



**AGENDA FOR
PORT OF ILLAHEE COMMISSION
Wednesday, February 8, 2023 - 6:30PM
ZOOM MEETING #715 0997 5823 / Password: Illahee**

1. CALL TO ORDER

2. CONSENT AGENDA

1. Agenda
- *2. The January 11, 2023 Regular Meeting minutes
- *3. Pay Bills with check numbers 4984 through 4997 totaling \$6332.96

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**

- Piccone
- Status of project permits and design
 - Any response from the Tribe?
 - Status of the new BFP Grant application for piling replacement/other funding
 - Any update on the County's filtration project
 - *Shoreline Exemption Permit for Repair and Maintenance of Port of Illahee Piles
 - *John Piccone Project Status Summary

Aho/ **2. Illahee Store Project**

- Piccone
- Status of the topographical survey
 - Discuss use and general anticipated improvements
 - Septic design status
 - Vapor testing conducted

3. Treasurer's Report as of January 31, 2023 General Fund \$98,802.56; Investments \$ 280,076.24; Good Property Management (GPM) Account \$199.00 (total: \$379,077.8)

Reese **4. Port currently under State Audit for January 2019 through December 2021**

5. Reports

Aho **a. Website**

- Anything to report?

Buesch **b. Properties**

5560 Ocean View Boulevard/Rental

- Anything to report?

5500 Illahee Road/Rental

- Anything to report?

5507 Illahee Road/Illahee Store Property

- Anything to report?

Illahee Road Lot

- Anything to report?



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c. Dock/Pier

– Anything to report

Rupert

Lighting on Dock

Rupert

* North Perry Water - Dormant Account to be deactivated

*US Flag

Tabled 6. Surveillance cameras

6. NEW BUSINESS

*1. Resolution 2023-2

Policy for Public Records Act (PRA) Requests

2. Administrator

7. PUBLIC COMMENT

9. ADJOURN – Regular Meeting – March 8, 2023 @ 6:30PM – via ZOOM



Port of Illahee – Minutes of Regular Meeting on January 11, 2023

Port of Illahee
Minutes of Regular Meeting
January 11, 2023

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 Jonathan Buesch; Commissioner Jeffrey Rupert; Administrator Juliana Zacharof-Wagner; Administrator Caleb Reese; John Piccone; Roy Barton; John Parvis; Janet Soderberg and an unidentified person on an I-phone.

CONSENT AGENDA

The following consent agenda items were approved: January Meeting Agenda; December 14, 2022 Meeting Minutes; January 11, 2023 checks numbering 4973 through 4983 totaling \$14,996.08 as outlined in the attached Voucher Approval (motion by Rupert; second by Buesch; unanimous).

SIGNING OF DOCUMENTS – Commissioners plan to stop by the Port of Silverdale office to sign documents tomorrow.

PUBLIC COMMENT – Ms. Soderberg requested to have the store painting added to the agenda.

REPORTS/UNFINISHED BUSINESS

Grants/Waterfront Access Improvements –

John Piccone gave an update on the project status as follows:

Corps Permitting for Waterfront Improvements (Docks and Pier only);

- The Port's attorney has drafted a letter to the Corps making the Port's legal case and requesting that the Corps make a treaty rights determination as previously discussed.

However, just prior to sending that letter to the Corps we learned that while the Tribal biologist indicated there would not be an opportunity to meet and resolve this directly with the Tribe, the Tribal attorney understood that a meeting was pending. The Port's attorney contacted the Tribal attorney and learned that the Tribe is likely to meet with us and discuss their concerns. Currently, we are waiting for the Tribe to designate a "point person" to work with us in scheduling this meeting. The hope based on the conversation is that we'll be able to schedule this meeting very soon and January 31st was tentatively discussed.

Based on this new information we are holding off sending the Corps letter in the hopes that we can indeed schedule a meeting and resolve the matter directly with the Tribe.

Upland Waterfront Improvements;

- Based on delays to date associated with the Suquamish Tribe objection, it seems very questionable that we will have a corps permit in time to begin construction during the 2023 in-water work window (Aug. 2023 through Jan.



Port of Illahee – Minutes of Regular Meeting on January 11, 2023

2024) as we hoped. Although it is still possible, the Corps, NMFS, and USFW will still need to go through their review process once the Tribe issue is resolved (assuming we do reach an acceptable resolution) and this has typically been a slow process.

