

EXHIBIT L

Applicant's Technical Memo Packet

(July 27, 2020)

Date: July 27, 2020
To: Marla Powers, Associate Planner, Poulsbo PED
From: John Piccone, P.E., Soundwest Engineering Assoc.
Carol Tripp, Manager, Port of Poulsbo
Subject: Port response to request for “Shoreline Conditional Use Permit Analysis”

Provide an analysis on a separate sheet of paper addressing the following shoreline conditional use criteria (from [PMC 16.09.140](#)). All Shoreline Conditional Use Permit applications must meet all the following criteria:

- 1. That the proposed use is consistent with the policies of RCW 90.58.020 and the city’s SMP;*
- 2. That the proposed use will not interfere with the normal public use of public shorelines;*
- 3. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the city’s comprehensive plan and SMP;*
- 4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and*
- 5. That the public interest will suffer no substantial detrimental effect*

In connection with the City request above and the proposed breakwater replacement project (Project), the Port is submitting an application for a Shoreline Conditional Use Permit (SCUP) with the City of Poulsbo (City) for breakwater replacement that includes moorage of a FLUPSY. The criteria above are addressed as follows:

- 1. The proposed project appears to be consistent with the policies of RCW 90.58.020 and the city’s SMP;*
- 2. The proposed use does not appear to interfere with the normal public use of public shorelines;*
- 3. The proposed use of the site and design of the project appears to be compatible with other authorized uses within the area and with uses planned for the area under the city’s comprehensive plan and SMP;*
- 4. The proposed use does not appear to cause significant adverse effects to the shoreline environment in which it is to be located; and*
- 5. It does not appear that the public interest will suffer substantial detrimental effect.*

Based on the Port’s current understanding, the proposed project appears to comply with RCW 90.58.020 and SMP provisions governing uses in the Aquatic (A) environment. With proposed mitigation, the project as a whole would improve environmental quality at the site as detailed in the project Biological Evaluation and Essential Fish Habitat Report and Mitigation Plan. Furthermore, replacement of the marina breakwater is necessary for the protection of the existing Port of Poulsbo Marina. See enclosed Marina Expansion Demand Memorandum for project compatibility. See Enclosed Coastal Engineering Review Report for compliance with PMC design requirements.

Date: July 27, 2020
To: Marla Powers, Associate Planner, City of Poulsbo PED
From: John Piccone, P.E., Soundwest Engineering Assoc.
Carrol Tripp, Port Manager, Port of Poulsbo
Subject: Response to City comments related to “marina expansion”

1 Introduction

The proposed project includes moorage on the new floating breakwater as follows:

- 22 slips designed to serve 30’ and larger boats with wider beams and/or drafts,
- 22 slips designed to serve boats in the 40’ to 55’ range,
- 11-15 side tie slips designed to serve boats in the 55’ to 75’ range,
- 2 slips designed to accommodate small seaplanes (typ. DeHaviland DHC-2).

All new proposed moorage listed above will be allocated for transient vessels and consistent with the requirements of PMC 16.08.270.

The Port has experienced an increasing demand for transient moorage slips servicing larger boats (typically 30’ – 75’) with wider beams and/or deeper drafts for well over a decade. During the peak boating season, the Port has commonly been unable to accommodate all transient moorage requests for this category of recreational users. Consequentially, visiting larger vessels must be either moored at anchor in the outer harbor or bypass stopping in Poulsbo for a visit altogether. Additionally, because the Port serves visiting boaters on a “first come first serve” basis, it is common for the smaller transient slips on E and F dock to be used by boats which are not well suited for those slips due to wider beams and/or deeper drafts. Mooring these larger boats on E and F dock results in a lack of capacity for smaller transient boats during peak demand as well as the need to move larger boats in and out of the marina during lower tide events.

The Port’s ability to accommodate larger transient vessels is currently severely limited and well short of meeting current and expected future demand. The need for additional and expanded moorage, in conjunction with replacement of the existing breakwater, has been well established and vetted through the Port’s Comprehensive Plans dating back as far as 1999! The Port’s current comprehensive plan explicitly addresses the need for breakwater replacement in conjunction with moorage expansion and the Port’s capital improvement plan allocates funds for this project completion beginning in 2020. Although early planning efforts identified moorage expansion of the current commercial dock (D-dock) in conjunction with breakwater replacement, feasibility studies completed since that time favored the currently proposed design which moves overwater structures into deeper water as opposed to expansion of the current D-dock. The proposed project is consistent with the Port’s adopted comprehensive plan and there has been significant public support for the currently proposed project.

2 Land Use Compatibility

The following section addresses the project's compatibility with surrounding land and aquatic conditions and uses, environmental designations, and zoning.

2.1 Land Use: Commercial

Surrounding land use upland of the proposed project site is designated as commercial. As stated in PMC 18.80.020:

The general purpose of the city's commercial districts is to provide the necessary commercial goods and services for Poulsbo and the greater north Kitsap communities. The commercial districts provide for the location of retail sales and services, professional services and offices, food and drinking establishments, lodging, personal and health services, arts, amusement, medical facilities, educational and recreational uses, among others.

The Port of Poulsbo was formed in the current location in 1951 as a Washington State Port District. The Port is directed by state law to support appropriate economic and community development. The Ports role in supporting the economic and community development of the commercial district and broader community through public waterfront access facilities has been well established. The proposed marina expansion is compatible with the general purpose of the district and clearly supports and promotes downtown Poulsbo's core goals.

2.2 Zoning Designation: C-1 Downtown/Front Street

The proposed project will occur almost entirely within aquatic areas. Only very minor electrical service connection modifications are planned for the upland and are anticipated to occur entirely within Port of Poulsbo upland property parcel 232601-2-246-2008. The zoning designation of upland properties is C-1 Downtown/Front Street. As stated in PMC 18.80.020(B):

The C-1 commercial district applies to the geographic area of Downtown/Front Street and is intended to:

- 1. Encourage high quality and recreation amenities, tourist-oriented and commercial development which will enhance public access and the use of the shoreline.*
- 2. Encourage a wide range of activities that make downtown Poulsbo the cultural, civic, heritage and waterfront heart of the community.*
- 3. Provide a full range of commercial services, tourism, recreation and entertainment activities to support downtown visitors, residents and workers.*
- 4. Ensure that projects are designed using consistent architectural design and consistent with the scale and design of downtown.*
- 5. Shopfront Overlay. The shopfront overlay is intended to preserve the historical development pattern along Front Street defined by small parcels, pedestrian-scale buildings, active streets, public spaces, and retail and service uses.*

The proposed work is compatible with the intended uses of this area and will specifically promote uses listed above as items 1, 2, and 3.

