



**AGENDA FOR
PORT OF ILLAHEE COMMISSION
Wednesday, June 8, 2022 - 6:30 p.m.
ZOOM MEETING #715 0997 5823 / Password: Illahee**

1. CALL TO ORDER

2. CONSENT AGENDA

1. Agenda
- *2. The April 13, 2022 Regular Meeting minutes
- *3. Pay Bills with check numbers 4889 through 4898 totaling \$12,458.57

3. SIGNING OF DOCUMENTS

Determine when/how to have at least 2 Commissioners sign the documents

4. PUBLIC COMMENT

5. REPORTS/UNFINISHED BUSINESS

Aho *1. Grants/Waterfront Access Improvements

- Status of project/permits
- Response from the Tribe – discussion with John Piccone
- Recap of inspection of the pier/dock/piling/cross-bracing
- Status of County filtration project

Aho *2. Illahee Store Project

- General Site Development Concept/Parking – discussion with John Piccone
- Pollution Liability Insurance Agency (PLIA) – status

3. Treasurer's Report as of May 31, 2022 General Fund \$ 125,975.95 Investments \$ 277,747.59
Good Property Management (GPM) Account \$ 200.00 (total: \$ 403,923.54)

4. Reports

Aho a. Website

- Status of the Illahee Creek Watershed Report/Surface Water Management Plan (SWMP) and the mussel sampling (PSNS & County) results being added to the website
- Changing to .gov?

Bartz b. Properties

5560 Ocean View Boulevard/Rental

- Electrical repaired?

5500 Illahee Road/Rental

- Anything to report?

5507 Illahee Road/Illahee Store Property

- Status of roof cleaning

Illahee Road Lot

- Anything to report?

Burton c. Dock/Pier

- New flags ordered – installed?
- Sani-can prices are comparable – keeping Honey Bucket and monitoring the bi-weekly service

Tabled 5. Surveillance cameras

6. NEW BUSINESS

- FYI *1. Kitsap All Ports Meeting – April 25, 2022 meeting minutes taken and prepared by the Port of Brownsville.

7. PUBLIC COMMENT

8. EXECUTIVE SESSION-Property negotiation or Potential litigation?

9. ADJOURN – Regular Meeting – July 13, 2022 @ 6:30PM – via ZOOM



Port of Illahee – Minutes of Regular Meeting on May 11, 2022

Port of Illahee
Minutes of Regular Meeting
May 11, 2022

The Regular Port of Illahee meeting was held virtually through the ZOOM app (meeting id# 71509975823 / Password: Illahee). Notice of the virtual meeting was posted near the kiosk at the head of the pier and on the Port's website – portofillahee.com.

CALL TO ORDER

Commission Chairman James Aho called the meeting to order at 6:30 PM. Also, in attendance were Commissioner Amber Bartz; Commissioner John Burton; Administrator Theresa Haaland; John Piccone of Sound West Engineering; Lee Knapp of TIKAR Services; Roy Barton; Jon Buesch; Don Jahaske; and Janet Soderberg.

CONSENT AGENDA

The following consent agenda items were approved: May Meeting Agenda; April 13, 2022 Regular Meeting minutes; May 11, 2022 checks numbering 4878 through 4888 totaling \$16,734.42 as outlined in the attached Voucher Approval (motion by Burton; second by Bartz; unanimous).

PUBLIC COMMENT – None

REPORTS/UNFINISHED BUSINESS

Grants/Waterfront Access Improvements –

John Piccone had sent an email dated May 5, 2022 to the Commissioners providing a brief update of the Waterfront Access Improvements project and the Store project. It included a layout for the store parking areas, which showed six stalls. He explained that the proposed layout is his first recommendation and is very similar to the former concept the

Port had prepared. He explained that with it being such a small site the parking is difficult. The landscaping on the layout was added just as a sample. If the layout was to be submitted as is, the County's approval for some deviations would be necessary. Mr. Piccone explained that he is wanting feedback from the Commissioners about the proposed layout.

Regarding the shoreline, a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) was received, which is good. Mr. Piccone explained that during the discussion with the County everyone seemed to agree that the County required right-of-way improvements would not be possible. Mr. Piccone said that he is trying to get written confirmation on that. Kitsap County Public Works (KCPW) reached out to the County's Project Manager, Colin, and was told that KCPW does not support the technical deviations as proposed. Mr. Piccone plans to reach out to Colin to see if a simple detailed response will suffice. If that doesn't work, Mr. Piccone plans to run it past higher ranks within the County.

Commissioner Aho said that he wants to look over the parking at the store again. He would like to see a large window on the east side of the building highlighting the view, but with the current design the view would just be parked cars. Mr. Piccone said that he doesn't see any other way to do it without losing parking. Commissioner Burton said that the layout looks about as good as we can get it. He questioned the septic tanks that are to replace the old fuel tanks. Mr. Piccone said that he wants to pin down what the site concept looks like prior to having that conversation with the County in an effort to rule out complications. He doesn't



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want to size the septic prior to that. He thinks the most feasible option will be to have the septic pipe go under Illahee Road to a drain field, although there may be room within the landscaped area within the Store parking area. He said he is leery to have the Port spend money on a full septic design until we know for sure how the layout works. Commissioner Aho explained that he recently signed off on the PLIA grant paperwork. The PLIA contractor will come in and perform the site remediation within the estimated \$536,000 that was estimated a few years ago. Commissioner Aho added that it will push us to keep moving forward with the Store site. Commissioner Burton agreed that it will definitely push the septic design. Mr. Piccone questioned that Commissioner Burton explained that when PLIA begins, they will be removing the old fuel tanks at which time the septic tank need to be installed, while the ground is all opened. Mr. Piccone said that the removed tanks probably won't align with the septic design. Commissioner Bartz thought Mr. Piccone's layout looked reasonable. Commissioner Aho didn't think that the landscaping in that area wouldn't last long. Mr. Piccone explained that it is surrounded by a curb, which will help protect it. Commissioner Burton asked if a variance is necessary for the six stalls to go to the five-foot mark and if the adjacent property owner would get a vote. Mr. Piccone thought that the property owner and the County would each get a vote. Mr. Barton said that the use of the building is going to determine the necessary size of the septic tank and system. If the building is going to primarily be used for meetings, it probably wouldn't require a very large tank and/or system, but if a coffee shop is going to be in there, as originally discussed, it

would probably require a larger tank/system. Mr. Barton added that the future use of the building has never been officially decided. Mr. Piccone agreed and said that the size of the septic is similar to the necessary parking as both will be used to determine the potential use of the building. The amount of required parking stalls and the size of the septic both are determined by the building's use. He would refer to partial use as Port offices. Mr. Piccone explained that just about everyone has similar issues right now with the County permitting. He said he wasn't sure that the two projects (waterfront access and the store renovation) should be linked together at this point, as it will more than likely open more difficult comments from the County. He added that when he and Commissioner Aho do talk to the County about the store site, they will just be talking about it in general terms, seeing them as two separate projects with a synergy between the two. Mr. Barton questioned if Colin works directly for the County or if he is a third-party contractor reviewing the plans for the permit. Mr. Piccone explained that Colin does actually work for the County, which is good although he is a bit inexperienced, he has proved to be sharp and reasonable. It was agreed that the County should be sending out the permit reviewers to have an onsite look at the facility in relation to the permit requirements, especially since they are dealing with a Port District. Mr. Buesch asked about the landscaping and if the configuration of it as outlined within Mr. Piccone's design is determined by the County. Mr. Piccone explained that the County provides general requirements, but the layout can be influenced. Mr. Buesch suggested landscaping improvements be made above the retaining wall, which would free up space for an



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additional parking stall. Commissioner Aho suggested the Commissioners review the proposed design and if a better layout is determined, then they can provide it to Mr. Piccone. Mr. Piccone said that if anyone wants to give him a call and further discuss the layout, he'd be happy to discuss it and could even update it via CAD and provide them with a copy. If he saw any red flags, he would let them know. Commissioner Aho said that he could put the current design on the website. It was later determined that the design is already on the website within the Agenda Packet. Mr. Piccone said that he will wait for further feedback from the Commissioners on the store site.

With regards to the Waterfront Access permitting, Mr. Piccone explained that the Army Corps of Engineers (ACE) May 13th deadline for the Tribe to respond is approaching. A structural inspector has an early June opening to inspect the pier, docks, pilings, cross-bracing. The expected costs for the inspection are estimated to be slightly under \$5,000. This would be a separate contract from Sound West and it is not eligible for grant reimbursement. Commissioner Burton said that he thinks it needs to be completed soon. All Commissioners agreed. Mr. Piccone will contact the inspector and inform Commissioner Burton when the inspection is scheduled as he wants to be involved.

Commissioner Aho received an email dated May 4, 2022 from Michelle Perdue, the Stormwater Program Manager with Kitsap County Public Works. Ms. Perdue asked about the progress of the Waterfront Access project. She was informed that it is in the permitting

stage and therefore difficult to know a set timeline. Ms. Perdue responded that they too have had similar delays due to permitting. She said that she was going to keep the Illahee (filtration) project on their list of potentials and asked that the Port continue to keep them in the loop of the status of the project.