- We are proceeding ahead with tasks associated with the upland improvements however, it will be necessary very soon to decide if the Port would like to postpone upland work until the dock work can take place or to proceed ahead under multiple projects. Once we decide this, I will reach out to RCO and discuss our plans with them to ensure they have no objections.

Pier Piling Repair;

The RCO grant application “technical completion” was submitted today ahead of the 1/13/23 deadline. The next step will be the final presentation for scoring which will occur on either February 14 or 15. I’ll notify you all once I receive our time slot confirmation. We should have an indication of funding by March (although official awards are not until June).

Once we have an indication of funding, I will plan to begin the necessary engineering. We will need to make a decision by early spring of 2023 if the Port would like to proceed with the pile replacement project even if we do not yet have the corps permit back for the new dock portion of the waterfront improvement project. Obviously, it would normally be less costly overall to execute all this work as a single project if possible, but there are also safety and inflation factors to consider and it will be difficult to quantify these factors.

Store Site Renovation:

- I prepared a summary of code compliance considerations related to the Store renovation and emailed this to all Commissioners on January 3. Although we will want to confirm my summary assumptions with the County, there does seem to be good reasons to keep the store generally as a “mercantile”. As we begin working with Kitsap County on the waterfront project SDAP permit I’d like to have a better understanding of the specifics associated with the store renovation if possible. My hope would be that we are able to find efficiencies between the two projects where possible and work with the County on the “big picture” plans rather than piece meal. This will be especially important with ROW and Fire. To that end I’d like to have some feedback on how the Port would like to proceed developing a conceptual design that we can present to the County for preliminary feedback during the time that they are reviewing the SDAP for the waterfront improvements.

Upcoming Milestones and Action Items

Work with the Suquamish attorney and designated “point person” to set a meeting date and discuss resolution to the Tribes objections. If the meeting is scheduled prior to the next regular Commission meeting, hold a special meeting with executive session to discuss potential litigation. Look for options that would allow all three Commissioners to attend the meeting during a second executive session. If progress continues to fail, send letter from Port attorney to Corps asking Corps to make decision.



Port of Illahee – Minutes of Regular Meeting on January 11, 2023

- Prepare a preliminary basis of design for renovations with the intent of developing the current building as a “mercantile”. The renovations would be primary infrastructure with the intent that tenant improvements would address secondary improvements once a tenant is identified. Jim and John to schedule a meeting with Kitsap County to confirm requirements.
- Submit Site Development Activity permit to Kitsap County for waterfront improvements project (upland improvements).
- Present final grant presentation in February and obtain scoring as soon as available to determine likelihood of funding for pile replacement project

Authorize the surveyor to begin work conducting a bathymetric and legal survey so he can prepare the necessary survey exhibit for DNR submittal. The current DNR lease is past term and we will need to renew the aquatic lease with expanded boundary to include the new docks. This will be required by RCO and I'd like to proceed with that in January.

- Future meeting discussion regarding how to implement store renovations; options may include hiring a design/build contractor rather than an architect to prepare formal bidding documents.

Comments on John Piccone's report

Commissioner Aho is hoping for Piling Permits 2023 instead of 2024 because of the fishing window of August 2023 – February 2024. Can't complete the work without a permit. Aho opened the floor for discussion:

Commissioner Rupert stated the Tribal meeting is at the end of the month, get the Army Corp to push the issue.

Piccone states the best-case scenario is to meet with the Tribe to have them remove the restrictions, hopefully this will delay a week and not a month. Still waiting on wants from the Tribe.

Mr. Barton states it would be nice to get the upland portion done would be beneficial to complete others if it can't get done.

Commissioner Rupert agrees and states we need a window of opportunity to get it all done.

Piccone stated there are 2 types of work, Upland work and over water work being the other. Dock work second should be no issue as most work would be done by Barge. Dock and Pile replacement go together better. Option, try to do some of the Store in conjunction with the upland in 2023 and on water in 2024.

John Piccone stated he needs code considerations for the design of the store, keep it as a mercantile? The Illahee store needs codes assigned to move on with the project.

Commissioner Rupert made a motion to submit to the County for the Illahee Store retaining the “Mercantile” designation; second by Commissioner Buesch. All in Favor.