2.3 Environmental Designation: Aquatic (A); Upland of OHWM: High Intensity (HI)

The proposed project including new moorage expansion would comply with SMP provisions governing uses in the Aquatic (A) environment. Surrounding upland designations are High Intensity (HI) above the OHWM. The Port is submitting applications for a Shoreline Conditional Use Permit (SCUP) for the Breakwater and FLUPSY, as well as a Shoreline Substantial Development Permit (SSDP) for marina expansion of transient moorage facilities with the City of Poulsbo. With proposed mitigation, these over-water structures would not create a net loss of ecological functions and would improve environmental quality at the site as detailed in the project Biological Evaluation and Essential Fish Habitat Report (June, 2020) and Mitigation Plan (June, 2020).

3 Project Impacts

The following section addresses the project's impacts to existing public viewsheds and view corridors, upland support facilities, and adjacent properties and neighborhoods.

3.1 Public Viewsheds and View Corridors

Surrounding public viewsheds and public view corridors near the project site within the two-hundred-foot shoreline jurisdiction includes Front Street, extending from Bond Road south to Hostmark Avenue (PMC 16.08.360(A)(1)). The proposed project is outside of designated viewshed jurisdiction and will have no adverse impacts to surrounding views.

Instead, surrounding public viewsheds and view corridors will be improved as a result of the proposed work. Whereas the existing pile-supported breakwater structure is a wall extending high above the surface of the water, the replacement structure will float on top of the water and inherently demonstrate a lower profile which will enhance public views. Furthermore, project activities will remove the existing dilapidated breakwater structure.

3.2 Parking & Upland Support Facilities

The proposed project includes additional transient moorage facilities as an integral component of the breakwater replacement project as described previously.

The vessel moorage facilities are allocated specifically to transient vessels, all of which are too large to be launched at the Port of Poulsbo's boat launch ramp. Both the existing launch ramp, and planned replacement launch ramp, are provided for only vessels 26' and smaller and the new breakwater moorage is provided only for vessels in excess of 26'. These vessel size limits are a requirement of the grant funding used to construct both the new transient moorage and the new boat launch ramp. Vessels which are to be moored in the proposed new slips will not arrive by trailer, they will all arrive by water from outside City of Poulsbo limits. There will be no additional trailer parking demand generated as a result of the proposed marina expansion.

The Port also proposes to relocate the existing seaplane operations to the new floating breakwater as a second phase of the project. Because visitors will arrive by plane, there will be no increase in parking demand resulting from this relocation of existing operations.

While it may be theoretically plausible that a vehicle trip to the downtown commercial district might be generated by the action of mooring a transient vessel which arrived by water, this is known by the Port to be extremely uncommon at most and certainly orders of magnitude below 300 average daily trips. This is especially the case where the trip generated requires parking, indicating probability of a dual purpose associated with the trip. Quantifying the probability of such a trip generation is highly theoretical and could not be accurately segregated from other primary trip generation purposes such as visiting a local restaurant or retail establishment, or other trip reductions associated with the marina expansion. By way of one example, if a vehicle trip is generated because someone in a vehicle is visiting someone in a transient vessel, they are also highly likely both visiting another downtown business establishment. Furthermore, if one of the parties had not arrived by boat it is probable that both parties, on average, would likely still visit within the downtown district and actually generate two vehicle trips as opposed to one vehicle trip and one boat trip.

While it is very reasonable to expect the marina expansion to increase pedestrian trips within the downtown district as passengers come ashore to shop for goods and services, it is extremely unlikely that it will produce additional vehicle trips and/or parking demand. In fact; the Port maintains that one of the best ways to increase tourism-related activities in the downtown district without increasing the demand for parking facilities, or on other City transportation infrastructure, is to provide sufficient moorage for individuals capable of traveling to Poulsbo by vessel rather than by vehicle.

The Port proposes to install a new floating restroom (see project drawings) on the new breakwater. This restroom is intended to serve the transient moorage visitors. Therefore, there will be no increase in demand for restroom facilities. The floating restroom will be a prefabricated “vault” style restroom that will be pumped out by boat and will not require a new connection to the City sewer system.

The Port has already made arrangements to use a four yard dumpster in lieu of the prior two yard dumpster, doubling the current waste capacity. This new four yard dumpster will still fit within the existing enclosure near the top of D-dock and the Port will have it emptied as necessary.

There are no anticipated upland impacts associated with City water services, see potable water and fire suppression memorandum for additional explanation.

The adjacent property to the north is Liberty Bay Park, an upland park owned by the City of Poulsbo. Adjacent shoreline properties to the south include Western Washington University’s Sea Discovery Center. Properties to the east consist of Port-owned parking and upland commercial/retail and associated City parking. There are no known negative impacts to adjacent properties and neighborhoods and the Port has generally had very positive feedback for the project following the neighborhood meeting and other public meetings discussing the project.

4 Conclusion

The Port asserts that the proposed marina expansion is in compliance with PMC 16.08.270 based on current understanding and does not necessitate further demand analysis as part of the SSDP review of the expansion component of the project. Furthermore, the proposed new breakwater and associated new moorage are an integral project from the Port’s perspective and constructing the breakwater component without the associated moorage component would not only necessitate a very significant redesign effort, it would also cost the Port approximately \$2.4M in awarded grant funding which requires the transient moorage component of the project in order to receive funds.

Date: July 27, 2020
To: Marla Powers, Associate Planner, City of Poulsbo PED
From: John Piccone, P.E., Soundwest Engineering Assoc.
Carrol Tripp, Port Manager, Port of Poulsbo
Subject: Response to City comments regarding FLUPSY operation

