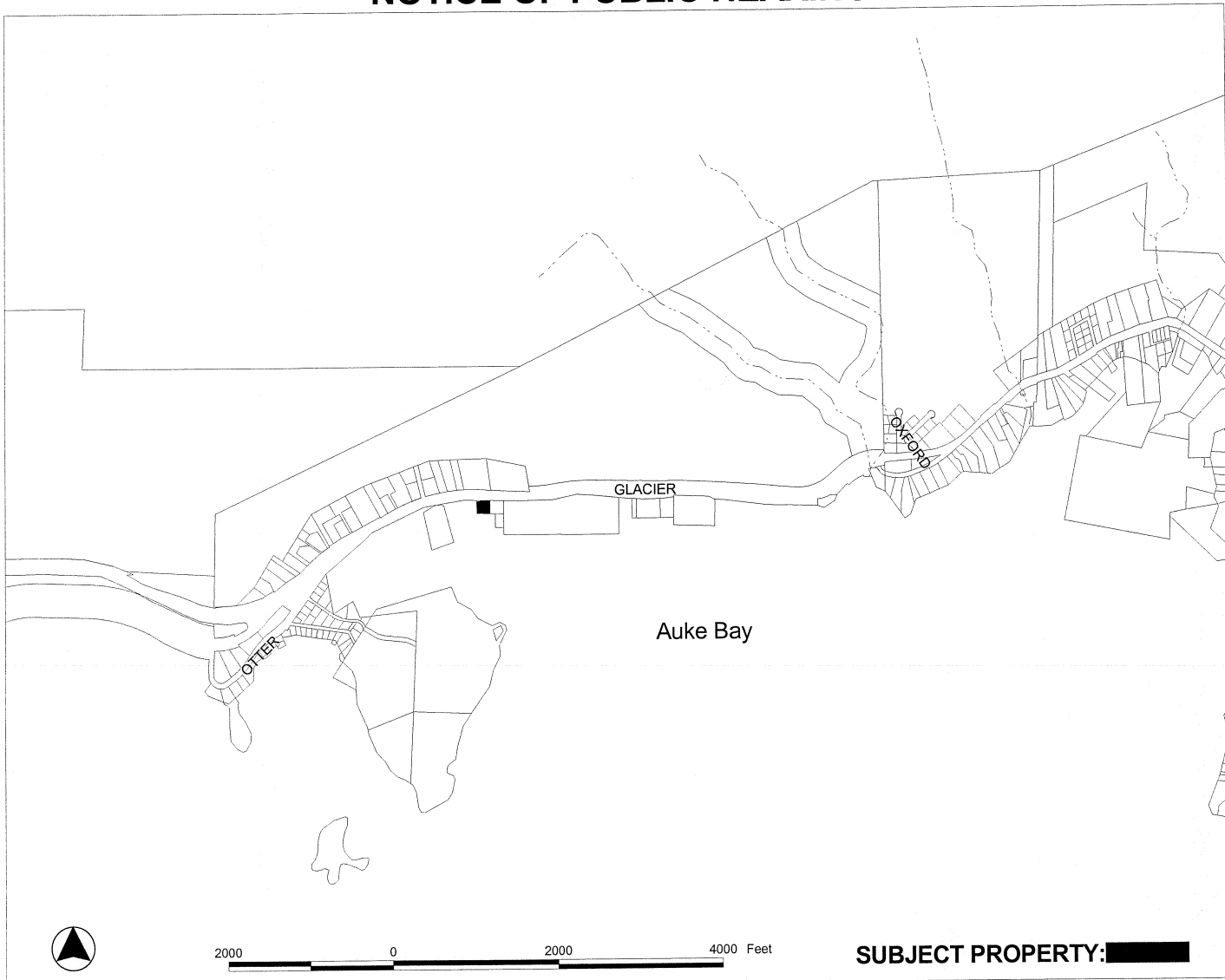
Yes. The proposed development substantially complies with the 2008 CBJ Comprehensive Plan, specifically policies 5.6 and 5.10 regarding marine commercial facilities.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow fuel delivery from a fuel truck (fuel bunkering) for commercial vessels at Auke Bay Loading Facility with the following conditions:

- 1) Prior to allowing fuel deliveries to the site, the applicant shall post a sign on the float that addresses the following issues:
 - Fuel truck operators must have a USCG approved Marine Transfer Related plan for fuel bunkering.
 - Before fueling the truck operator must complete a Declaration of Inspection signed by the vessel operator and the fuel delivery truck.
 - The truck driver and vessel engineer must maintain visual contact throughout the fueling process.
- 2) The location of the oil spill response materials must be clearly identified with appropriate signage.
- 3) Emergency response telephone numbers must be clearly displayed with appropriate signage.
- 4) Adequate quantities of spill response materials must be maintained on site. Fuel deliveries shall be halted after a spill event until the supply of spill materials has been replenished.

