

**Draft minutes\* for**  
**Quarterly Kitsap All Ports Meeting**  
**January 23, 2017**

The quarterly Kitsap All Ports meeting was held January 23, 2017 hosted by the Port of Brownsville at the Brownsville Yacht Club office. Attendees included: Jack Bailey and Matt Appleton representing the Port of Brownsville; Jim Aho and Cassie Magill representing the Port of Illahee; Bruce MacIntyre representing the Port of Kingston; Dan Fallstrom, Steve Pedersen and James Strode all representing the Port of Manchester; Brad Miller representing the Port of Poulsbo; Ed Scholfield, Phil Best and Theresa Haaland all representing the Port of Silverdale; Jack McCarn, Brian Moran and Rod Reid all representing the Port of Waterman; Bob Johnston of NW Space and Naval Warfare Systems Center; and Sheriff Gary Simpson.

Commissioner Bailey of the Port of Brownsville chaired the meeting.

Everyone stood for the Pledge of Allegiance.

Introductions were made.

Bob Johnston explained that he is an oceanographer working for the Department of the Navy assigned to PSNS. Through the Navy's ENVVEST ambient monitoring program Mussel Watch Programs are conducted to sample mussels from watch stations within the Sinclair/Dyes Inlets and Port Orchard Passage system. He explained that if you really want to know what's happening in an area you need to ask the animals that live there and by studying the mussels that is what they are doing. The mussels are analyzed for heavy metals, PAHs, PCBs, stable isotopes and lipids. Mr. Johnston provided a presentation of the past several years' findings. The study shows contamination trends, which lead to further investigation to determine the cause, which is intended to lead to correction. They are testing a new "sampler" mussel sampling that provides information year-round. Mr. Johnston thanked the Commissioners for their time and ongoing support of the program. He suggested anyone interested in additional valuable information to look up the Eyes Over Puget Sound website [http://www.ecy.wa.gov/programs/eap/mar\\_wat/surface.html](http://www.ecy.wa.gov/programs/eap/mar_wat/surface.html).

Sheriff Gary Simpson was at the meeting to discuss the Ports' need for Sheriff support on Port-owned properties. Commissioner Bailey reminded everyone of the Ports' attempt in 2006 to adopt a standard set of rules for all ports. There are twelve Port districts within the County and the County Code (10.32) is only

applicable to the Port of Kingston. Over ten years ago, this became a topic addressed at the quarterly All Ports meetings where Port representatives agreed that the County Code should include all of the Kitsap Port Districts. It was Port representatives' understanding at the time that the Sheriff was in support of updating the County Code to include all Kitsap Ports. So, Commissioners began working on wording for a proposed ordinance that would benefit all the Ports. Commissioner Bailey explained that the Ports worked on this for nearly two years and he wanted Sheriff Simpson to be aware that a lot of time and thought went into this. Phil said that a special meeting was held in October of 2006 with all the involved Ports represented and the public was notified via public notice in the Kitsap Sun. At that meeting Port Districts adopted individual resolutions requesting the Kitsap County Board of County Commissioners to Adopt the Proposed Ordinance Enacting Health and Welfare Regulations Applicable to Kitsap County Port District Properties with the proposed uniform ordinance attached to each resolution. The next step was to get it approved by the County. So, it was brought before the Kitsap County Board of Commissioners for approval at which time Sheriff Deputy Simpson voiced his concerns about the proposed changes, and the effort was dropped. In May of 2007 several Port representatives met with Officer Simpson and other County representatives to further discuss adoption and enforcement of Kitsap Port rules/regulations. At that time Officer Simpson requested Port Districts adopt resolutions authorizing Sheriff enforcement of posted rules, then the Sheriff would acknowledge the authority to enforce the rules as well as the general criminal code enforcement on Port properties and would respond to requests from the Ports. Several Port District did that. Unfortunately, communication with deputies might be part of the problem because there have been several times when deputies have responded saying they have no authority on Port properties. Commissioner Bailey gave a couple of examples at Brownsville and this has also happened at the Port of Silverdale. Commissioner Bailey explained that he read that the Port of Allen has recently had its rules added to the Mason County Code. Sheriff Simpson replied that with twelve Port districts in the County changing the code to accommodate each Port is just not feasible as every Port has different standards. To expect sheriff deputies to remember each individual Ports' rules is just not realistic. Also, most of the rules should not be considered a criminal offense and as an example he said he will not send deputies to Ports to arrest public that are swimming in moorage areas. He explained that the public must be aware of the rules, so he suggested each of the Ports have rules posted in a highly visible area on Port property. Each Port District needs to pass a resolution adopting the rules and authorizing the Kitsap County Sheriff to enforce the rules on Port property. The individual resolutions and attached rules need to be sent to the Sheriff's office. Commissioner Strode offered to gather all of the



resolutions from each Port at the next All Ports meeting in April and deliver them directly to Sheriff Simpson. Once the Sheriff's office receives the authorizing paperwork and the rules are posted on Port properties the deputies will be notified that they do have authority to enforce Port rules on Port properties, although Sheriff Simpson reminded everyone that the County is very short-staffed due to lack of funding and support may still be minimal as deputies have to prioritize calls. Port representatives acknowledged this and voiced their appreciation for all that the deputies do.

