

**PORT DISTRICT OF SOUTH WHIDBEY ISLAND**

Minutes of the Special Meeting  
August 29, 2007  
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

Jeff VanderFord, South Whidbey Record  
Don McArthur, South Whidbey Yacht Club  
Eric Hansen, Freeland Resident

**Absent:** None

**1. MEETING CALL TO ORDER:**

The Special Meeting of the Port District of South Whidbey Island's Board of Commissioners was convened on August 29, 2007, at the Freeland Library Conference Room in Freeland, WA. As announced, the primary purpose of the Special Meeting was for discussion of the Breakwater and related issues. Commissioner Tapert, President, called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance.

**2. PUBLIC COMMENT:**

There was no public comment during this period.

**3. PROJECT ACTION ISSUES (Staff Report, Public Comment, Commissioners' Discussion):**

**A. Breakwater:**

1. Temporary Moorage Status: Holmes Harbor and Alternatives: Port Manager Ed Field reported that as of noon today (but changing daily if not hourly), the United States Army Corps of Engineers ("Corps") is asking a few final questions regarding approval for temporary moorage in Holmes Harbor. In speaking with the Corps, the Port's engineer, Greg York of Art Anderson Associates (AAA) felt that the questions were not indicative of any major hold-ups or issues, but rather just clarifying details. Ed said there is cautious optimism that the Port will get a letter of permission from the Corps possibly by Sept 1<sup>st</sup> or in the near future to place the breakwater in Holmes Harbor. Ed said the Port doesn't know for sure that it will be issued or for what duration, but as of earlier today, he and York are cautiously optimistic that the Corps is moving in the direction of approval in the near future.

Ed said the Coast Guard has asked a number of questions, including whether the Port had investigated with the Department of Ecology (DOE) and the Department of Natural Resources (DNR). The Coast Guard also asked about the level of contact with the community. Ed said the Coast Guard has been provided copies of all the newspaper articles related to the breakwater's temporary moorage in Holmes Harbor. Ed explained that the Port has held off on formally contacting the DOE and the DNR because the standard practice and the presumption is that the Corps' permit is an "all encompassing permit," with the intent that the Corps is the "gathering point" for the permits. The Corps has not requested or directed the Port to contact any other agency or department separately. Ed said if the Corps issues a permit, the Port would take that and the coverage it provides and readdress the Coast Guard and hopefully get their agreement that the bases have been covered. Ed said he had talked with Phil Bakke of Island County, and Bakke said he did not consider the temporary moorage location to be within the shoreline zone because it is well offshore. Ed said at this point, "We're cautiously optimistic that we may have initial approval within a couple of days, and hopefully then the Coast Guard would be shortly behind that." Commissioner Tapert asked if his understanding was correct: that the Corps is basically the lead agency in this permitting and if they haven't requested feedback from additional agencies, then that's okay because they are the lead agency. Ed said yes, that it is Federal waters and therefore under Federal jurisdiction. They talked to the Coast Guard first and submitted to them, not realizing the Corps was involved. Subsequently, the Port submitted the permit application to the Corps and they have been provided with all the information they requested. The presumption now is that because it is in the Corps' jurisdiction, once the Corps has approved the application that will act as the first domino to fall and the Coast Guard will follow behind it.

2. Tow and Anchor Placement: Ed said that just prior to his vacation, he had submitted requests for bids to four contractors. Foss and Crowley are the "big boys," Island Tug is medium-sized and Dunlap Towing is small. Dunlap was recommended by Nichols Brothers, and they might be the tow contractor for American Construction which is already working for the Port of Bremerton. Ed said the Port received only one response to the request for bids, and that was from Island Tug & Barge. They proposed hauling the breakwater down to the Duwamish River where they have moorage available. Island Tug & Barge didn't check with AAA while Ed was on vacation, and Ed isn't sure if they misread the request or if the Duwamish River is just their preference. Island Tug & Barge's proposal was for \$10,000 per month for temporary moorage in the Duwamish River. After reviewing the numbers in that bid and the potential complications with Holmes Harbor that occurred earlier in the week when things were less optimistic, AAA came up with another alternative plan: to tie the breakwater up to the dock in Langley. It would involve having the whole 400-ft piece of the breakwater tied to the outside of the timber breakwater as one unit. AAA's preliminary design drawings were previously given to the Commissioners **(EXHIBIT A)**. AAA feels the condition of the stockade is sound enough to handle that for the next couple of months if there is "reasonable weather." Ed and York were really looking for a place they knew they could take the breakwater if the permits didn't come through for Holmes Harbor. Ed spoke with Hurlen Construction, and they indicated they could do that kind of work, but told Ed that the Port needed to talk to Boyer Logistics, which is a smaller tow company in the Port Orchard area. Ed said he subsequently talked to Boyer Halvorsen, the owner of Boyer Logistics. Halvorsen indicated that Boyer Logistics has moorage space available right now on buoys for the next month or two in the Bremerton/Port Orchard area. Commissioner Tapert asked if they were buoys or anchors. Ed said they are connected to anchors for heavy barge loads and they call them buoys. Normally those buoys/anchors are full through the winter as the

barges return from Alaska, so there is still a month or two before the barges arrive. Ed said if the Port is close to getting the permits on Holmes Harbor, this option might work out well. Halvorsen said he is absolutely ready to go on this and feels that it is a good match. He has one tugboat with an A-frame and another smaller boat that he feels would be adequate to move the breakwater and later set the anchors. Halvorsen gave Ed a verbal proposal this afternoon and will follow it up with a written proposal later in the week.