NOTICE OF PUBLIC HEARING



PROPOSAL: Modification of USE2007-0009 to allow bunkering of fuel for commercial vessels at Auke Bay Loading Facility.

<p>FILE NO: USE20110006</p> <p>TO: Adjacent Property Owners</p> <p>HEARING DATE: Jun 14, 2011</p> <p>HEARING TIME: 7:00 PM</p> <p>PLACE: ASSEMBLY CHAMBERS Municipal Building 155 South Seward St Juneau, Alaska 99801</p>	<p>APPLICANT: CBJ; DOCKS AND HARBORS</p> <p>Property PCN: 4B3101000021</p> <p>Owner(s): CITY AND BOROUGH OF JUNEAU & DOCKS AND HARBORS</p> <p>Size: 0 sqft</p> <p>Zoned: WC</p> <p>Site Address: 13575 GLACIER HWY</p> <p>Accessed via: GLACIER HWY</p>
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PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department no later than 8:30 A.M. on the Wednesday preceding the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a few days before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Teri Camery at 586-0755 or email : teri_camery@ci.juneau.ak.us

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		Use 2-11-0006	4/12/14

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

- Accessory Apartment*** (AAP) Driveway in Right-of-Way (ADW)
 Use Listed in §49.25.300 (USE)
 (Table of Permissible Uses)

Please list the Table of Permissible Uses Category: 9.600

***An Accessory Apartment Application will also be required.

DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED.

Amend CU 2007-0009 to allow bunkering of fuel for commercial vessels at Anhe Bay Loading Facility

IS THIS A MODIFICATION OF AN EXISTING APPROVAL?

NO YES - Case # CU 2007-0009

CURRENT USE OF LAND OR BUILDING(S): Commercial loading & storage facility

PROPOSED USE OF LAND OR BUILDING(S): Same w/ addition of fuel bunkering

UTILITIES PROPOSED: WATER: Public On Site SEWER: Public On Site N/A

SITE AND BUILDING SPECIFICS: N/A
 Total Area of Lot 437,000 S.F. square feet Total Area of Existing Structure(s) _____ square feet
 Total Area of Proposed Structure(s) _____ square feet

EXTERNAL LIGHTING:
 Existing to remain No Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures
 Proposed No Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures

PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

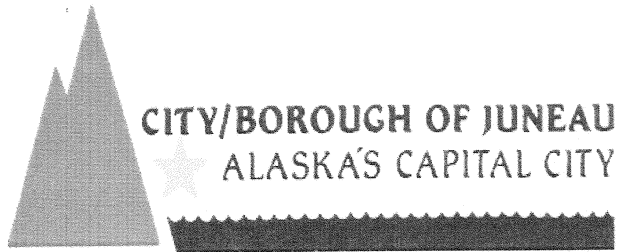
- | | |
|--|--|
| <input checked="" type="checkbox"/> Site Plan | <input type="checkbox"/> Existing and proposed parking areas (including dimensions) and proposed traffic circulation |
| <input type="checkbox"/> Floor Plan of proposed buildings | <input type="checkbox"/> Existing Physical Features of the site (drainage, habitat, hazard areas, etc.) |
| <input type="checkbox"/> Elevation view of existing and proposed buildings | |
| <input type="checkbox"/> Proposed Vegetative Cover | |

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	ALLOWABLE/CONDITIONAL USE FEES				
	Fees	Check No.	Receipt	Date	
	Application Fees	\$ <u>750⁰⁰</u>	_____	_____	_____
	Admin. of Guarantee	\$ _____	_____	_____	_____
	Adjustment	\$ _____	_____	_____	_____
	Pub. Not. Sign Fee	\$ <u>50.00</u>	_____	_____	_____
Pub. Not. Sign Deposit	\$ <u>100⁰⁰</u>	_____	_____	_____	
Total Fee	\$ <u>900⁰⁰</u>	<u>Adjusted off to DAC</u>			

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

TO BE COMPLETED BY THE APPLICANT

ATTACHMENT 3



City & Borough of Juneau • Docks & Harbors
155 S. Seward Street • Juneau, AK 99801
(907) 586-0292 Phone • (907) 586-0295 Fax

Port of Juneau MEMORANDUM

To: CBJ Planning Commission
From: Gary Gillette, Port Engineer
Date: April 19, 2011
Re: Auke Bay Loading Facility
CU 2007-00009 Conditional Use Permit Amendment Request



For the past year the City and Borough of Juneau, (CBJ) Docks and Harbors Department has successfully managed its newly constructed Auke Bay Loading Facility (ABLF) located next to the Alaska Glacier Seafood Plant in Auke Bay. The reaction from the commercial users in Auke Bay has been overwhelmingly positive and this facility has noticeably improved commercial activity in the region. Recently, it has come to our attention that the act of bunkering fuel onto these commercial vessels at the facility is not specifically allowed in the Conditional Use permit by virtue of condition #8. We seek to rectify this omission through this CU permit amendment.

