

FRIDAY HARBOR PORT DISTRICT
Port Commission Meeting
Wednesday February 24, 2021 at 12 pm
Minutes

The public was prohibited from attending in person due to COVID-19 restrictions but could dial into the meeting via Zoom. Comments can be e-mailed to the Port or addressed to the commission during the public comment section.

Commissioner present on-line:

Graham Black, Commissioner
Greg Hertel, Commissioner
Barbara Marrett, Commissioner

Staff Present oh-line:

Todd Nicholson, Executive Director
Tami Hays, Harbormaster
Phyllis Johnson, Auditor
Randy Everitt, Executive Secretary

Citizen comments/requests: Citizens can make a brief comment or may ask the Commission to schedule a topic for further discussion at a future meeting. None

Discussion Items:

A. Jensen's Marina update:

a. The Executive Director provided an overview of the Jensen marina boathouse collapse response:

Sunday 2/14, Port staff respond to calls that the outer Jensen's covered moorage structure had collapsed.

Sunday 2/14, Port staff put up orange cones and caution tape on the pier to prohibit access to the marina that day.

Sunday 2/14, Vessel Assist/Boat US and IOSA responded to the site for initial assessment and protection.

Sunday 2/14, Port staff called vessel owners who are moored under collapsed roof to alert them of the situation.

Tuesday 2/16, Port staff called on local Vessel Assist/Boat US to start moving vessels out of the Jensen marina that are in the first covered moorage structure and began giving rides to individuals who have vessels outside of covered moorage to move their own vessels into Shipyard Cove or the Main marina.

Tuesday 2/16, Port insurance engaged.

Friday 2/19, Once Port insurance had been contacted, emergency permits have been applied for, inspections scheduled, customers under collapsed structure are emailed claims forms and information to date on removing the collapsed roofs.

Monday 2/22, Emergency demolition and boat recovery permits acquired.

Emergency contract in place with Carlson Construction for demolition and boat recovery.

Initial Port Insurance adjuster and structural engineer site visit complete.

Tuesday 2/23, Carlson Construction begins mobilization.

Wednesday 2/24, Carlson Construction begins roof removal and boat recovery

b. The Executive Director provided an overview of moorage:

Tuesday 2/16, Port Insurance suggests turning off moorage charges for customers under collapsed roof and issuing credits from Sunday 2/14.

All other customer impacted vessels have moorage in other Port facilities.

For vessels under collapsed structure: Recommend that moorage fees not be assessed for the period of time between the collapse and the boats' repair and return to Port moorage.

For vessels relocated from Jensen's Marina: Recommend offering moorage at the lessor of the previous Jensen Moorage rate or the rate where they are now located.

Other considerations:

The rebuilt facility will likely have some minor differences in the number and size of slips. During the emergency reconstruction it is highly unlikely that the Port will have permits that allow the replacement of any covered moorage.

Recommend that all displaced Jensen customers supersede all existing waiting and transfer lists for Shipyard Cove, until Jensen Marina can be reoccupied.

Recommend that if the Port is able and willing to reestablish some form of covered moorage, whether Port owned or privately owned, that displaced covered moorage tenants receive first opportunity to occupy any replacement covered moorage.

The Commission Chair: opened the meeting at this time to the public for questions.

Norris Palmer: Asked what the Port's deductible is? The Executive Director stated that he did not know what the exact amount was, but it would be relatively small compared to the reimbursed amounts. Palmer also asked how many boats were damaged? The Executive Director responded that there were eight boats that could have sustained damage. Palmer asked when the customers could expect reimbursement from the insurance? The Executive Director said that after the boats were recovered and put in a safe place then the boat owners should work through their insurance companies who will circle back through the Ports insurance carrier.

Rock Sorenson: Asked if the Port felt that it was appropriate for the claimants to file with their insurance company and to establish a claim number? The Executive Director said that he did not see a down-side to filing insurance claims at this time.

Don Eaton: asked if under the application for emergency rebuild is covered moorage included as part of the rebuild plan? The Executive Director said that under

the emergency authorization we are only able to do certain things and we are limited to what we can do.

The Executive Director: said that under the Emergency Authorization we are only able to pull the damaged and collapsed roof structure down and remove the floats and docks that are damaged. What we cannot do immediately but are seeking authorization to do is replace pilings to get access to the structure and put the walkways and fingers back in place that are either damaged or had to be removed. Replacement of the boathouse under the Army Corps of Engineers guidelines would require a standard permitting process and would not fall under the emergency permits.

Sally Hawkins: asked if there had been an application submitted for a permit that would allow Shipyard Cove to also become a boatyard so that repairs could take place there. The Executive Director said that Shipyard Cove does not have a boatyard permit and it is not anticipated that there will be one in the future. Shipyard Cove does have a self-work area so any boat work that is outside must be at Jensen's.

The Executive Director: said he would follow the direction of the Commission if they wished to pursue a boatyard permit for Shipyard Cove. He said however, that the permitting process is lengthy and if approved would not be in time to help with the current repair requirements from the boatyard collapse.

