

**THE PORT DISTRICT OF SOUTH WHIDBEY ISLAND**  
**WORKSHOP and SPECIAL MEETING**  
Held at Port Office Conference Room, 1804 Scott Rd, Freeland, WA  
Tuesday, December 4, 2012 at 6:30 p.m.

**AGENDA**

WORKSHOP (6:00 – 6:30 P.M.): Informal discussion of recent correspondence and project status

SPECIAL MEETING CALL TO ORDER and PLEDGE OF ALLEGIANCE

PROJECT ACTION ISSUES\*\* (6:30 – 8:00 P.M.)

**Comprehensive Scheme of Harbor Improvements for 2013-2019 (6:30 - 7:00)**

**Shoreline Master Programs (7:00 - 7:30)**

**South Whidbey Harbor Projects (7:30 - 8:00)**

1. Port Ramp Float Project #2012-3
2. Phase 1 Expansion Project

ADJOURNMENT

NOTE: No topics related to the Possession facility will be addressed at this Special Meeting, but will be on the Agenda for the Regular Meeting on December 11, 2012.

\*\* Includes Staff Presentation, Commission Discussion and Decision/Direction as applicable

## PORT DISTRICT OF SOUTH WHIDBEY ISLAND

Minutes of the Special Meeting

December 4, 2012

Freeland, Washington

**Commissioners Present:** Curt Gordon (Clinton), Dennis Gregoire (Freeland) and Chris Jerome (Langley)

**Others Present:**

**Port Staff:** Ed Field (Port Operations Manager), Angi Mozer (Port Finance Manager), Molly MacLeod-Roberts (Port Clerk) and Julie James (Harbormaster) **Others:** Jim Larsen (South Whidbey Record) and Jim Sundberg (Langley City Councilmember)

MEETING CALL TO ORDER: The Special Meeting (in workshop format) of the Port District of South Whidbey Island's Board of Commissioners was convened on Tuesday, December 4, 2012, in the Port office conference room at 1804 Scott Rd. in Freeland, WA. As announced, the primary purpose of the Special Meeting was for Commission and Staff discussion of three specific topics: preparation of the Comprehensive Scheme for Harbor Improvements 2013-2019, current Shoreline Master Program efforts in which the Port is involved, and updates on current South Whidbey Harbor projects.

After informal discussion of recent events and correspondence, Commissioner Gordon, President, called the Special Meeting to order at 6:33 p.m., followed by the Pledge of Allegiance.

Commissioner Gregoire requested that the Agenda be re-ordered to address Shoreline Master Programs first and the Comp Scheme second. The Commission agreed.

ACTION ISSUES

**Shoreline Master Programs (SMPs):** Gregoire provided the Commission with a packet of information he compiled regarding the Shoreline Update Process (**EXHIBIT A**). He is the Port's representative for both Island County's and the City of Langley's SMP Committee. A recent Washington Public Ports Association (WPPA) discussion between small ports indicated there is great concern that ports are not being included in their counties' SMP process and citizen committees.

Gregoire said the Shoreline Management Act (SMA) has a list of priority uses for water-dependent uses, which includes marinas, boat ramps, and businesses such as Nichols Brothers Boat Builders. He said, *"Those are uses that are priorities in the SMA. The Act says they can take place in the shoreline when they are water-dependent and the shoreline's natural features can be modified to support those activities. The SMA also exempts single family residences (SFRs) from getting shoreline permits."* Gregoire explained that his research indicates that construction/remodeling of SFRs on the waterfront is part of a very strong economic engine on Whidbey Island. Most counties have set up a whole separate permit system for waterfront SFRs as a main source of revenue. Since the Port has experience building in that zone, Gregoire explained that they are trying to figure out a way to offer some help to that economic engine and get a more reasonable set of regulations in the SMP.