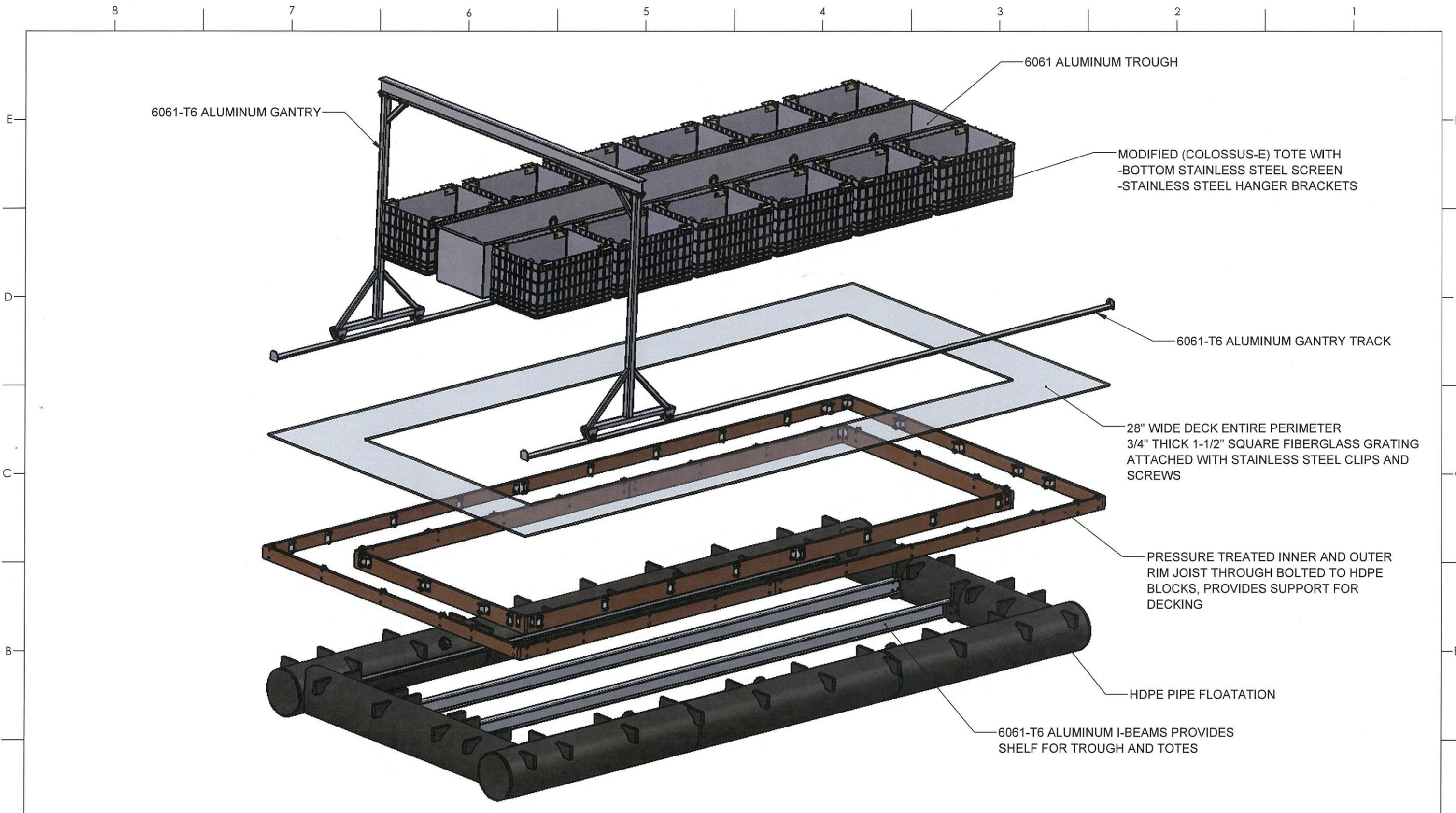
The Suquamish Tribe owns and operates a FLUPSY which they would like to have moored to the new breakwater once complete. See attached FLUPSY drawings for details and see project drawings for moorage location.

There will be no upland storage of materials associated with FLUPSY operation. Any necessary loading or unloading will occur in one of two ways as follows:

1. From or to FLUPSY directly to Suquamish vessel,
2. From or to a Suquamish vehicle parked in Port designated parking near the top of C-dock for relatively smaller items.

The FLUPSY is designed as a small non-motorized vessel and can be moved elsewhere by another small motor vessel when significant maintenance or loading/unloading operations are necessary.

The Port will reserve one Port designated parking stall near the C-dock gangway for FLUPSY related Suquamish use. The same parking stall may be used for other designated Port patrons when not in use by the Tribe. Parking of oversized vehicles which could potentially impede traffic flow in this area will not be permitted. FLUPSY operations and maintenance are anticipated to generate one vehicle trip per day.



