CITY OF CORDOVA

Chairman:
Robert Beedle
Commissioners:
Andy Craig
Max Wiese
Kenneth Jones
Jacob Betts
Harbormaster:
Tony Schinella
Admin Assistant:
Brandy Griffith

HARBOR COMMISSION WORK SESSION
Jan 12, 2017 @ 7:00 PM
CORDOVA CENTER EDUCATION ROOM

AGENDA

CALL TO ORDER

ROLL CALL

Robert Beedle, Andy Craig, Max Wiese, Ken Jones, Jacob Betts

1. COMMUNICATIONS BY VISITORS

A. Audience comments regarding agenda items (3 minutes per speaker)
B. Guest speaker: Alan Lanning (Cordova City Manager)

2. WORK SESSION TOPIC

A. Cordova Port & Harbor Strategic Planning…….…. Page 2-16

B. Link to Final South Fill Summary Report
http://www.cityofcordova.net/images//planning/resources/FINAL%20Southfill%20Project%20Summary.pdf

3. AUDIENCE PARTICIPATION

4. COMMISSION COMMENTS

5. ADJOURNMENT

OPEN CELL® AND OPEN CELL SHEET PILE®
ARE REGISTERED TRADEMARKS OF PND ENGINEERS, INC.
THE OPEN CELL SYSTEM IS PATENTED
PATENT – US 6,710,954 B2
PATENT – US 7,018,141 B2
PATENT – US 7,488,140 B2

PND Engineers, Inc. is not responsible for safety programs, methods or procedures of operation, or the workmanship 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
Fax: 907.563.4220
www.pndengineers.com

PND ENGINEERS, INC.

PROJECT
CORDOVA SMALL BOAT HARBOR
UPLANDS EXPANSION

TITLE
CONCEPTUAL PLAN

DESIGNED BY:	DK	DATE:	8/10/13
CHECKED BY:	PK	PROJECT NO:	XXXXX

SHEET NO. 1 OF 1

POSSIBLE LOCATIONS FOR A PROCESSOR FACILITY IN CORDOVA

We have prepared this report to ask for your help and support in bringing another large seafood processor to Cordova. If you think, as we do, that we need another processor in town for the benefit of the total community, we need your support. If you do not believe another processor would benefit both the fishermen and the town, there is no reason to read on.

We have been working for several years, and have had some interest generated in the past for another processor. The interest has increased over the past few months, and they are looking for local support and land location before they continue with the engineering cost.

The company expressing interest in locating in Cordova is reputable, but wants to remain anonymous until they have completed more research, and the city gives preliminary approval of their purchase. We did introduce them to Clay Koplin the City Mayor, so he is aware of their interest in building a state of the art processing facility in Cordova.

The potential company of interest has over 1000 employees in the U.S. and other countries, and would initially employ 25-40 local Cordova residents, offering good pay and full benefits. The company has four Alaskan sites it is considering for a new facility, but has a keen interest to build in Cordova, since we have promoted the possibilities to them. The facility will be a full year-round processor of salmon, halibut, cod, sablefish and other fish species, bringing additional opportunity to our fishermen and community; something we feel the town really needs. Once approved by the city to acquire suitable land and to build, the company is planning a 2 year build out to expand in size from 40 to a total of 100 employees. The company is a financially secure operation, with over 40 years in the food industry, and is looking for potential sites so they can be in operation by May of 2019.

It is important that we all think of this as an opportunity for regional year round growth in which existing processors, fishermen, the city, and other local small businesses, and in fact every citizen of Cordova benefits from increased business activity as a region!

If you agree that regional growth benefits all of us, please take some time to review possible sites for a new processor. Exhibit "A", the front cover chart shows the four sites we have identified:

Location 1, is behind Orca Lodge, and Steve Ranney has not shown an interest in having traffic around his lodge. If the Shepard Point Rd. was open, it might be an option.

Location 2, is identified as the New England Cannery site, which too, has been studied. The South Fill Commercial Area (SFCA) report lists the pros and cons:

Commercial • Pros • Correct zone • Not filling tidelands • Scenic overviews • Potential for trails • Space for parking

• Cons • Major extraction of rock • Far from to city center • No harbor/dock facilities

Location 3, is located in the ATS 1004 area, and would be totally impossible to develop as a processor. In addition to the environment concerns, total public rejection of developing the area in the past, and the recent RFP conditions, all would make it economically impossible to develop the area for a processor facility; the cost can only be justified by a Gov't entity.