Related to port activities, Gregoire explained that there is a requirement for "no net loss of habitat" across the board. He said, *"Anything and everything that occurs in the shoreline zone – whether it needs a permit, whether it's exempt, whether it's clearing and grading – if it's in that 200 ft. area, it has to meet the Goals & Objectives of the Shoreline Master Program."* The State of Washington has established a Habitat Conservation Zone from the ordinary high water mark to 70 feet back. So any work in that area will require a biological assessment and a very expensive geotechnical study to figure out what impact it could have. He noted that the Port would have to go through that as well for the ramp project at Possession. The current plan has a comment that "boat ramp designs will be according to State Fisheries

and the federal agencies. Noting that Bush Point was a State-designed boat ramp and that it fell apart shortly after construction, he is therefore pushing against using biological assessments and geotechnical studies and instead use coastal engineering analysis like the bigger ports do. Gregoire said the SMP has moved from the County to the Department of Ecology (DOE) for review. DOE will hold two hearings sometime next year, and meanwhile he will continue to work with the group (builders, etc.) because they are not satisfied. The staff at Island County rejected the "New Shoreline Environmental Designations Requested for Port of South Whidbey Property and Island County Parks" (**EXHIBIT B**), but the group plans to work together over the next six months to provide input and language to DOE, which then goes back to the Island County Commissioners.

Gregoire said, *"In the immediate short term, we want what all the other ports want...they need language to go into the DOE. In the medium term, we need to make sure our Comp Plan is moving along and maybe we can move a shorter version of it (a Strategic Plan) through in six months and input that to the SMP when it comes back from DOE. The Possession project is also another driver we want to run through the system, and we can do it parallel with our Strategic Plan. Running it through will also put pressure on that shoreline thing."* He added that the Port would need to have a biological evaluation done as soon as possible at Possession.

Gregoire said the other shoreline issue is that there is huge outcry for public access and the County is responding to it "full bore" with probably 50 policy statements scattered around the SMP document that speak to the issue of public access. He added, *"But the key thing they need is a Public Access Plan – a definitive plan that begins to identify where the public wants to go, where they can't go, etc. And we at the Port need to investigate what we can do in our Strategic Plan in the area of public access so we can begin to support that effort."*

Summarizing his shoreline discussion, Gregoire said, *"We need to figure out a way to get information for the upcoming project at Possession, we need to begin to formulate a mitigation strategy, work with WPPA to get specific language and changes in the Shoreline Plan to support the other ports, and update the Strategic Plan."*

Gordon thanked Gregoire for all the time he has put in on both shoreline processes (County and City of Langley). Jerome asked how the input for the DOE hearing would be developed. Gregoire said his next effort will be to review the Washington State Shoreline Guidelines (WAC 173). He will bring back the very specific draft language for the Port Commission to review and approval in January or February prior to submitting it to DOE.

**Comprehensive Scheme of Harbor Improvements for 2013-2019:** Gregoire provided the Commission with a packet of information he had compiled for the Port's Comp Plan Update Process (**EXHIBIT C**). Gregoire recommended the Port should have both a Strategic Plan and a Comp Scheme. He said the Port's current Comp Scheme combines them, and he doesn't know how valuable that is. A Strategic Plan identifies the values, goals, objectives and mission statement and he feels it is important that the Port clarifies those things as soon as possible so it can get into the shoreline process. The Commissioners would discuss their individual visions and come up with one unified goal.

Jerome said that sounded fine, but he wanted to know what the process was going to be. He noted that the Commission has talked about it at multiple meetings and he wants to get started. Gregoire referred to the packet and the six stages of a strategic plan and the five-step planning process for projects. Jerome said, *"That sounds like tactics. I think we need a process to help us define that. The way I've done this sort of thing in a business environment is to get a consultant in who takes you through that process in a structured way so you end up with a document. I would strongly suggest that we get that kind of assistance as the first thing we do, because otherwise all we'll do is sit down and have this same*

*discussion every meeting. We need a structured process. Didn't we previously discuss putting together a list of firms that might be appropriate for that work? I would like to move us from talking about this to actually selecting someone who will do it and get this thing going, because we have to have the whole thing done by August.*" Mozer had researched other ports and presented a summary of Potential Comp Scheme/Strategic planning consultants/ideas for consultants (**EXHIBIT D**). Jerome suggested the Port could solicit proposals from the firms listed. If the Commission provided Staff with the scope, Field said they could get a draft Request for Proposal (RFP) to them by the regular meeting next week. Gregoire thought the Staff should first gather all the information that the consultants will need and will be asking for. Jerome disagreed and said they should proceed with an RFP and allow the consultants to do the work, because the consultants have the experience. The consultants who submit an RFP can then be interviewed by the Commission and the candidates can present their proposed processes for the work.

