

**Draft minutes\* for**  
**Quarterly Kitsap All Ports Meeting**  
**April 23, 2018**

The quarterly Kitsap All Ports meeting was held April 23, 2018 hosted by the Port of Brownsville at the Brownsville Yacht Club office. Attendees included: Jack Bailey, Shaun Nye and Matt Appleton all representing the Port of Brownsville; Jim Aho, Jon Buesch and John Burton all representing the Port of Illahee; Robert Ballard, Dan Fallstrom and James Strode all representing the Port of Manchester; Lawrence Greaves, Ed Scholfield, Phil Best and Theresa Haaland all representing the Port of Silverdale; Jack McCarn and Brian Moran representing the Port of Waterman; and Larry Coppola representing the Port of Allyn.

Commissioner Bailey of the Port of Brownsville chaired the meeting.

Everyone stood for the Pledge of Allegiance.

Introductions were made. Commissioner Bailey introduced Commissioner Nye as the newly appointed Commissioner for Brownsville.

Public Comment – None

Individual Port Updates

Port of Manchester (<http://www.portofmanchester.com>) – Commissioner Fallstrom reported that the Port will be installing a life jacket loaner station. They are working on permits to construct a picnic shelter. Commissioner Strode reported that they are getting ready for the busy season and have recently hired Lisa's Leaves to landscape the embankment area.

Port of Silverdale (<http://portofsilverdale.com>) – Commissioner Greaves reported that Rice Fergus Miller has been hired to assist the Port in designing a Waterfront Master Plan. Kitsap Sailing and Rowing Foundation (KSRF) is hosting the North West Interscholastic Sailing Association's District Championships Regatta on May 5th and 6th. A sailing group from Seattle couldn't find accommodations, so they will be camping out at one of the Port's vacant buildings. The State Department of Revenue (DOR) conducted a Leasehold/Excise (L/E) audit and concluded that the Port must pay a L/E tax based on the estimated fair market value of the equipment leased to KSRF and Clam Island Rowing (CIR) and calculated the 12.84% L/E tax from 2014 through 2017. The amount came to nearly \$2,000. It has since been thought that because the programs are technically Port programs a lease may not be appropriate. Phil is looking into it.

Commissioner Scholfield reported that TIKAR Services completed the center beam maintenance on the Port's pier. With the nicer weather parking is once again an issue in the Old Town area. The homelessness problem seems to be escalating as well. The Port is planning to dredge depending on the status of the permits and grants. If not this August, then it should be ready to go in 2019. Ladders are being installed on several of the Port's finger piers. The local outrigger canoe club has asked to rent space in the non-motorized boat storage area. Construction along Silverdale Way has caused a hardship to many of the local Old Town businesses, but it seems to be progressing well.

Port of Illahee (<http://www.portofillahee.com>) – Commissioners Aho reported that Illahee is applying for an Aquatic Land Enhancement Account (ALEA) grant through the Recreation Conservation Office (RCO) to create a Waterfront Access Park adjacent to the dock. At the last All Ports meeting it was suggested he contact grant writer, Kathleen Byrne-Barrantes of Grant Solutions, Inc.. Either because of the small scope of the project or because she was already working with another entity for an ALEA grant, Ms. Byrne-Barrantes turned down the request. With the fast approaching May 1<sup>st</sup> grant application deadline, Commissioner Aho began the application himself. He said there is a lot to it and the requirements are stringent. David Grellier of Hecker Architects has been hired to create the designs. The Port is pursuing the purchase of the Illahee Store property. A purchase and sale agreement has been signed, pending a sheriff's sale. At a \$60,000 starting point, it is hoped that any other interested parties look into all that the property entails. Remediation costs alone for the contaminated soil from the underground tanks are estimated at \$355,000, not to mention the contamination enters the County right-of-way. The Port ranked number sixteen out of thirty-eight for a grant through the Pollution Liability Insurance Agency (PLIA), which will pay for the remediation. The plan is to upgrade/remodel the building to house a community center, Port office and coffee shop. The septic is an issue, but it is thought that once the old gas tanks are removed something could be done with that area. The RCO granted the Port a Waiver of Retroactivity, which allows the money paid for the store to be used towards the fifty-percent required match of the ALEA grant. This is all, of course, contingent upon the Port acquiring the store property.

Commissioner Burton is the Port's Dock Manager. He reported that the Port recently hired Tim Knapp of TIKAR Services to replace several piling hoops on the dock. Additional work is necessary as Tim determined that the railings all around the dock are poorly fastened, which is a safety concern especially with the warmer weather approaching. Commissioner Burton praised the Port of Brownsville for their diligence in requiring documentation. A derelict boat was



moored at Illahee during the very stormy weather. Commissioner Burton accessed the boat to try to determine who owned it, so that he could make contact. Low and behold on the dash was a Port of Brownsville form completely filled out with boat and owner information. Commissioner Burton posted Illahee's general notice requesting the owner to move along. The boat was gone the following day, so Commissioner Burton didn't have to use the information acquired from Brownsville's form, but it was nice having it just in case. The interlocal agreement with the Port of Brownsville should be finalized very soon. It will allow Port of Brownsville employees to take care of the smaller maintenance-type items for Illahee, similar to the agreement Keyport has with Brownsville. It seems to be a win/win as Illahee will receive help as needed and this will hopefully help to keep Port of Brownsville employees busy.