Location 4, the last location, has been fully reviewed by the total town in three town hall meetings. Exhibit "B", the full report with conclusions, shows full public support for this area along the Cordova Harbor's western breakwater for waterfront development. The full report can be accessed at

http://www.cityofcordova.net/images/FINAL%20Southfill%20Project%20Summary.pdf

Exhibit "C", page 94 of that report, shows the issues relating to the Cordova Harbor. The Blue area to the west of the current breakwater is an area that has been approved for water front development. The major problem with this site was at the time it was discussed in 2013, it was State of Alaska property, which cut our current harbor in half, so a large part of our Harbor was owned by the State. Now, all that has changed, and the property now belongs to the City of Cordova, see Exhibit "D".

Exhibit "D" is the full discussion, final findings and decision for the transfer of this State property to Cordova, which was completed in 2016. Note Exhibit "E" with full 50 acres acquired by the City in ATS 220. Since this transfer, all the area shown in Exhibit "C" now is City of Cordova property. Exhibit "D" also explains the intent of the City and the State in the acquiring of the property, which are all are consistent with a desire for Waterfront Development.

As a result of the property transfer, the City now has the opportunity to respond to the continued requests for waterfront commercial property that is centrally located and close on the water to allow development of waterfront property, but must be certain that development responds to criteria and goals of the South Fill Commercial Area, (SFCA), but in short the report finds:

> *[the] Purpose of Waterfront Commercial District 18.39.010 - Purpose. The waterfront commercial park district is intended to be applied to land with direct access or close proximity to navigable tidal waters within the city. Structures within the WCP district are to be constructed in such a manner as to be aesthetically consistent with, and reflect the community's marine—oriented lifestyle. Uses within the waterfront commercial park district are intended to be water-dependent or water-related, and primarily those uses that are particularly related to location, recreation or commercial enterprises that derive an economic or social benefit from a waterfront location. (pg. 48)*

Exhibit "F" illustrates the full extent of the proposed project which with smart and speedy planning by Cordovans could also incorporate most of the Harbor improvements envisioned by the public during their development meetings: Harbor flushing areas, Gazebo, Greenbelt, and area for future water front development. The main reason this area is so attractive is the total population of the town has reviewed all the alternatives during the South Fill meetings in 2013, and felt this is the best site for future development. Selecting this site will avoid a lot of time delays venting environmental concerns that have already been addressed and approved, and the location of the proposed development. Additionally, some of the infrastructure necessary for the South Fill Commercial Area could be achieved by the Harbor Construction activities.

> *Through the spring 2013 public meeting series, <u>a modification of the original fill concept</u>, [<u>south</u> of the harbor] was shared and supported by meeting participants. After reviewing the current status of the SFCA, and the current property available downtown, participants felt the new alternative, shown in Figure 2 above, is considered a good alternate development meeting the desired outcome – more waterfront commercial development space in the SFCA. Moreover, participants expressed the new alternative would raise less environmental <u>concerns off the west end of the current fill</u>, and would have less of an impact on current land owners. (Pg. 17)*

5). There is the possibility for a processor development in between Prince William Marina and Old SawMill Rd, but the area has not been vented, and ownerships, environmental concerns etc. could cause major expenses and major time delays.

In conclusion, what can you do? If you agree with us that Cordova needs another processor, please ask your Harbor Commission Representative to convey that message to the City Council for future consideration.

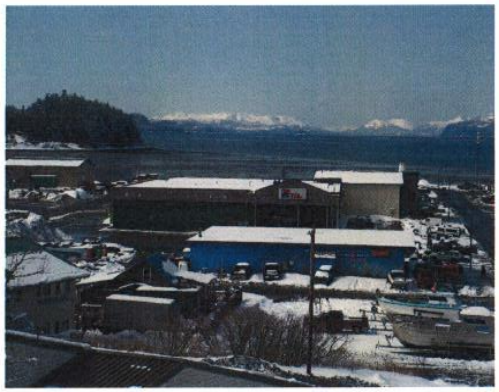
In addition, if you approve of the current location shown in this report, (Location 4, Exhibit A) please ask the parties preparing the Shovel-Ready proposal for Harbor repair and construction to include design and funds to widen the breakwater for both tsunami protection and a 60' roadway on the western breakwater to benefit the South Fill Commercial Area waterfront development per Exhibit "F".