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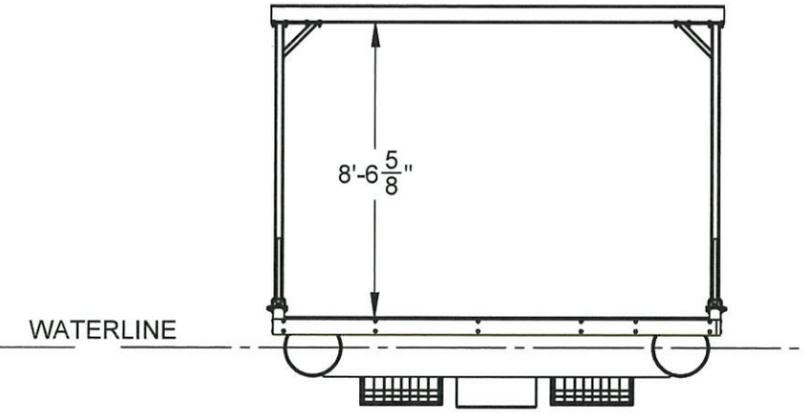
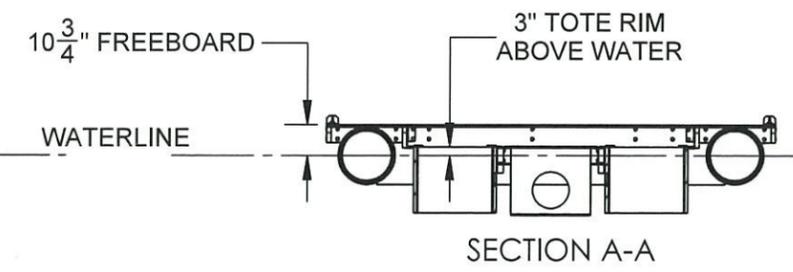
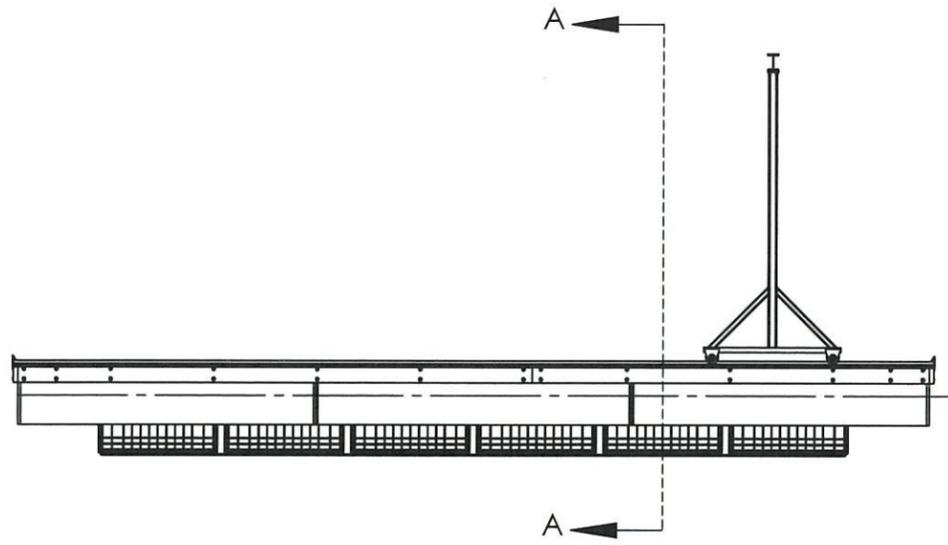
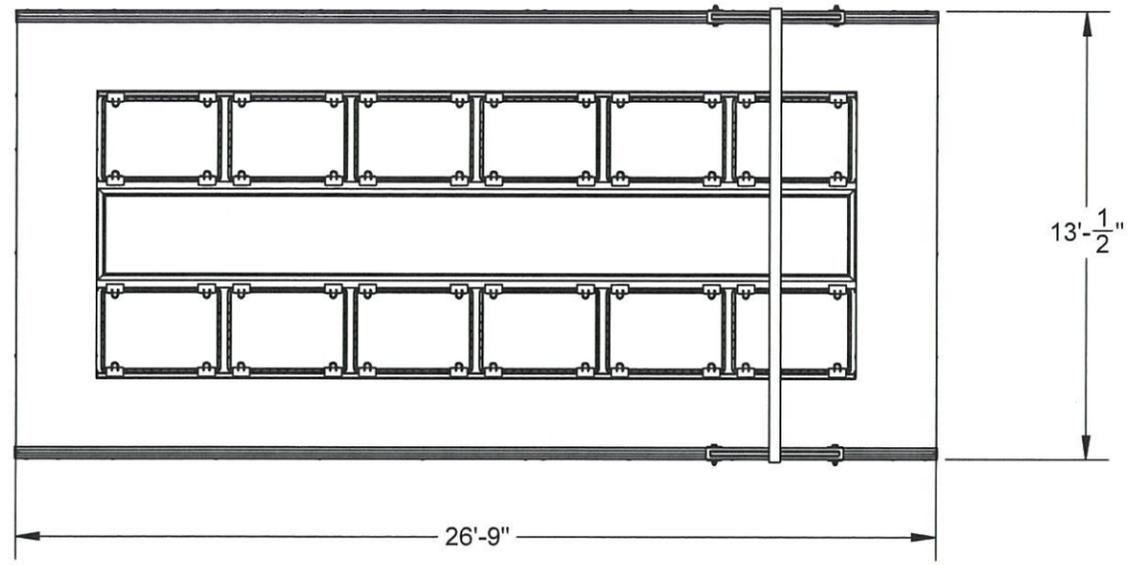

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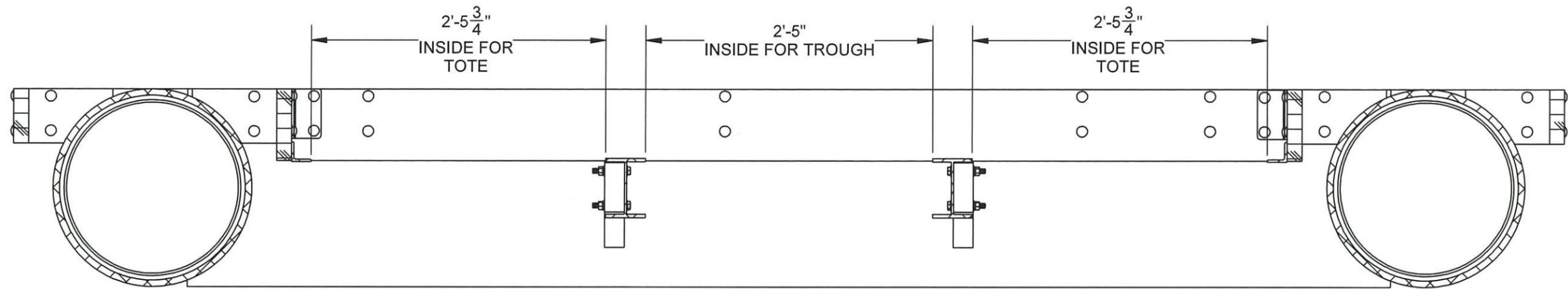
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SECTION B-B

