

# **EXHIBIT AA**

*(New Exhibit AA)*

**Planning Commission Draft Minutes from  
April 13, 2021 Public Meeting**



## CITY OF POULSBO

### Planning Commission Public Meeting and Workshop (Virtual)

April 13, 2021

**Commissioners Present:** Ray Stevens, Jerry Block, Mark Kipps, Kate Nunes, Tim Morgan, Ray Taylor

**Staff Present:** Marla Powers, Associate Planner; Nikole Coleman, Senior Planner; Jess Rae, Admin Assistant; Michael Bateman, PE

**Additional Attendees:** City Council members Connie Lord and David Musgrove, Port of Poulsbo Accountant, Treasurer and Port Manager Carol Tripp

#### 1. Call to Order

#### 2. Flag Salute

**3. Modifications to the Agenda:** Minutes of 3/9/21 will be provided for review prior to next Planning Commission Meeting on 4/27/21.

**4. Approval of Minutes:** Note modifications to agenda – 3/9/21 approval held.

**5. Comments from Citizens regarding items not on the agenda:** None.

#### 6a. Public Meeting: Port of Poulsbo Breakwater Replacement/Marina Expansion Shoreline Conditional Use and Shoreline Substantial Development Permit (Marla Powers)

##### Presentation:

**Slide 1: Port of Poulsbo Breakwater Replacement/ Marina Expansion/ FLUPSY/ Restroom Addition Shoreline Conditional Uses, Shoreline Substantial Development Permit, and Floodplain Permit, Consolidated as a Type III. Review authority is the hearing examiner; his decision is going to be transmitted to Department of Ecology for their final decision.**

##### Slide 2: Overview of presentation

**Slide 3: Introduction of Project.** Property owner is Port of Poulsbo; the Port's agent is John Piccone, P.E. of Sound West Engineering Association. Description: Breakwater will include removal of 898 creosote-treated timber pile and 33 steel pile from the site, removal of creosote contaminated sediment & concrete debris, addition of 72 new 20" steel pipe pile and reconditioned floating concrete pontoon that they received from Elliott Bay. They'll recondition that and fix it up to get a floating breakwater.

Marina Expansion will include a new 236' long, 8' wide access float to breakwater from AA-Dock, 11 new 50' long grated finger floats, and 11 new 30' long grated finger floats.

FLUPSY is a (Floating Upweller System) they're putting this in place so that the Suquamish tribe can maintain and use it on the Marina.

**Slide 4: Vicinity Map:** The site is on Liberty Bay, accessed via Little Anderson Parking lot from Front Street.

**Slide 5: Properties Map: Site includes Port of Poulsbo property and Department of Natural Resources leased areas.** The star on the map is the landward location. The Port of Poulsbo location that this starts from is adjacent to the Sea Discovery Center and the Cascade Specialty Pharmacy. The lands that go out waterward of the ordinary high-water mark include a small portion of the parcel that the Port owns.

**Slide 6: Shoreline Master Program Official Shoreline Map: Aquatic (A): (Aqua color on map) includes the water and lands waterward of the ordinary high water mark High Intensity (HI): (Lavendar color on map) includes the Downtown area and provides for those areas of existing moderate commercial development.** Most of this project in the aquatic environmental designation. The little the piece of land that's landward of the ordinary high-water mark is identified as a high intensity environment designation for the Port of Poulsbo – it's a component of our downtown.

The Port of Poulsbo was formed in the current location in 1951 as a Washington State Port District and is directed by state law to support appropriate economic and community development. The Port of Poulsbo Marina consists of seven floating docks, A - F and AA, providing both covered and open long-term and transient moorage. The mooring also has a seaplane float based off the north dock that is not being addressed during this review. The Marina has 254 permanent-moorage and 133 transient-moorage slips, a fuel dock and tidal grid. The marina also has 2 pump-out stations and 2 portable mobile pump-out carts and contracts the mobile pump-out service that's currently protected by a failing vertical timber pile breakwater and timber dolphin log booms. The Department of Natural Resources-leased land is part of the overall site.