Condition #8 of CU 2007-00009 states: "No oils or fuels will be available on the site. Docks and Harbors will maintain small quantities of fuel on site for winter snow removal equipment." The Docks & Harbors staff did not interpret this condition to prohibit bunkering of fuel from delivery trucks to vessels as this fuel is transported and dispensed from tanker trucks therefore no fuel is stored on site. Docks & Harbors interpreted this condition to prohibit a commercial fuel dock operation. Since we have been advised by CDD that fuel bunkering is not allowed we have ceased this activity.

The request to offer bunkering of fuel at ABLF seems reasonable as bunkering currently takes place at the NOAA Dock, the Gitkov Dock, and at Statter Harbor. There is considerable interest by large commercial vessel owners to be able to bunker fuel at the Auke Bay Loading Facility. The US Coast Guard (USCG), large commercial fishing vessels, landing craft and large yachts that frequent Auke Bay are interested in this service.

A primary purpose of the loading facility is to separate commercial users from recreational users in Auke Bay. Without the ABLF, large vessel operators such as the USCG, bunker fuel at the boarding float in Statter Harbor by positioning the fuel truck at the top of the gang way and running the hose down to the vessel. This creates congestion and safety concerns when large groups of tour patrons are accessing tour boats. Bunkering fuel for large vessels can take a number of hours to complete, thus tying up the facility of other users.

Operators of vessels using the loading facility would greatly benefit by being allowed to fuel directly from the existing drive down float. A vessel could arrange for one of the local fuel vendors to have a 4500 gallon fuel delivery truck drive down the ramp and pull along side the vessel. This ability to pull within 5 feet of the vessel greatly reduces the likelihood of a fuel spill as well as reducing congestion and safety hazards.

Fuel truck operators are trained to adhere to strict bunkering protocol known as the mobile Marine Transfer Related (MTR) Plan which is reviewed and certified by the USCG. Each fuel transporting vehicle carries a copy of this document. As part of the MTR, the hoses used to convey fuel from the truck to the vessel are pressure tested annually, documented and stamped to obtain USCG approval.

Prior to bunkering fuel, the truck operator completes a Declaration of Inspection (DOI) aboard the vessel during which more than 27 required elements are inspected to insure the vessel meets safety, spill prevention, and response requirements set forth by the USCG. This document is signed by both the fuel truck operator and the vessel engineer. This high level of safety inspection is required for every bunkering event.

On January 6, 2011 a meeting with Alaska DEC, USCG, Delta Western, Petro Marine and CBJ Docks and Harbors staff was held to discuss the operation of bunkering fuel at the ABLF. All entities represented at the meeting supported amending the conditional use permit to allow bunkering of fuel.

Alaska Department of Environmental Conservation (ADEC) representatives indicated they understand the bunkering protocol used by the fuel supply companies and have no issues with this activity. They understand CBJ has spill response equipment on the float at ABLF. The materials are within easy reach in the event of a spill. If an event occurs and spill cleanup materials are used they would be properly disposed of and replaced immediately. ADEC maintains a record of the ABLF spill response material and equipment on their list of spill response resources in Auke Bay and makes the list available to CBJ and other facilities. Other spill response equipment available in the area is located at the top of the Statter Harbor boat launch ramp in a conex container. This equipment is positioned to serve all of Auke Bay and can be deployed quickly in response to any spill event. All spill response equipment and materials are available to any facility in the event of a spill. There is also a spill response vessel that is moored at Statter Harbor which is available to assist in spill response activities.

The fuel suppliers are enthusiastic about using the ABLF to bunker fuel as they see multiple safety and environmental benefits. They understand the sensitive habitat issues and have better control during bunkering operations by being closer to the vessel.

Additional safeguards listed below are required by the MTR plan at all times while bunkering takes place.