If for any reason you do not approve of the current proposed location, please indicate another location so this new business facility can explore the prospects of building on that site. If you have any other site that you think would be suitable, and not require months or even years of public hearings, we are more than interested in exploring the possibility. Please give us a call. 424-4512.

Thank you for your help, and I am looking forward to your input so I can convey your message to this prospect. Thank you.

John

A Summary of 3 Community Meetings for the South Fill Commercial Area



October 8, 2013
Prepared for:
The City of Cordova
Prepared by: Agnew::Beck
Samantha Greenwood,
Shannon Joekay

EXHIBIT "B"
TO REVIEW TOTAL 135 PAGES OF DOCUMENT GO TO:
http://www.cityofcordova.net/images/FINAL%20Southfill%20Project%20Summary.pdf

EXHIBIT "C"

This is page 94 of the report. The summary is clear that this final report had full public support. The original objective for the study was to get expanded commercial area for future development, but the public wanted to expand the study to cover total development in the South Fill area. There were objections to developing to the south of the current fill, and using the RED and BLUE areas was recommended for future development. There were requests for greenbelt, trails or boardwalks on the outer edges. In additon, the City did not own the BLUE area, but the City has subsequently acquired that property from the State in 2016, see Exhibt D, which transferred the property and defines the area for waterfront development.

South Fill Commercial Area Future Development Options
Long Term (10 + years)
Summary of community input as of 4/16/2013 Meeting

- Sheet pile
  - North and South Harbors to add parking and/or boardwalks and trails .
  - Inner area of current breakwater to allow for a second boat ramp in South Fill – provide maintenance area for additional ramps.
- Square off the end and extend to NW corner of harbor. All new fill would have greenbelt, trail or boardwalks on outer edges.
  - Filling in front of the breakwater may limit harbor expansion.
  - City does not own all the land outside the breakwater.
- Cut "L" Dock in half to allow for boat access.
  - Does not allow continuous access between floats.
- Square off end of current South Fill. All new fill would have greenbelt, trail or boardwalks on outer edges.
- Fill behind Sawmill connection.
  - Work with landowners.
- Connect South Fill to Sawmill
  - Path, road or bridge.
  - Scenic overlook to view migrating birds.
  - Develop tideland area adjacent to extension.
  - Alignment with idea for navigable waters.
  - Work with landowners.

Page 94 of 133

This report illustrates the extremely short supply of developable land and particularly for commercial and water front land suitable for a new processor in Cordova, Alaska.
It is extremely difficult to impossible to get Corp of Engineers approval for fill without extenuating circumstances and possible mitigating requirements. It is possible however to fill for harbor improvements and tsunami protection, and a new processor would have to be located on pilings. There could be a paved road the length of the widened breakwater, and the current new processor has agreed to pave the roadway as part of their development.

If we want a new processor, the development of water front property will have to be incorporated in the total harbor funding project.

EXHIBT "D"

ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
MUNICIPAL ENTITLEMENT

FINAL FINDING AND DECISION
CONVEYANCE OF TIDE AND SUBMERGED LAND
UNDER AS 38.05.825

CITY OF CORDOVA
CORDOVA HARBOR - ORCA INLET
ADL 232192

I. SUPPLEMENT STATEMENT

This Final Finding and Decision (FFD) supplements the Preliminary Decision (PD) issued on July 8th,2015 for the proposed action which is incorporated herein. The FFD makes only one change to the PD. In the PD, under third party interests and under "Disposition of Leases, Permits and Applications," a tideland use permit application submitted by Marine Resources, LLC for the *MN* Polar Bear is included. This vessel is no longer in application status and has been placed in trespass.

The Department of Natural Resources (DNR) received one comment responding to the PD, which stated no objections to the decision.

II. RECOMMENDED ACTION

DNR has determined in this FFD that Alternative 3 described in the PD is the preferred action. The FFD finds it is in the best interest of the state to convey the tide and submerged lands of approximately 50 acres as indicated in TABLE A to the City of Cordova in accordance with AS 38.05.825 and the Public Trust Doctrine.