Illahee Store Project

The majority of the Store project had been previously discussed under Grants/Waterfront Access Improvements. Commissioner Aho reported that he did electronically sign the Pollution Liability Insurance Agency (PLIA) grant agreement. PLIA is under contract with a contractor at a fixed price bid. All that they ask is that the Port work with them and the contractor.

Treasurer's Report

As of April 30, 2022 the General Fund totaled \$143,943.76, Investments totaled \$277,613.22 and the balance of the Good Property Management (GPM) account totaled \$200.00 for a total of \$421,756.98.

Reports

Website – Commissioner Aho continues to regularly update the website.

Properties

5560 Ocean View Boulevard/Rental Property – Commissioner Bartz explained that she was made aware that two new appliances were needed – a washer and a dishwasher. Also, the carbon monoxide alarm needed to be replaced, the kitchen faucet needed to be repaired and there was some necessary minor electrical repair. Commissioner Barton explained that since the property was advertised to include appliances, the Port was



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responsible to replace the items. Good Property Management (GPM) purchased and had installed a refurbished washer and dishwasher to include new hoses and connectors as required. The costs will be deducted from the May rental payment. GPM had their handyman look at the electrical issues and he determined it was beyond his expertise so GPM had an electrician go to the property, but the tenants weren't home although they were made aware of the appointment beforehand. They plan to send the electrician back once the tenant contacts GPM to make arrangements. The costs thus far total \$2,165.10.

5500 Illahee Road/Rental Property –

Commissioner Bartz had nothing to report on the property, but acknowledged Commissioner Burton has been in discussion with the tenant in the past. Commissioner Burton explained that he has generally just been keeping the tenants abreast of the upcoming Waterfront Access project and how that will eventually affect their tenancy. He explained that Commissioner Bartz is still responsible for any day-to-day issues. In the past, the tenant has reached out to Port staff if there is a problem.

5507 Illahee Road/Illahee Store Property –

Commissioner Bartz reported that she reached out to Alfredo of All Lawn Maintenance to clean the gutters. He said that he will get to it when he has time on his schedule. Commissioner Bartz plans to contact Alfredo in the next day or two, if she doesn't hear from him first.

Illahee Road Lot – nothing to report

Dock/Pier – Commissioner Burton reported that TIKAR completed the pressure washing

and the railing along the stairs. Lee explained that it took two and a half days to pressure wash the dock. They repaired the missing old railing and cut out the old metal that was jetting out of the ground in that area and patched it with cement for safety. The final sign has been installed. They plan to install the last couple of lag screws on the gangway tracks during a low tide. Commissioner Burton plans to look into purchasing new flags as the current one is the last one the Port has and it is getting ragged. He explained that he called around to different sani-can businesses for a comparison, but he determined that there aren't that many companies that supply Kitsap County. He found Randi-can to be very close to the same price as Honey Bucket. Mr. Buesch said that Hemley's Septic used to serve Kitsap County. Commissioner Burton said that his online search didn't include Hemleys. Mr. Barton suggested looking into Skookum Contract Services. Commissioner Burton will continue looking.

Commissioner Burton reported that there have been a couple of boats that have moored at the docks for a couple of days at a time with no issues and/or concerns.

Commissioner Burton attended the April All Ports meeting. He explained that he reported on last month's status of the grants and in particular the delays with permitting and the new wrinkle with the Tribes. He said that the meeting wasn't well-attended, but those that were there explained similar issues with permitting. Another item on the meeting's agenda was a presentation from the Kitsap County Department of Community Development (DCD) regarding changes to future codes including requiring electric car



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charging stations. The requirement will be aimed at new development and revisited development. There is some new knowledge that there are only a couple of companies that make the charging stations. One suggestion was to have charging stations at gas stations. Another obstacle is that Tesla's necessary charging stations are different from all others. Commissioner Burton said that to require the Port of Illahee to install a couple of charging stations with free use isn't feasible for the Port and may invite camping. It would also limit the Port's parking even more. Apparently, this is being proposed and if approved it would become part of the code next January. It was thought that it might not necessarily be required for smaller ports, but aimed more at commercial construction. It created a lot of discussion with everyone in attendance at the All Ports meeting. It's apparently an initiative to meet the Governor's goal. For the Port of Illahee, it's just not a realistic use of the Port's properties and it's immaterial to the Port's goals. Commissioner Aho agreed. It might be okay for the Port of Kingston, but not the Port of Illahee. Jack Bailey, former Commissioner with the Port of Brownsville and who has been involved with the Kitsap All Ports group for many years, was in attendance and given an award of service. Jerry Williams, the new Executive Director with the Port of Brownsville, and Port of Brownsville Commissioner Shaun Nye ran the meeting. There was discussion about passing the chair around to other Port districts, although it will remain at Brownsville as it is a more central location for everyone.

Surveillance cameras – tabled.

NEW BUSINESS

2022 Budget Report as of April 30, 2022 was

reviewed. Commissioner Burton explained that he was approached by Port of Brownsville personnel after the All Ports meeting and advised to pay attention to the budget information as that's where the Port of Brownsville got into trouble with the State Auditor.

PUBLIC COMMENT – Mr. Buesch said that with regard to PLIA coming in and taking out the old fuel tanks and cleaning up the dirt, it makes sense that would be the time to install the septic tank, while it's all opened up. He said he wasn't sure if that is what is stated within the PLIA contract and if it was is there anything determined about the drainfield for the store. Is the septic going to be able to be put on the Dietch property? With a septic a drainfield is necessary. Mr. Buesch reported that Rich Martinez of Kitsap Bank reached out to him asking for a new point-of-contact in relation to the new bond. He had asked if there were any indications as to when the construction would take place. Mr. Martinez was aware that Mr. Buesch was no longer a Commissioner, but figured he still had his finger on the pulse of the Port. Mr. Buesch informed Mr. Martinez that the Port has been experiencing some permitting delays. Mr. Martinez later called the Port Administrator and was basically informed the same.

Commissioner Burton said that with regard to the septic system at the store, that is why he brought it up to Mr. Piccone, since we haven't seen a design or feasibility study on it. That is why he was trying to emphasize it's being driven by the PLIA cleanup. Mr. Buesch agreed. Mr. Barton asked about the original PLIA agreement, if there was wording in it stating septic tanks would be allowed to be



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installed. He realizes that they are tasked with taking out the old tanks, but questioned if there may have been a revision to replace those tanks with septic tanks and if there wasn't it could open up a whole can of worms and the Port may want to just have them take out the tanks, fill the hole and let it be until the development of the store property.

Commissioner Aho reminded everyone that he and then Commissioner Buesch drove down to Lacey, WA to the PLIA office at which time they were told that replacing the fuel tanks with septic tanks was something the Port would have to address directly with the contractor and that is why Mr. Piccone is now working on the store project. Mr. Piccone has tried to contact Dave of Dave's Septic, but does have another septic designer. Commissioner Aho said that as far as PLIA goes, he just recently electronically signed the contract basically saying the Port is ready to go. Mr. Barton asked if there was a contract to physically review, which might outline replacing the fuel tanks with the septic tanks. He explained that for government the "he said/she said" discussion about the tanks isn't going to work. It needs to be in writing. Commissioner Aho explained that the contract basically says we will work with them and they will work with us. Mr. Barton questioned if there will be additional costs. Commissioner Aho said it depends on how we structure things and a lot of things still need to be worked out. The contract is in place to work together, we want the property cleaned up and they want to clean it up. Mr. Buesch said that they will come in and take the tanks out and clean up the dirt and basically bring it back to the general shape it was when they first began minus the contamination and metal caps. He would expect extra costs for

the septic tank to be paid by the Port. It would be nice to have the septic tank installed, while it's all opened up instead of having to go back and dig it all up again. Commissioner Aho said that the PLIA cleanup is going to force the Port to figure out the store quickly and he thinks that is where Mr. Piccone is at with it.

EXECUTIVE SESSION – None.

ADJOURN

At 7:54PM the meeting adjourned (motion Burton; second Bartz; unanimous).

Approved:




Commissioner

Commissioner

Commissioner



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VOUCHER APPROVAL		
<p>We, the undersigned Board of Commissioners of the Port of Illahee, Kitsap County, Washington, do hereby certify that the merchandise and/or services hereinafter specified have been received and that the vouchers listed below are approved for payment in the amount of <u>516,734.42</u> and from the General Fund, this <u>11th</u> day of <u>May, 2022</u>.</p>		
 Port Auditor	 Port Commissioner	
	 Port Commissioner	
Number	Name	Amount
4878	JAMES AHO	286.00
4879	AMBER BARTZ	384.00
4880	JOHN BURTON	384.00
4881	CASCADE NATURAL GAS	5.00
4882	HONEY BUCKET	112.85
4883	FUGET SOUND ENERGY	83.31
4884	WASTE MANAGEMENT	88.69
4885	BREMERTON BACKFLOW SERVICES	90.00
4886	SOUNDWEST ENGINEERING ASSOCIATES	11,480.00
4887	TIKAR SERVICES, LLC	3,280.27
4888	PORT OF SILVERDALE	800.00



Theresa Haaland <portofillahee@gmail.com>

Topics for June 8 Meeting

1 message

jpicone@soundwesteng.com <jpicone@soundwesteng.com>

Sat, Jun 4, 2022 at 11:52 AM

To: illaheeportone@gmail.com, illaheeport2@gmail.com, illaheeportthree@gmail.com

Cc: Theresa Haaland <portofillahee@gmail.com>

Commissioners –

If you have room on your agenda, I'd like to suggest we discuss two items specifically at your next meeting; store parking, and Suquamish opposition to the waterfront project.