Island Tug & Barge had proposed a cost of \$7,500 to move the breakwater from Bremerton to their moorage at Sea-Tac Marine and a cost of \$18,000 to move it from the Duwamish River to Holmes Harbor. For Island Tug & Barge to go directly from Bremerton to Holmes Harbor, the estimate is \$21,000, based on everything being 100% ready to go upon delivery, and any additional wait time would be \$750/hr. Their estimates do not include fuel, which is \$2.50/gallon.

Commissioner Slinden asked what is the argument against just taking the breakwater to Langley and “anchoring the heck out of it” as Plan A instead of as Plan B. Port Manager Ed Field said there is not a really good location for free anchoring it in Langley because of the water depths and storm exposure. Ed said that by tying it up to the dock, it’s not expected to be a permit issue, since it’s essentially bringing a boat in and tying up to the dock, and if the owner (the City of Langley) doesn’t have a problem with it, it’s fine. Ed said that initial contact with the Mayor’s office indicated no problem with it, but did say if the breakwater caused any damage, the Port would be liable. Commissioner Slinden wondered if something could be done to bolster the tie up so the breakwater isn’t as vulnerable to smashing into the dock. Ed said the logs there would cushion it somewhat and the breakwater would be fine for the normal northwest or southeast blows, but if the odd nor’easter occurred, it would push it right into the dock. Commissioner Slinden suggested not just bolstering it against the dock but anchoring it in the ground underwater as well. Ed said it could be further supported that way, but because of the tidal situation, it could not be kept tight.

Commissioner Seitle said that York’s sketches showed anchorage against the palisade with 4 chains connecting it. He said the wind and wave report for Langley looks good except for under some very unusual circumstances. He said Commissioner Slinden was correct that the chains could be augmented with two buoys on the north side anchoring it. Commissioner Seitle said the clear advantage to doing this is that it “we will have one move and it’s there.” He said if Langley has no problem with it, he would go for it.

Commissioner Tapert asked if the Port had received a cost estimate on the sketch and list of materials, and Port Manager Ed Field said no, not yet, but has requested numbers from Hurlen. Commissioner Tapert asked if Island Tug’s estimate included a second tug to take it out of Sinclair Inlet. Ed said yes, that all agreed two tugs would be needed. Commissioner Tapert said if the Port has someone who is setting the anchors, the 2<sup>nd</sup> tug could be let go once the breakwater is in Puget Sound, and Ed agreed. Commissioner Tapert said that could be a potential cost savings. He asked if Island Tug’s proposal was a fixed fee, minus fuel or just an estimate. Ed said it was an estimate, plus fuel.

Commissioner Slinden asked if Boyer Logistics had given an estimate and Ed said they had. Boyer Logistics’ larger boat is \$275/hour and the smaller boat is \$200/hour. Halvorsen expected it to take 2.5 hours from Port Orchard to retrieve the breakwater, 3 hours on scene to get the rigging right, and 2.5 hours to take it to his temporary moorage. Ed said Island Tug’s estimate included no time on scene and required everything be ready

to go. Boyer Logistics quoted a monthly buoy rate of \$1,500. Commissioner Tapert noted that is better than \$10,000 for moorage in the Duwamish. Ed said Boyer Logistics' proposal for the initial tow to its moorage in Port Orchard and the 1<sup>st</sup> month's moorage there was \$6,500. Commissioner Slinden asked how long the Port could keep the breakwater there. Ed said until Boyer Logistics needs it, so roughly one month to two months. Halvorsen also said that one of his tugs has an A-frame derrick, which is what York of AAA has recommended to set the 5,000 lb. anchors. Commissioner Slinden asked where Boyer Logistics would be towing the breakwater to, and Ed explained it was reasonably protected anchorage in Port Orchard with buoys, and Halvorsen has suggested tying up the breakwater to a barge that is there, using tires for bumpers. Commissioner Tapert asked if this would be in lieu of Island Tug & Barge and Ed said yes, that Boyer Logistics has much better rates and it's a smaller company that may be better suited for this operation. Ed said if the Port gets approval for Holmes Harbor, everybody seems to be looking at "one year and that's it." Ed recommends that the Port goes with Boyer Logistics proposal and store the breakwater at their moorage for a month or so while the Port takes care of the permitting and public issues at Holmes Harbor, and then hopefully when it's clear, bring it into Holmes Harbor. If the permit situation at Langley isn't squared away after a year, then that might be the time to take it to Langley. Commissioner Slinden asked why not take it straight to Langley now. Ed said he is hesitant to "hang it" at Langley for a winter, and for a 12-18 month period. Commissioner Tapert said he was concerned about their configuration because the proposed tensioning dowels or rods are at the third points and the Langley temporary location has the hinge point right on the connections and could be damaged. Ed said he prefers that Langley be the last fallback, rather than going there first. Commissioner Tapert said that sounds reasonable. Commissioner Seitle disagreed, because moving it to one place for one month and moving it again is wasteful. He said the plan was always to do it in one move to Holmes Harbor if the permits were issued. Commissioner Seitle said that in looking at the wave and wind studies for Langley, he doesn't think the risk is very great. Rather than spending the money on the double move, he said it seems the final placement of the breakwater will be in sections and not configured as one 400-ft. piece. He would rather spend the money now to break up the sections. Commissioner Seitle said that if the attachment to the palisade is augmented with the same anchors that would be used anyway and York agrees that Langley is feasible, then that would be the way to go.

