

## **PORT DISTRICT OF SOUTH WHIDBEY ISLAND**

Minutes of the Special Meeting

June 16, 2009

Freeland, Washington

### **Present at the meeting were:**

Commissioner Lynae Slinden, Clinton

Commissioner Rolf Seitle, Langley

Commissioner Geoff Tapert, Freeland

Ed Field, Port Manager

Molly MacLeod-Roberts, Port Clerk

Shannon Kinsella, Reid Middleton, Inc.

Joe Callaghan, GeoEngineers, Inc.

Marcelle Lynde, GeoEngineers, Inc.

**Absent:** Dane Anderson Port Financial Manager

### **1. MEETING CALL TO ORDER:**

The Special Meeting of the Port District of South Whidbey Island's Board of Commissioners convened on June 16, 2009, at the Port office located at 5492 S. Harbor Ave. in Freeland, WA. As announced, the purpose of the Special Meeting was to meet with representatives from permit specialist GeoEngineers and harbor design engineer Reid Middleton to review their design and mitigation plan to date and finalize details for the upcoming permitting process with the U.S. Army Corps of Engineers (Corps) and other authorities, along with other issues as may arise. The meeting was intended for direct Commission and staff discussion of engineering findings and mitigation planning with the designers. Due to the preliminary/draft status and technical /detailed nature of the issues, public participation was not scheduled for this focused Special Meeting, although the meeting was open to the public. Commissioner Slinden, President, called the meeting to order at 1:00 p.m., followed by the Pledge of Allegiance.

### **2. REVIEW OF HARBOR EXPANSION PLANS:**

Shannon Kinsella of Reid Middleton presented the Harbor Expansion Pre-Design Site Plan and associated design criteria, cost estimate and draft drawing documents **(EXHIBIT A)** to the Commission and explained that after today's meeting, Reid Middleton could prepare a final summary report for this phase. She noted that the layout is very similar to what they looked at in the previous Pre-Design Study, but with further details from the design development process. In particular, she pointed out that the end breakwater has been widened from 16 ft. to 20 ft. to provide better protection.

Commissioner Tapert asked about the location for kayaks and other non-motorized small boats. Kinsella pointed out the shallow area and Commissioner Tapert noted that there are no finger piers for them. Kinsella said they have done kayak floats before but permitting is difficult. The floats require a lot of grating and it is environmentally better to have kayak storage upland.

There was additional discussion about potential areas for diving.

Commissioner Tapert asked for a comparison of cost for G Dock to be anchored instead of pile-supported and Kinsella said she would look into it. Joe Callaghan of GeoEngineers said that permitting-wise it would be a small revision, but they would still put forward the piles in the permit as they have the most impact. He provided further explanation as to the permit process for non-significant changes. All agreed to investigate the option of anchoring the dock, but to leave it as pile-supported for the permit.

Regarding the divers, Commissioner Tapert believed the location of the dive site and how to get to it from shore without interfering with the marina area is a very critical element. He wondered if a space would be required between the Nichols/Ice Floe Department of Natural Resources (DNR)-leased area and the Port's leased area. Ed said that touches on a bigger issue: the anchorages for the two deep docks/breakwaters are going to extend into the Nichols Bros./Ice Floe DNR-leased areas, so the Port will need to discuss that with Nichols as soon as the Port determines what is involved in the area. Commissioner Seitle asked how far the anchors go out, and Kinsella said they vary between 120 ft. near shore and out to 330 ft. offshore in the deeper water. Callaghan suggested the divers could get an easement from Nichols for the area, and they could hang a reverse buoy and markers on the inside of the dock and on the anchor lines. Ed said that now that the Port has some design facts and potential locations for anchorings, etc., the Port needs to talk to Nichols/Ice Floe before the July 8<sup>th</sup> meeting with the Corps and find out if they can agree to an easement in concept.

Commissioner Seitle asked about the minimum width for maneuverability between the breakwater and the finger pier, and Kinsella said 125 ft. was the appropriate width, which allows room for the boats in the 50 ft. slips on the one side, and the boats that are side-tied on the breakwater on the other side. Ed said AAA had also indicated 125 ft. as the minimum width.

Ed recommended they talk with Nichols/Ice Floe about two aspects: 1) the anchor chains (absolutely critical) and 2) dive access and a dive area (desired, but not critical). The Commission agreed that Ed and Commissioner Slinden would meet with Nichols/Ice Floe, show them the Preliminary Site Plan, and request an easement for the anchor chains and consideration of an easement for a dive area later.

