

Session 20-09, a Regular Meeting of the Port and Harbor Advisory Commission was called to order by Chair Steve Zimmerman at 5:01 p.m. on September 23, 2020 in the Cowles Council Chambers, City Hall located at 491 E Pioneer Avenue, Homer, Alaska via Zoom Webinar.

PRESENT: COMMISSIONERS ZIMMERMAN, CARROLL, ERICKSON, ULMER, ZEISET, STOCKBURGER, AND STUDENT REPRESENTATIVE ENGBRETSSEN

ABSENT: COMMISSIONER DONICH (excused)

STAFF: PORT DIRECTOR/HARBORMASTER HAWKINS
DEPUTY CITY CLERK TUSSEY

AGENDA APPROVAL

Chair Zimmerman asked for a motion to approve the agenda.

ULMER/STOCKBURGER MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

RECONSIDERATION

APPROVAL OF MINUTES

A. August 26, 2020 Regular Meeting Minutes

Chair Zimmerman asked for a motion to approve the minutes.

STOCKBURGER/ZEISET MOVED TO APPROVE THE MINUTES AS WRITTEN.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS/PRESENTATIONS

STAFF & COUNCIL REPORT/COMMITTEE REPORTS

A. Port & Harbor Staff Report for September 2020

Port Director Hawkins provided his staff report, noting the following:

- An upcoming virtual tour of what a small boat harbor is, hosted/presented by Mr. Hawkins as part of a U.S. Army Corps of Engineers online, nation-wide training program.
- New coronel of the Army Corp of Engineers' Alaska District will be coming down to visit Homer.
- Fall is meeting season; AAHPA is launching their virtual conference taking place over 4 weeks.
- Overview of recent incidents that have occurred in the harbor, including an assault suspect and a boat fire.
- Conductor/cable replacements on the high mast lights and the need for a maintenance budget to rebuild the expiring equipment in the lights.
- Abandonment of a finger float due to it becoming unstable mid-season, and the vessels in that area had to be relocated to other reserved stalls.

B. Homer Marine Trades Association Report

Commissioner Zeiset gave a verbal report. HMTA is having their annual meeting on Friday, September 25th at the Nomar Mercantile building. It starts at 5:30 pm with a short business meeting at 6:00 pm. There will be opportunities for the public to visit with members and local businesses. Seattle Fish Expo has not been cancelled by the association has decided not to attend as a group.

HMTA members are teaching marine trades classes again, which are filling up fast. Classes include USCG-approved Able Seaman, Master 100 Ton, Coastal Navigation, Computer Design and Marine Technology, and Deckhand Skills. HMTA has not done much with Homer High School due to COVID-19, but the Kachemak Bay campus is pushing forward with a partnership.

PUBLIC HEARING

PENDING BUSINESS

- A. Proposed KBNERR Plan & MOU Review
- i. DRAFT MOU between KBNERR, UAA, & City of Homer
 - ii. DRAFT KBNERR 2021-2026 Management Plan
 - iii. City of Homer Resolution 96-106

Chair Zimmerman introduced the item by reading the title and deferred to Port Director Hawkins.

Mr. Hawkins provided the working history with Kachemak Bay National Estuarine Research Reserve (KBNERR) and the successful working relationship the City has had with the organization. He noted that a spokesperson for the organization was invited but was not in attendance at that time.

Commissioner Carroll appreciated having the additional time to review their new plan. He voiced his negative experience with the group and that he had wished someone had been available to direct questions to. About a year ago there was a conflict in Homer with people who were opposed to non-

profit public hatcheries, and they put on a forum, which in his opinion was extremely biased. The video only depicted the negative aspects of fish farms, and inferred the hatcheries would be the same. He felt the local fishing community was excluded until the last minute. He pointed out that KBNERR says in their agreement that they don't have a plan, but in his opinion their actions show they do. Mr. Carroll referred to page 16 of the proposal and noted that he fully agreed with the first paragraph, but the second bullet point he completely disagreed with. He is concerned that there are too many questionable items in the Memorandum of Understanding (MOU) that he doesn't think the City should agree to.

Commissioner Zeiset questioned a line in Bullet Point 5 in reference to funding obligations and what would be an excess of appropriations. He wondered what are the appropriations and if they needed to know about them. Chair Zimmerman commented that his interpretation would be that they can't spend anything not appropriated. Port Director Hawkins responded, noting that no City money goes to the group, yet doesn't know much about their financial situation only that grant funds are involved. Mr. Hawkins commented that they are considered an advisory/tool for studies done by the City, such as erosion control done by the Planning Department.

Commissioner Zeiset noted that according to their webpage, they are shut down until further notice, and are not operating due to COVID-19. He wished someone from the organization would have been at the meeting to explain what is going on behind the scenes and answer their questions.

Commissioner Erickson voiced his agreement with Commissioner Carroll, and what exactly are they proposing to manage; their research? A say in fishery management? He opined that it seems like their research is a duplication of efforts that other groups are already doing.

Commissioner Carroll applauded their complete list of acronyms included in their management plan.