Commissioner Slinden asked if the breakwater is broken apart, would it be possible to place 100 feet with the other two perpendicular. Commissioner Tapert said he is concerned that having multiple sections would allow them to slam into each other and the damage potential. Ed said that the final configuration of the breakwater is not yet known and it may well be used as a 400-ft. piece. If the breakwater is in the water for a year or so in separate sections, it is going to be harder to get those end pieces clean and re-cemented. Ed said it would be best to leave it whole until the Port is actually ready to build the new modules. Commissioner Slinden asked if anything would need to be done to enhance the breakwater when it is put in place – would it need to be pulled out of the water, etc. if it is not taken apart. Ed said he didn't think any work would need to be done to the sections themselves. He said they will probably need to fabricate new joint/corner sections or connectors, but that would probably not involve the breakwater coming out of the water. Commissioner Tapert said that according to the director at the Port of Bremerton, taking the post tensioning rods out and replacing them is "a real bugaboo" and you only want to do it when absolutely necessary.

Commissioner Slinden asked if there were two clear alternatives for the Port Commissioners to choose between. She said Ed had presented one clear alternative involving a 3-strage move and the other alternative, as Commissioner Seitle said, is to go directly to Langley from Bremerton, putting additional bolsters in there. She asked Ed if that was a viable alternative. Commissioner Seitle said that none of them are marine engineers and he would like to talk to Greg York about the Langley temporary moorage before he makes a decision. He said moving it to Langley where it will eventually be permanently located makes a lot of sense. He added that the wind and wave and current studies show that the breakwater would be oriented at a nice angle to the major north wave action in Langley. Commissioner Seitle said if the camel logs can protect the breakwater from damage and perhaps timbers could be bolted to the palisade and 2 major anchors were added, it would be common sense to move the breakwater to Langley.

Commissioner Slinden said that moving the breakwater to Langley would address some of the social issues that have arisen in Holmes Harbor regarding things like improper use by the public. Langley also has police enforcement and since there is already a marina visual, the Port would only be extending it and therefore the visual impact would not be adverse. Temporary mooring of the breakwater in Langley would have a lesser social impact, and Commissioner Tapert said the Langley residents would also get used to seeing the breakwater at the Marina. He asked Ed how long it would be before Boyer Logistics needed the use of its anchors/buoys in Port Orchard, and asked if the Port would have to buy new anchors if the breakwater tied up in Holmes Harbor. Ed said anchors for Holmes Harbor could be rental anchors, and there are 5000 lb. fluke anchors available. Ed said York's general recommendation is to not "hang it in Langley." York recommended temporarily storing the breakwater somewhere for a month and get the permit and rigging squared away during that time, then bring it to Holmes Harbor and use Langley only as a fallback. Commissioner Seitle said that the Langley alternative doesn't require permits, and since it is the 29<sup>th</sup> of August, he would go with the sure thing. Commissioner Slinden asked what the other Commissioners thought about going with the temporary moorage for one month and giving AAA a chance to study Langley and make sure there is a good way to anchor the breakwater there. She suggested making Holmes Harbor the back up plan rather than Langley. Commissioner Tapert said that York had told him the Langley location came down to an issue of risk tolerance on the part of the Commission. Is the Port willing to take the additional risk that may be involved with placing the breakwater in Langley where it will be potentially more exposed? If a 50-year storm occurs, the risk is not only that the breakwater could be damaged, but also that the breakwater could in turn damage the stockade. Commissioner Slinden said that is why she asked if there was a way to better anchor it so that it is a separate entity from the stockade although they are next to each other. Commissioner Tapert said the Holmes Harbor location would allow the breakwater to be free-floating and even if it dragged or moved around a few hundred feet, it could not damage anything. He is also concerned that the Port does not have an idea as to the costs of the fairly elaborate elevator-type system proposed for Langley.

Commissioner Tapert asked if the Port Orchard moorage wouldn't have the same restrictions as Holmes Harbor. Ed explained that the Port Orchard moorage is already permitted anchorage, where Boyer Logistics strings up 2 or 3 barges on the buoys. Ed said that Boyer Logistics' proposed rates, the recommendation of Hurlen, the company who will probably do the rigging in Langley, and the idea of having a little breathing time to make sure the breakwater is rigged right, etc. is rather appealing. Commissioner Seitle asked who would be responsible for the breakwater while it is on the buoy at Port Orchard. Ed said it would be on Boyer Logistics' insurance. He talked with the Washington

Government Entity Pool (WGEP) today and anything in a tow or anchorage situation is the responsibility of the company whose boat is towing or the company to whom the buoy belongs. Commissioner Seitle wanted to add another comment about the risk factors in Langley. He said Barney Heins' float has been bouncing around there for about 20 years without any damage, so he doesn't think the risk is that great.

