

PORT DISTRICT OF SOUTH WHIDBEY ISLAND

Minutes of the Special Meeting

February 1, 2012

(Rescheduled from January 18, 2012 due to snow)

Freeland, Washington

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

Others Present:

Port Staff: Ed Field (Port Manager), Ron Rhinehart (Port Finance Manager) and Molly MacLeod-Roberts (Port Clerk); **Others:** Jim Sundberg, Langley City Council Member, and Wayne Morrison, Economic Development Council.

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 Wednesday, February 1, 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 review, discussion and direction for Port projects and priorities for the coming year and beyond, followed by Commissioner coordination for the coming year. Although the Meeting was of course open to the public, it was scheduled primarily to enable the new Commission to be fully briefed on projects and to determine scoping, prioritization and direction for Staff, and public participation was not on the Agenda.

Following a Workshop from 6:00 p.m. to 6:30 p.m. for informal Commission review and discussion of recent correspondence and project status, Commissioner Gordon, President, called the Special Meeting to order at 6:30 p.m., followed by the Pledge of Allegiance.

PORT PROJECT, TASK, AND PRIORITIZATION REVIEW AND EVALUATION: Prior to the meeting, the Commission had been provided with two Staff-prepared documents: "Major Port Meeting & Event Schedule: 2012 and beyond..." (**EXHIBIT A**) and "Listing of 2012 Port Project Opportunities: Current Upcoming & Potential." Port Operations Manager Ed Field explained that the schedule and listing were prepared in order to provide the Commission with the opportunity to review the expected workload and project load, as well as lay out new or potential project opportunities. He reported that there had been a fair amount of action recently on just about all of the current projects, and he proposed starting with an update on permits, etc. The Commission agreed.

Project Updates: Field said Joe Callaghan of GeoEngineers had received the first round of substantive comments on the "big permit" (for the full build-out of the South Whidbey Harbor expansion, which is in formal ESA consultation with the various Federal services). Callaghan has draft responses to the 2-3 pages of questions, but Field noted, "*It's not hopeful for getting the permit anytime soon.*" He explained that the National Marine Fisheries Services thinks the Port's Marine Mammal and Marbled Murrelet Monitoring Plan is not sufficient and more monitoring in the form of more observers is needed "*to see if any killer whales come in while we're driving piles who might be injured by the sound.*" Callaghan's recommendation is to go ahead and push back and present a strong explanation as to why our plan has enough observers, etc., and not give much ground on this first round.

Gregoire wondered why the Port is spending any effort or money on the bigger project, since the focus is on getting Phase 1 completed. At Gordon's request, Field explained, "*This layout provides the framework that would allow us to do the next phase (whatever that may be), and it would also build a long-term picture of what the ultimate build-out could be. The other piece to consider is that we are at*

the 6-month point of a 6- to 24-month formal consultation period. If we drop this process and restart with another concept, we are back to Square One, and it has been in permitting for more than 2 years already."

After some additional discussion, the Commission agreed that GeoEngineers should take its time with responding and should push back with the responses. Jerome noted that it was important to not let it lapse, because it is much easier to modify it if it has been approved than it is to start over with a brand new project.

Moving on to Phase 1, on January 25, 2012, Field said he submitted the full response to the City of Langley's comments (issued first week of January). Last Friday, Jeff Arango (Langley's Director of Community Planning) said he thought it was adequate and he should be able to issue Notice of Complete Application this week. However, when Field spoke with him earlier in the day, Arango said he had been pretty busy and he hoped to get it out by Friday, and if not Friday then early next week. Field explained, *"What we're pushing for is the start of the ticking clock. Once the Notice of Complete Application is received, the City has 90 days to complete the permit process. We really need this project to be the Planning Department's priority if we're going to get this done."* For Councilmember Jim Sundberg's benefit, Jerome explained that the Port had submitted the permit application to the City in mid-November. The City subsequently required a full SEPA, which the Port submitted in early December, but apparently it was not looked at until the fees were received on December 17th. The Port did not receive any response until January 5th. Jerome said, *"It would be truthful to say we've been a little frustrated with the pace at which the Planning Department is addressing this."* Gordon added, *"I think it's also fair to note that there was speculation as to whether the Port should have to pay the permit fees again, based on whether or not this was a new project, and the Port decided to go ahead and pay another \$8,000 in permit fees which we had previously paid and received approval for. The planning staff chose to call this a new project and instead of arguing, we chose to pay new fees in the hopes that the process would be expedited."* Sundberg said he would talk to Arango about it the following day, and let him know how important it is to move forward in the process.