Dan Lowe: asked if during the rebuild of the marina could the Port configure the walkways and slips to accept a new boathouse design. The Executive Director said all the slips and walkways are configured to allow for a boathouse if the collapsed boathouses are replaced.

Laura Dhatt: asked what are the designated "safe locations" where the boats will be taken after they are removed from the wreckage? The Executive Director said that the only covered structure that the Port has access to is an 80' boathouse and beyond that is the 3 bay self-work area. The yard trailer would have to be coordinated with MICO in order to bring the boats from Jensen's out of the water.

Ms. Dodd: asked if the Port was going to have the boats hauled out at Jensen's and tarped to protect them from the weather and any further damage? The Executive Director said that he encouraged boat owners to work with their insurance providers, but the Port would not be involved in conducting haul-outs or tarping boat that were damaged.

David French: said he sympathized with the boat owners and wanted to know how many wooden boats were affected by the collapse? Commissioner Hertel said he believed between 12 and 16 were displaced by the collapse.

Don Eaton: had a follow up question for the Port commission. He asked if the Port Commission was committed to rebuilding the boathouses. Mr. Easton said that when the Port Commission began negotiating for the purchase of Jensen's they stated that would honor the character of Jensen's and gave the tenant's the right to build the boat houses themselves. He further stated that the loss of covered moorage would be more easily replaced if the Port Commission supported the rebuild from the very beginning as it applied for the necessary permits. Mr. Eaton asked if the Port would

commit to rebuilding the Jensen's boathouses during this meeting?

Commissioner Black: committed to having a public meeting where the sole subject would be the Jensen's covered moorage. He said the Commission would not commit to rebuilding covered moorage until all the facts and all the equations are known.

Don Eaton: asked Commissioner Black why he could not commit to trying to rebuild? Commissioner Black said that he would not comment further until all the information was available and then it would be discussed at the public meeting.

The Executive Director: said the permitting process included the statement that the Port would reserve the right to replace the covered moorage. He further said that the decision to rebuild or not is held solely by the Commission. He said the earliest to get feedback from the county is two weeks away and would more likely be a month. Staff would be working to find out what is legally permissible and what the costs would be from a mitigation, construction, and liability perspective. He said it is extremely important to have all the data points in place to have an informed discussion.

Rhanji Dhatt: said that in a previous meeting in 2018 The Port had identified structural concerns with the boathouses. Mr. Dhatt said that if we knew about those structural concerns then, what has been done to mitigate those issues since then?

The Executive Director responded to Mr. Dhatt and said, it was not the boathouse, it was the entire marina structure that had suffered significant deferred maintenance. What we did initially was address the main walkways and the pilings for the travel lift. This year we began the permitting process to address the boathouses and docks, but unfortunately due to the snowstorm we were unable to get the design and conduct the maintenance of the boathouses that was scheduled for this year. The most dangerous and urgent things were addressed first. Mr. Dhatt said he thought the Port had done a disservice to the community by not addressing the maintenance issues and that we should step up and take care of the wooden boats that were housed there.

Eric Eisenhardt: stated that he also believed the Port has an obligation to continue with the maritime heritage at Jensen's.

c. Considerations/Recommendations at Jensen's Marina:

The Executive Director: said that the boats currently under the collapses roof would be moved to safety and that moorage fees would stop for those customers impacted by the collapse. The Ports recommendation to the Commission is to not charge moorage until the boats are repaired that were trapped under the roof and damaged. The boats that were not trapped but displaced from Jensen's to the main marina will pay the lesser of the two moorage rates. The Executive Director said that later on there will be some adjustments of moorage location but in general those changes will be minor.

The Executive Director: said that the boats that had moorage at the marina but were not on site at the time of the collapse should not be charged moorage until Jensen's was reconstituted but could be charged if they desired moorage in another location and would be treated the same as the other displayed boats from

Jensen's.

The Port Commission: decided to move without objection in this emergency to authorize the Executive Director to proceed with the moorage billing plan as outlined above.

Commissioner Marrett: asked if a boat is damaged will insurance pay the Port for moorage fees until the marina is repaired? The Executive Director said that the Port's intent was for the tenant to not be charged and that the Port's insurance may reimburse the Port, but that outcome is unknown at this time.

Don Eaton: asked if the 80' covered slip would be made available for the wooden boats impacted at Jensen's.

The Executive Director: stated that there are several factors to consider regarding the use of the 80' boatshed. Currently it is rented to someone else. It was scheduled for long term use as a floating lab in association with the Marine Trade Center. It is possible to relocate some of the fiberglass boats in that are in rented but currently not occupied structure. The Port owns the 80' boathouse and intends to maintain it and retains the right with its month-to-month moorage holders to move individual moorage customers for the good of the marina with proper notice.

Commissioner Hertel: asked about the availability of the 50' boathouse at the end of the first row of boathouses at Jensen's.

The Executive Director: said that the 50' stand alone boathouse is slated for demolition in the first emergency response and would require substantial repairs to render it useable for the long term.

Commissioner Black: asked if the Port would contact the tenant in the 80' boathouse and determine if they would be willing to move to accommodate the wooden boats displaced by the collapse?