**Slide 7: Aerial Photograph:** This is the existing breakwater that we're talking about (indicates lower left section of slide). The existing breakwater on the map up in the top right is in the gray hatch area (matches plan to aerial). The proposal is to remove that breakwater and remove a portion of the south log boom and add this access floating dock so that you can access the floating breakwater and then add this breakwater along here. And then these are all the finger floats that are going to be attached for part of the marina expansion. And you can see in this aerial photograph that they have anchored to the existing breakwater, the floating breakwater that they want to install as part of this proposal.

**Slide 8: Permit Discussion: Breakwater Replacement associated with a port facility requires a Shoreline Conditional Use Permit (SCUP) per PMC 16.08.430.**

**An “unclassified” use, such as the Floating Upweller System (FLUPSY) requires a Shoreline Conditional Use Permit (SCUP) per PMC 16.80.180.B.** This unclassified use is not identified in the prohibited uses in our section, therefore we're going to process it as a SCUP. And we'll use those standards.

The marina expansion requires a Shoreline Substantial Development Permit (SSDP) because this portion of the proposal is associated with a port facility, is located in the High Intensity Shoreline Environment Designation, and is associated with a previously permitted development in the aquatic environment per PMC 16.08.180

**Slide 9: Floodplain Development Permit: Submitted with the SCUP and SSDP Permit E-08-04-20-01**  
**Review by Engineering & Building Department**  
**Issue with CORPS permit**

**MP:** Michael, will you please cover this slide?

**MB:** Yes. One of the oddities of where we're at in the bay is the entire bay is considered by FEMA and Ecology and everybody else as *floodplain* and it's mapped that way. Any work that happens in the floodplain (not just over on the sides, in the area that we normally think of as floodplain, but also in the middle of the bay) is required by all the various codes to have a Floodplain Development Permit issued in order to do any construction work there. That goes through me -I'm our Floodplain Administrator through FEMA and Department of Ecology. In this case, the only thing we're really looking for is Endangered Species Act compliance, because it's floating on the water which goes up and down with the floods. There are no issues there other than Endangered Species Act (ESA) compliance; it's a bit of a pass-through for me. This type of permit requires a fair amount of serious consultation when it comes to endangered species. That happens at the federal level, in the between the Corps of Engineers and the Department of Fish and Wildlife, - actually the National Marine Fisheries Service (NMFS) and the Corps consult at the national level, so that when the Corps permit is issued, the ESA is covered. I then take that Corps permit and attach it to my Floodplain Permit and issue it. That review is a requirement, and I am bound by all the various codes and laws to ensure consultation has been done. ESA is a big deal; nobody ever wants to go wrong on Endangered Species Act. We will be happy to issue the Port a floodplain development permit and get them going, just as soon as we have a copy of the Corps of Engineers' permit in hand. If you have any questions, I'd be happy to talk at length on the subject of floodplains, but this should do for now.

**Slide 10: Review Criteria: Shoreline Master Program**  
**Shoreline Administration and Procedures**  
**Critical Areas Ordinance**  
**Environmental Policy Guidelines**  
**Project Permit Procedures (Title 19)**

**Slide 11: Breakwater, Marina Expansion, FLUPSY:**  
**General SMP Review (Staff Report Page 7-25)**  
**Breakwater (Staff Report Page 18, 25-26, 28)**  
**Marina Expansion (Staff Report Page 19-23, 29)**  
**FLUPSY (Staff Report Page 18-19, 28)**

**Slide 12: General SMP Review PMC 16.08.120 (No net loss)**

**Ensure no net loss of shoreline ecological functions and minimizes adverse impacts to natural shoreline resources and wildlife habitat, including fish and aquatic habitat (as Michael mentioned).**

**No net loss of shoreline ecological function is provided by this proposal with the mitigation actions of removal of the creosote-timber piles and log booms, removal of creosote affected sedimentation, removal of concrete debris, removal of a sunken vessel, and the reestablishment of tidal flushing.**

Anchor QEA conducted a peer review for all the materials provided by the applicant. Throughout the Staff Report we relied on their technical professional review of the materials and their conclusions based on their review.