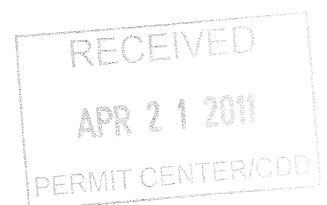
- All persons involved in the fuel transfer operation will be trained to follow the MTR and in the consistent use of BMPs.
- The engineer informs the fuel truck driver of the number of gallons to be transferred prior to starting. The vessel engineer is required to do the actual bunkering of fuel. The engineer controls and visually monitors the fuel nozzle during the transfer process. Extra care is taken to prevent fuel dripping at the nozzle location and absorbent material is at hand for containment of any dripping.
- The truck driver and vessel engineer are in constant visual contact throughout the bunkering process.

In conclusion, the bunkering of fuel at ABLF can take place with little risk to the surrounding community and sensitive coastal habitat because of the bunkering protocol employed by the vendors, the spill response equipment available at ABLF and in the area, and the vendors' use of operators trained in appropriate safeguards and procedures.

Therefore, the Docks and Harbors Department asks that Condition #8 of CU 2007-00009 be amended to allow bunkering of fuel at the Auke Bay Loading Facility.

Attachments:

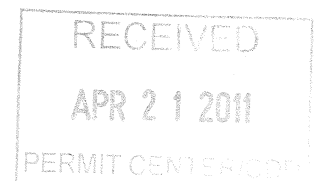
- A - List of spill response materials on the float at Auke Bay Loading Facility
- B - List of spill response materials at Statter Harbor



Auke Bay Loading Facility Spill Response Equipment

The following supplies are located in the storage shed on the float for fast access.

- One 95-gal. mobile overpack salvage drum. Drum dim.: 36 dia. x 47"H.
- Three 25-lb. bags of Ensorb (TM) super absorbent
- 4 absorbent socks (3" x 4 ft.)
- 6 absorbent socks (3" x 8 ft.)
- 50 absorbent pads (17 x 19")
- 1 scoop
- 1 broom head
- 1 telescoping handle
- 1 dustpan combo
- 8 disposal bags





Alaska Department of Environmental Conservation



Juneau Auke Bay Pre-Positioned Response CONEX

The response conex is located at the Auke Bay Harbor launch ramp
58° 23.124' N, 134° 38.707' W

Contacts for access to this conex:
John Stone, Port Director 586-5255

Sarah Moore 465-5239
Southeast Responders 465-5340
After Hours call 1-800-478-9300



Conex Inventory

3/EA OVERPACK DRUMS, (STEEL), 85 GAL. REMOVABLE TOP, MDL 1A2 DOT

1/BOX OVERPACK DRUM LINERS, 4MIL., 50 BAGS/BOX

500/FT KEPNER, 8" X 12" SEACURTAIN BOOM, LABELED "ADEC"

2/EA TOW BRIDLES (FOR ABOVE BOOM), W/2 S.S. SNAP HOOKS

2/EA BOOM CONNECTOR ADAPTERS, UNIVERSAL (HINGE, PIN, & PLATE)
TO ASTM, W/1 GALV. SNAP HOOK

6/EA DANFORTH ANCHORS, 22 LBS., W/10' - 3/8" GALV. CHAIN, SNAP HOOK

6/EA GALV. CHAIN 10' - 3/8" (SPARE), CONNECTORS & GALV. SNAP HOOK

2/EA TOE LINES, 5/8" X 100', W/S.S. THIMBLE & 2/S.S. SNAP HOOKS EACH

18/EA ANCHOR ROPES, 1/2" X 100' W/S.S. THIMBLES & 1 SNAP HOOK EACH

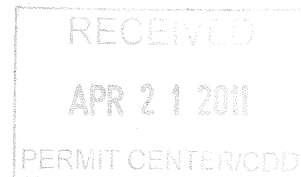
6/EA A-1, 12" CRAB BUOYS, W/3/8" X 10' NYLON LINE & 1 S.S. SNAP HOOK

1 SPOOL 3/8" 3 STRAND BRAIDED NYLON LINE, 600' SPOOL

25/BDL SORBENT PADS (BUNDLES), 18" X 18", 100 COUNT

14/BDL SORBENT BOOM (BUNDLES), W/4 EA 5" X 10'BOOMS/BAG

10/BXES POM-POMS ON A ROPE - OIL SNARES - 100'



2/EA LIFT BAGS, 35" X 35" X 35", W/ 2 GALV. SNAP HOOKS

4/EA LIFT BAG POLY LINERS, 4 MIL. (72" X 132")

5/EA CARGO STRAP, RATCHET ASSEMBLY, (2" WIDE X 12' LONG)

4/EA CARGO STRAP, RATCHET ASESEMBLY, (2" WIDE X 16' LONG)

1/EA AMERICAN PADLOCK, LONG NECK, H.D., W/ 2 KEYS MARKED "LRC"

4/EA CONCRETE PIERS (PADS)