These state-owned tide and submerged lands approved for conveyance to the City of Cordova are subject to the following:

Subject to:

Conditions, Restrictions and Reservations

1. Administration of state leases in the surface estate will be transferred and permits, if appropriate, may be transferred to the City of Cordova once the FFD is effective.

2. Management authority for the approved state-owned tide and submerged lands will be transferred to the City of Cordova once the FFD is effective. The City may execute leases and permits prior to issuance of a state conveyance document in accordance with AS 38.05.825.

3. All mineral related permits, licenses, claims and leases affecting the tide and submerged lands proposed for conveyance, if any, will remain under the authority of the state.
4. The City is subject to the requirements of the Public Trust Doctrine as it applies to the approved lands and to the requirements of AS 38.05.825.

Conveyance document to include following:

1. Valid existing rights, including reservations, easements, and exceptions in the U.S. Patent, or other state or federal conveyance, and in acts authorizing the issue thereof; easements, rights-of-way, covenants, conditions, reservations, notes on the plat, and restrictions of record, if any.
2. Reservation of the mineral estate pursuant to Section 6(i) of the Alaska Statehood Act and AS 38.05.125; a reservation of reasonably necessary access to the mineral estate in accordance with AS 38.05.130.
3. Notification to the Alaska State Historic Preservation Office in accordance with AS 41.35.070(d) is required upon discovery of historic, prehistoric, or archaeological sites, locations, remains or objects.
4. AOL 231896: Private Easement, Non-Exclusive ROW, Alaska Wild Seafoods, LLC.
5. AOL 231942: Private Easement, Non-Exclusive ROW, Trident Seafoods Corporation.

TABLE A

TIDE AND SUBMERGED LANDS APPROVED FOR CONVEYANCE

DNR will convey these state-owned tide and submerged lands approved for conveyance identified in TABLE A. The final acreage will be determined at the time of survey and are subject to the applicable conditions, restrictions and reservations as listed in the PD and in this FFD.

Map #	MTRS	Legal / Plat	Acres
Map I	CRM, TOI SS, R003W Section 21: W1/2SE1/4SW1/4 Section 28: W 1/2E1/2NW1/4, NW 1/4NE1/4SW 1/4	MTP Surveyed Township 15S, Range 3W, CRM, Suppl Secs 21, 22, 27, 28	50
		TOTAL ACRES:	50

III. AUTHORITY

The authority for conveyance of state-owned tide and submerged land is pursuant to AS 38.05.825 and the authority for the FFD is pursuant to AS 38.05.035(e).

IV. PUBLIC NOTICE

Public Notice has been accomplished in accordance with AS 38.05.945.

V. RESPONSE TO COMMENTS

John Harville was the only entity who submitted a comment in response to the PD. The comment is as follows:

1. Comment from John Harville

It is important that a City has all available water front in the City limits for future business expansion and development, and land that is located inside the City Harbor. ADL 232192 will allow the city to have more of the water front property and all the land located in the City Harbor area. I fully support this exchange of land. Thank you for your help seeing that the City has full ownership of these lands.

DNR Response: Acknowledged.

VI. DISCUSSION AND FINAL FINDING AND DECISION

The City of Cordova's harbor currently encroaches onto State-owned tidelands. Improvements located on the tidelands encroachment include portions of the docks and approximately 1,500 linear feet of breakwater. This selection of tidelands by the City of Cordova as part of this decision not only resolves this encroachment issue, but also allows for future harbor expansion, land management, and potential waterfront development.

The City has a growing seafood industry and would like to expand its ability to accommodate this industry. Several private entities have expressed the desire to expand their current facilities or to locate in Cordova; however, there are few waterfront areas that the City owns available for development. This conveyance would prove valuable economically to not only the City of Cordova, but the State of Alaska as well.

During the Preliminary Decision comment period, there were no stipulations, concerns or objections received regarding the proposed conveyance for these tidelands.

The *'along'* easement will not be imposed since an access easement is inappropriate at this location because it is below the low water mark and is only accessible by boat. The *'to'* easement will also not be imposed since public access to the tidelands is already provided in a previous conveyance decision for the adjacent tidelands under ADL 216240.

Management authority over the subject tidelands will be transferred to the City of Cordova once the Final Finding and Decision becomes effective.