Regarding store parking:

-

I've combined and attached the options we've already discussed, as well one additional thought I had. Based on the email feedback from you all I think we'll want to discuss and come to consensus on angled vs. 90-degree compact parking. Additionally, Commissioner Burton asked about adding a fifth stall to the angled layout and I've included two schematics with that option. With both 9' wide and the 10' wide stalls we would still need to request a county variance for the 20' setback to add a fifth stall... but to me it doesn't seem like a big ask or out of the question.

When we started looking at options for the store site it seemed that the prior concept layout the port did (angled 4 stall) was the benchmark of sorts and starting point of discussion however, it occurred to me that we did not ever consider a simple "maintenance" project. A "maintenance" project would eliminate many of the code compliance barriers such as setback but would not allow us to reconfigure the footprint of the existing pavement. Instead of reconfiguring, we would pulverize and overlay the existing pavement (post PLIA work) and make very minor grade improvements. The pavement would not need to be striped for parking and could essentially be used as it has been (people just find room to park wherever they fit). This option would certainly save the port money and likely also allow the store septic system in the same footprint as the existing septic system (grass area on north side of building). The final option attached schematically show this and the square parking areas (10 in total) are simply meant to represent available space and what may occur if everyone wanted to "squeeze in". The layout is not meant to represent a logical parking and traffic flow. I think this maintenance option may have merit so wanted to put it on the table for discuss alongside the other options.

Regarding the Suquamish:

I've received feedback from all Commissioners on this subject and I wholeheartedly agree with the frustration and general view that the Suquamish objection on the basis of fishing interference does not make realistic sense. That said, I know that the Suquamish are objecting to essentially every non-Tribal project in their jurisdiction and typically the objection follows two general paths; either a negotiation takes place wherein the Port offers free moorage and/or monetary compensation, or the Tribe simply continues to object and the project in most cases does not move forward.

In our situation I think they are simply objecting and so far, I've had no sense they are seeking any form of compensation. I believe the appropriate next step would be to respond to the Tribe (via letter to the Corps) and request a meeting to clearly understand the very specific project elements they claim will interfere with fishing. This will allow us to potentially make modification to the dock locations or designs that will not "impede" fishing activities. I suggest this course of action first because we also want to try and preserve the grant funding that was awarded. If we cannot reach an agreement

along those lines, then I believe the next step is to either offer compensation or eliminate the fishing dock and reconfigure moorage within nearly the same footprint as existing. I believe that would eliminate the ALEA grant but still preserve the BFP grant.

There are numerous details and approaches here so I thought an open discussion on approach would be well timed for your next meeting. Keep in mind that we will want to respond no later than June 10.

Update on Kitsap County meeting:

-

Following the site meeting Jim and I had with County public works, I receive a call yesterday letting us know that the County does now intend to authorize a "technical deviation" and hence will not require the roadway improvements (sidewalks, bike lanes, etc.). So that is the good news for the day, and we can resume progress on the upland waterfront permitting and design. I'll plan to provide some additional details in that regard at your next meeting.

As always, please don't hesitate to reach out with questions or further thoughts.

Thanks!

-

John Piccone, P.E.

SOUNDWEST

ENGINEERING ASSOCIATES

Cell: 360.337.0029

jpicone@soundwesteng.com



Port of Illahee_Store Concept 6-3-22_ALTERNATIVES_R.pdf
1029K



THE SUQUAMISH TRIBE

OFFICE OF THE TRIBAL ATTORNEY

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Suquamish, WA 98392-0498
Phone (360) 598-3311
Legal Dept. Fax (360) 598-4293

TRANSMITTED BY EMAIL

May 13, 2022

Daniel Krenz, Section Chief
Regulatory Branch
U.S. Army Corps of Engineers
Post Office Box 3755
Seattle, WA 98124-3755

RE: NWS-2021-861, Port of Illahee Installation of Two Floats and Removal of Two Gangways and Pier Demolition

Dear Mr. Krenz,

The Suquamish Tribe (Tribe) has reviewed the permit application for the Port of Illahee's installation of two floats (PFR) and removal of two gangways and a pier, permit application NWS-2021-861, filed with the Army Corps. The Tribe requests the Army Corps deny the permit application on the basis that the proposed PFR will cause more than a *de minimis* impact to the Tribe's treaty-reserved fishing rights. The proposed PFR is located in the Tribe's exclusive Usual and Accustomed fishing area (U&A) in Port Orchard near Bremerton, Washington.

The Tribe is a signatory to the Treaty of Point Elliott.¹ Article 5 of the Point Elliott Treaty secures the Tribe's "right of taking fish at usual and accustomed fishing grounds and stations."²

The United States Constitution provides that all treaties made under the authority of the United States "shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby...."³ The proposed PFR is located within the Tribe's adjudicated U&A where the Tribe can legally harvest treaty-reserved fish and other resources.⁴

¹ 12 Stat. 927 (1855).

² *Id.*; *United States v. Winans*, 198 U.S. 371, 381 (1905) ("As a mere right, it was not exclusive in the Indians. Citizens might share it, but the Indians were secured in its enjoyment by a special provision of means for its exercise.").

³ *U.S. Const.* Art. VI, cl. 2; *see also United States v. Washington (Boldt I)*, 384 F. Supp. 312, 330 (W.D. Wash. 1974); *Washington v. Washington State Commercial Passenger Fishing Vessel Ass'n*, 443 U.S. 658, 674-76 (1979) (*Fishing Vessel*).

⁴ *United States v. Washington*, 459 F. Supp. 1020, 1049 (W.D. Wash. 1975) (*Boldt decision*).

The Treaty of Point Elliott reserved to the Suquamish Tribe more rights than are enjoyed by the non-tribal citizens.⁵ It is important to note that “[p]rivate property owners acquired their real estate interests subject to the tribe’s reservation of this right [the right to resort to fishing at all usual and accustomed fishing grounds], as the tribes reserved this right when entering into treaties ceding the land to the U.S. Government.”⁶ When reviewing an applicant’s permit for an in-water and/or shoreline project in the Tribe’s U&A, the Army Corps has a duty to exercise its fiduciary trust obligation to uphold the promises in the 1855 Treaty of Point Elliott.

A. Fishery Resources and Treaty-Reserved Fishing at the Proposed Port of Illahee PFR

1. Finfish

The fishing area of Puget Sound associated with the proposed Port of Illahee PFR is located Salmon Management and Catch Reporting Area 10 and is a popular and exclusive treaty-fishing area for Suquamish tribal fishers for chinook, chum and coho salmon, and herring.⁷ Tribal fishers have harvested, currently harvest, and intend to harvest salmon at and in the vicinity of the proposed Port of Illahee PFR using drift gill nets up to 1800 feet long and 900-foot long set nets.⁸

The proposed PFR is also located within a popular herring fishing area for Tribal Members. Herring is fished with purse seines.⁹ Fishermen deploy a large wall of netting around an entire school of herring, with floats along the top line and a lead thread line threaded through rings along the bottom.¹⁰ Once the school of herring is located, a skiff encircles the school with the net and the net is then closed to harvest.¹¹

The proposed PFR will create in-water navigational and physical obstacles for tribal fishermen that will force them to avoid the area and therefore, limit access to this treaty-reserved fishing area.¹² The proposed PFR would interfere with the fluid motion of fishing nets. Fishing nets will catch on the proposed PFR and tangle, tear, and become damaged or ruined.¹³

⁵ *United States v. Winans*, 198 U.S. 371, 381 (1905) (“As a mere right, it was not exclusive in the Indians. Citizens might share it, but the Indians were secured in its enjoyment by a special provision of means for its exercise.”).

⁶ Memorandum for Record, NWS-2016-543 Walker, John (June 26, 2020), pg. 9.

⁷ Anderson Decl.; Jackson Decl.; Purser Decl.; Sigo Decl.

⁸ Anderson Decl.; Jackson Decl.; Purser Decl.; Sigo Decl.

⁹ Jackson Decl.

¹⁰ Jackson Decl.

¹¹ Jackson Decl.

¹² Anderson Decl.; Jackson Decl.; Purser Decl.; Sigo Decl.

¹³ Anderson Decl.; Jackson Decl.; Purser Decl.; Sigo Decl.