**The Anchor QEA peer review response states that, “the large quantity of debris and pile removal would adequately compensate for the environmental impacts of the project and result in no net ecological loss of aquatic habitat function in Liberty Bay. Note that other state and federal agencies may provide different conclusions based on their guiding regulations.”**

**Slide 13: General SMP Review PMC 16.08.120 (mitigated ecological functions)**

**All shoreline development and uses impacting ecological functions shall be mitigated according to the mitigation sequence established in WAC 173-26-201(2)(e). Mitigation sequence, 1) avoid, 2) minimize, 3) mitigate.** The Staff Report shows that altogether, no net loss of shoreline ecological function is provided by this proposal with the mitigation actions.

**Mitigation Plan: Section 4 provides the general best management practices to minimize the risk of impacts to the aquatic environment throughout breakwater construction and demolition.**

**Restoration: Removal of creosote-treated timber pile and log booms that will improve water quality with the re-establishment of tidal flushing and the removal of toxic creosote.**

**Compensation: Removal of creosote-treated pile and log booms and removal of the sedimentation and creosote-treated debris at the base of the north and south log boom, removal of a sunken vessel and concrete debris near the existing breakwater.**

**Slide 14: General SMP Review PMC 16.08.120 (use)** Some of these are the still required standards, but there are not a lot of standards to shoreline development approval.

**Shoreline development approved with priority of water-dependent, water-related, water-enjoyment, non-water oriented.** The breakwater, marina and FLUPSY are all water-dependent uses.

**Critical areas within shoreline jurisdiction shall be protected according to the CAO.**

For the first criteria, there was a critical area report submitted as part of this application packet by Grette Associates. Through their review, they found that there are no critical areas that are in the site or affected by this site. So that criterion is met.

**Regulations vs. best management practices**

Our SMP doesn't really have a lot of specific standards that that need to be met for this project. For example, there's no lot coverage, and there are no setbacks from property lines. It's meeting the no net loss and showing the mitigation sequencing. So we fall back to the Best Management Practices that engineers use to minimize impacts to the project. And we have used Best Management Practices as a SEPA mitigation measure through our MDNS that we issued, and we're using those as some conditions of approval for this project.

**Disruption of natural shoreline resources shall be the minimum necessary to accommodate the approved use or activity.** As a result of our analysis, we've shown the result of this proposal is actually a net ecological gain for Liberty Bay.

**Slide 15: Mitigation & Sequencing Requirements PMC 16.08.140**

**Development and activities are required to mitigate impacts to shoreline habitat and other environmental impacts, to meet the standard of “no net loss” of shoreline ecological functions as directed in WAC 173-26-186(8).**

**Avoid, minimize, and mitigate for adverse impacts**

**If unavoidable impacts will result from the proposal a habitat mitigation plan shall be prepared.**

**Demonstrate that the mitigation sequencing standards have been met. Provide studies by qualified professionals, or submitted materials may be subject to peer-review by qualified professional.**

**“No net loss” achieved (Staff Report pg. 12)**

**Habitat mitigation plan incorporated into Biological Evaluation (BE).**

**The Mitigation Plan has Mitigation Sequencing: Section 4** Mitigation sequencing standards have been met through provided studies by qualified professionals identified in our Staff Report; those studies have been peer reviewed and meet those standards.

**Short-term impacts from demolition and construction will be minimized through avoidance, minimization measures, and BMPs.**

**Slide 16: In-Water Construction : PMC 16.08.150 (Staff Report pg. 13)**

**Designed to avoid future shoreline stabilization and non-maintenance dredging.** This project doesn't require any shoreline stabilization

**Material from removal of existing structures shall not enter/remain in water.** This project will be removing existing material.

**Waste material and unauthorized fill shall be removed.**

**No toxic or deleterious materials**

**In water work shall minimize turbidity and causes little or no siltation to adjacent areas**

They'll be using vibratory hammers instead of impact hammers, so they'll be lessening their

impact to the extent and following all Best Management Practices for minimization of the turbidity of what their in-water construction impacts will be.