The following are specific findings in this decision:

1. That it is appropriate to convey approximately 50 acres of state-owned tide and submerged lands to the City of Cordova pursuant to AS 38.05.825.
2. That this best interest finding has determined the interests of the state in retaining these tide and submerged lands does not outweigh the interests of the City of Cordova in obtaining the tideland selections.
3. That conveyance of the proposed tidelands would resolve the encroachment issue for that portion of the Cordova small boat harbor.
4. That the proposed use of this acreage to expand the small boat harbor and create the potential for waterfront development is consistent with management unit 27A; plan designation and management intent.
5. That the imposition of an *'along'* easement under AS 38.05.127 is inappropriate on the subject tidelands because the tidelands are located below the low water mark and therefore access can only be gained using a boat or similar vessel.
6. That the imposition of a *'to'* easement under AS 38.05.127 is unnecessary since DNR has determined that proper public access to the water body has already been provided by the City of Cordova in the decision for ADL 216240, signed in 1995.

The findings presented above have been reviewed and considered. Public Notice has been accomplished in accordance with AS 38.05.945. The case file has been found to be complete and the requirements of all applicable statutes have been satisfied. I find that it is in the best interest of the state to proceed with the conveyance of the tide and submerged land as described in the PD and this FFD.

Recommended by:
Nina Brudie, Manager
Municipal Entitlements

'd-jq/rh
Date

:r
Approved by:
Monica Alvarez, S
Resource Assessment & Development

2/9/16
Date

APPEAL PROVISION

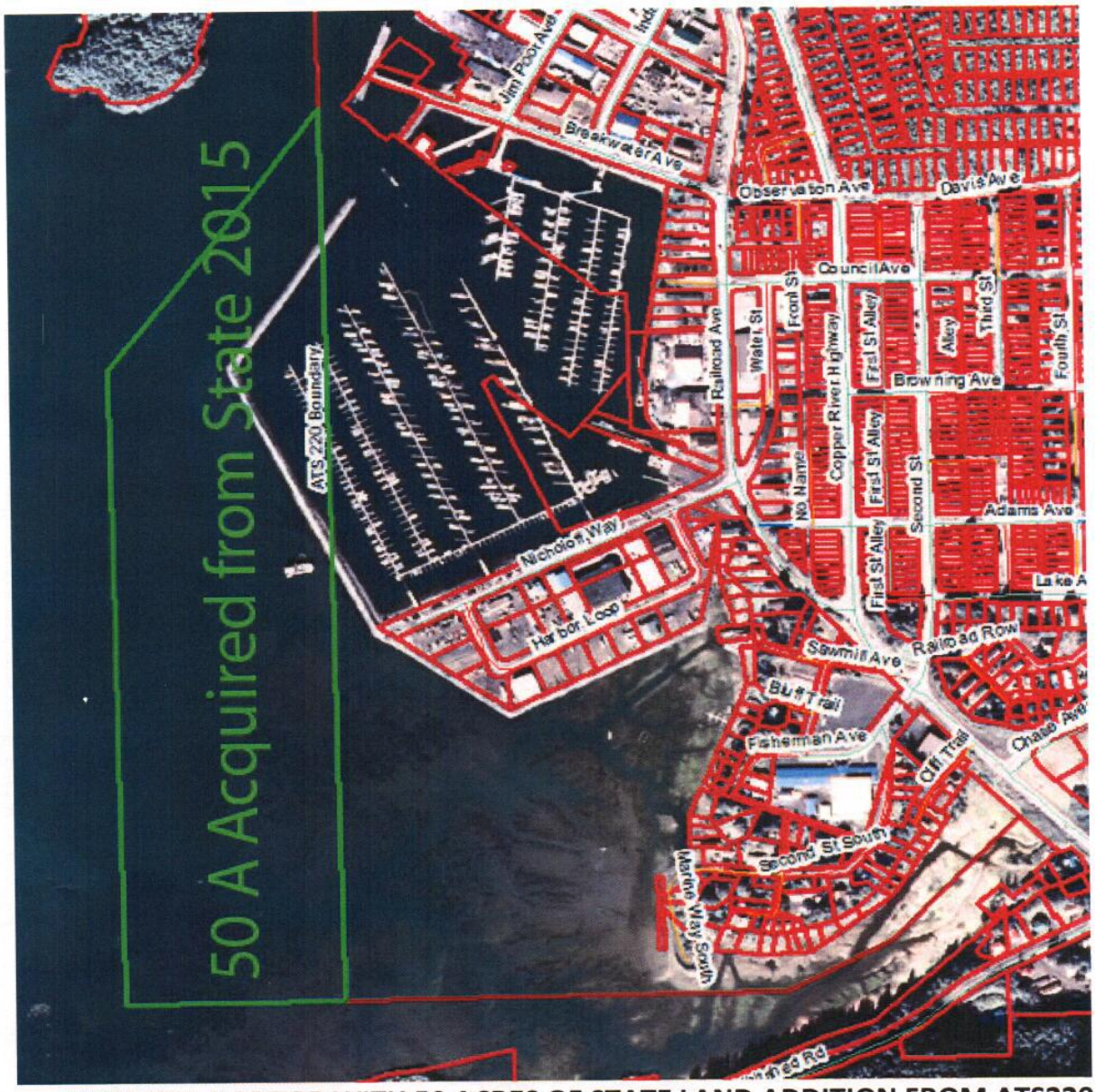
A person affected by this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received in writing within 20 calendar days after the date of issuance of this decision, as defined in 11 AAC 02.040(c) and (d), and may be mailed or delivered to Mark Myers, Commissioner, Department of Natural Resources, 550 West 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918, or sent by electronic mail to dnr.appeals@alaska.gov.