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FLUPSY SHELLFISH BARGE

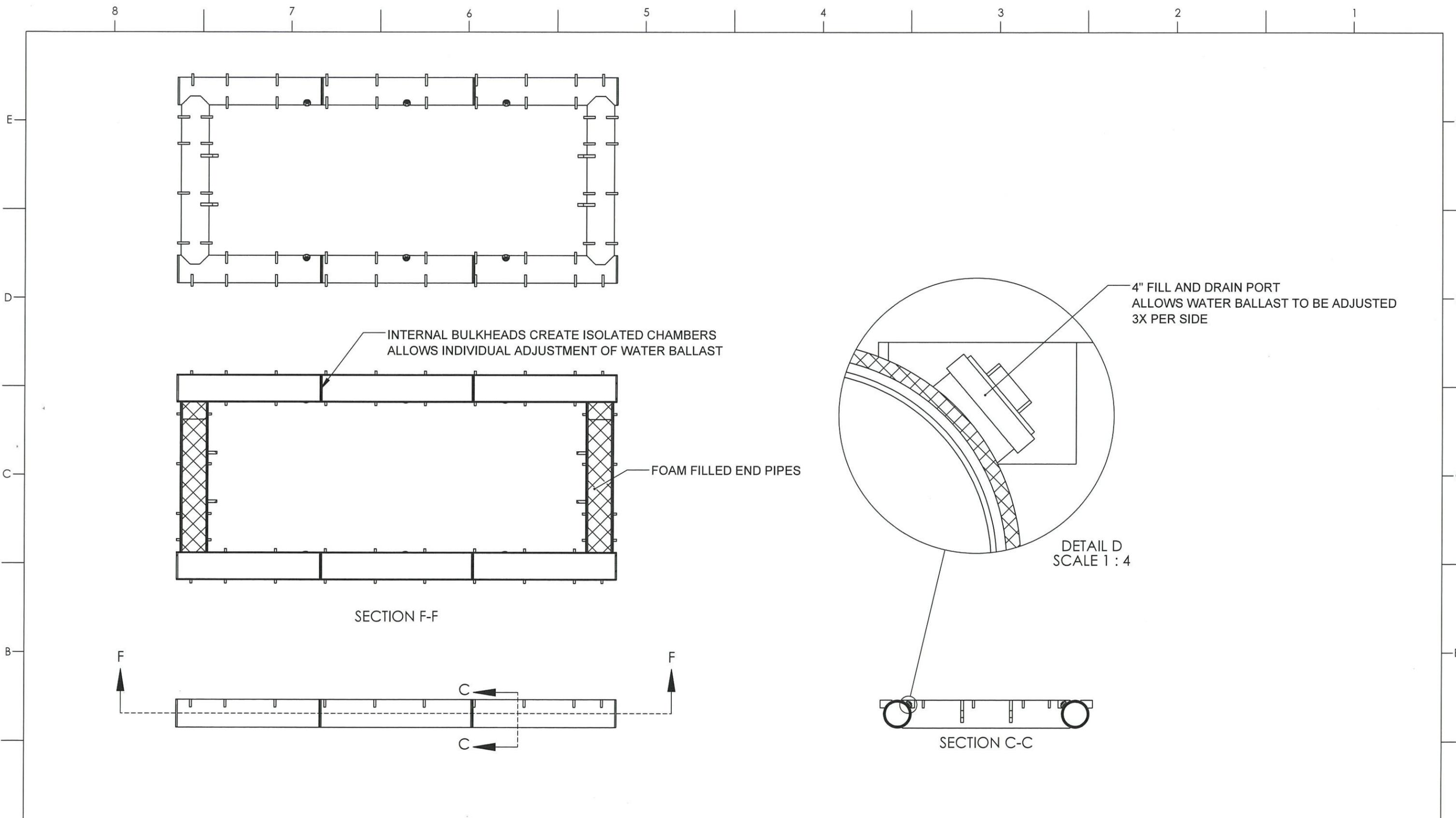
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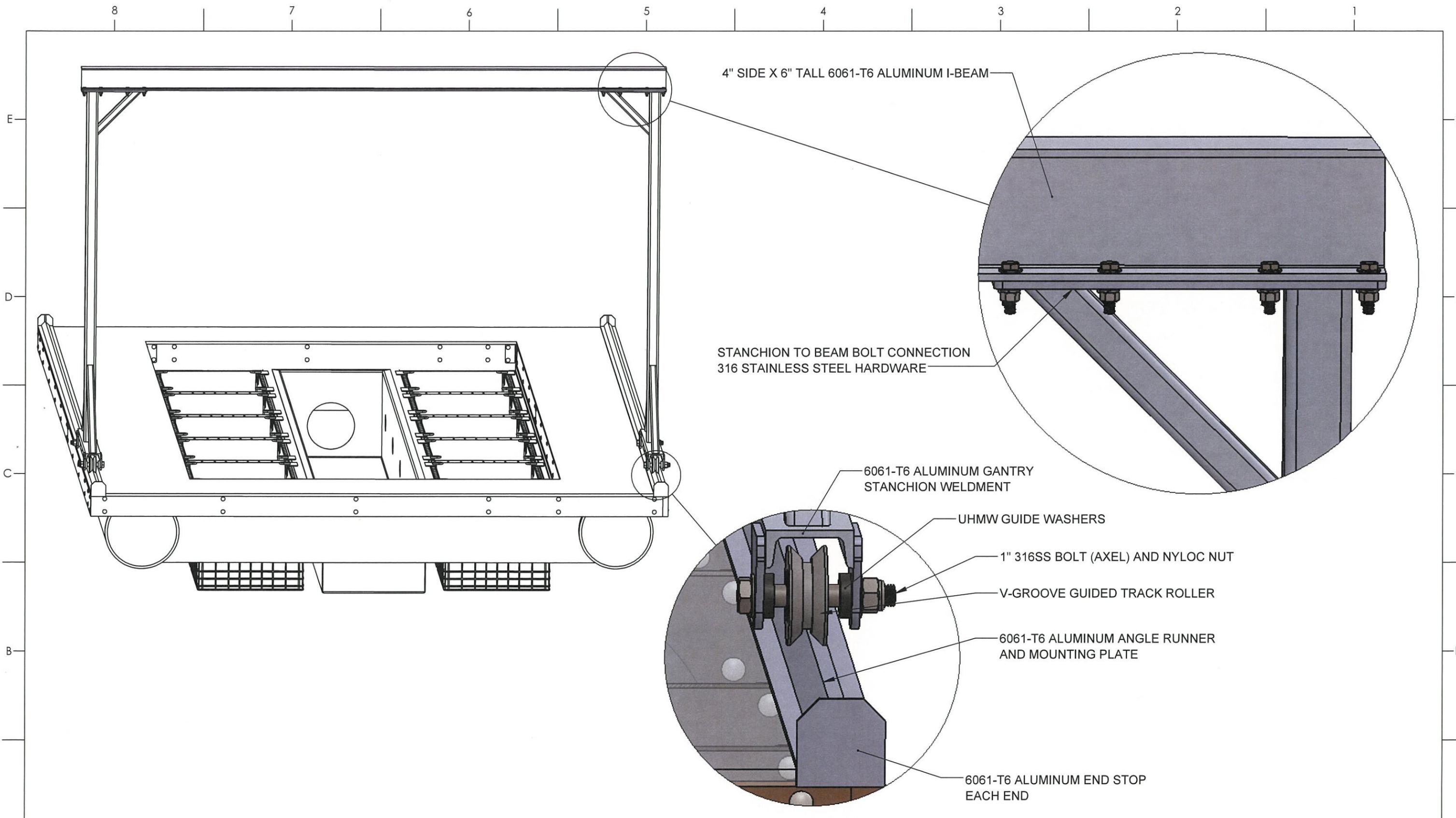
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FLUPSY SHELLFISH BARGE			
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4" SIDE X 6" TALL 6061-T6 ALUMINUM I-BEAM