-----1/EA HIP ROOF TUFF-E TOOL BOX, 15"L X 7"W X 6.5"H-----

1/EA CRAFTSMAN SOCKET WRENCH BAR, FLEX HEAD, 1/2" DR., #44201

1/EA CRAFTSMAN RATCHET SOCKET WRENCH, 1/2" DRIVE, # 44809

1/EA CRAFTSMAN, 15/16"-12 POINT DEEP SOCKET, 1/2" DRIVE, # 47529

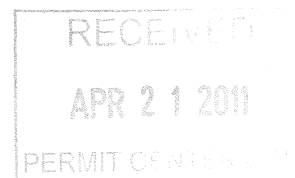
1/EA CRAFTSMAN ADJUSTABLE PLIERS, # 45381

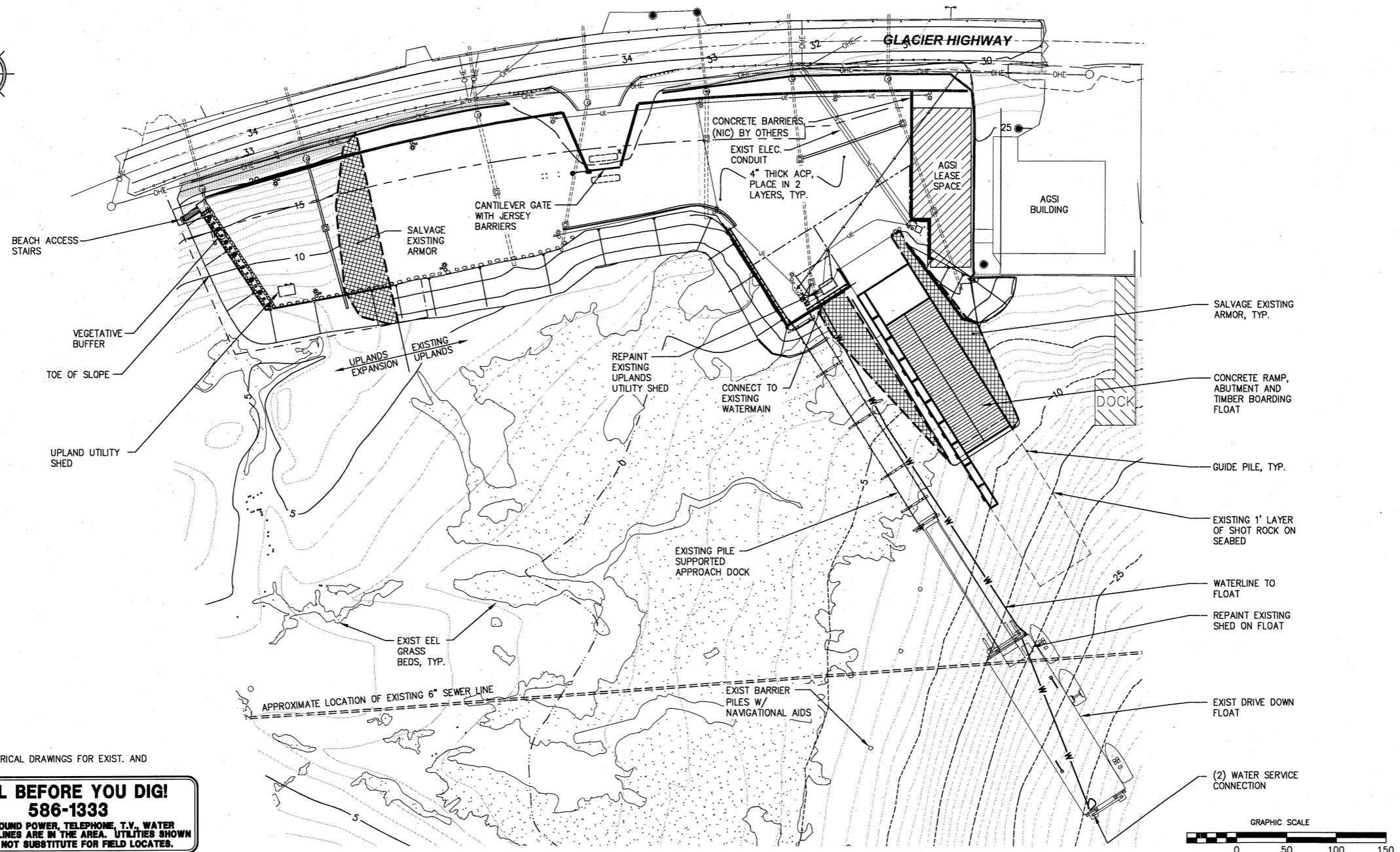
1/EA CRAFTSMAN 10" ADJUSTABLE CRESCENT WRENCH, # 44604