Interference with the ability to access a productive fishing area impacts tribal harvest that will continue to cause economic hardship for a long time into the future if the permit application is approved.¹⁴ This area is where the risk of entanglement is such that it may preclude or substantively limit fishing practices.”¹⁵ Tribal fishermen often avoid setting their nets near in-water structures to avoid gear damage.¹⁶ Interference with the ability to access a productive fishing area impacts tribal harvest that will continue to cause economic hardship for a long time into the future if the permit application is approved.¹⁷

2. Shellfish

Suquamish Tribal Members have exercised their treaty right to harvest shellfish from time immemorial. The Tribe harvested shellfish prior to the Rafeedie Decision¹⁸ and up to the present. The Dungeness crab fishery in the area of the proposed Project (WDFW catch reporting area 26C) generates important commercial, subsistence, and ceremonial harvests for Tribal Members and generates substantial revenue for Members. Tribal fishermen have harvested, currently harvest, and intend to harvest shellfish in this area in the future using individual crab traps that are around 30 to 42 inches in diameter with a common height of 10 inches.¹⁹ One end of the crab line is connected to the upper rim of the trap while the terminal end is attached to at least one buoy, which is placed 100-150 feet from the previous trap.²⁰ Crab traps are usually placed in 20 to 90 feet of water, though can be used in as little as 6 feet up to a maximum of 300 feet depending on the location.²¹

This proposed PFR will hinder crab fishing because fishermen will have to work around the in-water structures due to physical interference. Crab traps commonly drift and can wrap around in-water structures and tangle and/or the line to the trap will break or damage the trap.²² The proposed PFR will create in-water navigational and physical obstacles forcing fishermen to avoid the area resulting in a loss of treaty-fishing area.²³

¹⁴ Anderson Decl.; Jackson Decl.; Purser Decl.; Sigo Decl.

¹⁵ Memorandum for Record, NWS-2016-543 Walker, John (June 26, 2020), pg. 15.

¹⁶ Anderson Decl.; Jackson Decl.; Purser Decl.; Sigo Decl.

¹⁷ Anderson Decl.; Jackson Decl.; Purser Decl.; Sigo Decl.

¹⁸ *United States v. Washington*, 898 F. Supp. 1453 (W.D. Wash. 1995) (recognizing the Tribe’s treaty right to harvest shellfish).

¹⁹ Anderson Decl.; Purser Decl.; Sigo Decl.

²⁰ Anderson Decl.; Purser Decl.; Sigo Decl.

²¹ Anderson Decl.; Purser Decl.; Sigo Decl.

²² Anderson Decl.; Purser Decl.; Sigo Decl.

²³ Anderson Decl.; Purser Decl.; Sigo Decl.

Tribal Members also harvest clams in the area of the proposed Project by walking along the beach and look for signs of clams, water spouts and small indentations, and then digging to harvest the clams.²⁴ In the area of the proposed PFR, Tribal Members have harvested butter, manila and little neck clams utilizing this harvest method.²⁵

B. The Proposed Port of Illahee PFR Imposes a Regulation on Time, Place, and Manner on the Tribe's Treaty Reserved Resources.

The physical existence of the proposed PFR imposes a regulation on time, place, and manner on the Tribe's treaty-reserved fishing rights in its U&A that can only be authorized by an act of Congress or for the conservation of fishery resources. If Congress expressly authorizes the taking of a tribes' treaty rights, that loss must be compensated under the Fifth Amendment of the United States Constitution. The Port of Illahee nor the Corps can show that Congress has expressly authorized this specific act or that just compensation has been received by the Tribe. Approval of this permit, therefore, will be an unlawful taking under the Fifth Amendment.

The Tribe's objection to the proposed Port of Illahee PFR is similar to the Tribe's basis for its objections to both the Washington State Department of Fish and Wildlife (WDFW) Point No Point Boat Ramp, NWS-2009-1506, and the Lummi Tribe's objection to the Gateway Pacific Terminal (Gateway) permit application, NWS-2008-260. Even though the Port of Illahee's proposed PFR is smaller, the facts here are applied to federal law in the same manner, the proposed PFR will "eliminate[] a geographic area where fishing and crabbing occurs, which...[is] greater than de minimis. That alone is sufficient to be a greater than de minimis impact on... tribal treaty rights."²⁶

"Furthermore, the proposed regulation on the time and manner of fishing at the U&A fishing ground is an impairment or limitation that is only appropriate by an act of Congress or for the conservation of the fishery resource."²⁷ Although in Gateway, the Applicant offered proposed mitigation, "the mitigation efforts do not address the physical aspects of the wharf and trestle" and the Corps expressly determined, "there would still be impediments to fishing because the physical presence of the wharf and trestle interferes with the Lummi's U&A fishing."²⁸ Here, there is no mitigation for the physical structure of the proposed PFR includes two new floats

²⁴ Sigo Decl.

²⁵ Sigo Decl.

²⁶ Memorandum for Record, NWS-2008-260, Pacific International Holdings LLC (PIH) (Previously Pacific Internal Terminals, LLC) (May 9, 2016), pg. 30. (Gateway Coal Terminal).

²⁷ Memorandum for Record, NWS-2008-260, Gateway Coal Terminal, pg. 31.

²⁸ Memorandum for Record, NWS-2008-260, Gateway Coal Terminal, pg. 30.

which increase overwater coverage. The physical aspects of proposed PFR interferes with the Tribe's treaty fishing rights, including the harvest of shellfish. The pier and float like the net pens in *Northwest Sea Farms*, would be semi-permanent fixed structure(s) with the potential to entangle and damage fishing gear.²⁹

C. The Proposed Port of Illahee PFR Will Cause More than a *De Minimis* Impact

The proposed Port of Illahee PFR and floats will increase over-water coverage in the area and create in-water navigational and physical obstacles for tribal fishermen that will force them to avoid the area, and therefore limit access to this treaty-reserved fishing area.³⁰

The declarations attached to this letter show that Suquamish Tribal Members have and currently harvest finfish and shellfish at this location and will continue to harvest finfish and shellfish in the future for subsistence, commercial, and ceremonial purposes.³¹ The Suquamish Tribe has harvested in this area of Puget Sound since time immemorial.³² Treaty fishing in this area occurs as contemplated by the 1855 Treaty of Point Elliott. Absent Congressional action, the Corps must deny a proposed permit for a project that would abrogate or impinge on treaty rights.³³ Such a project need not have a substantial effect on treaty rights to abrogate or impinge on them; the project need only have more than a *de minimis* effect.³⁴ The declarations show that the proposed Port of Illahee PFR will interfere with tribal fishermen's ability to access treaty-reserved fishing areas for finfish and shellfish resources, will cause fishing gear damage and/or gear loss, and will cause economic hardship and is therefore, more than a *de minimis* impact.³⁵

In addition, the Corps treaty rights determination decision associated with the Proposed Turkheimer Pier, Ramp, and Float (PFR) permit application, NWS-2016-841, involved an application to replace an existing 151-foot PFR with a 255-foot PFR.³⁶ For the replacement permit application, the Tribe objected to approval of the permit because of interference with

²⁹ See Memorandum for Record, NWS-2016-543 Walker, John (June 26, 2020), pg. 15.

³⁰ Anderson Decl.; Jackson Decl.; Purser Decl.; Sigo Decl.

³¹ The Tribe reserves the right to file additional fishermen declarations if necessary.

³² Anderson Decl.; Jackson Decl.; Purser Decl.; Sigo Decl.

³³ *Northwest Sea Farms, Inc. v. Army Corps of Eng'rs*, 931 F. Supp. 1515, 1521 (W.D. Wash. 1996); *Muckleshoot v. Hall*, 698 F. Supp. 1504 (W.D. Wash. 1988); see also U.S. Army Corps of Engineers, Memorandum of Record, NWS-2008-260, Gateway Coal Terminal.

³⁴ *Northwest Sea Farms, Inc.* at 1522, n.6 (concluding that the proposed project affects tribal treaty rights when it has more than a *de minimis* effect); See also U.S. Army Corps of Engineers, Memorandum of Record, Gateway Coal Terminal.

³⁵ Anderson Decl.; Jackson Decl.; Purser Decl.; Sigo Decl.