Field reported that in order to have a construction office at the Harbor, the Port has been advised by the City that a critical areas permit package, along with a shoreline exemption permit package is needed. He said that would be another \$700 in fees for the staging area. The intention is to have a modular temporary office for the two-year permit period.

Meeting Updates: The Port has been invited to attend both a pre-meeting on Feb. 16th and the subsequent Puget Sound Education Summit on March 16th regarding parks and recreation sponsored by Service, Education & Adventure (SEA). Field said that although it is a good program, Staff doesn't really have the time to attend. Port Finance Manager Ron Rhinehart further explained that SEA is designing educational programs and asking organizations to help develop them, and education does not align with the Port's core missions of marine access and economic development. Recommendation from Staff was that they should not attend based on their limited amount of time available. Gregoire felt it was important for the Port to participate, so he agreed to attend the Summit as the Port representative.

Washington State Ferries (WSF) has released their Environmental Impact Statement on the Mukilteo Terminal and will hold a public meeting at the Clinton Community Hall on February 23rd. Gordon said he would attend. WSF is also scheduled to attend the Port's regular meeting on February 14th, and Gordon said City of Langley Mayor Larry Kwarsick would like to attend that meeting. He directed Staff to email Kwarsick with the details.

Port Project Opportunities List: Field explained that he and Rhinehart had tried to provide a best guess as to where they will each spend their time over the next year, on the assumption that bids go out around

May 1st for a roughly \$2 million construction project to be substantially completed by the start of the 2013 boating season (hopefully sooner).

DHS/FEMA Issues: The big question mark on the listing is the DHS/FEMA Issues (Department of Homeland Security/Federal Emergency Management Agency). The listing carries 5% for both Rhinehart and Field, but Field explained: *“But it’s hard to know how much time it would take to actually make it (the Port Security Grant) happen and if it would make it happen.”*

Gordon said, *“It’s my feeling that if we were to entertain the FEMA grant, the project is going to change somewhat and the focus of the project would change. If we knew we had an extra \$1 million from FEMA, I want to try and build G Dock, and I want Staff to help us figure out how that’s going to work if that happens. In other words, rather than trying to incorporate a lot less money into this project so we don’t have to bond for as much and only get \$600,000 - \$700,000 from FEMA instead of the possible \$1.4 million we could get...is there a way to refocus this if it looks like the FEMA grant is coming? We don’t have to answer that tonight, but I would just really like to figure out how to make that (G Dock) happen.”* He said the City of Langley has also expressed a willingness and interest in helping to fund additional expansion of the marina.

Field noted that the Port has not yet presented the current Phase 1 project to FEMA – the application was for the larger project which included G Dock and its use by the Sheriff’s Office and Fire District boats. Rhinehart said that getting the Port Security Grant in place for this first phase would be very challenging; it might be a more realistic strategy to go after funding for the next phase (G Dock) instead.

Gordon said he would like to hear a clear strategy back from Staff on it, and the Commission agreed. For now, the time input for Rhinehart and Field will remain at just 5%.

Comprehensive Scheme 2013-2019: The listing currently pencils in Field’s time at 5% input and Rhinehart’s at 20% for 6-9 months. Some of the items to be addressed in the process are updating Resolution No. 92-5 (to make the noise ordinance and non-toxic issues realistic), planning for replacement of the Possession boat ramp, and discussion of what to do with the Clinton dock (not repairable in its present location).

Gregoire suggested that the facilities could be evaluated and dealt with without having to redo the Comp Scheme, because they are already mentioned in the current Scheme. Gordon suggested Rhinehart could do a Capital Facilities Plan and research all of the Port’s capital facilities as to condition, etc. It would be ideal to have that prior to getting into the Comp Scheme, and it would also help plan future budgets. The Commission agreed. Rhinehart asked, *“So you’re thinking: inventory, status, condition, outlook, alternatives, cost benefit, that kind of package?”* The Commission agreed.