**ACTION: A Motion was made by Commissioner Slinden and seconded by Commissioner Tapert to authorize Boyer Logistics to tow the breakwater to their Port Orchard facility for temporary moorage for one month, allowing time for further investigation of temporary sites, with the Langley Marina being the first choice and Holmes Harbor as the second choice.**

Commissioner Slinden said that the one-month period would give the Commission the chance to further investigate the permitting and engineering situations and the costs of each of the locations. Commissioner Seitle asked if a firm date had been set for moving the breakwater out of Sinclair Inlet. Ed said they would have had that information today, but Steve Slayton wasn't available for their regular scheduled Wednesday meeting, so that meeting is tomorrow. Ed said the Port of South Whidbey should have a firm date tomorrow. Commissioner Tapert asked if it is still ten days from now. Ed said everything York has seen indicates 7-10 days. Commissioner Seitle asked the name of the contractor, if he had had given a verbal price and what was the estimated cost. Ed said Boyer Logistics had given a verbal price and would submit a written price tomorrow. Ed said the price for the hook up, initial tow and the 1<sup>st</sup> month on the buoy including misc. tires and rigging was \$6,500 – not to exceed. Commissioner Seitle asked if Boyer Logistics had given another price for moving the breakwater to Holmes Harbor. Ed said he hadn't yet. Commissioner Seitle said he didn't feel he had enough firm information to vote on the motion. Ed said that Boyer Logistics' tugboat prices were about 1/3 of everyone else's. Crowley and Foss, neither of which bothered to send a proposal in, quoted a rate \$1,700/hour plus fuel. Commissioner Slinden asked what the hourly rate was for Island Tug & Barge, and Ed said it was \$750/hour. She said then that is \$750/hour vs. Boyer Logistics' rate of \$275/hour. Commissioner Tapert said he spoke with Foss this afternoon, and their price was in line if not more than Island Tug & Barge's price. Foss pride themselves on accurate precision location such as the Tacoma Narrows Bridge project, which the Port of South Whidbey doesn't necessarily need now. Island Tug & Barge is in the medium range and more economical. Commissioner Tapert said Boyer Logistics sounds like a smaller company that might be more flexible and if they are available and they have the tackle, buoys and anchors, he would be more inclined to go with them. Commissioner Slinden agreed with Commissioner Seitle that more information would be good, but she feels a decision needs to be made so this can move forward. She feels the Commission has enough information to give direction and get the breakwater out of Bremerton and moving toward South Whidbey. Commissioner Seitle is concerned with some items: 1) the Port doesn't yet know when the breakwater has to leave Bremerton, 2) the original budgetary estimate to move the breakwater to Holmes Harbor or Langley plus anchorage was about \$15,000. Commissioner Slinden said that number was pretty shy of what was being discussed here. Commissioner Seitle said the \$6,500 price to move the breakwater to Port Orchard temporarily seems like a good price, but the Port doesn't have an estimate from Boyer Logistics on the cost of moving the breakwater to its next location. Commissioner Slinden said that they do know the rates, and Commissioner Tapert added that they are 1/3 of the other proposals. Commissioner Seitle said once the breakwater is hanging on Boyer Logistics' buoy in Port Orchard, the Port would be "stuck with" Boyer Logistics and there wouldn't be any more competitive bidding. Commissioner Tapert said not necessarily, that the Port could hire a different company to move it from Port Orchard

to Whidbey Island. Commissioner Tapert said the motion on the table would allow the Port of South Whidbey another month to get the information necessary to decide where the breakwater should be temporarily located. He doesn't think the Port Commission has enough information to go ahead with moving it to Langley right now, and at least a month is necessary to compile it. Commissioner Tapert said that even though Bremerton has not set the exact date, we know it will be soon and the Port is liable for the breakwater at that point and responsible for moving it away from Bremerton at that point. Commissioner Slinden says she thinks they won't lose anything by mooring it temporarily in Port Orchard while seeking more information. Commissioner Seitle said he would have liked a more firm recommendation from the Port's engineers. Commissioner Slinden said that's why they were holding off on making the decision as to the final temporary moorage location.

**The Commissioners voted and the Motion passed unanimously.**

Port Manager Ed Field asked if that was first option Langley. Commissioner Slinden said yes, that we need more information, but the preferred choice is Langley. Ed said he understands that York should be told to look more closely at Langley and the technical and risk factors there, and to firm up the design and cost issues. Then Ed can get more accurate numbers from Hurlen, and since Boyer Logistics is Hurlen's preferred tug company, they should work well together. Ed said it might be appropriate to bring Greg York over for a meeting to discuss design as well as Langley vs. Holmes Harbor.