Commissioner Magill of the Port of Illahee asked about the idea of making a citizen's arrest in certain circumstances. She described a situation where she recently noticed that the lights on the dock were malfunctioning so she went down to the dock to check it out. She interrupted a woman breaking into the Port's electrical box. Commissioner Magill made it known that she was very angry. The individual left the area, but Commissioner Magill has since thought about the idea of a citizen's arrest. Sheriff Simpson said that he did not recommend making a citizen's arrest and that such action should not be taken on individually. He suggested that the license plate be written down and the suspect be told that his/her license plate has been recorded. He said that in that type of situation you need to be the best witness you can be and then call 9-1-1 with all the information and descriptions of suspects.

Commissioner Bailey said that he thinks 2016 has been the worst year thus far for theft and other vandalism and it just seems certain individuals are getting even brasher with their actions.

Sheriff Simpson thanked the Commissioners for their time and excused himself from the meeting.

Commissioner Bailey expressed his disappointment in not getting the County Code changed to include all of the Kitsap Port Districts. There was discussion about how each Port is unique with different rules and it was suggested that if Port Commissioners feel the need to have their Port be included in the County Code, they proceed with that individually. In the meantime, the Port representatives should insure Port rules are posted in a visible area on Port property and if not, post them prior to the April meeting and also pass a resolution that adopts those rules and authorizes Sheriff enforcement. Bring copies of the resolution and attached rules to the April All Ports meeting at which time they will be gathered and given to Commissioner Strode who will take them to Sheriff Simpson soon after the meeting.

### Port of Manchester

Commissioner Strode was proud to report that the Port of Manchester's restroom facility now houses two automatic-flush toilets that cost about \$3,000. An old fence that was on Port property was removed and replaced with a nice black chain link fence. It cost about \$4800.

Port of Illahee – Commissioner Aho reported that the Port continues to move forward with the purchase of the Illahee store. They are currently working with the Washington State Department of Ecology and the Pollution Liability Insurance Agency (PLIA) (<http://www.plia.wa.gov>). County-owned property borders two sides of the store property, so the County is also involved. PLIA provides government funding that helps property owners meet financial responsibility and environmental cleanup requirements for underground storage tanks.

Commissioner Fallstrom of Manchester cautioned that as the State Budget is hashed out money from that fund could disappear. Commissioner Aho explained that the money is already allocated to the program, so he is hopeful that won't be an issue. Brad Miller suggested they look into the Integrated Planning grants offered by the Department of Ecology

(<http://www.ecy.wa.gov/programs/tcp/grants/fo-ipg.html>). Commissioner Bailey explained that it is his understanding that the previous owner's insurance can be held liable for remediation costs and it was suggested attorney Mark Nadler in Seattle (<http://www.nadlerlawgroup.com>) be contacted if they decided to go that route.

Commissioner Magill reported that the timer for the dock lights is broken. It is unknown if the motor has malfunctioned or if it is due to vandalism. She is working on getting it repaired. She explained that she owns a buoy and has thought about donating it to the Port, but she has been told that several permits will be required. It was explained that several agencies would need to be involved and it could actually create an additional expense, but if she wanted to look into it further she should start with the Department of Natural Resources (DNR).

Commissioner Magill provided a sample of a heavy duty deck covering that Innovative Panel Technologies (<http://innovativepanel.com>) has developed. The product seemed very sturdy, but it was mentioned that it might be a problem if used for over-the-water decking, due to the necessary sixty percent light penetration requirements on such structures.



Port of Poulsbo – Port manager Brad Miller reported that Poulsbo Commissioners are discussing finances for a capital improvement project to replace the harbor breakwater, D dock and the creosote wall. They have scaled down the projects to save money and they hope to obtain grants, but if not will move forward paying out-of-pocket. Mr. Miller was happy to report that the Port finally received the \$107,000 from a tier-1 grant awarded over 2½ years ago. He explained that a lot of work is scheduled for the springtime as the winter storms were really hard on the facility and especially the water lines. The fuel barge is back in the water. It was removed for maintenance and cost approximately \$208,000, which extended its life another five to ten years.