Commissioner Scholfield advised Commissioner Aho to track all his time that he works on the ALEA grant as it could possibly be used as volunteer hours towards the match. The hours spent on the application may not qualify. Commissioner Aho explained that the Waterfront Access Park will be aimed at hand launchable watercraft. With the fifty-nine foot lot and an eighteen percent slope, there are limitations as to what can be done, although Commissioner Aho did see a disabled person park a vehicle at the very bottom of the parking area, close to the dock. He proceeded to wheel himself out onto the dock and fish. It was very encouraging as it was thought nearly impossible with the slope. Commissioner Strode explained that it might not work for everyone. Phil suggested Greg Jacobs with KSRF (<http://kistapsailingrowing.org>) be contacted. Mr. Jacobs uses a wheelchair and would likely be willing to further discuss access to the water for people with mobility issues. He is a big proponent for getting all people out on the water.

Commissioner Aho reported that the Port recently received two complaints from neighboring property owners about individuals walking along their beachfront. There is public access to the beach from stairs that are near the dock. One complaint suggests the Port may be liable for individuals trespassing on his/her beach. They are requesting that the Port post signs. Commissioner Strode said that Manchester has posted signs that state something to the affect that it's private property past this point. Commissioner Bailey said that the Port of Eglon also has similar signs. Commissioner Ballard of Manchester questioned it, stating the public have rights to the beach via the Public Access Doctrine. Commissioner Strode explained that the title to his land states that he owns the property to extreme low tide. Commissioner Fallstrom agreed. Commissioner Ballard said that the Public Access Doctrine was put in place to protect property owners from individuals that might get hurt on their property. Phil clarified that it is actually

called the Public Trust Doctrine and he relayed its history (<https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-laws-rules-and-cases/Public-Trust-Doctrine> and <https://fortress.wa.gov/ecy/publications/documents/93054.pdf>).

The federal government gave the shorelines to the individual states and several of those states started selling them to individuals. In 1920 a law was enacted not allowing the conveyance of the second class tidelands, but it all depends on what the deed states. Phil explained that basically when the tide is high individuals are entitled to float across, but at low tide the beach is private property. The Washington State legislature hasn't been willing to touch the subject and the Washington State Supreme Court is waiting for the right case. Commissioner Bailey added that the tribes are required to inform shoreline owners prior to accessing their beach. Commissioner Scholfield said that he has called the tribe when he witnessed commercial diggers on his beach. They, along with Kitsap Sheriff's deputies, were quick to respond. It was agreed that the tribes do a good job at notification. They really work at making it a good relationship. They even invite all County shoreline owners to a seafood feast and make a presentation informing everyone on what they have been doing and future plans. Commissioner Aho thought the Department of Natural Resources (DNR) map of the Port's boundaries should be added to the sign. It was suggested that Illahee make whatever sign they decide upon simple and to the point (e. g. past this point is private property). Commissioner Strode said that Manchester's signs were removed when the new fence was installed. Several property owners were up in arms about it; one even requested the fence be extended to the water. Manchester's attorney informed Commissioners that there is no law stating they must post a sign, it's just a courtesy. Commissioner McCarn told Commissioner Aho that they will more than likely need to get their DNR water boundaries surveyed for the upcoming ALEA grant, as it is now required in digital format. Waterman paid upwards of \$7,000 to have it completed. The Port of Bremerton provided the boat. Commissioner Bailey suggested Commissioner Aho check with the County's Geographic Information System (GIS) as they should be able to provide a map.

Port of Waterman – Commissioner McCarn reported that the preexisting stairway to the beach was damaged during the storm in March. It seems to be caused by the way the new pier was attached to it as it was just attached to the tread. Commissioner McCarn placed a call into N. L. Olson and Associates who was the administrative contractor for the project. They claimed that the stairwell was an existing part. Commissioner McCarn agreed with the contractor that yes it was an existing stairway, along with the existing County road and the existing beach. The



contractor said that they didn't design the pier so it isn't their issue. Since the one-year substantially completed construction warranty has since passed, there seems to be little the Port can do other than fix it themselves. Commissioner McCarn thinks the repair could be completed by propping the stairway up with a hydraulic jack so that it can be re-welded. Commissioner Scholfield verified with Commissioner McCarn that they have the Department of Fish and Wildlife (DFW) required 5-year Hydraulic Project Approval (HPA) Permit in place. It was suggested Commissioner McCarn contact Tim Knapp of TIKAR Services ((360) 340-5642). The Port of Waterman had money left from their RCO grant and wanted to use some of it for beach nourishment. Commissioner McCarn contacted the DFW to further discuss. At first they DFW personnel were all for it, but when they found out the amount Commissioner McCarn was proposing they were against it as they said it would hurt the shellfish. They came to a compromise. Since the RCO money was supposed to be spent by April 30<sup>th</sup>, Commissioner McCarn had to once again request an extension, which was granted through December 2018.