³⁶ Memorandum for the Record, Application: NWS-2016-841 Turkheimer, Fred; Proposed Pier, Ramp, and Float and Suquamish Tribe Treaty Fishing Right of Access in Port Orchard Bay, Puget Sound (Dec. 9, 2020).

treaty fishing rights from the physical in-water obstacle, among other impacts. The Corps agreed:

(1) the proposed project was within the U&A fishing area of the Suquamish Tribe; (2) the proposed project would obstruct access to the Tribe's U&A fishing area; and (3) the extent of impairment or obstruction of access present by this proposed work would, if authorized impermissibly impair the Tribe's treaty reserved right. A right enumerated in a treaty ratified by the Senate may only be superseded by a subsequent act of Congress. The Tribe has demonstrated that this project requiring a DA permit would abrogate a tribal treaty right if a permit were to be granted, and the Corps does not have the authority to issue a permit for this project in the absence of a specific statutory authorization, which is not present in this instance.³⁷

Like the Turkheimer decision, the Corps recently found that WDFW's proposed Point No Point Boat Launch, permit application NWS-2009-1506, would impermissibly interfere with Tribal treaty fishing rights. That the boat ramp "would create a navigational and physical obstacle that has the potential to interfere with the fluid motion of fishing nets and force fishers to work around the structure to avoid nets being torn, tangled, and damaged by snagging on the structure or result in the loss or damage of other fishing gear, such as crap (*sic*) traps. The difficulty or impossibility of untangling gear from a permitted structure, and the potential for reduction in catch or loss or damage to the gear can be considered a loss of access if they prompt tribal fishermen to avoid fishing in the area of the permitted structure or to modify their fishing methods, as this may cause the fishing activity to be more time-consuming, difficult and expensive, thus substantively limiting and discouraging fishing activity within this footprint."³⁸

As "the court in *Lummi* also stated: "The determination of the violation of a fishing treaty right is not a balancing test."³⁹ The totality of evidence filed in this administrative record firmly demonstrates that approval of this permit application is a violation of the Tribe's treaty-reserved fishing rights by interfering with and causing a zone of avoidance for near shore and shallow water fishing activities.⁴⁰ The violation of treaty rights cannot be balanced with the proposed Port of Illahee PFR.

The Tribe's evidence submitted for the administrative record for this permit application

³⁷ Memorandum for the Record, Application: NWS-2016-841 Turkheimer, Fred; Proposed Pier, Ramp, and Float and Suquamish Tribe Treaty Fishing Right of Access in Port Orchard Bay, Puget Sound, at 18 (Dec. 9, 2020).

³⁸ Point No Point Treaty Rights Determination, NWS-2009-1506 (April 29, 2021), at pg. 34.

³⁹ *Lummi v. Cunningham*, No. C92-1023C (W.D. Wash. Aug. 28, 1992).

⁴⁰ See Tribal Fishermen Declarations.

shows that the proposed PFR will obstruct access to the Tribe's U&A fishing area like in the Point No Point Boat Ramp, Gateway Terminal, and Turkheimer PFR decisions. Absent Congressional authorization, the approval of this permit application will be an unlawful taking under the Fifth Amendment of the U.S. Constitution.

The Tribe's U&A includes large bodies of water but the Tribe uses only a small portion of those overall areas to harvest finfish and shellfish. As a matter of law, the Tribes reserved the right to resort to all their fishing places, not just whatever percentage non-Indian society chose to leave them. In *United States v. Washington*, Judge Boldt stated that non-Indians do not have "the power to determine for Indian tribes what is wisest and best use of their share of common resources."⁴¹

The marine waters and shorelines near or at the proposed PFR need not be the primary or most productive site for fishing.⁴² Treaty-fishing rights are not extinguished when an area is unproductive or lies dormant for a time.⁴³ The courts have held that treaty fishing rights are not bound to a pattern of use at a particular time.⁴⁴ In fact, the Tribe has a right to change and adapt to new conditions and new technology.⁴⁵ The courts have also recognized that aquatic habitat and fish populations fluctuate, and have held that these changes do not erode the treaty right. The Tribe may follow the populations of fish as they move or the habitat changes so long as the Tribe remains within the boundaries of its adjudicated U&A.⁴⁶ However, with respect to permit application NWS-2021-861, the proposed Port of Illahee PFR is in an active and productive fishing site, including the location of salmon and crab grounds that are open and available for harvest by Tribal members.

In carrying out its trust obligation and fiduciary duty, it is the Corps' responsibility to ensure that Indian treaty rights are given full effect.⁴⁷ Federal agencies have a duty to investigate potential adverse impacts of treaty-secured resources thoroughly, and not simply make a "judgment call" or balance competing interests in choosing the appropriate course of action.⁴⁸

For all the above reasons, the Tribe requests the Corps deny the permit application for the

⁴¹ *Boldt I*, 384 F. Supp. at 402.

⁴² *Northwest Sea Farms*, 931 F. Supp. at 1521.

⁴³ *Puyallup Tribe v. Washington Dept. Game*, 391 U.S. 392, 397-98 (1968).

⁴⁴ *Id.*

⁴⁵ *Fishing Vessel*, 443 U.S. 658 (1979).

⁴⁶ See Memorandum for Record, NWS-2016-543 Walker, John (June 26, 2020), pg. 11.

⁴⁷ See *Seminole Nation v. United States*, 316 U.S. 286, 296-97 (1942).

⁴⁸ See *Pyramid Lake Paiute Tribe v. Morton*, 354 F. Supp. 252, 256 (D.D.C. 1973); *Northwest Sea Farms*, 931 F. Supp. at 1521.

Daniel Krenz
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May 13, 2022
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proposed Port of Illahee PFR because this in-water object will cause more than a *de minimis* adverse impact on the Tribe's ability to access and harvest fishery resources as reserved by the 1855 Treaty of Point Elliott. These impacts will further interfere with tribal fishermen's ability to carry on time immemorial ceremonial, subsistence, commercial fishery harvest practices and will cause economic hardship. The Tribe reserves the right to file additional tribal fishermen declarations for the administrative record associated with this permit application.

Sincerely,

Kendra Martinez

Kendra Martinez, Attorney
Suquamish Tribe

Attachments:

James Anderson Declaration
Henry T. Jackson Declaration
Robert Purser Declaration
David Sigo Sr. Declaration

Cc: Jacalen Printz, Chief Regulatory Branch
Melody Allen, Tribal Attorney
Maryanne Mohan, Tribal Attorney
Alison O'Sullivan, Suquamish Tribe



Theresa Haaland <portofillahee@gmail.com>

Suquamish Tribe Objection

Amber Bartz <illaheeport2@gmail.com>
To: Theresa Haaland <portofillahee@gmail.com>

Tue, May 31, 2022 at 11:43 AM

Thanks Theresa,

Regarding the Suquamish Tribe Objection: I would point out that the dock has been in existence for quite some time without infringing upon the Suquamish Tribes fishing rights, and that stabilizing it further, with the addition of two floats and the removal of two gangways and a pier will increase recreational float traffic, rather than motorized fishing traffic. The new structure is not intended to allow for the launch of motorized fishing boats, but will be geared toward recreational kayaks and paddle boards; families enjoying a day at the beach. Furthermore, the Suquamish Tribes fishing rights are in Port Orchard (near Bremerton) which, without a map of the exact location, I would think would be south of the Port of Illahee Dock; closer to Illahee State Park and the Manette area. If I am incorrect I extend my apologies now, as I am sure the Suquamish Tribe knows their Treaty Boundaries better than I.

I disagree that the proposed PFR will create in-water navigational and physical obstacles for tribal fishermen because the proposed PFR does not extend further than the existing dock and floats, and to my knowledge, these have not proposed a problem in the past.

I do not want to disrespect the Suquamish Tribe in any way, and do wish to uphold and be in compliance with their Treaty Rights, however, I do not see how making improvements to an existing dock will infringe upon those as the existing dock has not done so in the past.

Thank you for your time,
Amber S. Bartz
Illahee Port Commissioner 2

[Quoted text hidden]



Theresa Haaland <portofillahee@gmail.com>

Fwd: NWS-2021-861-Illahee, Port of (Floats) - Suquamish Objection

John Burton <illaheeportone@gmail.com>

Tue, May 31, 2022 at 11:55 AM

To: Theresa Haaland <portofillahee@gmail.com>, John Piccone <jpiccone@soundwesteng.com>

John P.

In regards to the Tribes' letter and the fisherman's comments, it looks like they would desire for the port to completely remove the Dock.

That seems unreasonable.

Our answer should include our plan is rebuilding the existing structure due to age and wear deterioration, not to add overwater area or hazards to navigation or fishing.

If this could be made acceptable, then maybe we take the new "fishing pier" off of the proposed rebuild of the facility.

It looks also like a lead up to requesting monetary compensation for "lost revenue " in the generational future.

That part is not reasonable for our port to agree with.

---John Burton

[Quoted text hidden]

There are only a handful of general categories the County may use to determine number of parking stalls required.

These are the best fit categories based on what we've talked about but the County does not have any exact matches published.

Restaurants/Bars/Taverns	If under 5,000 square feet of gross floor area – 1 per 200 square feet of gross floor area; If 5,000 or more square feet of gross floor area – 20 plus 1 per each additional 200 square feet of gross floor area
Espresso Stands, Drive-In, and Fast Food Restaurants	1 per 80 square feet of gross floor area
Professional Office	1 per 300 square feet of gross floor area
Places of Worship	1 per 4 seats or 8 feet of bench length in the main auditorium

These are the allowable parking dimensions for any given configuration.