#### Port of Waterman

Commissioner McCarn reported that just a few odds and ends are being completed on the new pier. They are holding a \$6,000 retainer until everything is complete. The Port of Bremerton has agreed to loan the Port of Waterman a skiff to conduct a water survey of the Port's outer water boundaries. It's been tough getting a surveyor willing to do this type of survey this time of year, but they found one and it is scheduled for this Friday. It was explained that the Port has a Port Management Agreement (PMA) (<http://washingtonports.org/wp-content/uploads/2013/01/pmahandbook1.pdf>) with the Department of Natural Resources (DNR) and does not pay anything to the DNR. Mr. Miller said that is the beauty of owning the uplands; otherwise, a lease is required with the DNR and Port's are charged a lease fee. Commissioner McCarn explained that it was determined that a permit is in place for the bulkhead replacement project, but there was never a permit submitted for the pier, so they are working on that little issue. Commissioner Reid questioned the necessity of having a County permit since the structure is out on the water. Apparently, if the pier attaches to the land then a building permit is required from the County. Commissioner Bailey added that if it were just a floating dock that would be different.

Port of Kingston – Commissioner MacIntyre explained that the construction phase for the covered moorage roof repair is scheduled to begin tomorrow. This project is a repair not a replacement. The County has been heavily involved and the two entities have worked well with each other. The estimated costs for the project were anywhere from \$1,300,000 to \$1,500,000, but the low bid came in just under \$1,000,000 from Craig Powell of Sealevel Bulkhead Builders Inc. out of Kingston

(<http://sealevelbulkheadbuilders.com>). Mr. Powell had the idea of instead of using a crane to conduct the repair he could use the floating docks. This considerably reduced the costs of the project. The County required burn out panels throughout and fire curtains between every other finger pier. The engineers went to the King County Fire Marshall, who wrote a letter stating that certain burn out panels make the fire curtains redundant. The letter was taken to Kitsap County and they agreed. So, the adequate burn out panels will be installed to avoid the need for fire curtains. There is an 80' wooden derelict boat sitting on private property adjacent to Port property. The public voiced their concerns and urged the Port to get involved. The Port did place oil booms all around it, but the public wanted more done by the Port. The DNR and Coast Guard got involved and environmental services pumped out nearly 250 gallons of fuel and there are plans to remove the vessel. Mr. Miller explained that Poulsbo is familiar with that boat. The boat was moored in Liberty Bay for approximately six months as it was on a wait list for moorage at the Port. Commissioner MacIntyre explained that the owner had also tried to moor at the Port of Kingston, but couldn't provide proof of insurance so was denied. Matt Appleton explained that it sounds like the same boat/owner that temporarily moored at the Port of Brownsville, he did not keep up on moorage fee payments and couldn't provide proof of insurance so was asked to leave. Commissioner MacIntyre reported that the public records lawsuit should be settled later this week. He warned members that Enduris (<http://www.enduris.us>), which is a public risk sharing pool that many Ports belong to, does not cover public records liability.

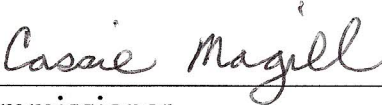
Port of Silverdale – Commissioner Scholfield reported that the Port recently purchased the Old Town Pub property that sits adjacent to Port owned property. The owner of the pub has entered into a two-year lease with the Port, so it will remain as a pub for the time being. Cash Brewery was discussed as it was rumored that they were going to expand the building into the parking area. It was questioned where patrons would park. Several years ago when it was the Bistro, there was a similar situation with outdoor seating and the County required them to provide adequate parking so they approached the Port and entered into an agreement to use the Port parking lot after hours for a minimal monthly fee. Cash Brewery has yet to approach the Port about additional parking. Commissioner Scholfield explained that he saw three somewhat derelict looking sailboats moored at the Port of Silverdale a while back. He went down and talked to the individuals.

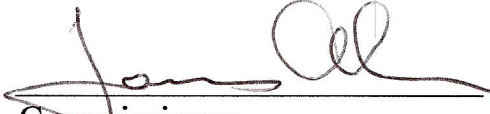


It was thought they might live on their boats. Apparently, there is a website created for the homeless that shows the hours of operation for several local public facilities and codes used to access those facilities. The problem Silverdale has had is that some homeless individuals have used the facilities for storage and/or illegal activity. Commissioner Bailey believes a lot of the problems around the area are from the homeless. He said that he has been told that the next wave of frivolous lawsuits will be regarding handicap access. Commissioner MacIntyre said that Kingston is currently looking at making the Port office and meeting room ADA compliant. According to Mr. Miller access ramps from piers to floating docks must be at least 80' long to be in compliance with ADA regulations.

Port of Brownsville - Commissioner Bailey explained that the Port of Brownsville is planning to build a new boat ramp using pre-cast concrete panels. If all goes as planned, the direction of the ramp will aim more towards the deeper water. The project goes before the County Hearing Examiner this Thursday. Brownsville is applying for a Recreation Conservation Office (RCO) grant to help pay for the new ramp. The pier to the docks is in bad shape and will undoubtedly be a future project. Another bond will be pursued to finish the A and B docks. Commissioner Bailey said that property values in Seattle are up 10% from last year, so that's encouraging.

The meeting adjourned at 9:13PM.

  
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