3. AAA Engineering: Budget/Status Update and Additional Authorization: Ed said the Commissioners had previously received Greg York's memo regarding AAA's budget update (**EXHIBIT B**). Ed said that basically AAA had hit their marks on the site investigation and they have not reached the 25% limit on the conceptual design piece. With the opening tasks, they didn't come close to their limits; however, on the evaluation of the temporary moorage and anchorage situation (Task 2.1) they have "burned up their budget" with all the unexpected work. The bottom line is that with Coast Guard open anchorage, the presumption is that the Port of South Whidbey will be able to drop anchor for the breakwater, as any ship does in Elliot Bay without consulting the residents of Magnolia. Ed said the Port and AAA were all somewhat blindsided with all the effort and the issues that have arisen in Holmes Harbor.

Commissioner Slinden asked if the Port was ahead or behind in budget total. Ed said the Port had not gone over any of the not to exceed numbers. Ed said the conceptual design part was authorized to \$25,000, and only \$19,000 has been spent. The total task is about \$100,000, so within their big proposal there is money that can be "shifted around." Ed said that under the specific task for relocation and temporary anchorage (Task 2.1), the budget has been exhausted. Commissioner Slinden asked what Task 2.3 was for and Ed said it was conceptual design. The Port Commission previously authorized AAA for the first 25% and of that task. Commissioner Tapert said he would like to see AAA move forward on determining the preferred location as soon as possible, and hopefully within the next 30 days. Commissioner Seitle agreed. He added that he was concerned with the data acquisition report because he felt it was totally concentrated on the area north of the present marina. Since it sounds like the northern section may not be the optimum location, more data might be needed. Ed said that was a valid concern. Commissioner Tapert said the data acquisition appeared to have the entire basin covered. Ed said that the bathymetry and the wind & wave stuff is 100% covered, but additional soils data might be needed. He said the data is "somewhat thin to the south" because of the direction given to AAA.

Commissioner Slinden asked if the Port Commission needed to authorize AAA to do more studies. Ed said he thinks proceeding ahead with the conceptual design is appropriate at this point. Ed said York's memo was simply a status update to let the Port Commission know they are out of money for the relocation task, AAA is done with the site investigation and is roughly 20% into the conceptual design. Ed thinks York would be very happy if the Port Commission "cut him loose" on the concept design to charge ahead, and Ed thinks authorizing an additional \$5,000-\$10,000 would be enough for the temporary relocation task. Commissioner Tapert said according to the memo, \$14,000 of the \$25,000 authorized for Task 2.3 has been spent.

**ACTION: A Motion was made by Commissioner Tapert and seconded by Commissioner Slinden to authorize Art Anderson Associates to proceed with the conceptual design task of a preferred alternative recommendation with an authorization of up to \$10,000, with the recommendation being available at the next regular Port meeting.**

Ed said the BST report was due in two days. As part of his cost, Paul Sorenson of BST would be available to come and present their report next Thursday or Friday. The key piece of BST's report is the slip mix. In his report, Sorenson will include recommendations for sizing and proportion of slips, which is a key factor in the conceptual design piece. Greg York of AAA really needs that piece as he goes into the design phase.

Commissioner Slinden asked why AAA's Task 2.3 showed a budget amount of \$19,500 and an authorized amount of \$25,000. Ed said that 1/3 of the total authorized amount was for sub-consultants such as Coast & Harbor and Geo Engineers.

Commissioner Seitle said he is anxiously awaiting BST's report, but he doesn't think BST's economic analysis is going to drive the design. Commissioner Tapert agreed. He said the orientation and location of the breakwater will be fixed based on the data achieved so far.

Port Manager Ed Field asked if the Port Commission wanted Greg York to attend the meeting with Paul Sorenson next week. Commissioner Seitle said that would be very good. Commissioner Tapert said they would then be able to give York a little more direction to help him focus.

**The Commissioners voted and the Motion passed unanimously.**

Commissioner Seitle asked if they would be having a special meeting. Ed said that next Thursday morning would work best for Sorenson's schedule. The Commissioners agreed to a tentative special meeting at 9 a.m. on Thursday, September 6<sup>th</sup>, in the Port office. Ed said he would contact Sorenson and York

**PUBLIC COMMENT:**

Eric Hansen, Freeland resident, said he didn't understand at the start of the meeting whether public comment was being solicited only for things not on the agenda at that time. Commissioner Tapert said he could speak up now. Hansen introduced himself and said he was here to talk about Holmes Harbor. He said he is a water district commissioner, so he has some appreciation for how difficult some of these situations are. Hansen said that marina permitting can take a long time, and he thinks there is a likely possibility that the breakwater could end up