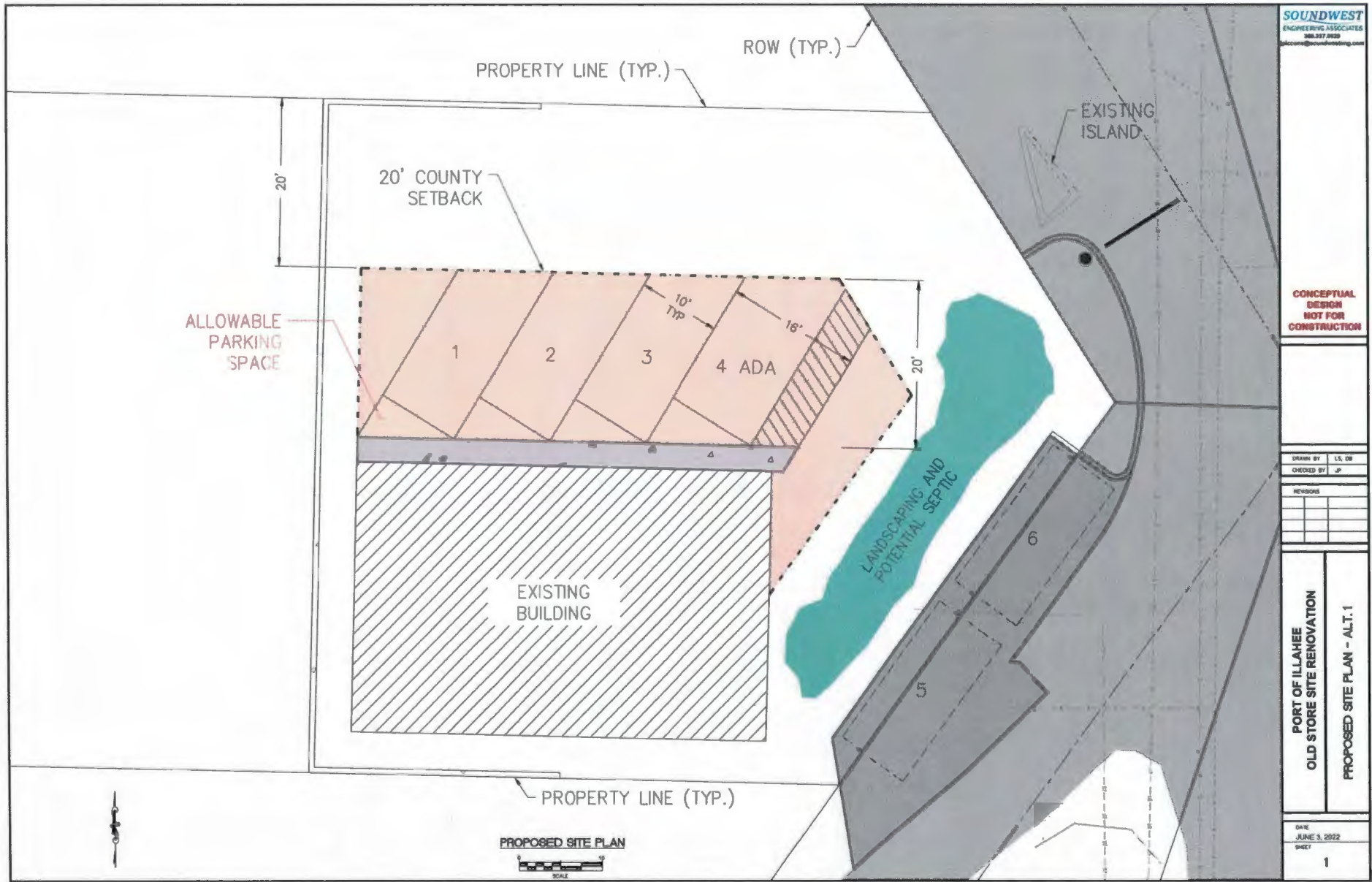
Table 17.490.040 Parking Lot Specs and Aisle Dimensions

Parking Stall Type	Minimum Stall Dimensions		Minimum Width for Drive Aisle with Parking(C)	
	Width (A)	Length (B)	One-Way	Two-Way
Standard parallel	8 feet*	23 feet	12 feet	20 feet
Standard 45-degree	9 feet	20 feet	15 feet	20 feet
Standard 60-degree	9 feet	20 feet	18 feet	20 feet
Standard 90-degree	9 feet	20 feet	20 feet	24 feet
Compact - parallel	8 feet	16 feet	12 feet	20 feet
Compact - all degrees and angled	8 feet	16 feet	20 feet	24 feet

* For parallel stalls on street, eight-foot width may include up to one foot of gutter width.



Figure 17.490.040 Parking Space and Drive Aisle Dimensions



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 988.527.9929
 info@soundwesteng.com