**Trenches shall be backfilled** Trenches and holes that will be created through the removal of the piles will either be filled with clean sand, or will be able to naturally backfill through the new tidal flushing system that will begin as soon as all these piles are removed.

**Fresh concrete shall not be allowed to enter water**

**Alteration of the bank/bank vegetation shall be limited** They're not altering any bank or bank vegetation.

**If water quality problems develop, immediate notification to Ecology & City.** This is a Condition Of Approval.

**Materials used for in-water construction shall comply with regulation of responsible agencies.** We don't have a specific requirement in our Code; we're relying on federal and state agencies to ensure compliance of their standards for this piece of our SMP.

**Slide 17: Water Quality PMC 16.08.160 (Staff Report pg. 16)**

**Location, design and management of shoreline development and activities shall not degrade the quality or quantity of surface and groundwater on or adjacent to the site. All federal and state water quality and effluent standards shall be met.** Water Quality is the third component. And it's somewhat not applicable to this project.

**Submittal requirements.**

**Standards** They're not doing any clearing or grading, they're not cutting any trees and there's no septic that's part of this. They do have the floating restroom that they're proposing that's going to be out on the breakwater, and they've identified in their memos that they'll have it empty as often as it needs to be.

**City's adopted stormwater management manual**

**Apply BMPs consistent with City's adopted stormwater management manual**

**Restricted materials may not come into contact with the water**

**Application of pesticides, herbicides or fertilizers shall comply with these standards.**

**Reliance on federal and state water quality and effluent standards through their permitting review will be necessary to ensure that this criterion is met.**

**Slide 18: FLUPSY: Shoreline Use Table PMC 16.08.180**

**A FLUPSY is used to grow out shellfish in open water while protecting them from predation in order to culture them from a hatchery size (comparable to a grain of sand) to a field nursery or growout size during the first season of growth. Provide increased water flow for the shellfish and promote accelerated growth.**

**The SMP Comprehensive Plan Policy NE-8.23 states that some form of aquaculture in support of future restoration or enhancement efforts may be appropriate and may be considered by the City on a case-by-case basis through a Shoreline Conditional Use permit.**

**The SMP Guidelines from Ecology recognize aquaculture as an activity of statewide interest and a preferred use and when properly managed, it can result in long-term over short-term benefit and can protect the resources and ecology of the shoreline.** It can protect the resources and ecology of the shoreline. There's strong support by Department of Ecology for

this type of use in the water and we have some components in our Comp Plan that allow us to anticipate this use.

**Slide 19: FLUPSY: Shoreline Use Table PMC 16.08.180**

**As an “unclassified” use this use can be processed as a SCUP.**

(Indicates slide) Again, this is a zoomed-in close version of the new floating breakwater and it shows the FLUPSY component right here where the floating breakwater bends next to the restroom.

**Slide 20: Marinas: Shoreline Development PMC 16.08.270**, the second component of this proposal

**See Staff Report page 20**

**Shall not interfere with the public use and enjoyment of the water or create a hazard to navigation.**

**Meet Section 16.08.140 Mitigation Sequencing**

**Sufficient water depth to accommodate the proposed development** As I mentioned, the Port is proposing to move the breakwater from its existing location out approximately 30 to 65 feet waterward of the existing breakwater location and then add the finger floats for Marina boating moorage there. So that's moving the project more waterward and it's also doing a lot of sedimentation removal, which will also allow greater depth for boats to maneuver. Right now the location of the breakwater is about a -10 ft. Mean Lower Low Water (MLLW). And when the project's done, the moorage will be between a – 10 ft. to -12 ft. Mean Lower Low Water depth for moorage and navigation so that will be improved through this project.

**Design shall meet all state and federal regulations for habitat and fish protection**

**Shall avoid locations within critical saltwater habitat areas** Again, there's no saltwater habitat areas to protect or identified on the site.