1/EA 16 OZ. BALL PEEN HAMMER, WOOD HANDLE, #2452-2013

1/EA 8 LB. SLEDGE HAMMER WITH 36" HANDLE

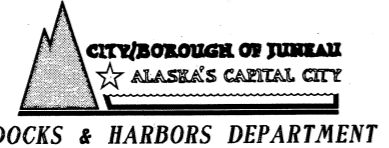
MISC.SPARE BOLTS AND PINS IN TOOL BOX FOR KEPNER BOOM





NOTE:
1. SEE ELECTRICAL DRAWINGS FOR EXIST. AND NEW ELEC.

DIAL BEFORE YOU DIG!
586-1333
UNDERGROUND POWER, TELEPHONE, T.V., WATER AND SEWER LINES ARE IN THE AREA. UTILITIES SHOWN HERE DO NOT SUBSTITUTE FOR FIELD LOCATES.



REVISIONS					
REV.	DATE	DESCRIPTION	DWN.	CKD.	APP.

PND
ENGINEERS, INC.
9360 Glacier Highway Suite 100
Juneau, Alaska 99801
Phone: 907-586-2093
Fax: 907-586-2099
www.pndengineers.com

DESIGN: PLR CHECKED: BMI SCALE: AS SHOWN
DRAWN: LRG APPROVED: CRS



AUKE BAY LOADING FACILITY
PHASE 2
CONTRACT NO. DH11-151

SHEET TITLE: **OVERALL SITE PLAN**
PND PROJECT NO. 02229.08 DWG. FILE: 2.01.DWG

2.01
SHEET 9 OF 39

RECEIVED
APR 21 2011
PERMIT CENTER

Teri Camery

From: Gary Gillette
Sent: Wednesday, May 11, 2011 2:44 PM
To: Teri Camery
Subject: Auke Bay Loading Facility

Teri

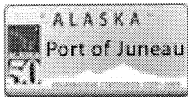
Following up on our recent conversation on the conditional use amendment for Auke Bay Loading Facility (ABLF):

First, the terminology – bunkering is the term used when a ship is “taking-on” fuel. The term derives from the containers on ships and in ports that fuel is stored in. In the days of steam ships they were coal bunkers but now they are bunker fuel tanks.

The intent at ABLF is to allow bunkering from a fuel truck. The bunkering would be done under the rules set forth by the USCG as explained in our application narrative. To be clear it is not the intent to install a fueling station that would be used by the general recreational boater – as occurs at Fishermen’s Bend and DeHart’s Marina. No large fuel tanks would be installed at the site – the fuel would be transported in trucks, dispensed, and the truck would leave the site. When a boat captain wants to use the facility for bunkering they are required to contact the Statter Harbor Office to schedule the activity.

Regarding the class of ship that would use the facility: the USCG Liberty, a 110 foot cutter has indicated intent to use the facility. Also we have had requests from fishing vessels, and large luxury yachts. The float is 180 foot long so will limit the size of boat tying up to the 200 +/- foot range.

Let me know if you need further information on this topic.



Gary H. Gillette, Architect
Port Engineer

City and Borough of Juneau
155 South Seward Street
Juneau, Alaska 99801

Phone: 907-586-0398
Cell Phone: 907-321-1118
Fax: 907-586-0295
E-Mail: gary_gillette@ci.juneau.ak.us

6/6/2011

ATTACHMENT 6

Teri Camery

From: Chiska Derr [Chiska.Derr@noaa.gov]
Sent: Thursday, May 19, 2011 4:17 PM
To: Teri Camery
Subject: NMFS Comments on Importance of Auke Nu Cove Habitat

Ecological Importance of Auke Nu Cove Intertidal Habitat

The tidal flats of Auke Nu Cove support productive plant communities, which include microscopic benthic microalgae, macroalgae and eelgrass, and an abundant infaunal community. Infauna are aquatic organisms that live within the dominant media of their environment, for example burrowing bivalves that filter-feed from within tidal sediments. Soft sediments, and particularly tidal flats, are a vital part of the coastal ecosystem and provide a number of important ecosystem services, such as: primary and secondary production; habitat for adult flatfish and shellfish; refuge and nursery habitat for juvenile fish, including salmon; and interception and uptake of nutrients and contaminants from watershed drainage. Many of the intertidal fauna are common prey items for fish, birds, and marine mammals, which links tidal flat productivity and overall coastal productivity.