During last quarter's All Ports meeting the Port of Waterman Commissioners reported that they are considering placing a shelter on the pier. They received the green light from DFW but ended up being denied by the County. Commissioner Aho suggested Commissioner McCarn talk to Kitsap County Department of Community Development Director, Louisa Garbo and/or County Commissioner Charlotte Garrido about installing the shelter. It's a shame it was denied, DFW approved of it and there is grant money on the table to do it. It was agreed that once projects get beyond the window at the County things can happen.

Commissioner McCarn explained that Commissioner Reid moved out of the district so now they are in need of a new Commissioner. Commissioner Bailey offered to provide Commissioner McCarn with a copy of the postcard the Port of Brownsville mailed out when they were trying to fill their vacancy. Commissioner McCarn said that they plan to write up a sheet which tells about the Port and the duties of a Commissioner and mail it to residents within District 1.

Port of Allyn (<http://www.portofallyn.com>) – Commissioner Bailey explained that Lary Coppola, Executive Director of the Port of Allyn, attended a Kitsap All Ports Meeting in the past and had since requested to join the group. Mr. Coppola was welcomed. Mr. Coppola reported that the Port's Comprehensive Scheme has been approved by the RCO. They recently received notice from the State that with the approval of the State's supplemental capital budget the Port of Allyn is due to receive \$376,000 for updates to existing Port facilities. They are also partnering

with the Salmon Center to create Sweetwater Park, which will accommodate individuals with disabilities. They are also discussing the possibility of creating a destination sports park in Mason County, similar to the Luke Jensen Sports Park in Vancouver, WA (<https://www.clark.wa.gov/public-works/luke-jensen-sports-park>). The first step is acquiring property. The Port of Allyn went from using Quickbooks to a new software system called BIAS (<http://biassoftware.com>). It includes a chart of accounts tailored to the Budgeting Accounting and Reporting System (BARS) required by the State. Mr. Coppola suggested other Ports look into it, if they don't already use it, as it has made things so much easier at the Port of Allyn. Automated pay stations were discussed. The Ports of Manchester and Allyn both use VenTek machines (<http://ventek-intl.com>) and are very happy with them. Mr. Coppola has an upcoming meeting scheduled with a Mason County Commissioner and the Sheriff to further discuss codifying Port rules into County law. This is something that the All Ports group attempted years ago with Kitsap County. Unfortunately, it was not approved at that time. The Sheriff requested the rules for each Port be posted so that the public can view them. From there the deputies can enforce those rules. Unfortunately, due to lack of funding the Sheriff's Department is short-staffed and misdemeanor crimes are a lower priority. Commissioner Bailey said that the ports should be given the authority to enforce their rules.

Port of Brownsville (<http://portofbrownsville.org>) – Commissioner Bailey reported that the State Auditor discovered a couple problems. It was a very expensive audit. The Port's interim manager has been promoted to manager – congratulations Matt Appleton. The Army Corps of Engineers has yet to approve the permit for the Boat Launch project. All other entities have signed off on it. The Port had planned to start the work last year and now it is in jeopardy of having to be postponed until 2019. Matt reported that they will be cutting up at least two derelict vessels this summer. Commissioner Strode said that Manchester ended up selling the derelict that was at the facility. Come to find out it sank off the shores of Bainbridge Island. It's kind of ironic since it originally came from the Bainbridge Marina.

Commissioner Bailey explained that it was decided not to pursue the proposed Industrial Development District (IDD). Through social media and other avenues the word got out about it and the public voiced their disagreement. Eventually moorage rates may need to be raised in order to complete necessary maintenance to



the facilities. Matt reported that decking on the front porch of the Port office building has been replaced and new benches are being constructed.

Website development and maintenance was discussed. Mr. Coppola suggested others to create a mobile device policy if they haven't already. Commissioner Bailey agreed.

A list of WPPA sponsored seminars/meetings was attached to the agenda packet for the Commissioners information. Commissioner Bailey highly recommended Commissioners attend the Commissioners seminar in July. It was determined that the All Ports meeting was scheduled that same week, so it was decided to move the July All Ports meeting to the 30<sup>th</sup>. There will be a potluck-style barbeque prior to the meeting starting at 5:00PM. Mr. Coppola said that the Port of Allyn would be happy to host a future meeting.

The meeting adjourned at 8:32 PM.

  
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