Commissioner Aho gave a report on the vapor testing that was conducted in the store, there was no problems. They have one more test well to drill to sample soils to the east of the store they are looking at the schedule. Still waiting for results from the other test wells from the lab.



Port of Illahee – Minutes of Regular Meeting on January 11, 2023

Treasurer's Report

As of December 31, 2022 the General Fund totaled \$110,344.00, Investments totaled \$279,615.89 and the balance of the Good Property Management (GPM) account totaled \$199.00 for a total of \$390,158.89.

Reports

Administrator Reese addressed the State Audit and will be working on this.

Properties-

5560 Oceanview Blvd- Nothing at this time

5500 Illahee Road— nothing to report.

5507 Illahee Road—nothing to report.

Illahee Road Lot—Commissioner Buesch commented it would be nice to get the septic from the store on the waterfront property so we could sell the lot to pay for over water improvements

North Perry Water – dormant account – Commission Rupert checked with North Perry Water on why they are being charged. Commissioner Rupert noted that there are three meters:

- Illahee Store - Dormant
- The Dock – Dormant
- Beach Property – Active

Commissioner Rupert made a motion to complete more research on size and location of meters; if they are all the same size and take out the meter that has not been used for a long time; second by Commissioner Buesch. All in Favor.

Dock/Pier

Commissioner Rupert reported he is working with an electrician on the lights and will be done in two weeks.

2022 Census of Government

Administrator Reese stated this is all voluntary and will not be completed.

New Business

Setting the 2023 meeting calendar – It was agreed to adopt Resolution 2023-01 Establishing the 2023 Regular Meeting Schedule (motion by Buesch; second by Rupert; unanimous).

Setting the 2023 designated positions – It was agreed to assign positions for 2023 as stated:
Commissioner Aho – Chair/Auditor;
Commissioner Rupert – Dock Manager/Secretary;
Commissioner Buesch – Property Manager (motion by Rupert; second by Buesch; unanimous).

Public Comment

Commissioner Rupert and Ms. Soderberg volunteered to coordinate painting of the Illahee Store.

Ms. Soderberg stated that the dock needs a new flag and she will donate one.

Commissioner Aho stated that the sign “Illahee Foods” is sentimental and to please keep its value.

Mr. Parvis stated that while parking is a consideration that he thinks there will be a lot of walkers using the coffee shop.



Executive Session-None

ADJOURN

*At 8:31PM the meeting adjourned (motion Rupert;
second Buesch; all in favor).*

Approved:

Commissioner




Commissioner

Commissioner

DRAFT



Port of Illahee – Minutes of Regular Meeting on January 11, 2023

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> \$11,003.00 </u> and from the General Fund, this <u> 11th </u> day of <u> January </u> 2023</p>		
<p style="text-align: center;"> _____ Port Auditor</p>	<p style="text-align: center;"> _____ Port Commissioner</p> <p style="text-align: center;"> _____ Port Commissioner</p>	
Number	Name	Amount
4973	BANK OF AMERICA	15 96
4974	CASCADE NATURAL GAS	5 00
4975	CHMELIK SITON & DAVIS	782 00
4976	MONEY BUCKET	125 50
4977	JAMES AHO	256 00
4978	JEFFREY S. RUPERT	256 00
4979	JONATHAN BUESCH	256 00
4980	PORT OF SILVERDALE	750 00
4981	SOUNDWEST ENGINEERING ASSOCIATES	11,332 00
4982	WASTE MANAGEMENT	24 24
4983	WASHINGTON STATE DEPARTMENT OF REVENUE	1,213 36



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

To enable the development of quality, affordable, structurally safe and environmentally sound communities.

Shoreline Exemption Permit

Jeff Rimack
Director

February 1, 2022

David Kinley
Assistant Director, CBO

Port of Illahee
PO BOX 2357
BREMERTON, WA 98310

RE: 22-05330 Shoreline Exemption for Repair and Maintenance of Port of Illahee Piles

The Department has reviewed the request for exemption from shoreline substantial development for the above referenced project. The proposed project will replace up to twenty (20) concrete and creosote-treated timber piles within a period of five years.