Eelgrass beds, which are designated as special habitat areas under the Clean Water Act, are recognized as important marine habitats in Alaska and other parts of the world. Eelgrass beds and the tidelands surrounding them are essential components of biologically diverse marine ecosystems. Eelgrass is used as a spawning substrate by pacific herring; it also provides rearing habitat for many marine organisms, including juvenile salmonids, crab, shrimp, and forage fish and invertebrates (Harris et al. 2008). Many marine species important to commercial and sport fisheries use eelgrass as rearing habitat in spring and summer (Johnson and Thedinga 2005). The intertidal and subtidal areas around eelgrass beds also provide important habitat for these and other organisms (Harris 2009). Many marine invertebrates live in the mudflats, and are an important food source for the organisms that congregate in eelgrass beds (Harris 2009). Rearing coho and other salmon use the shoreline habitat during migration to sea, and between different freshwater rearing streams (Harris 2009).

Under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) (50 CFR Part 600), the aquatic habitat provided by the Auke Nu Cove tidal flats is considered Essential Fish Habitat (EFH). The MSA defines EFH as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. For the purpose of interpreting the definition of EFH, "waters" include aquatic areas and their associated physical, chemical, and biological properties that are used by fish, "substrate" includes sediment, hard bottom, structures underlying the water, and associated biological communities, "necessary" means the habitat required to support a sustainable fishery and the managed species' contribution to a healthy ecosystem, and "spawning, breeding, feeding or growth to maturity" covers a species' full life cycle.

The National Marine Fisheries Service (NMFS) is charged by the MSA with providing conservation recommendations for any action with a federal nexus that may adversely impact EFH. During the U.S. Army Corps of Engineers (Corps) permitting process, when the City and Borough of Juneau (CBJ) obtained the permit to place fill material for the Auke Bay Loading Facility, CBJ conducted EFH consultation with NMFS. In recognition of the importance of the remaining EFH in Auke Nu, CBJ agreed to place approximately 32 acres of intertidal habitat, including and not limited to eelgrass, into a Conservation Easement (CE). CBJ is actively negotiating with Alaska Department of Mining Lands & Waters for transfer of those intertidal lands.

Teri Camery

From: Gary Gillette
Sent: Friday, June 03, 2011 4:07 PM
To: Teri Camery
Subject: RE: NMFS Comments on Importance of Auke Nu Cove Habitat

Teri,
 I have reviewed the comments from NMFS below. It appears there are two specific comments regarding the proposed fuel bunkering operations relative to our request for change to Condition #8 of USE2007-0009. The comments are contained in the last paragraph regarding 1) recommending "... the most stringent fuel transfer best management practices be used ..."; and 2) recommending that "... CBJ install a conex container onsite at the ABLF containing the same spill response equipment as the container at Statter Harbor."

Regarding comment 1 above:

Fuel bunkering will follow stringent best management practices as stated in our application as follows:

"Fuel truck operators are trained to adhere to strict bunkering protocol known as the mobile Marine Transfer Related (MTR) Plan which is reviewed and certified by the USCG. Each fuel transporting vehicle carries a copy of this document. As part of the MTR, the hoses used to convey fuel from the truck to the vessel are pressure tested annually, documented and stamped to obtain USCG approval.

Prior to bunkering fuel, the truck operator completes a Declaration of Inspection (DOI) aboard the vessel during which more than 27 required elements are inspected to insure the vessel meets safety, spill prevention, and response requirements set forth by the USCG. This document is signed by both the fuel truck operator and the vessel engineer. This high level of safety inspection is required for every bunkering event."

Further, as stated in our application:

"Additional safeguards listed below are required by the MTR plan at all times while bunkering takes place.

- **All persons involved in the fuel transfer operation will be trained to follow the MTR and in the consistent use of BMPs.**
- **The engineer informs the fuel truck driver of the number of gallons to be transferred prior to starting. The vessel engineer is required to do the actual bunkering of fuel. The engineer controls and visually monitors the fuel nozzle during the transfer process. Extra care is taken to prevent fuel dripping at the nozzle location and absorbent material is at hand for containment of any dripping.**

The truck driver and vessel engineer are in constant visual contact throughout the bunkering process."

Regarding comment 2 above:

First it should be noted that the chance of a large fuel spill as a result of fuel bunkering is minimal. This is because the bunkering is done with at least two personnel on hand at all times as required by the MTR (the vessel engineer and the fuel truck operator). If, for example, the fuel line from the truck is cut and begins leaking the operator would immediately shut off the pump thus the maximum amount of fuel that could be spilled is what is in the fuel hose. The fuel truck has spill response material available for this level of spill. In addition there is spill response material available on the float (a list of material is included

**PLANNING COMMISSION
NOTICE OF DECISION**

Date: May 10, 2007

File No.: USE2007-00009

CBJ Docks & Harbors
155 South Seward Street
Juneau, AK 99801

Application For: A Conditional Use permit for a commercial loading dock facility to service commercial fishing and provide efficient marine loading operations.