STANCHION TO BEAM BOLT CONNECTION
316 STAINLESS STEEL HARDWARE

6061-T6 ALUMINUM GANTRY
STANCHION WELDMENT

UHMW GUIDE WASHERS

1" 316SS BOLT (AXEL) AND NYLOC NUT

V-GROOVE GUIDED TRACK ROLLER

6061-T6 ALUMINUM ANGLE RUNNER
AND MOUNTING PLATE

6061-T6 ALUMINUM END STOP
EACH END

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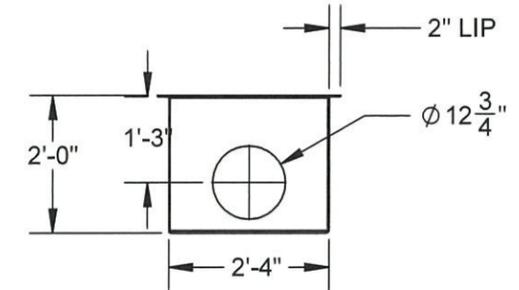
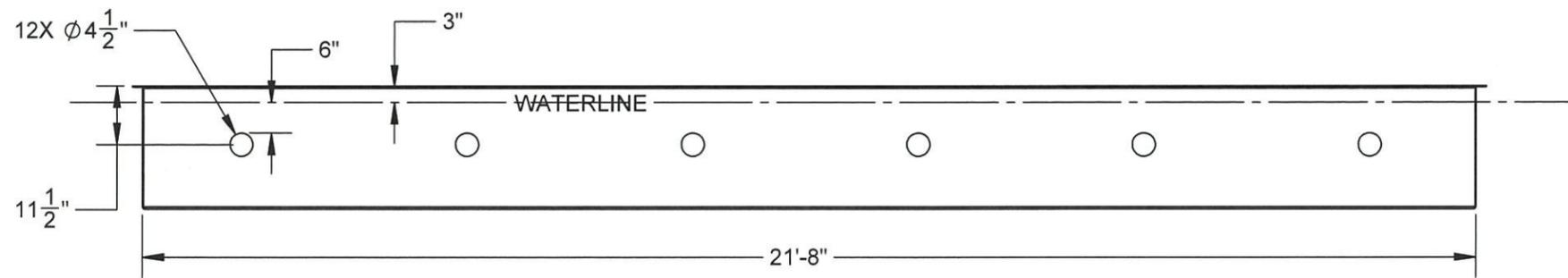
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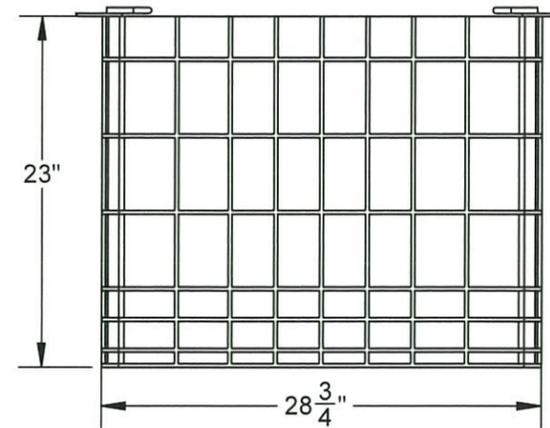
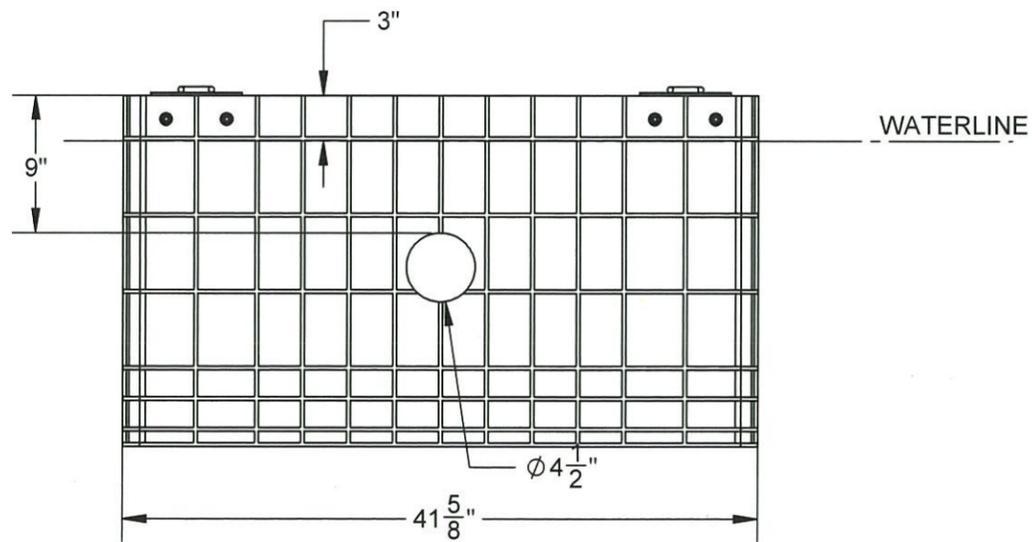
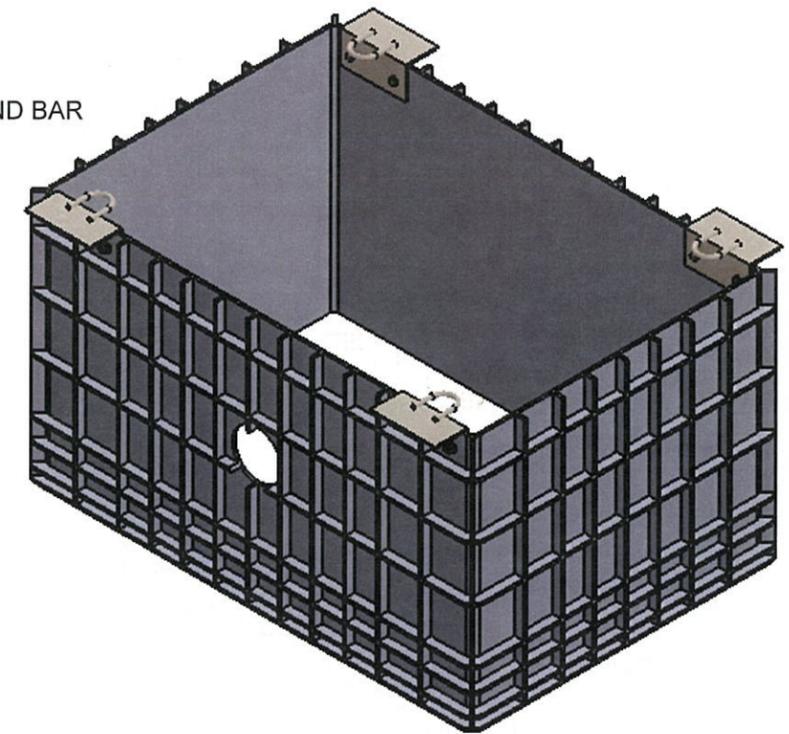
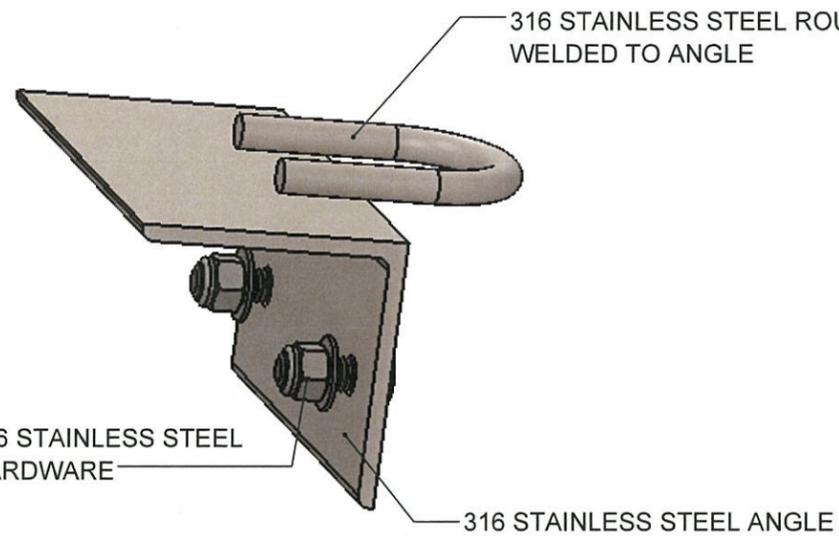
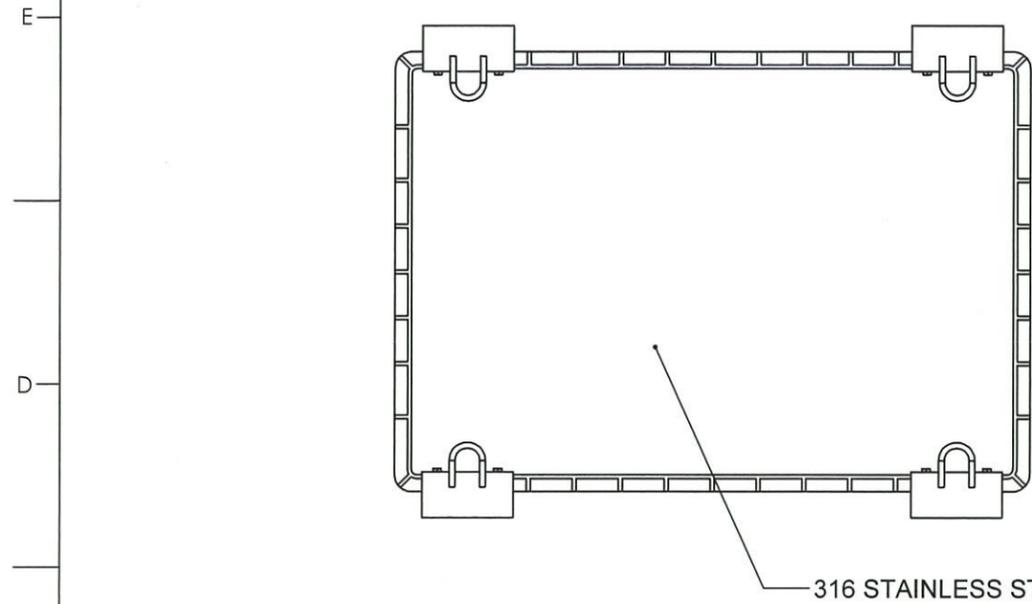
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FLUPSY SHELLFISH BARGE

