

Sponsor: Administrator

**RESOLUTION 94-580**

**A RESOLUTION OF THE CITY AND BOROUGH OF SITKA  
SETTING OUT ITS INTENTIONS WITH REGARD TO THE MANAGEMENT  
OF THE EXPANDED THOMSEN BOAT HARBOR**

**WHEREAS**, the City and Borough of Sitka, in conjunction with the United States Army Corps of Engineers, is in the process of improving Thomsen Harbor; and

**WHEREAS**, the improvements will include the construction of a breakwater and mooring facilities which will extend and expand the harbor into the waters along the seaward side of Halibut Point Road; and

**WHEREAS**, property owners own property on the seaward side of Halibut Point Road which may be affected by the harbor improvements; and

**WHEREAS**, the Assembly of the City and Borough of Sitka wishes to assure the property owners of the Municipality's intentions to consider their quiet enjoyment of their property.

**NOW, THEREFORE BE IT RESOLVED** by the Assembly of the City and Borough of Sitka, Alaska:

1. There will be no structures on the breakwater other than aids to navigation and signs or signals necessary to the safe and orderly operation of the harbor;
2. Reasonable efforts will be made to control trees and other vegetation on the breakwater to prevent obstruction of views from the shore and vessels;
3. The lighting on harbor facilities, to the extent safely possible, will shine downward or away from the shoreline;
4. The Municipality will not exercise its right of eminent domain to obtain property for access to the harbor;
5. There will be no road, parking area, or public access between the existing shoreline and the harbor/breakwater north of 913 Halibut Point Road;
6. The only two approaches to the harbor will be as shown on the December 10, 1993, "Ultimate Layout" drawing as attached;

7. The Municipality will designate areas within the harbor system for vessel anchorages. Such designation will be made in a manner to minimize navigation problems for other vessel and float planes. In the area of Thomsen Harbor, the designated anchorage area will be located on the Japonski Island side of the Channel, to the extent safe and possible, to reduce the impact on private land owners;

8. The Municipality will request that the Army Corps of Engineers study the flushing action in the Channel after completion of the breakwater to help anticipate any potential problems with water quality due to changes in flushing caused by the breakwater;

9. The Municipality will request that the Department of Environmental Conservation conduct water quality assessments before and following completion of the breakwater with the frequency and timing of post-completion assessments to be determined by the testing group.

10. The Municipality will enact and diligently enforce ordinances regulating:

- a. Bright lights inside the breakwater including outward-directed ships' lights;
- b. Noise regulations to include boat repair, sound systems, public access and/or paging systems and engine noise;
- c. Regulations relating to pollution from boats in the harbor to include sewage, bilge, and trash dumping (Pump out stations will be convenient and adequate to promote these regulations.);
- d. Among the available penalties for repeat offenders shall be cancellation of moorage privileges and removal from the harbor;

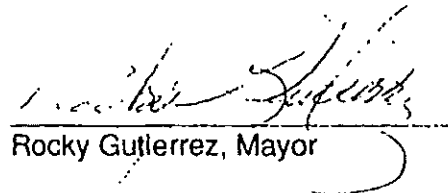
11. The Municipality will make all reasonable efforts to ensure that the harbor users are aware of the harbor ordinances and regulations and that such ordinances and regulations are enforced;

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12. Northward of 913 Halibut Point Road, only upland owners may apply to use Municipal tidelands seaward of their property for placement of mooring buoys or construction of private docks. Only vessels owned by upland owners, occupants, or family members of upland owners, not to exceed four vessels, may be moored at such private facilities.

**PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka, Alaska on this 9th day of August, 1994.

  
Rocky Gutierrez, Mayor

**ATTEST:**

  
Colleen Pellett  
Municipal Clerk