There was discussion about the extent of the proposed DNR-leased area and the cost, and Ed asked if the discussion with DNR could wait until after Financial Manager Dane Anderson returns from vacation. Callaghan felt that if DNR was going to be at the table at the Corps meeting on July 8<sup>th</sup>, he and Ed should try to engage DNR as soon as possible.

Regarding DNR, Kinsella informed the Commission that the Oak Harbor marina is in the process of renegotiating its DNR lease. The Commissioner for Public Lands has been very adamant that they grate 50% of their floats for light penetration, regardless of water depth. The Oak Harbor City Council had two special meetings last week, and Reid Middleton has been going back and forth with DNR on whether that is applicable. Oak Harbor has all the permits to completely renovate and expand their marina with no grating requirements, except in a couple of peripheral floats. The Corps and the Washington State Dept. of Fish and Wildlife (WDFW) agreed that grating was not important in the central part, but DNR has come back and said they will not issue them a lease without the grating.

Commissioner Seitle asked, "What is the design assumption for wave height and period in a 50-year event?" Referencing the design criteria, Kinsella said Reid Middleton based their design on

an incident wave height per structural system of 5.8 ft with a wave period of 4.67 ft. Inside the existing breakwater, they expect that the 5.8 ft. will be reduced to a 2.5 ft. wave. The additional new wave attenuator is expected to knock that wave down to 1.8 ft. Commissioner Seitle asked about the survivability of the Bremerton breakwater and the anchorings with the 5.8 ft. wave, and Kinsella said they have upsized the anchoring chains and system and designed it for survivability in that event.

Commissioner Slinden summarized the phasing as follows: Phase 1 would be construction of the gangway to the D Dock and relocation of the Bremerton breakwater (D Dock). Kinsella noted that they also discussed a temporary log boom to catch some of the debris in the harbor. Commissioner Slinden asked if Phase 1 includes the removal of the Hein dock and the sunken tire reef. Callaghan said they needed to discuss that, and presented GeoEngineers' Preliminary Site Plan Figure 3 (**EXHIBIT B**), which shows the proposed mitigation areas. Ed explained that "budget-wise", the Port has firmly identified \$2.4 million, and the last estimate for the gangway and relocating and anchoring the breakwater was \$2.2 million. That estimate includes the removal of the Hein dock and the sunken tire reef, but does not include the temporary log boom. The intent is that the removal of the Hein dock and the sunken tire reef would serve as mitigation for the entire project.

Callaghan asked about the time frame for building the next phase(s), beyond Phase 1. Commissioner Tapert said they had no idea; it could be 5 or 10 years, depending on funding. Callaghan explained his concern is that once the Port permits the project, they will be expected to do the mitigation up front. The Port will have to keep the permit active, and they will only be allowed to do that for a certain amount of time. The original permits are for two years and can usually be extended for another five years, for a total of 7 years. He cautioned that the timing and extension would also need to be negotiated up front. Callaghan said the Port would need to be very careful, because if they do all the mitigation and then the permit lapses – the Port would lose the mitigation that was done at the beginning. Commissioner Slinden suggested that they propose only the Hein dock as mitigation for Phase 1 and omit the sunken tire reef from proposed mitigation for Phase 1. Callaghan agreed, and added that the sunken tire reef could be mitigation for a portion of the next phase, such as E Dock. He said the Hein dock is the most important piece of mitigation the Port has, because the approach they will use is that the Port is going for a net habitation functional increase. Removal of the Hein dock opens it up for potential eelgrass and there is the possibility of doing some eelgrass transplanting, and there are NOAA grants available for that. The transplanting could be mitigation for Phase 2 as well.

There was additional discussion regarding mitigation credits, including the possibility of either tying the mitigation to phases or selling the mitigation credits, which Callaghan explained could complicate the project. Ed said that identifying a large Phase 1 and connecting the removal of the Hein dock to it as mitigation, and then connecting the removal of the sunken tire reef to Phase 2 (the internal phase) makes the most sense. That would take the removal costs of the reef out of Phase 1 and provide more money to get Phase 1 built. Commissioner Seitle asked if GeoEngineers had any idea what the value of the mitigation is, and Callaghan said it is usually tied to the project. So a 12" creosote pile is really 3.1 sq. ft. in mitigation, but the other factor to be negotiated up front is that the creosote is being replaced with steel, which is inert whereas the creosote is leaching. Callaghan provided further details about mitigation calculations and shading impacts in -20 and +20 water. For the Hein dock, he stated that they are looking at a 2:1 ratio – for every 2 sq. ft. of impact, GeoEngineers is proposing 1 sq. ft. of mitigation. He explained that because the Hein dock is in water that is shallower than -20, is in the upper shoreline, and in the middle of an eelgrass patch, the habitat value of the Hein dock is therefore

greater. The proposal is that the Hein dock would provide that 2:1 ratio for all of the area in green on the Preliminary Site Plan (above -20) and the ratio for the yellow area would be 1:1.