If no appeal is filed by the appeal deadline, this decision goes into effect as a final administrative order and decision of the department on the 31st day of issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to the Superior Court (11 AAC 02.020(a) and (b)). A copy of 11 AAC 02 may be obtained from any regional office of the Department of Natural Resources.

ATTACHMENTS TO FFD

MAP 1 Vicinity Map
Cordova Requested Tidelands Area

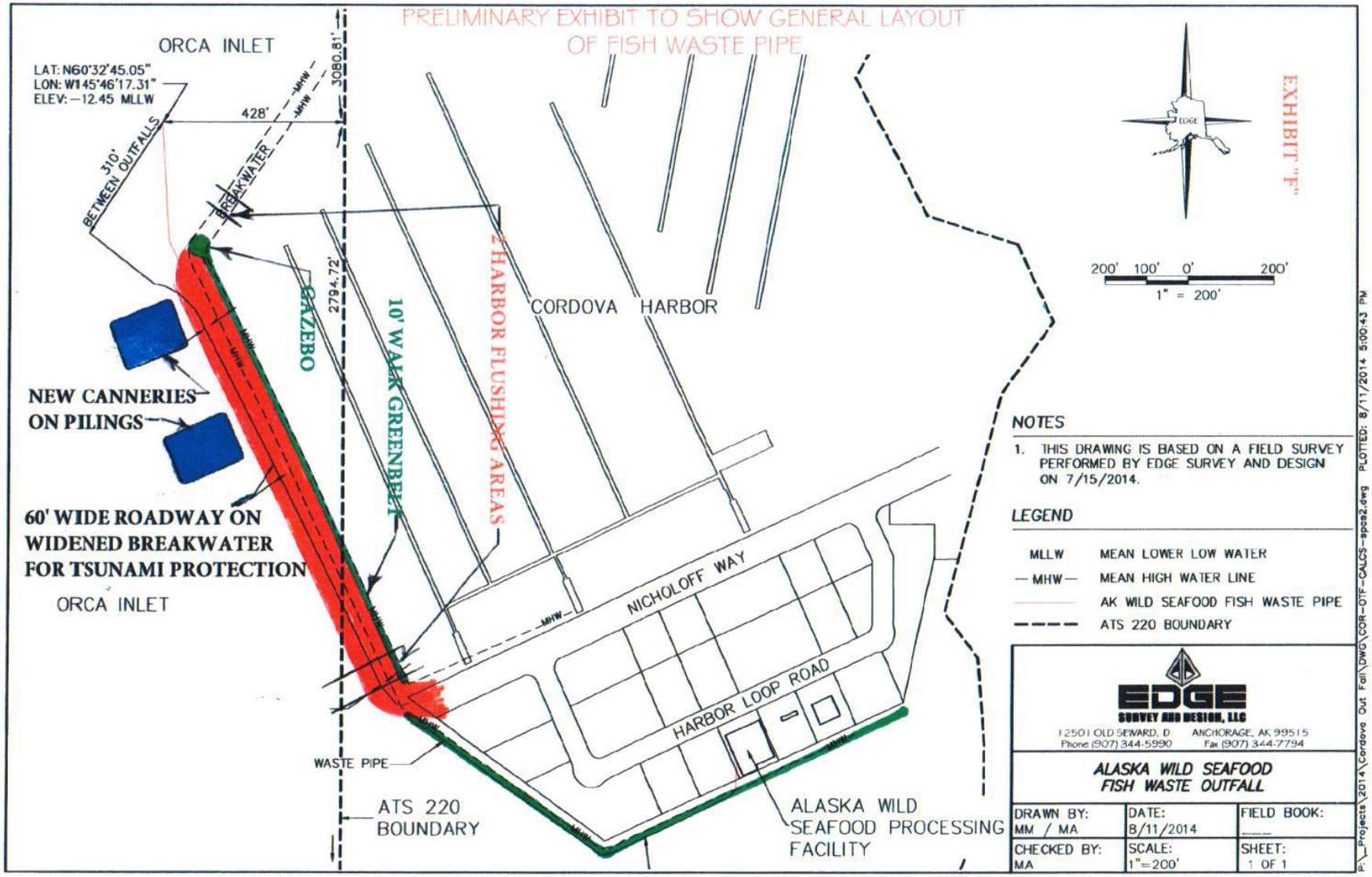
EXHIBIT "E"