Other Grant Opportunities: Jerome noted that City of Langley Councilmember Rene Neff had contacted him and indicated that she was very anxious that the Port seek other grant opportunities. Noting that the Possession ramp planning grant was the only one referenced, he asked, *“Are there any other grant opportunities appropriate for the South Whidbey Harbor expansion that we’re leaving on the table, perhaps because we don’t have the time.”* Rhinehart replied, *“Nothing that I’ve found. I keep scouring.”* He explained that there are two Washington State Recreation & Conservation Office (RCO) programs that line up with the Port’s projects:

- 1) Boating Facilities Program (BFP), for trailered boats of less than 26’ (the Possession boat ramp and the South Whidbey Harbor ramp/floats qualify).
- 2) Boating Infrastructure Grant Program (BIG), targeted toward larger boats. Within BIG, there are two tiers. Rhinehart explained that the first tier is limited to \$95,000 and is competed regionally. The average for the 2nd tier is \$200,000, but it can go much, much higher (Port of Anacortes got a \$3 million grant

from RCO). Tier 2 grants are competed nationally, and are awarded to “harbors of national significance.” The Port applied for BIG in the last grant cycle which had 22 applicants. Field said, *“Eighteen of the 22 got money and we were one of the four that didn’t. I don’t see a lot of likelihood of getting it in better shape with another application.”* Rhinehart agreed, noting that the Port would be competing with places like Long Beach, Seattle, Annapolis, etc.

Jerome said Neff had noted the BIG (Tier 2) application deadline is July 1, 2012 and had asked, “Doesn’t the Port want to submit for it?” What Jerome is hearing from Staff is that “we’ve got better things to do with our time, because our experience is that the Port is not competitive for this grant.”

Gordon asked if there was an argument against making an application for the BIG Tier 2 for part of the SWH expansion project. Field explained that there is no time to apply for a grant for Phase 1, as it is a 2-year grant cycle and the Port’s application in 2010 was not awarded. The funding for this application would not come through until July 2013, after Phase 1 is complete. Gordon noted that the Port could apply for the next phase (G Dock?).

The Commission directed Rhinehart to research the possibility of re-applying for the BIG Tier 2 grant, and to present any additional information at the regular February meeting.

Comp Scheme (continued): Gregoire said that the Port and the City of Langley need to work together to update the Harbor Master Plan. Langley is working on their Shoreline Master Plan right now, and he said, *“In my opinion, their current Shoreline Plan has a lot of hurdles for the Port to get over to accomplish what we want in the Harbor. Updating that Plan will hopefully get rid of those hurdles, and we can actually lay the framework for the Harbor Master Plan within the Shoreline Master Plan update.”* Gregoire said there is a need for the Port to commit some resources to the process. He continued, *“One of the ways to commit resources is that within the Shoreline Master Plan update process that Langley is doing, there is an opportunity to do a more definitive Public Access Plan – to document where should the public access be. WPPA (Washington Public Ports Association) recommends that ports do that, and since several ports have done it, we don’t have to reinvent the wheel because there are models out there. Currently, there is no group vision for the public access framework, and having the public access framework would help the Port, the City and private property owners to get stuff done. I’m just starting the discussion today, because there needs to be a much more definitive explanation of what that public access plan would be, and it might mean the Port needs to commit some dollars.”*

Gordon felt it was important to get going on the Port’s Comp Scheme this year. Gregoire said, *“I think towards the end of this year makes sense, but we need to get through some things and do some evaluation in the first part of the year which will help us in that process.”*

Rhinehart noted that if the Comp Scheme process is kicked off late 3rd/early 4th quarter of 2012, it would align with the planning cycle and budget for 2013. Jerome said he was fine with delaying work on the Comp Scheme until later in the year.

The Commission agreed to delay the start of the Comp Scheme updating process until later in the year.

COMMISSIONER COORDINATION: Gordon gave Gregoire the opportunity to discuss on an introductory basis the matrix he had prepared: “Framework for Commissioner Gregoire’s Comments on Feb 1: Workshop” (**EXHIBIT C**). The questions addressed were: How do the Port Commission responsibilities, as defined by WPPA, relate to the Port’s decision making process? What tools, approaches, and review processes can best assist the Port Commission to effectively function in their role? He provided a description of his view of the relationship of Port Commission duties to Port decision making process, and discussed his view on the Port’s role in the Shoreline Master Plan processes

of Langley and Island County. The column headings on the first page were: Commission Duties; Port, Plans, Programs and Projects; Tools available to accomplish task; and Comment. Some of the Tools listed were: Port working committees, Citizen committees, MOU, SEPA, Permit Application Process, etc. Under Comment, Gregoire stated that all the tools are intended to assist commissioners in carrying out their duties and if used properly will shorten project implementation time, reduce cost & frustration, and link the Port to constituents.