**Water-enjoyment and non-water oriented uses shall not be located in the aquatic environment** This is a water dependent use; it's allowed to be there.

**Parking location** Parking is allowed to be in the shoreline and buffer. The parking that's required for this proposal is 17 new parking stalls. And those have been agreed to by the Port of Pousbo to be located at the Port of Pousbo Jensen Way parking lot and they'll be specifically identified for the Marina Expansion, which will reduce the number of public paid parking spaces they have at that site now by 17.

**Consistent with Port of Pousbo Comprehensive Plan (This project is.)**

**Slide 21: Marinas: Shoreline Development PMC 16.08.270**

**See Staff Report page 21**

**Boat Slips determined on following factors:**

**Suitability of the environmental conditions**

**Demonstration of the proposal's compatibility with surrounding land and aquatic conditions and uses, environment designations, and zoning, including impacts to existing public viewsheds and view corridors, parking, and adjacent properties and neighborhoods.**

**Demand analysis to demonstrate need for the requested number of slips or moorages to serve the residents of the city and the port district for recreational and commercial purposes.** The applicant provided a memo that states that there has been increased need and demand for

more edge that's not been able to be met by the Port. Some of this new demand has been for larger boats between 50 and 75 feet long. And so through the information they provided in the application packet this requirement is met.

**No conversion from public recreational use to other uses.** Confirmed.

**Pedestrian access to the shoreline shall be provided.** They meet this requirement by adding a new 236 foot long public access floating float from AA-Dock to the new floating breakwater.

**Slide 22: Breakwater: Shoreline Modifications PMC 16.08.430**

**Staff Report pg. 25**

**Structure essential to safety**

**Location, size, design, shall not result in undesirable or adverse impacts to the shoreline and aquatic environment, navigation, or nearby waterfront properties**

**Blue Coast Engineering: The wave climate and safe operation of the marina were evaluated.**

**The conclusion is that a breakwater design is essential to the safe operation of the marina facility because an adequate wave climate is not met without a breakwater.**

**The proposed floating breakwater provides “moderate” conditions in the marina.** The technical memorandum goes on to state that location size and design will not negatively impact navigation and will not negatively impact the protected environment. In fact, it will promote a net increase in ecological diversity to the tidal flushing that will be provided through the removal of the pile breakwater. The nearby waterfront properties will not be affected by this proposed floating breakwater.

**Slide 23: Breakwater: Shoreline Modifications PMC 16.08.430**

**Designed and constructed under the supervision of a civil engineer or other qualified engineering professional. The engineer shall demonstrate that the structure is the smallest feasible structure to meet the requirements of this chapter and accomplish its purpose, and that the design will result in the minimum feasible adverse impacts upon the environment, nearby waterfront properties, and navigation**

**Breakwaters may only use floating or open-pile designs** They are providing a floating breakwater.

**In a memorandum prepared by Anchor QEA Engineering, recommendations for final design were included regarding safety elements (Exhibit W). The Applicant's Technical Memo: “Engineering Peer Review Response”, provided as Exhibit O, addressed Anchor QEA recommendations. The City Engineering Staff has determined Exhibit O has satisfactorily addressed the safety concerns of the City of Poulsbo Engineering and Building Department.**

**MP:** Michael, can you please address the engineering piece of it?

**MB:** As one of the one of the things we always ensure, as a permitting agency and development review, is that any engineering that happens - structural engineering, for instance, on a retaining wall, gets a second look. This is just to make sure nothing was missed and everything appears to be right. In our consultation with all of the outside agencies, such as

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Corps of Engineers, that you would think would be also reviewing the engineering aspects of something like a marina - it turns out that exactly zero of the outside agencies were looking at any of the engineering aspects of it.

They're taking a pretty serious, careful look at all the environmental aspects, but none of the engineering. We are, of course, not qualified marine engineers. I'm not qualified to verify correct piling size and wave attenuation size. Those are pretty specialized pieces.