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FLUPSY SHELLFISH BARGE

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SHEET 7 of 7

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Date: July 27, 2020
To: Marla Powers, Associate Planner, City of Poulsbo PED
From: John Piccone, P.E., Soundwest Engineering Assoc.
Carrol Tripp, Port Manager, Port of Poulsbo
Subject: Response to City comments related to “overall” and “existing” marina demand

With regard to the City’s numerous comments requesting information related to the parking and other demand related items for the marina as a whole, the Port feels these comments may be inappropriate in the context of City permitting review of the planned breakwater replacement project.

The Port understands that questions related to parking, trip generation, loading/unloading, and upland support facility impacts relative to the proposed project may be reasonable requests and that information is provided in the enclosed Marina Expansion Demand Memo and FLUPSY Memo.

Regarding the City’s request for the following items specifically, the Port is requesting a detailed legal justification from the City clarifying why these items are required as a condition of permitting the proposed breakwater replacement project, as was implied in the pre-application summary letter.

- Overall marina trip generation including existing marina,
- Overall marina parking demand including existing marina,
- Loading/unloading zone demand for existing marina,
- Conversion of guest moorage to winter moorage within existing marina,
- Ability of land upland of OHWM to accommodate the existing marina including:
 - Access
 - Vehicle traffic
 - Vehicle and boat trailer parking
 - Restrooms
 - Waste Disposal

Further, the Port would appreciate a short narrative from the City clearly explaining the City’s end goal associated with the requested items above.

These clarifications will assist the Port in properly preparing any required additional documentation regarding the aforementioned overall marina demand information items and, if necessary, the requested concurrency application.

The Port requests that these items be removed from the counter complete check list to allow other project items to move forward in the review process.

Date: July 27, 2020
To: Marla Powers, Associate Planner, Poulsbo PED
From: John Piccone, P.E., Soundwest Engineering Assoc.
Carol Tripp, Manager, Port of Poulsbo
Subject: Port response to request for “Water Quality Plan”

Regarding your request for “Water Quality Plan” in the project counter complete checklist; we believe this may not be a necessary or required separate pre-construction review document for the subject project.

The project Mitigation Plan (section 3.3, 4.2, and associated references) addresses water quality impacts and mitigation measures. Additionally, the project BE also addresses construction related turbidity and water quality impacts (section 5) and associated BMP’s (section 7).

All Federal and State water quality standards will be strictly adhered to and made a contractual responsibility of the construction contractor performing the work.

The Port requests that the City remove the item “water quality plan” as a counter complete requirement for this project, rely on the USACE and DOE regarding section 401 review of project water quality components discussed in the aforementioned reports, and condition shoreline permitting to meet PMC 16.08.150 and 16.08.160 by providing a copy of the 401 water quality certification prior to any onsite project construction activities.