Piles will be replaced with steel piles that are up to 12-inches diameter. Existing piling will be extracted with a barge-based crane equipped with a vibratory hammer attachment (where feasible); grounding of the crane barge will not be allowed. Replacement pile will be driven using a vibratory hammer to the extent possible. If driving conditions preclude the use of a vibratory hammer, an impact hammer may be used to drive the pile to the required depth and sound attenuation methods will be implemented as required by project permits. Replacement pile will be installed between approximately +9 MLLW and -14 ft MLLW within the footprint of the existing timber pier structure.

The proposal was determined SEPA Exempt under WAC 197-11-800(3) Repair, remodeling and maintenance activities.

This project meets the criteria for a Shoreline Exemption under the WAC 173-27-040 and in accordance with KCC Section 22.500.100(C)(3)(b). Consistent with KCC 22.500(C)(3), an exemption from substantial development permit process is not exempt from substantial development permit process is not an exemption from compliance with the Kitsap County Shoreline Master Program or from any other regulatory requirements. Approval of your exemption is subject to the following conditions:

1. Erosion and sedimentation control Best Management Practices shall be implemented and shall remain in place throughout the construction period.
2. This work shall require and follow the conditions of an associated Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife.

619 Division Street, MS-36 • Port Orchard, Washington 98366-4676 • (360) 337-5777 • www.kitsapgov.com/dcd

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22-02726 Allen- Shoreline Exempt to Barge in a house

3. This shoreline exemption is valid for the piling replacement described herein for a period of five years from the date of this letter.
4. A Kitsap County building permit is required before work on this project may proceed. A copy of the HPA approval shall be provided with the building permit application. Special inspection may be required.
5. No creosote, chromate copper arsenate, or pentachlorophenol treated wood, or other comparably toxic compounds, shall be used as part of the decking, pilings, or other components of any in-water structures such as docks, piers, and floats.
6. All creosote and other materials shall be disposed of at an appropriate waste facility.

There will be a 14-day appeal period directly following the issuance of the exemption and prior to commencing project work. Should you have any question, please contact me at (360) 337-5777.

Sincerely,



Kathlene Barnhart
Senior Planner
Kitsap County Department of Community Development
kbarnhar@kitsap.gov
(360) 337-5777

Cc:

John Piccone, Soundwest Engineering Associates; jpicone@soundwesteng.com
Lauren Swanson, Soundwest Engineering Associates; lswanson@soundwesteng.com
Jim Aho, Port of Illahee; illaheeporthree@gmail.com
Alexia Henderson, WDFW; Alexia.Henderson@dfw.wa.gov
Rod Malcom, Suquamish Tribe; rmalcom@suquamish.nsn.us

Date: January 11, 2023
To: Port of Illahee Board of Commissioners
From: John Piccone, P.E., Soundwest Engineering Assoc.
Subject: Projects Status Summary

Corps Permitting for Waterfront Improvements (Docks and Pier only);

- The Ports attorney has drafted a letter to the Corps making the Port's legal case and requesting that the Corps make a treaty rights determination as previously discussed. However, just prior to sending that letter to the Corps we learned that while the Tribal biologist indicated there would not be an opportunity to meet and resolve this directly with the Tribe, the Tribal attorney understood that a meeting was pending. The Port's attorney contacted the Tribal attorney and learned that the Tribe is likely to meet with us and discuss their concerns. Currently, we are waiting for the Tribe to designate a "point person" to work with us in scheduling this meeting. The hope based on the conversation is that we'll be able to schedule this meeting very soon and January 31st was tentatively discussed. Based on this new information we are holding off sending the Corps letter in the hopes that we can indeed schedule a meeting and resolve the matter directly with the Tribe.

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- Future meeting discussion regarding how to implement store renovations; options may include hiring a design/build contractor rather than an architect to prepare formal bidding documents.

Permit Status Summary – All Projects

Waterfront Access Project

Permit	Submittal Date	Permit Issued	Permit Status	Design Status
SSDP	8-19-21	8-4-22	Complete. SSDP staff report notice of decision received.	60% Design Complete and submitted for permit.
HPA	Delayed	---	Submittal of permit application pending resolution with Suquamish Tribe.	Pending resolution with Suquamish Tribe.
NWP	8-17-21	Delayed	Finalization of permit review pending resolution with Suquamish Tribe.	Pending resolution with Suquamish Tribe.
SDAP	Anticipated Jan. 2023	---	Preparation of permit application in progress.	95% Design Complete for upland elements only to submit SDAP.
BP	Anticipated Mar. 2023	---	Submittal to follow SDAP after preliminary comments.	
ROW	Anticipated Mar. 2023	---	Submittal to follow SDAP after preliminary comments.	
FIRE	Anticipated Mar. 2023	---	Submittal to follow SDAP after preliminary comments.	