Chair Zimmerman commented that when KBNERR first started, they had stated they were only for research purposes, and not for rules, regulations, or for pressing any agenda onto Kachemak Bay. Hearing Mr. Carroll's story he is not sure if that has changed. He asked if the commission would like to make a recommendation to staff or City Council to seek further review before agreeing to the MOU.

Commissioner Carroll suggested that KBNERR can be helpful to the City, but to be explicit in the MOU that they are advisory only and in no way allowed to make policy or manage City business. Port Director Hawkins and Deputy City Clerk Tussey provided suggestions on how the commission could move forward, such as addressing aspects of the MOU they do not like or to include their concerns into a motion as part of their recommendation. It was clarified by staff that there is not a deadline to get this MOU signed immediately.

Commissioner Carroll voiced his additional concerns with the MOU, pointing out specific aspects he felt should be rewritten. Mr. Hawkins said he feels the City attorney should be involved in the rewriting of the MOU; the commission's motion should recommend to City Council that they have the City Attorney help rewrite it. They should not have to pick apart and rewrite the MOU, but their motion should include bullet points that help guide their recommendation.

Commissioner Stockburger shared his interpretation that they are trying to protect their goals and education for research, and protect their ability to do water testing on lands that may not be theirs, such as the City's. It would allow them to take students or researchers onto those lands to conduct their research. He has worked with the organization and has had positive interactions with KBNERR. He feels they are just trying to protect their ability to do research and it's stated a few times in the document that they have no intention to do regulating. He agreed that it would be nice to have someone from KBNERR to ask questions and clarify these concerns.

Commissioner Carroll reiterating his support of the good that their research is for, but is concerned that a few people within their organization could make changes after the fact and it would become a slippery slope that pushes Homer into the Green New Deal. Commissioner Stockburger noted that their management plan is different from other Kachemak Bay groups and in his interpretation is about managing of their research, not of managing policies. Mr. Carroll reiterated his issue with the forum/movie that they did.

Chair Zimmerman noted another safety valve in the MOU was that the City can cancel the agreement if something doesn't work right.

Commissioner Erickson suggested they include an addition that none of their research or management restricts the public in Kachemak Bay.

Port Director Hawkins shared some of the comments he heard and suggested their motion be for the City Attorney to review the MOU with the following points in mind:

- KBNERR should be advisory only to the City
- Concerns over Item 2 and 4 of the MOU
- The City should not be adopting or tied to KBNERR's management plan
- The goals should be better defined on what management means
- Is their goal to be research only?

Discussion ensued on what kind of guidance they want to make into a motion to City Council and the City Attorney.

ZEISET/ERICKSON MOVED TO HAVE THE CITY ATTORNEY TO REVIEW THE MOU WITH THE FOLLOWING CONSIDERATIONS:

- KBNERR SHOULD ONLY BE AN ADVISORY TO THE CITY
- CITY OF HOMER SHOULD NOT BE BOUND BY KBNERR'S PLAN
- IF THERE IS A CONFLICT BETWEEN MANAGEMENT PLANS OF THE CITY'S AND THEIRS, WHOSE PLANS SUPERSEDES?

There was discussion on each commissioner's acceptance of the considerations.

VOTE: YES: ERICKSON, ULMER, CARROLL, ZEISET, STOCKBURGER, ZIMMERMAN

Motion carried.

There was discussion on having a revised MOU back to them, possibly next month, for them to review before it is finalized. The Commission would like to have someone from the City and KBNERR be a part of the conversation to better explain the MOU, the management plan, and what their organization intends to do. Port Director Hawkins said he would try to at least get a memo from the City Attorney after he has reviewed it.

NEW BUSINESS

INFORMATIONAL MATERIALS

- A. Port & Harbor Monthly Statistical Report for August 2020
- B. Water/Sewer Bills Report for August 2020
- C. Crane & Ice Report
- D. Dock Activity Reports
- E. PHC 2020 Meeting Calendar
- F. Commissioner Attendance at 2020 City Council Meetings

Port Director Hawkins facilitated discussion on the statistics and activities of the harbor.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY STAFF

Deputy City Clerk Tussey thanked the commission and reminded that paper packets will be available in the outside tote, and if any commissioners are still having Zoom technical difficulties to come by the City Clerk's Office for assistance.

Port Director Hawkins thanked the commission. He recapped what the Commission agreed on for the MOU and requested commissioners attend the City Council meetings to report.

COMMENTS OF THE CITY COUNCILMEMBER

COMMENTS OF THE CHAIR

Chair Zimmerman thanked everyone for a good meeting.

COMMENTS OF THE COMMISSION

Commissioner Ulmer voiced her appreciation for all the commissioners.

Commissioner Carroll noted that as he read the election candidate write-ups, all of them had harbor projects as their top priorities.

Commissioner Stockburger noted it was a good meeting. He found the other commissioners' perspectives of their proposal was different from his. He suggested Mr. Carroll join him or Mr. Zeiset at the next Council meeting to report.

Commissioners Zeiset, Erickson, and Student Representative Engebretsen had no comments.

ADJOURNMENT

There being no further business to come before the Commission the meeting adjourned at 6:33 p.m. The next regular meeting is scheduled for Wednesday, October 28, 2020 at 5:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska via Zoom webinar.

RACHEL TUSSEY, DEPUTY CITY CLERK I

Approved: _____