**ACTION: A Motion was made by Jerome and seconded by Gregoire to direct Port Staff to develop a draft Request for Proposal for development of a Strategic Plan and update of the Comprehensive Scheme for Commission consideration at the next regular meeting on December 11, 2012. The Motion passed unanimously.**

Gordon said he was embracing the Strategic Plan concept more and more, and he believes it is a necessary piece. He suggested that each of the Commissioners should come up with some specific goals that the Port District should be pursuing. For example, in order to support commerce and tourism, his "key" is transportation. Each of the Commissioners will need to come back to the table with their vision and discuss it. They will need to pare the goals down and get one message.

**South Whidbey Harbor Projects:**

1. Port Ramp Float Project #2012-3: Field reported that all of the major construction is done – the new pilings are in and the old ones are out. The floats look pretty good and just need some fine tuning (bumpers, pile caps, etc.). They expect to have all that finish work done in the next 2-3 weeks, and next week's pay application will be about \$95,000.

Field said he is also working on the monitoring reports on the planting. The original permitting (as renewed in 2011) called for annual reporting on the planting, which was done actually during the Phil Simon Park relocation/renovation. He said, *"It's possible we should have submitted a report last year, but I've spoken with some consultants and they said that if the Port has maintained the planting and it is flourishing, (which it is), it's okay that the report is a little late."* After contacting a few possibilities, the most efficient and cost effective approach is for Marine Surveys & Assessments (who did the original bio-evaluation and conducts the sand-lance egg sampling/testing) to prepare the report. The report should be completed and filed by the end of the year.

2. Phase 1 Expansion Project: Field said, *"We're continuing to work toward (I hope) a decision point at our December 11<sup>th</sup> meeting. We submitted all of our responses to the City of Langley's permit questions and comments they had initially. I've requested some sort of indication from them by December 11<sup>th</sup> as to whether or not we are permit-able because if we are, we can go to contract documents."* Regarding the permit from the Army Corps of Engineers (the "Corps"), Field said it is starting to drag out again, according to Joe Callaghan of GeoEngineers. It is sitting on the Project Manager's desk, ready to write. Field advised Callaghan that if the Port can't get a draft comment or some indication that it has been written this week, we will be contacting Senator Murray's office because *"we are on the verge of missing the next construction season if we can't get these bid documents done."* He stressed that the Port needs to have either the Corps permit or draft comments so that we know the conditions before committing to spending the money for bid documents.

Regarding the FEMA Port Security Grant, Science Kilner (Environmental Officer, Dept. of Homeland Security) had emailed Field last week and asked for a status update. He responded that the Corps had completed all their consultations and the permit was ready to be written. Kilner said she wanted to get either copies of all those consultations or directly contact the Project Manager at the Corps so she could start work on her Environmental Assessment (EA) and get it published. Field said, *“That Assessment is a good two month process. If that’s what it will take to get FEMA money...”*

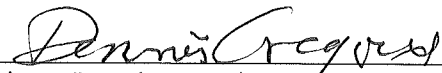
Gordon noted that FEMA money is not even in the 2013 budget. He added, *“And that won’t preclude the boats. If the boats come late, they come late. So, in my mind, if we get the boats we’re lucky at this point.”* The Commission agreed it would be fine to let Kilner go ahead with the EA.

Mozer reported the FEMA Director who was going to look at the FY09 grants is on terminal leave, and the replacement needs to get up to speed before determining whether the FY09 grants will be extended. The earliest the Port will hear anything back is probably the 2<sup>nd</sup> week of December, but it will likely be later than that. Gordon asked if Mozer is still talking to the Fiduciary Agent about just funding the boats, and she confirmed that was the case. The Fiduciary Agent is hoping that the grants will be extended for an additional year. The Agent also noted that it is unlikely to be extended again beyond that.

ADJOURNMENT: The Special Meeting was adjourned at 8:06 p.m.

Approved:

  
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Commissioner Curt Gordon, Clinton

  
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Commissioner Dennis Gregoire, Freeland

  
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Commissioner Chris Jerome, Langley

Minutes prepared by:

  
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Edwin S. Field, Port Operations Manager

- Exhibit A: Shoreline Update Process packet provided by Gregoire
- Exhibit B: “New Shoreline Environmental Designations Requested for Port of South Whidbey Property and Island County Parks”
- Exhibit C: Comp Plan Update Process packet provided by Gregoire
- Exhibit D: Summary of Potential Comp Scheme/Strategic planning consultants/ideas for consultants