Ed and Callaghan agreed that G Dock would have to be included in Phase 1 as well as the entire perimeter of D Dock, and the Hein dock would be mitigation for that. The sunken tire reef would then be mitigation for E Dock and F Dock, after Phase 1 is completed. The Commission agreed that G Dock should have priority over E Dock and F Dock and would therefore be included in Phase 1, with the Hein dock as mitigation for the entire perimeter of D Dock and G Dock. Callaghan said they still might have to plant or transplant eelgrass as additional mitigation since the square footage of the outer perimeter docks would be a 4:1 ratio. He added that the Port would probably be able to find funding for the eelgrass transplanting, but probably not for removal of the sunken tire reef.

Commissioner Seitle asked how long before the permit applications would be submitted and Callaghan said a few weeks after the July 8<sup>th</sup> meeting with the Corps (end of July/beginning of August). Callaghan explained that the JARPA drawings are pretty much done, minus any changes that come out of that meeting.

The Commission agreed that the phasing paralleled with the mitigation as discussed today makes sense and prevents the Port from overspending its mitigation value. Ed said delaying the removal of the tire reef would really help the divers by giving them additional time to plan a dive site.

Commissioner Seitle asked if the 30% design would be sufficient to go for a design/build contract. Kinsella said it would not be sufficient until the Port had prepared a performance package requirement. He asked if Reid Middleton would be able to do that, and Kinsella said they could.

Marcelle Lynde of GeoEngineers asked if the Commission wanted them to add in a component for a lower float for kayaks/dinghies/small sailboats/divers. Commissioner Slinden said she would like to see one since kayakers and divers, etc. have requested it. She suggested the float should be movable, so the location can be changed after construction of Phase 1 is complete. Kinsella proposed a float measuring 30' x 50' and additional discussion followed regarding the potential temporary and permanent locations for the float. The Commissioners preliminarily agreed with a kayak/small boat float of that size to be sited at the base of the gangway from the existing marina, pending further evaluation of permit and cost implications.

The representatives from GeoEngineers and Reid Middleton left the meeting at 3:00 p.m.

### **3. POSSESSION PARK PROJECT STATUS:**

Regarding the pending Shoreline Exemption Permit application for the Possession Beach Access Improvements project, Ed referred the Commission to their copies of the 6/12/09 letter from Island County Planning & Community Development (**EXHIBIT C**), which had just been received at the Port office. Ed said, "Essentially, nothing has been approved based on their determinations." He said there are still objections to every element of the project, and the County is requiring additional mitigation for every element of the project. Regarding the changing enclosure at the Park, Ed felt the Port had no choice but to ask the volunteers to remove it. Since the County requires mitigation for gravel, Ed recommended they don't do the gravel either. He said the backhoe needs to be kept there for regular operations and emergency availability/use, and that location can be maintained per

County direction. Ed felt the hose bib should also be finished, including the “mitigation” of putting a lock on it.

Ed proposed sending a final reply letter within the specified time frame (unlike all of the County responses) indicating that: 1) the Port is withdrawing all of the components of the application except for the water line and 2) the Port will continue to maintain the backhoe in that critical location and will do weed control for mitigation. Commissioner Slinden felt that the Island County Commissioners should be informed about all that has transpired with the Planning Department regarding this project. Ed requested that if such a letter is sent, it should come from the Commission and not from Staff, and the Commission agreed. Commissioner Seitle felt that the Critical Areas Planner “made points in isolation from reality.” Commissioner Slinden added that the cost in staff time and expense (County and Port) on this project, and the delays, are completely unacceptable.

The Commission agreed to withdraw the application and eliminate the project except for the water line, and to send a letter to the Island County Board of Commissioners regarding how the matter has been handled.

**4. ADJOURNMENT:**

The meeting was adjourned at 3:10 p.m.

Approved:

Minutes prepared by:

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Commissioner Geoff Tapert, Freeland

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Edwin S. Field, Port Manager

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Commissioner Rolf Seitle, Langley

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Commissioner Lynae Slinden, Clinton

- Exhibit A: Reid Middleton’s Pre-Design review packet, incl. Site Plan Sheet C2.1 (4/7/09), Load Design Criteria for Moorage Floats (June 2009), 30% Design Opinion of Probable Cost (6/10/09), and JARPA Appl. plans (Sheets 1-8 of 8, June 2009)
- Exhibit B: GeoEngineers’ Preliminary Site Plan Figure 3
- Exhibit C: 6/12/09 Letter from Island County Planning & Community Development