SSDP – Substantial Shoreline Development Permit (Kitsap County)
 HPA – Hydraulic Project Approval (WDFW)
 NWP – Nationwide Permit 3 (USACE)
 BP – Building Permit (Kitsap County)
 ROW – Right of Way (Kitsap County)
 Fire – Fire Code Permit (Kitsap County)

Pile Replacement Project

Permit	Submittal Date	Permit Issued	Permit Status	Design Status
Shoreline Exemption	9-22-22	Pending	Notice of technical completion received 10/31/22.	30% Design Completed for Permit submittal.
NWP3	9-22-22	11-21-22	Complete. Permit issued by USACE.	30% Design Completed for Permit submittal.
HPA	2020	2/14/20	Maintenance permit, expires 2/12/25	-----

Store Renovation Project

Permit	Submittal Date		Permit Status	Design Status
BP, others TBD	TBD	TBD	Project currently in conceptual design phase - pending pre-app meeting with County.	Conceptual Phase



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Illahee Commissioner Two Position

to me

Invoice for abandoning dock property water meter

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From: Peter Tonder <p.tonder@northperrywd.org>

Sent: Thursday, January 26, 2023 1:54:01 PM

To: 'Illahee Commissioner Two Position' <illaheeport2@gmail.com>

Subject: RE: 5507 Illahee Rd NE

Hello,

Attached is the requested invoice. I can mail a hard copy as well if needed.

Thank you,

Peter Tonder

Office Manager



phone: 360-373-9508 x205 | mobile: 360-865-0764

email: p.tonder@northperrywd.org | fax: 360-377-6223

From: **Betty Robinson** <bjrobin5263@aol.com>
Date: Mon, Jan 16, 2023 at 6:41 PM
Subject: The Illahee Flag
To: IllahaePortThree@gmail.com <IllahaePortThree@gmail.com>

Hello Mr Port Manager of Illahee,

While out doing some yard work today I noticed the torn and shattered flag. It is very embarrassing to say the least you would permit this to happen. I believe you are head of Illahee and you might want to do your job. If nothing else take the flag down until you can replace the flag. I think it would be best to step down if you can not fulfill the things you are required to do. I know there are other men who would be honored to take your place.

*Sincerely,
Betty Robinson*

Resolution 2023-2

Policy for Public Records Act (PRA) Requests

Whereas the Washington State Revised Code of Washington (RCW Chapter 42.56) provides Public Records Act (PRA) regulations for all public agencies, including Port Districts, and

Whereas the Port of Illahee, a small public port with limited funds and without an office or staff, is unable to comply with the PRA requirements with respect to the collection and copying of requested records and documents, and

Whereas the Port of Illahee does contract out for basic administrative services for preparation of the Meeting Agenda, Meeting Agenda Package (which includes pertinent records and correspondence), Meeting Minutes, and Warrants (in conjunction with the Kitsap County Auditor) to ensure all Port of Illahee administrative documents and records are professionally prepared and completed for uploading to the Port website,

Therefore, the Port of Illahee hereby establishes the following policy for public records requests:

1. The Port of Illahee's website, portofillahee.com, is the repository of all Port of Illahee public records and documents.
2. All public records and documents are collected monthly for inclusion in the monthly Meeting Agenda Packet that is uploaded to the Port's website prior to each monthly meeting.
3. With the Port's public records and documents collected monthly and available on the Port of Illahee website, access to said documents is available 24/7.
4. The copying of records and documents is therefore available for copying by a copy service of the requester's choice with the requester responsible for copying fees.
5. Written public records requests sent to the Port's mailbox, Port of Illahee, P.O. Box 2357, Bremerton, WA 98310, are advised that Port of Illahee mail is retrieved from the Post Office weekly.
6. Once a written request has been received by the Port of Illahee, the Port will respond in five business days as required by statute, with a copy of this resolution and reference to the Ports website where electronic records can be accessed and copied per Policy Item #4.

Commissioner Buesch

Commissioner Aho

Commissioner Rupert