being stored in Holmes Harbor for more than a year. Hansen said it has been implied that the moorage will only be for a year, and he is hoping the Port Commission will “stand on that agreement” publicly and say they will keep it there for a year and no longer, and if it is more than a year they will look for an alternative location for the next year. Commissioner Slinden said that looking for an alternative location after a year is a lot to expect, because the Port doesn’t know where that would be, it would be very costly and she doesn’t know why that limit would need to be instituted as it is a rather arbitrary number. Hansen said that earlier in the meeting the Port Commission had discussed public participation and interaction with the community and he doesn’t think there is a whole lot of awareness about it. He said it’s true there was an article in the paper, but it suggested it would only be for a year. Commissioner Slinden said the best intended effort would be for a year. Ed provided all present with an overhead picture of Holmes Harbor and the breakwater superimposed on it (EXHIBIT C). Commissioner Tapert said if the Port can work out the risk problems in Langley, it may be a moot point, and he assumes that would be Hansen’s preference. Hansen said he wasn’t arguing against the marina or the storage of the breakwater in Holmes Harbor for a year; he is just concerned that it could easily slide into 2 years, 3 years, etc. Commissioner Slinden said the Port Commission’s intent is to minimize the time, too. They don’t want the breakwater there any longer than it has to be, but to incur a greater cost to the whole district of South Whidbey just because they said only one year seems inappropriate. She said the Port would make the best efforts to keep it to one year, but if it has to be longer she hopes they would get the cooperation and support from the community to save the general public the money that would be spent to arbitrarily move it just to meet the one-year commitment. Commissioner Tapert said if the Port is working diligently and one year turns into 13 or 14 months, he assumes that would be acceptable. Hansen said his business does a lot of permitting, including a lot of marine permitting, and the folks he works with think one year is unrealistic. Commissioner Slinden said as discussed earlier in the meeting, the Port’s preferred choice for temporary moorage of the breakwater is Langley. The second choice is Holmes Harbor, and the Port’s intent is not to just find a place to hang out for a while – they are trying to get a marina built. The Port is not trying to make the breakwater a permanent fixture in Holmes Harbor and she doesn’t think there is any intention to try to “put out” the community of Freeland. Commissioner Tapert said he is very much in favor of locating it in Langley as long as the risk of damage to the breakwater or anything adjacent to it is minimized. He said if the breakwater is located in Holmes Harbor, the Port will do all that it can to move it within a year, but some of it is out of the Port’s control. Hansen asked if there is any duration of moorage that the Port can commit to. Commissioner Slinden asked if he had ever been asked that question as a professional in the marine industry. She said it is hard to speculate on permitting processes or to set an absolute limit. The “ASAP” limit is about the best the Port can do, and the Port will take over the marina in Langley in January 2009. Commissioner Tapert said he would commit to having a schedule that shows the plan for doing it within one year, but cannot guarantee that schedule will be adhered to. Hansen said he is not happy about the Port’s decision, but he understands the Port Commission is making decisions for the public and he respects that. Commissioner Tapert asked if he would be happy if breakwater doesn’t go to Holmes Harbor. Hansen said he’s not against it going to Holmes Harbor, but only for that specific period of time. Hansen thinks it was not appropriate to buy the breakwater in the first place, until there was a fixed design and the Port was ready to put it in place. Commissioner Tapert said the Port got a good deal and that’s why they bought it. Commissioner Seitle said it was a good deal and it had a time to exercise it. Commissioner Slinden said even with the costs associated with current issues, it is still a good deal. She said this is a full south end issue. It’s important that the community around Holmes Harbor and Freeland be supportive of the marina in Langley, because it will be a benefit to the entire south end community. Commissioner Slinden said they are trying to be as cost effective as possible, and to commit to “hopping this float around” for

\$75,000 because the Port said it would only be there for a year seems really inappropriate. Hansen said then the public shouldn't have been told as the newspaper suggests that it would only be for a year. He said that the Port Commission needs to better explain and clarify to the public that it could be longer. Commissioner Slinden pointed out that the South Whidbey Record was represented at the meeting tonight. Commissioner Tapert said he was sure Jeff VanderFord would like to talk with Hansen. The Port Commission thanked Eric Hansen for coming to the meeting and said they appreciated his input.

## **B. Langley Projects:**

1. Site Investigation and Economic Prioritization Report Status: Ed said some of it had already been discussed. He said the Commissioners have the site investigation information and the BST report will be coming in a few days. He will call Sorenson and York and try to set up the meeting for the following Thursday morning. Ed feels that meeting will be a really good "jump start" for both aspects, as it will download Sorenson's data to York directly and to the Port Commission and provide a good chance for interplay among all participants. Commissioner Tapert said he spoke with Larry Cort, the planner for the City of Langley, and Cort said he should be able to run the Port's proposal for locating the breakwater in Langley concurrently with a revision to the Master Plan for the Small Boat Harbor. Commissioner Tapert said whatever the Port submits, it is known it will be inconsistent with the current plan. The City of Langley can't issue a SEPA threshold determination until the plan is consistent with what the Port is proposing. Commissioner Slinden said the design is conceptual and therefore not necessarily inconsistent with the current plan. Commissioner Tapert said it might not be, but in any case, the City of Langley has asked the Port to revisit the Master Plan. Commissioner Slinden said the Port had committed to that in the Inter-Local Agreement (ILA). Commissioner Seitle asked who is the SEPA-authorized organization in 2009. Commissioner Tapert said the City of Langley is the lead agency, even after the Port takes ownership of the marina. Ed said the marina is within the City's shoreline jurisdiction. Commissioner Tapert said Cort is willing to allow the two to run concurrently, so the 120-day SEPA process will be simultaneous with revisiting the Master Plan. Hopefully things will fall into place and at the end of that period, the Port will be able to go after things like Department of Natural Resources (DNR) lease expansion, Corps, Department of Fish and Wildlife, etc. Commissioner Slinden asked how an environmental evaluation could be given of something that is in progress of design. She views it as modifying some of the issues in the existing plan. Commissioner Tapert says the City of Langley may interpret it the same way, but he sees a potential for Langley resisting the Port's proposal because it is inconsistent with the plan. After discussion, it was concluded that the current Master Plan is referenced in the Port's new Comp Scheme as an item to be revisited as the Port goes to final design. Commissioner Tapert said the sooner it is revisited, the better, so the Port is consistent with other agencies as it moves forward. Commissioner Slinden said the approach to modify the Plan is to put together all the information that has been gathered in the previous months and come up with something the Port feels has the most economic and engineering feasibility and insert that presentation into the Plan as the actual project the Port will pursue. Commissioner Seitle asked who is going to prepare the Plan update. Commissioner Slinden says once the Port Commission has all the information from BST and AAA and has decided what the design should be, a consultant may have to be hired to do the mechanical writing. She thinks the Port Commission will have a good idea of what they want to present and it will just be a matter of having someone put it into a presentation form to take to the City of Langley. The Commissioners agreed that AAA could do most of that for the Port. Commissioner Tapert thinks that there will also be a substantial Shoreline Development Permit, which starts the timeline to get to the end to allow the Port to permanently install it.