So we did request that our peer reviewer, Anchor, do a minor peer review, just to look at everything they were doing from a structural engineering and a marine engineering standpoint, to verify it looks right and that they didn't miss anything. Anchor said in general, based on appearance, that things look pretty good. They had some comments and some revision comments that they thought would be appropriate to make it a better design.

The applicant took those review comments to incorporate into their final design. Based on that review and communication, City of Poulsbo Engineering Department has determined that our due diligence requirements have been met.

MP: Thank you, Michael.

### **Slide 24: Findings**

**As mitigated and conditioned, the proposal has been found to be consistent with the provisions of the Shoreline Master Program, the City of Poulsbo Comprehensive Plan, and SEPA mitigations.**

MP: As I have said, there are some other components in the Staff Report, such as other code provisions that we reviewed - that are important - but I didn't think I needed to cover them in the presentation. Based on all our findings as mitigated and conditioned, the project has been found to be consistent with provisions of our SMP, the Shoreline Comprehensive Plan, the City's Comprehensive Plan and SEPA mitigations.

### **Slide 25: SEPA-Mitigations**

**MDNS issued March 23, 2021 (see Exhibit U)**

**Comment Period from March 23rd to April 6th** (Staff Report went to you on 4/6/21) – no public comments received for NOA

**SEPA Cover Memo from Planning (Exhibit T)** We did not receive any public comments for SEPA.

**Mitigations included Best Management Practices**

**Biological Evaluation: Section 7**

**Mitigation Plan Section: 4.2.1 and 4.2.2**

### **Slide 26: Procedures for Review**

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Review Step	Date
Neighborhood Meeting (Regularly scheduled Poulsbo Port District-Port Commission meeting)	March 5, 2020
Application Submittal	September 1, 2020
Technically Incomplete Revisions Requested	September 28, 2020
Resubmittal #1	November 10, 2020
Technically Complete Revisions Requested On HOLD	November 30, 2020
Notice of Application (30 day Shoreline public comment)	December 8, 2020
NOA Comment Period Over	January 7, 2021
Request for Revisions Peer Review/WDFW/Tribe comments-Hold	January 11, 2021
Resubmittal #2	February 16, 2021
Request for Revisions-ON HOLD	March 4, 2021
Resubmittal #3	March 17, 2021
SEPA Comment Period	March 23, 2021
SEPA Comment Period over (no comments received)	April 6, 2021
Staff Report available	April 6, 2021
NOD	
Send file to Ecology for approval	

### Slide 27: Staff Findings & Conclusions

**This proposal is consistent with the City of Poulsbo Comprehensive Plan and Shoreline Master Program.** The appeal period ends next week, just prior to Hearing Examiner Public Hearing:

### Hearing Examiner Public Hearing – April 22, 2021

- **Slide 28: Recommended Motion: “Planning Commission recommends (approval) (approval with modifications) (denial) to the Hearing Examiner the Port of Poulsbo Breakwater Replacement, Marina Expansion, and FLUPSY subject to the SEPA Mitigations and Conditions of Approval contained in the Staff Report under Planning File P-08-04-20-01 and P-08-04-20-02.”**

**MP:** I know that the Port of Poulsbo (owner’s) representative, Carol Tripp is here. I don’t know if she has anything she wants to say for her application.

**RS:** Marla, thank you. Does the applicant wish to make comments?

**Carol Tripp:** No. Thank you for inviting me. I really appreciate working with Marla on this project. I know it has been quite an adventure, and I do appreciate very much the presentation. Very, very thorough. Thank you very much. I appreciate it.

**RS: Public comments?**

**(None.)**

**RS: Commissioner comments?**

**RT:** I had a couple of questions on the on the piles. I didn't see anything that outlined the procedure for if a pile is broken off in trying to extract. Rather than leaving a stub sitting down there, what would be done?

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**MK:** In the mitigation plan, I read that they would be cut off two feet below the bottom and then covered if broken off.

**RT:** Thank you; I missed that. The other question I had is are they going to use a vibratory hammer or a vise and impact hammer? Will they proof with an impact hammer? If the embedment isn't reached with the vibratory hammer, will they then use an impact hammer to drive it further?