Date: July 27, 2020
To: Marla Powers, Associate Planner, Poulsbo PED
From: John Piccone, P.E., Soundwest Engineering Assoc.
Carol Tripp, Manager, Port of Poulsbo
Subject: Port response to request for “Sediment Chemistry”

Regarding your request for “sediment chemistry” in the project counter complete checklist; we believe this may not be a necessary or required review document for the subject project.

The project drawings, BE, and mitigation plan make clear that no dredging is proposed as a component of the proposed project. Further, these documents describe the conditions that will be placed on the construction contractor relative to structure excavation and debris removal in the immediate vicinity of the proposed demolition, including disposal of materials at an approved upland facility.

The Port proposes that a pre-construction sediment chemistry analysis shall be completed if required by the USACE as a result of their independent review of this project as they will likely be the final authority on the need. Additionally, if a pre-construction sediment analysis is required by DNR, DOE, or WDFW during the course of their independent review of the project, the Port would also be agreeable to preparing the necessary documents. Further, if a sediment chemistry analysis is required by one of these agencies, it is expected that they will provide detail regarding the specific type of concern, type and frequency of testing, etc. that would be necessary for the Port to implement such a study prior to submitting it to them.

The Port requests that the City remove the item “sediment chemistry” as a counter complete requirement for this project and rely on the sole judgement of the state and federal agencies mentioned above to determine specific needs, if necessary, regarding sediment chemistry.

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To: Marla Powers, Associate Planner, City of Poulsbo PED
From: John Piccone, P.E., Soundwest Engineering Assoc.
Carrol Tripp, Port Manager, Port of Poulsbo
Subject: Response to City comments regarding potable water and fire suppression system

It is anticipated that all construction work associated with potable water supply will be confined to the marina docks. Changes to the meter size or alterations to the publicly owned portion of the domestic water and fire service are not anticipated for the proposed project. If a larger meter is determined necessary following final design of the dock water system, the Port will make a separate request to upsize the current meter. A schematic of the proposed potable water system is provided in the Project Drawings. The proposed work will connect to the existing 1.5" diameter commercial potable water pipe as indicated. A total of (38) 3/4" double head spigots will be installed along the floating breakwater.

A schematic of the existing fire suppression system is also provided in the Project Drawings. The work will connect to the existing 3" diameter fire pipe at the AA-Dock connector as indicated. Final design will meet NFPA Standard 303, NFPA code Standard 14 and IFC Chapter 36, 2018 Edition. Standpipes will be located so as not to exceed 150-ft. Access gates are indicated in the Project Drawings. The Port intends to work with the fire department to conduct a hydrostatic test of the current system at the connection point to determine if sufficient fire supply can be achieved based on the schematic plan provided prior to submitting final design plans for building department and fire department review.

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To: Marla Powers, Associate Planner, City of Poulsbo PED
From: John Piccone, P.E., Soundwest Engineering Assoc.
Carrol Tripp, Port Manager, Port of Poulsbo
Subject: Response to request for Compliance with PMC 16.08.340, 16.08.350, and 16.08.370

Based on the Port's understanding, the proposed project appears to comply with PMC 16.08.340, 16.08.350, and 16.08.370. See Project Drawings for additional details.

Lighting will be provided on Dock AAA and the main access walkway from AA dock. Also, three aids to navigation lights are currently active on the existing breakwater. These lights will be replaced in-kind at each end and at the apex of Dock AAA. The north ATON light color is red; the other two are amber. All three ATON lights are solar powered and will be verified prior to final design for compliance with current Coast Guard standards. Coordination with the USCG will also occur when relocating these lights so that notice to mariners can be given promptly and navigation charts can be updated. Coordination of ATON lighting with USCG is anticipated to occur during the breakwater final design stage. In addition to PMC the following will govern the final lighting design:

- National Electrical Safety Code ANSI C2
- National Electrical Code (NEC) NFPA 70 (2020) as adopted and amended by the State of Washington (WAC 2996-46B)
- Lighting will be limited to the breakwater floats and associated new floats. General illumination levels provided will be based on IES recommendations and distributed via energy efficient LED fixtures. Astrological time-clock systems and photocells will control the periods of operation. Lighting will be designed using full cut-off type luminaires oriented to avoid excessive illumination of the surface of the water, and fully dark-sky compliant. Stepped (dimming) drivers will be provided so that the output of the luminaires may be field adjusted individually, from 0 to 100%, in 10% increments. Luminaires will be post mounted on approximately 10-12 foot poles.

Date: July 27, 2020
To: Marla Powers, Associate Planner, City of Poulsbo PED
From: John Piccone, P.E., Soundwest Engineering Assoc.
Carrol Tripp, Port Manager, Port of Poulsbo
Subject: Response to City comments regarding landward construction period impacts

A detailed upland construction impact mitigation plan cannot be prepared until the project is awarded to a construction contractor. The following preliminary details are provided as the anticipated criteria from which the bid documents, and associated construction requirements, will be developed.

It is important that the City understand that this proposed project is likely very different than other past projects of this magnitude in the City; primarily because it occurs almost entirely offshore. The contractor will be an experienced marine contractor and the vast majority of construction staging will occur on construction barges and support vessels. Likewise, the majority of materials delivery will occur by barge or vessel, especially larger material items. Furthermore, although the City commented that this project will occur during the peak tourist season, that is not necessarily the case and indeterminable at this time. Additionally:

- Any necessary upland construction staging, construction worker parking, and material delivery drops will be confined to Port property limits upland of C & D dock (parcel 232601-2-246-2008). Normal traffic flow in this area is not likely to be impeded at any time except for momentary vehicular maneuvering (similar to a garbage truck emptying the dumpsters for example).
- In the event a short-term closure of the one-way traffic through parcel 232601-2-246-2008 is necessary the contractor will be required to submit a traffic control plan for Port approval. The Port will not approve such plan without review and concurrence from the City.
- Temporary closure of access, or construction alternate routes, by vehicle or pedestrian to any private business is not anticipated. If such closure become necessary, the contractor will be required to submit a plan for Port approval. If said business is normally provided immediate access via City property or ROW, the Port will not approve said plan without review and concurrence from the City.
- Pedestrian and vessel traffic impacts are anticipated to be limited to parcel 232601-2-246-2008 and other areas within the marina, the Port will manage public notice and concerns within these areas.
- Vibration and noise impacts during construction will be limited to comply with PMC. Keep in mind that the vast majority of noise will occur a significant distance offshore, see project BE and Mitigation plan for further descriptions related to construction noise.
- See project drawings for temporary wave protection during construction.
- Temporary upland structures associated with construction of the project are not anticipated.