Legal Description: ATS 357, Lot 1

Parcel Code No.: 4-B31-0-100-002-1

Hearing Date: May 8, 2007

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 2, 2007 and approved the Auke Bay Loading Facility to be conducted as described in the project description and project drawing submitted with the application and with the following conditions:

1. Lighting fixtures, design and placement must assure that light is directed only onto the site and does not spill onto adjacent property. Signs shall be installed on the float instructing vessels to turn off high-pressure sodium lights (forward-looking "crab" lights) upon docking.
2. The grading permit must list the best management practices that will be employed during construction to prevent sedimentation of marine waters.
3. The measures to avoid, minimize and mitigate impacts to eelgrass listed on page 13 are incorporated as conditions of approval for this permit.
4. Only rubber-tired equipment or vehicles are permitted for loading and off-loading product and freight.
5. A contract must be executed for regular pumping of the portable toilet.
6. Parking spaces must be clearly delineated, either with curb stops or with striping. The van-accessible space must be properly signed.
7. A refuse container must be placed on the site and contracted for emptying on a regular basis.
8. No oils or fuels will be available for commercial use on the site. Docks and Harbors will provide a waste oil container and will maintain small quantities of fuel on site for winter snow removal equipment.
9. A hydrocarbon spill response kit must be kept on the float in the event of unexpected spills or leaks from vessels using the facility.

Attachments: May 2, 2007 memorandum from Peter Freer, Community Development to the CBJ Planning Commission regarding USE2007-00009.

PLANNING COMMISSION
NOTICE OF DECISION

Date: July 23, 2008

File No.: USE2008-00036

CBJ Docks & Harbors
Attn: John Stone
155 South Seward St
Juneau, AK 99801

Application For: Modification to USE2007-00009 to expand the current commercial loading facility into a .82 acre area for fisheries support

Legal Description: ATS 357 LT 1

Parcel Code No.: 4-B31-0-100-002-1

Hearing Date: July 22, 2008

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated July 15, 2008 and approved the Conditional Use Permit to be conducted as described in the project description and project drawing submitted with the application.

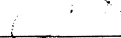
Attachments: July 15, 2008 memorandum from Teri Camery, Community Development to the CBJ Planning Commission regarding USE2008-00036.

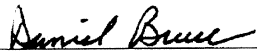
This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain a building permit for any and all improvements requiring such.

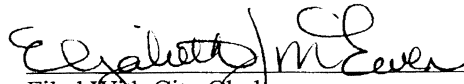
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ Sec. 49.20.120).

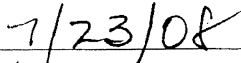
Effective Date: The permit is effective upon approval by the Commission, July 22, 2008.

Expiration Date: The permit will expire 18 months after the effective date, or January 22, 2010, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to expiration date.

Project Planner: 
Teri Camery, Planner
Community Development Department


Daniel Bruce, Chairman
Planning Commission


Filed With City Clerk


Date 7/23/08

Teri Camery

From: brucegriggs@hotmail.com on behalf of Mary Frances Griggs [maryfgriggs@hotmail.com]
Sent: Monday, June 06, 2011 10:50 PM
To: Teri Camery
Subject: Fwd: file#use20110006

Begin forwarded message:

From: Bruce Griggs <brucegriggs@hotmail.com>
Date: June 6, 2011 10:44:01 PM AKDT
To: teri_camery@ci.juneauak.us
Subject: file#use20110006

Dear Commissioners,

I would like to weigh in on the proposed modification of use 2007-0009 which would allow fuel bunkering at the new Auke Bay loading facility. I live within a quarter mile of this facility and was and am in total support of the facility as it stands. I am very familiar with the diversity of the tidal slough which neighbors this facility as my home looks down on it. I am happy to report that the changes that have occurred in the last several years at the slough have impacted the wildlife there very minimally. It seems that everything has adjusted to all the construction and commerce that now happens there.

Having said that, I think fuel storage at the sight is a terrible idea. Is it worth risking a complete disaster of a Eco system killing fuel spill at that sight just for the sake of convenience? No, I don't think so! Owning heavy equipment my self for many years and having large fuel tanks myself, I can almost guarantee that there would be fuel spilled. It is not that big a deal to arrange fuel from existing sources. Lets not risk a special place for such a small gain.

Thank you for your consideration.

Sincerely,

Bruce Griggs
13948 Glacier Highway

ATTACHMENT 11