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DRAWN BY: LK, DB

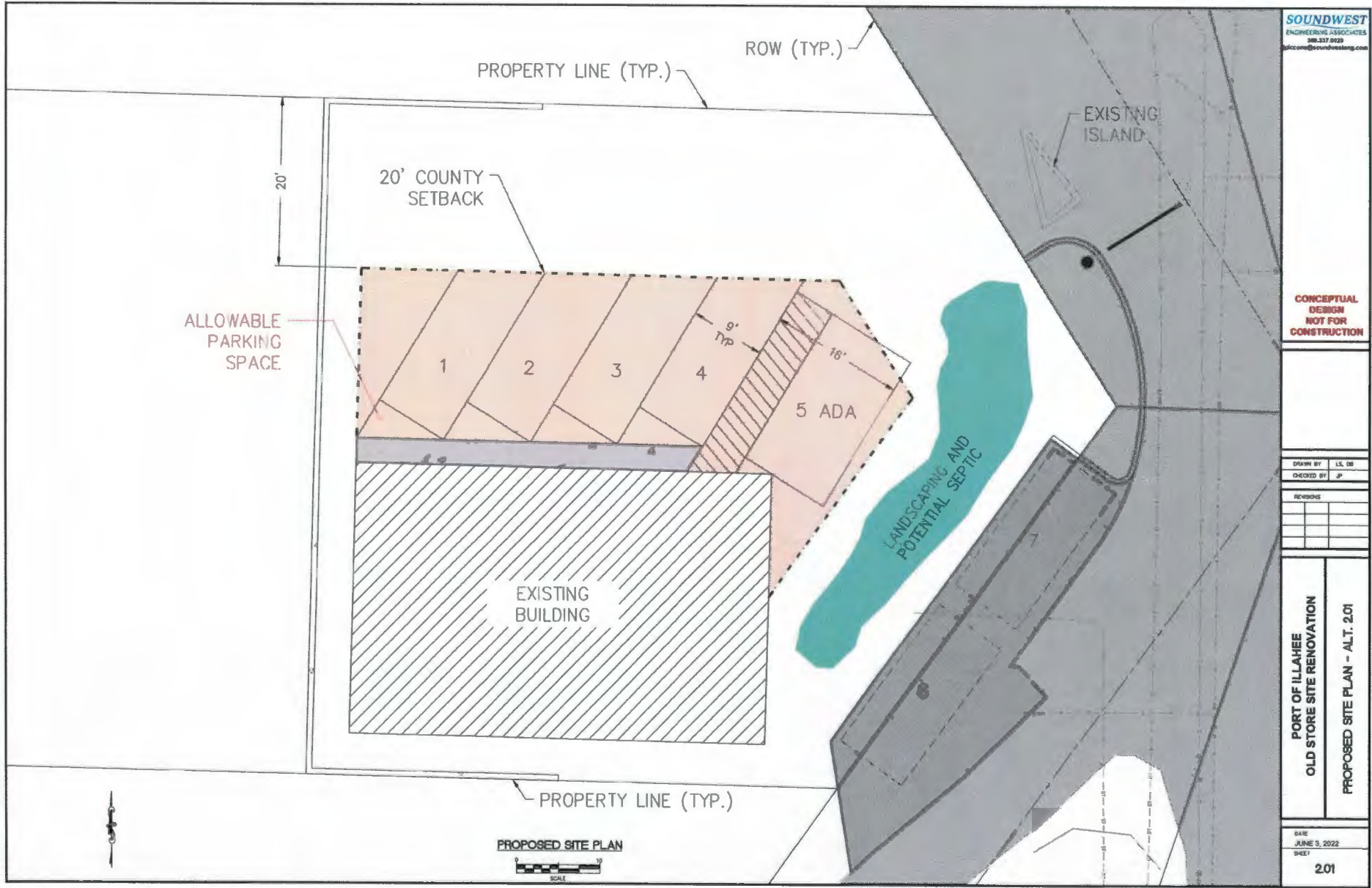
CHECKED BY: JP

REVISIONS

NO.	DATE	DESCRIPTION

**PORT OF ILLAHEE
 OLD STORE SITE RENOVATION
 PROPOSED SITE PLAN - ALT. 1**

DATE: JUNE 3, 2022
 SHEET



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 info@soundwesteng.com

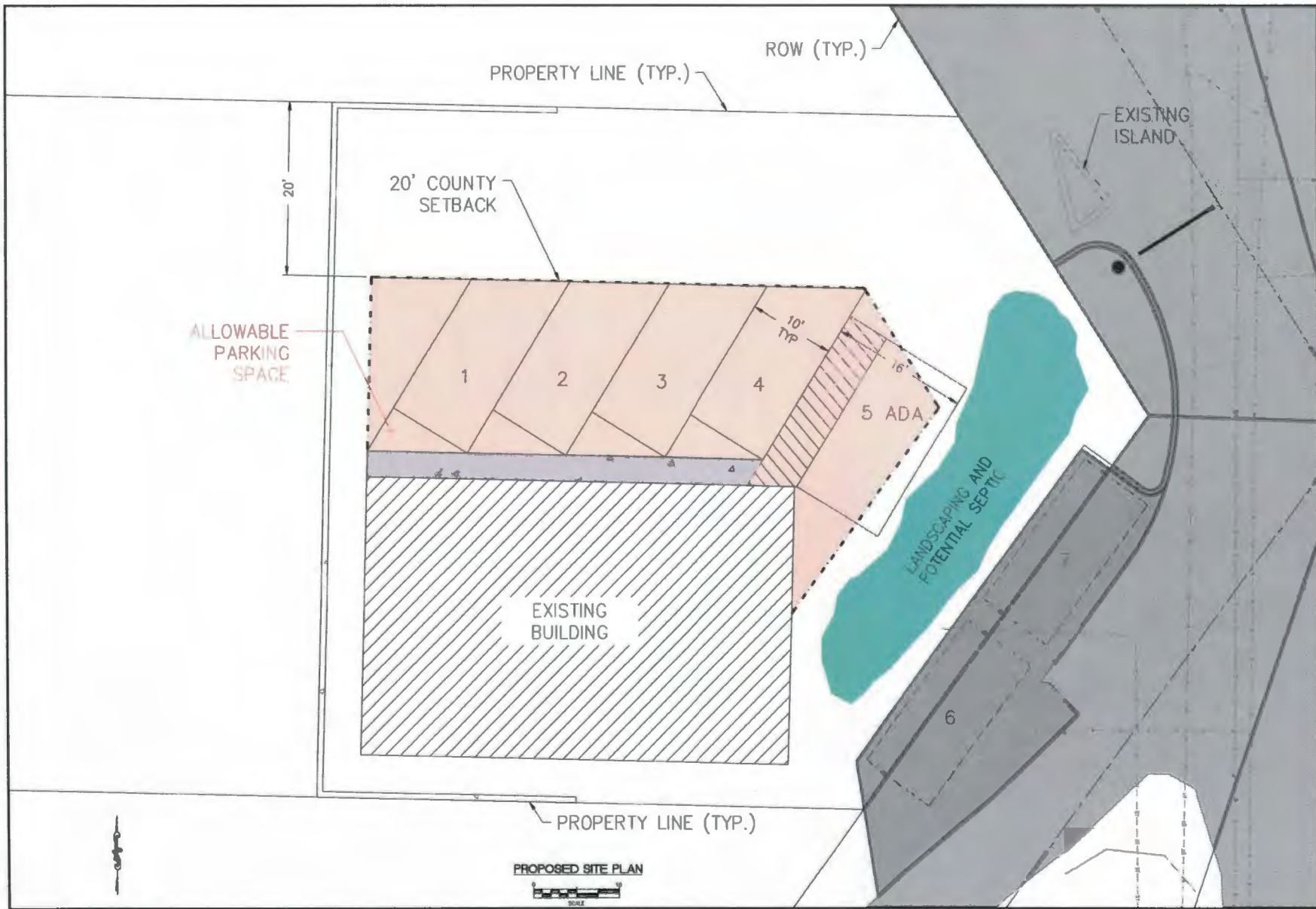
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DRAWN BY: LL, DE
 CHECKED BY: JP

REVISIONS	

**PORT OF ILLAHEE
 OLD STORE SITE RENOVATION
 PROPOSED SITE PLAN - ALT. 201**

DATE: JUNE 3, 2022
 SHEET: 201



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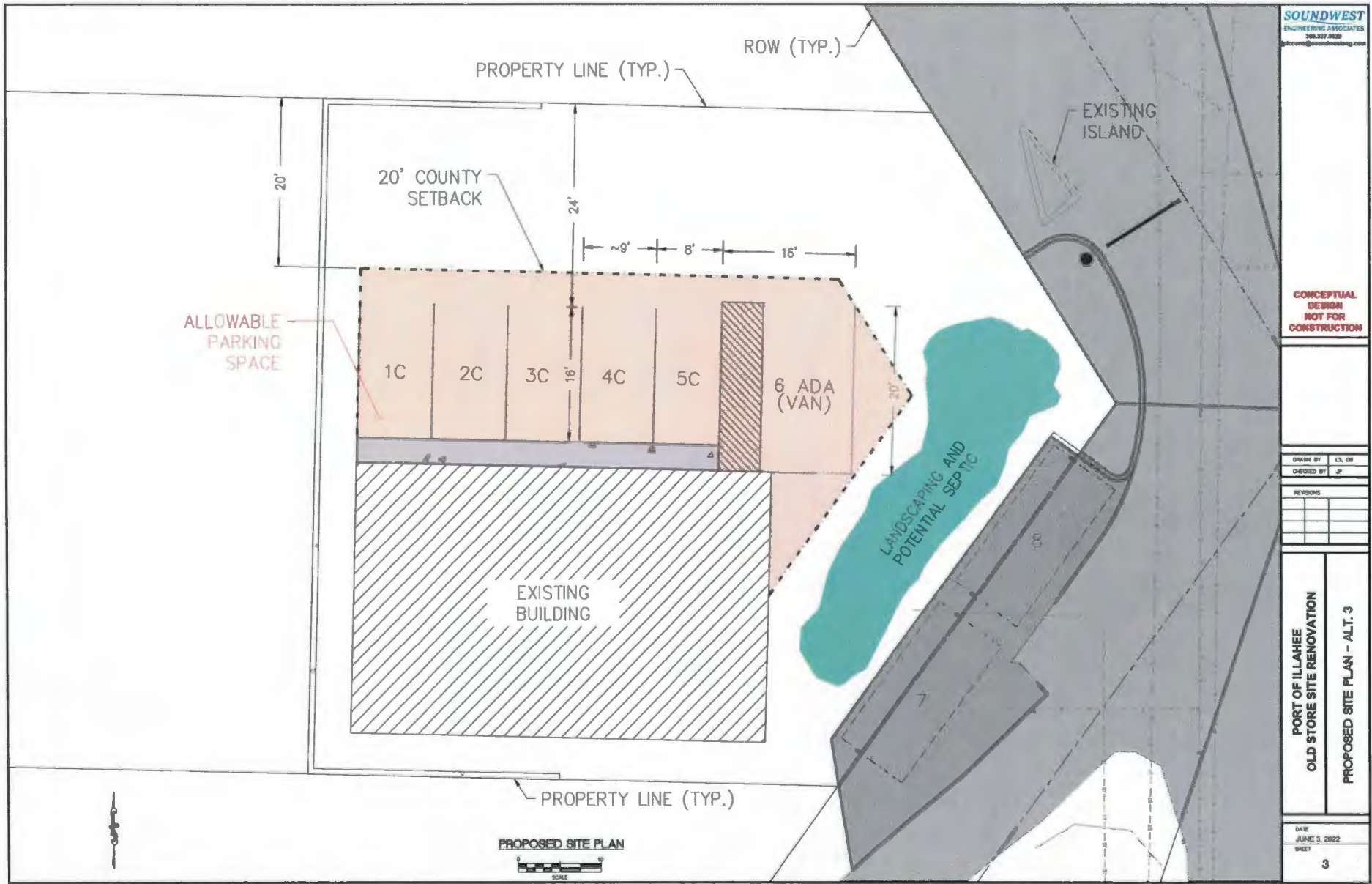
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REVISIONS	

**PORT OF ILLAHEE
 OLD STORE SITE RENOVATION
 PROPOSED SITE PLAN - ALT. 2**

DATE: JUNE 3, 2022
 SHEET: 2



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swecon@soundwesteng.com

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CHECKED BY	JF	
REVISIONS		

PORT OF ILLAHEE
OLD STORE SITE RENOVATION
PROPOSED SITE PLAN - ALT. 3

DATE
JUNE 3, 2022
SHEET
3



PROPOSED SITE PLAN

SCALE

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 info@soundwesteng.com

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 DESIGN
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DRAWN BY	LS, CD
CHECKED BY	JP
REVISIONS	

**PORT OF ILLAHEE
 OLD STORE SITE RENOVATION
 PROPOSED SITE PLAN
 PAVEMENT MAINTENANCE**

DATE
 JUNE 3, 2022
 SHEET
4

Kitsap All Ports Meeting
Held at the Port of Brownsville
April 25, 2022 6:30pm

Meeting called to order by Commissioner Shaun Nye

Pledge of Allegiance

Attendees: Shaun Nye – Brownsville, Jerry Williams – Brownsville (staff), Joe DaBell – Brownsville (staff), Jack Bailey - Citizen Brownsville, Caleb Reese - Silverdale, Doug Kitchens - Silverdale, John Burton - Illahee, James Strode - Manchester, Bob Ballard - Manchester, Melissa Shumake - Kitsap County Department of Community Development (DCD),

Zoom Attendees: Casey Guthrie - Waterman, Greg Englin – Kingston (staff), Steve Heacock - Kingston

Presentation of appreciation by Caleb Reese to Jack Bailey, recognition for years of service.