Gordon responded, *“As a Commissioner, my feeling is that the Commission Duties seem entirely appropriate, and the Port Plans, Programs and Projects sound like the things that we’re already doing. To me, the Tools available to accomplish task sound like the things I count on the Staff to do, and I’m not going to take the time to educate myself to do. I think we pay hired Staff to do those things, and I think we need to continue to do that. Short of calling commissioners visionaries, with commissioners it isn’t just goals & objectives, but even more specific ideas. I think the public counts on us to channel their energy through, and some of the projects that we might propose, might never be proposed if we knew all the ins and outs that you do about getting those projects built. I want to count on my Staff to take care of the Tools for me.”*

Jerome asked Gregoire, *“You seem to think that a Strategic Plan and a Business Plan is something we lack?”* Gregoire replied, *“Strategic and Business Plans are different tools that have been applied by ports, and they are different structures than a comp plan. They tend to be more written context and they don’t focus on land use kind of issues. A Strategic Plan kind of precedes the Comp Scheme, and deals with broad goals and objectives through a Port Commissioner and Staff process with some public review. Then that could lead into a more definitive, larger scale, visually represented Comp Scheme approach. The Business Plan speaks for itself – it’s a numbers thing. What happens with the numbers at the marina, what doesn’t happen with numbers at boat launches, etc.”*

Potential Project Opportunities: Field pointed out that there are only 3 currently identified on the Listing: Mukilteo Parking Structure, Saratoga Passage Ferry and Island County Parks. For quite some time, Staff has been concerned that one item has been lacking: something that carries weight in the Freeland area. He explained, *“We’ve got Mukilteo parking and Possession in Clinton, the Harbor facilities in Langley, but we haven’t had a priority project in Freeland.”* Gordon said he met with the Citizen’s Advisory Committee for the Freeland sewer district and asked them to invite Gregoire in to represent the Port in Freeland. Gordon continued, *“And I let them know that the only way I felt the Port could help them is if they started their process in the business core and made it about economic development.”*

Gregoire said they also need to address the Mutiny Bay and Freeland Park boat launches in the Capital Improvement Plan. Gordon corrected him – it’s a Capital Facilities Plan, not an Improvement Plan. He explained, *“Because we don’t know what we’re going to improve. It’s more of a ‘state of the assets’ report rather than an improvement report.”*

Closing Comments: Gregoire concluded, *“I have a concern. The Port of South Whidbey exists for the constituents of South Whidbey, and if those constituents have expectations of what they want in terms of boat ramps and access to the water, etc., it is our responsibility to deliver on those. And we currently have some facilities that we’re going to lose because Mother Nature is on the warpath – Maxwellton Beach is already off the chart, and I don’t know how long Mutiny Bay will exist. We’re losing ramps, and I don’t know what the answer is. The Shoreline Master Plan program is an asset to the Port, because it supports water-dependent activities and promotes public access to the shoreline. It also asks for protection of shoreline resources. We want to make sure the Port is at the table and helping craft the Shoreline Master Plans of Langley and Island County.”*

Gordon told Gregoire, "You are a great resource for this Commission and it's great to have you here. I'm hoping you will pull your inner visionary and use that part of your tool kit and let the Staff do the nuts and bolts with the other tools, because that's what we're going to need you for. You're going to have the ability to see past a lot of these potential problems and it will be great that you can add that to the Commission."

ADJOURNMENT: The Special Meeting was adjourned at 8:00 p.m.

Approved:



Commissioner Curt Gordon, Clinton



Commissioner Dennis Gregoire, Freeland

Minutes prepared by:



Edwin S. Field, Port Operations Manager

Commissioner Chris Jerome, Langley

- Exhibit A: Major Port Meeting & Event Schedule: 2012 and beyond...
- Exhibit B: Listing of 2012 Port Project Opportunities: Current, Upcoming & Potential
- Exhibit C: Framework for Commissioner Gregoire's Comments on Feb 1: Workshop