Commissioner Slinden feels the Port should absolutely not go back and rewrite the Master Plan, and the Port Commission agreed they were only modifying it to come up with a more specific plan. Commissioner Slinden thinks the Port is amending it to a specific plan derived from the original concept; that it supercedes the elements of the plan that were conceptual and now they are more specific. Commissioner Tapert said Cort is agreeable to entertaining a proposal from the Port of a specific, conceptual layout which then would spark the City of Langley revisiting the Master Plan in conformance with the Port's proposal. The Master Plan is a jointly adopted document, and they have a Harbor Front Development Committee. Commissioner Tapert said when the City of Langley sees what the Port is proposing and it is backed up by data and consultants' recommendations, then they will say "yes, this makes sense" or the two agencies will work out whatever detail differences there might be. Commissioner Tapert said by the time the Port goes out to other state and federal agencies, the Port and the City of Langley need to be in agreement. Commissioners Slinden and Seitle agreed.

2. WPPA Environmental Seminar on September 27-28, 2007: Ed said the seminar is very well oriented around marine permitting and harbor projects. He said it is an economical crash course in harbor design and environmental permitting issues. He would very much like to attend, and thinks anyone who wants to join him would benefit as well as they look at what the Port will be dealing with in the next year or two. A lot of the speakers are people the Port will be dealing with across the table from on permit issues. The Commissioners agreed it would be good for Ed to attend. Commissioner Tapert and Commissioner Slinden said they were unable to attend and Commissioner Seitle said he would check his schedule.

### **C. Bush Point Boat Ramp:**

1. Operations: Bathrooms Up & Running! 40 Boats & 300 Fishers on Good High Tides!: Ed said Wayne Nance got a plumber out there about 12 days ago. As we have long suspected, the plumber thought it was the valves. The manufacturer's rep was contacted, they switched out the valves, and the bathrooms were back in use a week ago yesterday. Commissioner Tapert asked if that meant that Kristen Kuykendall of DFW was wrong, and Ed said yes, 100% wrong and her inspector, our manager and everyone else who looked at it was right. Commissioner Tapert asked how long the bathrooms had been out of commission. Ed said it had been 9 – 12 months. Commissioner Slinden said the Port was keeping the Port-a-Potties there anyway, and Ed explained that was because there are at least 300 people and 40 boats every high tide. Mike McCarthy, the manager/caretaker at Bush Point, is cleaning the new bathrooms 3 or 4 times per day because of the high volume of use, and he is still hosing down the areas beneath the Port-A-Potties because they are overflowing at times. Ed said it is prudent to anticipate that Port-A-Potties should be placed at Bush Point throughout the 3 or 4 months of every summer to save the septic system. Commissioner Tapert asked if it doesn't go back to design, as someone obviously didn't anticipate the heavy traffic that exists. Ed agreed and said the lack of a urinal in the men's room is a major problem with the design. He said once the Port takes over the project, installing urinals would be near the top of his list of things to do. Ed said regardless, for the sake of the septic system, they should probably plan to put a couple of Port-A-Potties out there in the summer. Commissioner Slinden said urinal tents are used at a lot of festivals and might be an option, and Ed said we might need to investigate that for next summer. Ed thinks the Port should leave the 3 Port-A-Potties out there for another month until the floats are pulled at the end of September. Commissioner Tapert said that's more than \$200 per month that the Port should not have had to pay. Ed said Kye Iris at DFW had agreed to pay the Port-A-Potty rental invoices for July and August.