Jack Bailey: 22 years is a long time to be doing this, but I enjoyed doing this. This group is the best group for sharing ideas and getting things done.

Melissa Shumake- of DCD presented proposed regulations for bicycle rack and EV charging stations.

She explained that this is for new construction and applicable redevelopment. They are working through survey process and discussion with development community to refine. The goal is to establish a minimum standard for EV charging. State building code has some. Current standards are extremely minimal. The County is working on locations, dimensions, design, how many etc. as well adding definitions to the code. These are actually due by the end of 2024. She is hoping to have it done by June. Commissioners don't want to wait that long. We want to encourage healthy and resilient communities, reduce greenhouse gas emissions and help the Puget Sound counsel's vision 2050 as well as county-wide planning policies and our own climate change assessments and goals

There is a website available with information. There is an email list available as well.

In between stage 1 & stage 2. Surveys going out soon. The new codes will come from a draft proposal which will be available via community workshops and public input. Goal is to have adoption in January of 2023.

It was asked if these stations are pay to use facilities?

Melissa – Most of them would be. There are several different charging networks available, which the property owner can choose. Developers would have to decide which network would be utilized.

Commissioner asks for definition of networks.

Melissa – Network is different companies that would own or lease or would install or manage the charging stations.

Nye – asked about the logistics of putting in such a network. He is concerned that it would be a large undertaking to small ports.

John Burton says it was a comment on their building permit that required an explanation why they would not be putting in these facilities. John says that this type of set up would only create income for the provider at the expense of the port.

Caleb is concerned that if a port was just redoing their parking spaces, then they would have to provide a certain amount of EV parking spaces.

John – for future, is this going to be a requirement for any commercial or community interest that are putting in for a permit which requires parking, is this going to be a requirement to put in EV parking?

Melissa – In her opinion it is more geared toward large commercial spaces, although these things are still undefined.

Nye – are these going to be more for places like gas stations where conveniences are located?

Melissa – Feedback from Community is largely for facilities at retail and transportation facilities.

John asked about the EV stations at the local Safeway and if they are paid by grants?

Greg shares that the advertising on the (Safeway) screens creates the revenue to pay for the stations.

Bailey – Port of Poulsbo has one. It is very busy during events. People want to have the security of being able to charge as they come from far away as most EV's have a short travel range between charges.

Greg Kingston – Thank you to Melissa for her assistance in helping the Port of Kingston navigate through these items for them.

Items of common interest - Port reports

Caleb – Theresa has traditionally taken the notes for these meetings but she is tasked with too many things to do this at this time. Brownsville has agreed to take notes for this meeting. Suggestions for Ports to volunteer to take turns or perhaps hire a temp person to take this on for each meeting.

Discussion around the table. Silverdale has been doing this for a long time. Perhaps someone else can take this on for a while.

Greg – Just lost their admin person but agrees that we could figure something out. Would perhaps need to have an Interlocal Agreement (ILA) for co-op payment. Greg says he will take on the task for July's meeting.

Caleb – Theresa will continue to be the contact point, set up the agenda, etc.

Individual port updates:

Caleb- Silverdale- 5 boats tagged to take possession. One of them has been on the rocks in front of Spiro's pizza. County is not interested in helping at all. One 35' sailboat sank and its mast stayed out of water in low tide. One on the beach. Owner pulled off but it came back. Someone cut the keel off and dragged it up over the wetlands in the middle of the night.

One out in the bay. Person paid off the expenses to keep the boat and moved it to a different marina.

All boats pulled from water. The one on the beach had played musical owners. The last owner of record filed suit against Silverdale but he filed through Pollution Control Hearing Board (PCHB) who seemed to be more concerned about whether Silverdale did the process right than who was responsible. Silverdale's attorney to file motion to dismiss because it's in the wrong court.

They are designing a new building to go over where the old pub is. Just acquired a small property that was kind of a "hole" in their properties.

Jim @ Manchester - getting ready for fisherman to influx. Trying to work with Fish & Wildlife to work with the erosion issues. Eroded out a lot of property during those king tides. Trying to work with county to get some logs or other measures to help.

Larry Coppola – is now a Commissioner for Manchester as well as maintaining his position as Director of Allyn.

John @ Illahee – Got some power washing done. They have a grant to replace aged pilings but it is proving to be difficult to get the permitting process done. John Piconne is their engineer. County has a third-party contractor reviewing the permits. Meetings set up trying to get the process to move along. The county is not answering all of their questions and concerns. One of those was about the potential EV charging stations. Getting a lot of comments including they want us to put in a 5' bike lane and a 6' sidewalk on a 25' wide road. At the recent meeting, they have learned that the Dept of Ecology (ECY) & United State Army Corps of Engineers (USACOE) is informing them that the Suquamish Tribe is challenging their permits. We don't yet know what their demands are but are hoping to have a list from them May 11. We have already lost 2-3 months because of these demands. They can't finish their engineering until they have this info. Preliminary demands, some of the items they are asking for will exceed the cost of the entire project.

Their ramp is a hand launch only ramp (small ramp), but the requirement of one of the grants is for small motorized access. This will require loss of parking and other items. One of the general comments from the tribe is how are you going to compensate us for change to fishery. Would be concerned about EV parking requirement and people coming there just to use that because it's there.

Manchester - Question about putting out buoy. Does anyone have experience putting out a buoy that could be used for guest moorage revenue but could also be used to tie up a derelict vessel that could otherwise do damage to their dock.

Illahee- the Department of Natural Resources (DNR) lease barely covers the dock itself at their place. Getting a buoy out would likely require extension of footprint from DNR.

Bailey – Can always ask for an extension for more from DNR. Port of Brownsville did this and gained 500' beyond dock. This took a couple of years and a survey. Worked with Don Olmstead for Port Management agreement.

Kingston - You would have to go into parcel viewer, look at titles, GIS, go to DNR and try to establish a Port Management Agreement (PMA) and see if they would work with that. This can help Port's with managing and even create income in some cases. Helps to control abandoned vessels etc. Will be talking to the State about their PMA soon and will try to gather information that could be helpful for all of us.

Had the old 90' Soss Bros tug that was in fear of sinking. DNR & Attorney General's (AG) office took custody of the vessel but couldn't get the people off of it. The boat broke loose and went ashore. Coast Guard ended up taking the people off of the boat. Boat has been in Kingston area since 2018. Landlord/tenant issues came to play and moratorium bound them up.

DNR program got funded for \$4M for the derelict/abandoned boat program. A lot of people came together to make that happen.

Brownsville – Introduction. Jerry Williams recently appointed as Executive Director.

Mr. Bailey recently resigned. Actively seeking interim commissioner. In process of completing redistricting. Getting close to being complete. Also dealing with derelict boats. Managed to get rid of quite a few of them. Still have a couple to deal with and a couple of people living on boats (sneak aboards). Putting pressure on those folks. Recently had illegal dumping on port property. Two pickup truck loads of roofing materials and an abandoned 4-wheeler that the port now will have to eat the expense of disposal. The vandal cut a heavy chain to access the property that is accessible via Old Brownsville Hwy

Kingston – The county may be willing to provide a free dump ticket. Contact Kitsap One (county).

Talk to code compliance person. They will send out a person to check it out and potentially issue a free dump ticket.

Kingston – upcoming Skamania – DNR and Pacific Northwest Waterways (PNW) will be at marina committee. There will be reports from USACOE & National fisheries service to help cut through permit issues. Also, eel grass and kelp to help with mitigation. Guy Glenn has left for private sector. A word of thanks to him for all that he has done and help with obtaining grants etc. We just rezoned some property down at the park near the toll booth. All urban village center now so that allows other types of uses. Interviewing architectural firms for designs to use the property. Kitsap Transit looking at Kingston to analyze safer boarding. Hired Moffat & Nichol. Port of Kingston is also going to put Moffat on payroll for their side. The Port has hired Director of Finance and a Finance Analyst. Have built out a cash flow model for the Port.

Steve – Redistricting is completed. Hired outside person for that. Kingston grew from 5000 residents to 7000 residents in 10 years. Sammamish Data did a great job.

Casey with Waterman – Our fishing pier is still standing and is wonderful. Recent inspection by maintenance crew discovered massive amounts of pigeon waste. Luckily discovered before too much damage was done. Will need to do some galvanizing and installing bird blocks. Watch those pigeons!!

Having to move the occasional boat that drifts into their pier. Recently reviewed years of records that had been stored in a basement.

Caleb – We had won our case against Sound Action. Now they have appealed us to the next higher court. This all started in 2018 and we still can't dredge.

Commissioner Nye – Any public comments? None

Next meeting will be Monday the 25th (July) at Port of Brownsville

Motion to adjourn meeting, Seconded. Meeting adjourned.

Commissioner

Commissioner

Commissioner