CORDOVA HARBOR WITH 50 ACRES OF STATE LAND ADDITION FROM ATS220

This Exhibit shows the actual 50 acre parcel that was acquired by the City from the State of Alaska under ADL 232192. This includes all the land shown in Exhibit "C", recommended for waterfront development, with land to square up all the City property associated with ATS 220. It should be noted the Report in Exhibit "D" under I. SUPPLEMENT STATEMENT, refers to the M/V Polar Bear which is "placed in trespass". Under the original permit the Polar Bear was required to move the vessel from June to Sept. and have proof of insurance, and neither was ever done.

We all can remember the "Sound Developer" that sank in the harbor and cost the Fed, State and City millions. Everyone knew for years it was going to sink, which is expected for the Polar Bear. The Harbor Commission should require proof of insurance for this and for all vessels in the harbor.


PRELIMINARY EXHIBIT TO SHOW GENERAL LAYOUT
OF FISH WASTE PIPE
EXHIBIT "F"
ORCA INLET
LAT: N60°32'45.05"
LON: W145°46'17.31"
ELEV: -12.45 MLLW
428'
3080.81'
310' BETWEEN OUTFALLS
BREAKWATER
MHW
GAZEBO
2794.72'
10' WALK GREENBELT
HARBOR FLUSHING AREAS
CORDOVA HARBOR
NEW CANNERIES ON PILINGS
60' WIDE ROADWAY ON WIDENED BREAKWATER FOR TSUNAMI PROTECTION
ORCA INLET
NICHOLOFF WAY
HARBOR LOOP ROAD
WASTE PIPE
ATS 220 BOUNDARY
ALASKA WILD SEAFOOD PROCESSING FACILITY
200' 100' 0' 200'
1" = 200'
NOTES
1. THIS DRAWING IS BASED ON A FIELD SURVEY PERFORMED BY EDGE SURVEY AND DESIGN ON 7/15/2014.
LEGEND
MLLW MEAN LOWER LOW WATER
MHW MEAN HIGH WATER LINE
AK WILD SEAFOOD FISH WASTE PIPE
ATS 220 BOUNDARY
EDGE SURVEY AND DESIGN, LLC
12501 OLD SEWARD, D ANCHORAGE, AK 99515
Phone (907) 344-5990 Fax (907) 344-7794
ALASKA WILD SEAFOOD FISH WASTE OUTFALL
DRAWN BY: MM / MA
DATE: 8/11/2014
FIELD BOOK: ___
CHECKED BY: MA
SCALE: 1"=200'
SHEET: 1 OF 1
P:_Projects\2014\Cordova Out Fall\DWG\COR-OTF-CALCS-spcs2.dwg PLOTTED: 8/11/2014 5:00:43 PM