**Carol Tripp:** There are specific limits laid out as to how many piles can be driven per day. I don't have the document with me, but I can provide it tomorrow as soon as I'm in the office if you would like.

**RT:** No; I just want to be sure it is addressed in the document somewhere.

**JB:** Will the seaplane base move or stay where it is now?

**MP:** It's safe to assume it will stay where it is now.

**JB:** I have questions regarding parking. I frequent that area; currently it seems that people who live on the water are parking over in the back parking lot by the ice cream place and Slippery Pig. Do we think the 17 parking spaces up on Jensen will be appropriate – will they actually be used?

**Carol Tripp:** Parking signs that say "Port of Poulsbo" or something to that effect have been ordered and will be put up next week. Currently our licensees with the Port hang placards in their vehicles; those who don't have a placard displayed while parked there are towed. In the Jensen Way parking lot, we will only have 6 spots available for public use after this; the others will be restricted for placard parking only or for boat trailer and car boat trailer use only.

**JB:** What is the Planning Commission's liability for the structural work on the breakwater? I was concerned as I looked through the drawings. On the peer review exhibit, some of my concerns were noted in the conditions. Does Planning Commission have any liability for the structural soundness of the of the breakwater?

**MB:** On top of wanting to have a second look at everything taken to confirm calculations, we looked at this in terms of City projects. On our own projects, we are the responsible party. The Port of Poulsbo is the responsible agency for this project. On City projects, particularly on federally-funded projects with highways, we have a second look through WSDOT; they review and provide comments and typically don't look at it again. It is our responsibility to incorporate the results of their review in the end. It is the City's liability to ensure the projects are structurally sound and are done correctly. Likewise, the Port and their engineer are responsible to ensure the engineering is sound. We, as a public agency and as the permitting agency, have a responsibility to ensure someone is taking a second look at everything. When the Port informed us that was not the case, we sent the project to Anchor for a peer review. If we had gone

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beyond doing that, we would essentially have become part of the design team, which we wouldn't want to do.

**JB:** Will the FLUPSY location change, or is it pretty well set?

**Carol Tripp:** We are working with the Suquamish Tribe on location; it is dependent on where they would like to have it.

**JB:** If someone wanted to put an umbrella up at the end of the breakwater to sell things, who would be responsible for that?

**MP:** As far as the commercial aspect, the SMP lacks standards for use and structures. The owner of the site would be responsible and activity would be reviewed through some kind of shoreline permit.

**TM:** I wanted to ask what will happen to the harbor seals that like to lie on the logs. I didn't see anything in the report that references wildlife; maybe they just have to find another place to bask in the sun?

**Carol Tripp:** We have had to mark off docks to accommodate wildlife in the past, as the seals sometimes decide to claim them as birthing areas.

**TM:** I understand the purpose of this project is twofold: safety, because it's deteriorating, and economic, to increase the number of moorings available right from the boats. I wonder if it's an industry standard to get rid of creosote-treated timber in infrastructures?

**MP:** My understanding is that creosote-treated timber was used at least 30 years ago. One of the ways to meet standards and improve longevity and function is to use steel piles. In general, that's the trend that I'm seeing.

**MK:** I have a question about tearing the breakwater out during the storm season: is there a mitigation plan for boats moored during the potential Fall Storms? The work is scheduled to happen largely through Fall and early Winter, and I know that's a time we typically may have pretty big storms. Removing the breakwater takes away storm protection for boats moored there in the middle of construction. Was this considered in the plan, and what is the mitigation?

**Carol Tripp:** There's never really a good time to start a project. We have to work between fish windows. We plan to have the folks living on the outer skirts of the marina towards the breakwater move into what we call "winter moorage" – it will provide a little more protection for them. There are two other marinas in Liberty Bay that do not have breakwaters. Folks understand that there are rough several months that are brisk and windy. I am working with our engineer to develop a mitigation plan to lessen the effects on people during the project, but there's nothing we can do once we start taking down and working on this breakwater.