Port Manager Ed Field said that on September 5<sup>th</sup>, they would be meeting with Myra Barker of The Recreation and Conservation Office (RCO) and Rory, the American Disabilities Act (ADA) inspector with RCO. They will conduct an interim inspection of the condition of the Bush Point facility and they have agreed they will document the condition and provide the Port with an indication of what needs to be done to either complete the RCO (formerly IAC) development contract and/or correct deficiencies that they might see. The DFW people will also be there during the inspection. After the inspection, RCO wants to get out from between DFW and the Port. RCO is willing to have their inspection used as part of the negotiation issue between the Port and the DFW, but there is no need for them to be in the middle of it and Ed agreed. Commissioner Slinden suggests that the Port not offer to do anything at that meeting and Ed agreed and added that all he would be getting at the meeting is a list of what still needs to be done and what needs to be corrected. Then, at the direction of the Port Commission, they can negotiate with the DFW, whose original development contract has never been satisfied. The public use requirements are “a slam dunk” for the Port as the Port would be honoring those anyway, but the original development contract has never been satisfied. Ed said the other information the Port would be looking to get from the DFW is how much money is left. Rumor has it that there is \$10,000 remaining. Commissioner Slinden asked if he would have all the information by the next meeting, and Ed said yes, the inspection would be completed before the next meeting.

Commissioner Seitle asked how the boat launch is functioning. Ed said it’s working pretty well. The boaters are getting used to it, which is helping, but the two potholes or settlements at the top of the ramp are not helping and that is the area that really needs to be addressed. The bottom of the grid is fine. He hopes next Wednesday to discuss with DFW how to fix the upper portion, whether concrete underneath the grid is an option, etc. Ed said he will also be talking to the float manufacturer about an improved pile hoop system that could be installed over the winter. Ed said they think the current pile hoops are going to last until the end of September, but he doesn’t want to put them back in the water with these things on there. He said that would also part of the negotiation with the DFW. Ed said he is not proposing the Port do any of the repairs other than the plumbing until the negotiations have been held.

2. Management: Manager/Caretaker Compensation: Ed said that Mike McCarthy is putting in a lot of hours right now. He is cleaning the bathrooms 3 times a day and still covering Clinton as thoroughly as always and he’s not going to bed until the last boat is out of the water. McCarthy started at \$500/month, and with some additional work added to his schedule that was increased over a year ago to \$600/month. His annual review is overdue, and Ed proposed based on the hours McCarthy is putting in that his wages should be brought up to the same level as Wayne and Laura Nance, the managers at Possession Park, which is \$10,000 per year. Commissioner Tapert asked if it would be feasible for the Nances to take over Clinton. Commissioner Slinden said there is a lot more work at Possession Park than Commissioner Tapert realizes. Commissioner Tapert said that Possession Park to Clinton was not as long a haul as Bush Point to Clinton. He said he has no problem with adjusting compensation. Ed said it is 15 miles from Bush Point to Clinton and it’s at least 10 miles from Possession Park to Clinton. Commissioner Slinden thinks McCarthy should be kept on Clinton Beach; he likes it and takes pride in it. She said the Nances were expected to do only part-time work. Commissioner Slinden said keeping it the way it is and giving McCarthy more money makes sense. Commissioner Tapert agreed

and asked if a motion was necessary. Ed said it was not. Commissioner Slinden recommended that Ed still go forward and do the annual evaluation of McCarthy and he said he would. Ed added that after the floats are out and there is a little bit of breathing time, he'd like to look at improvements that Wayne has suggested at Possession Park and improvements at Clinton Beach and Bush Point. Ed thinks they might be able to adjust hours. Ed said another issue to consider not for this year but for future years is that it might be easier for the harbor staff from the Langley Marina to handle Clinton Beach than it would be for either McCarthy or the Nances. Ed said when the Port is working in Langley, during the off times both McCarthy and Wayne Nance could be used for things like major maintenance. Ed wants to be able to use staff at all locations. Commissioner Seitle added his agreement with the other Commissioners that McCarthy's salary be increased to \$10,000/year.

**D. Maxwellton/Dave Mackie Park:**

1. Bathroom Renovation: Update: Ed wondered if the Port Commission had seen the article in the newspaper about the contract. Commissioner Slinden said yes, and the article said the Port had committed to \$25,000. Ed said the Port was at \$20,000 and they bumped it to \$25,000, but he doesn't know where it got to \$26,000. Ed said it was good news to see that they have approved the contract. Commissioner Slinden asked what they are doing about the parking lot and the fences. Ed said he had a call in to Lee, but at last report he was having a hard time finding the recycled plastic wheel stops. Commissioner Slinden said the Port can go get new concrete ones and said "let's just get them in there." Commissioners Tapert and Seitle agreed.

**4. EXECUTIVE SESSION:**

The Board of Commissioners went into Executive Session to discuss possible property acquisition opportunities at 8:43 p.m. The Executive Session concluded at 9:02 p.m.

**5. ADJOURNMENT:**

The meeting was adjourned at 9:03 p.m.

Approved:

Minutes prepared by:

\_\_\_\_\_  
Commissioner Geoff Tapert, Freeland

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Edwin S. Field, Port Manager

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Commissioner Rolf Seitle, Langley

\_\_\_\_\_  
Commissioner Lynae Slinden, Clinton

- Exhibit A: Langley Marina Temporary Breakwater Moorage dwgs, AAA, dated 8/24/07  
Exhibit B: "Budget Update" Memo from Greg York/AAA, dated 8/27/07  
Exhibit C: "Proposed Temporary Breakwater Anchorage", AAA, dated 8/13/07