The Executive Director said that he would reach out to the tenant of the 80' boathouse and see if they would move for the good of the wooden boat owners.

Don Eaton: provided contact information on the 80' boat house tenant and asked that the Port contact him to determine if that boathouse could be made available. He also asked that Port staff do everything they can to maintain the 50' boathouse for the storage of the wooden boats.

Commissioner Hertel: concurred with Mr. Eaton's recommendations.

Commissioner Black: recommended that Carlson Construction evaluate the 50' boathouse structure and determine if it is advisable to maintain it and also recommended we use it for as long as possible.

The Executive Director: stated that Port maintenance crews could do some work to strengthen the boathouse as its uses were more flexible and could be

used on a temporary basis.

Jason Knott: recommended the boats could be shrink-wrapped after removal from the collapsed boathouse.

Commissioner Marrett: recommended that the Boat owners form a group to discuss alternative measures that they could collectively pursue.

Rock Sorenson: asked if we knew who would be moving the boats after the collapsed roof was removed, when would that happen and how would the owners or their representatives be notified in order to be present as the boats are moved.

The Executive Director and the Harbor Master: said that the boats after being freed from the collapsed roof would be moved from Jensen's to the Spring Street Landing for inspection by the owners or their representative. The Executive Director said that Carlson Construction would be starting tomorrow with the removal of the collapsed roof. Vessel Assist would be photographing and moving the boats from the freed slips and transporting them to the Spring Street Landing. At that time, the vessel owner could board their boat and begin their inspection.

The Executive Director: said that every effort would be made to contact the owners prior to moving them, however, if a boat owner could not be contacted in a reasonable amount of time then the Port would cause the boat to be moved in order to free the other boats still in place.

d. Status of Carlson Construction work:

The Executive Director said that Carlson Construction was in route to Jensen's at this time. The Executive Director will meet with Carlson's when they arrive to determine the best course of action for the removal of the debris. There are also eel grass considerations, where to anchor the barge, and the best approaches to the collapsed structure without violating the emergency permits.

The Executive Director said that by the end of tomorrow he would have a better idea of how things were progressing.

Unidentified Caller: asked how the boats being recovered would be assessed prior to be moved into deeper water on the way to the Spring Street Landing. His concern was that there could be structural damage which could cause the boat to sink in-route in an area where recovery would be more difficult.

The Harbor Master: said that Vessel Assist will determine if the boats are seaworthy enough to be towed. Also, owners will not be allowed on the boat when they are being towed but can meet their boat at the Spring Street Landing when it arrives. The owners, and insurance agents, can then come and assess their boats. Some owners have already indicated that they will move their boats to Anacortes for further evaluation and repair.

The Harbor Master: said if owners decided that they did not need to be hauled out then they would be offered slips in the main marina.

e. Status of Ellisport Engineering work:

The Executive Director said that a preliminary assessment of the collapse by a structural engineer hired by Endurance Insurance has determined that the collapsed as well as the standing boathouse are unsafe for occupancy under any conditions and needed to be demolished. Ellisport Engineering will be on site this Friday to determine the condition of the pilings, walkways, and fingers. They will be assisting in providing information to the Army Corps of Engineers so the Port can get the replacement pilings.

Commissioner Black: asked about the status of the permits.

The Executive Director: said that the status of the emergency permits includes the demolition and recovery clearance from San Juan County, Washington Fish and Wildlife, DNR, and the Army Corps of Engineers. The Department of Ecology has been placed on notice, and the Port has a clear path to recover the boats and demolish the boathouse. Sometime next week the Port will receive information from the Corps of Engineers on whether the Port can proceed to remove the pilings, and float finger replacement, or demobilize the contractor and address the follow-on piling replacement and recovery of the facility on a standard permitting process. That process will have a significant impact on the reoccupation of the facility.

f. Status of emergency permitting and the preliminary plan of reconstruction pending permits:

The Executive Director said that in the most expeditious manner the Port will recover the boats demolish the boathouse, reestablish the walkways and fingers in a way that that does not preclude the reestablishment of covered moorage. He said there is a tremendous amount of uncertainty in the timing of the regulatory authority to move through the process at this point.

Action Items:

- A. The Commission considered ratifying an emergency contract approval with John Carlson Construction; Phase 1 and Options. The Executive Director said that the option would not be executed until regulatory approval is received. The Commission Voted 3-0 to approve the emergency contract.
- B. The Commission will consider ratifying an emergency Contract with Ellisport Engineering (Structural – piling and replacement floats). The Executive Director said that this contract is incomplete, and staff will continue to work with the contractor to determine the scope of the project. The Executive Director asked to postpone approval of Action Item B. The Commission approved the postponement.

Regular Business:

- A. The Commission approved Minutes from February 10, 2021 with a 3-0 vote.
- B. The Commission approved the payroll and vouchers #01606 to # 01628 for \$18,318.16 with a 3-0 vote.

Staff Reports: None

Port Commissioner and Committee Reports: None

Citizen comments/requests: Citizens can make a brief comment or may ask the Commission to schedule a topic for further discussion at a future meeting.

Commissioner Hertel asked to be put on record stating that he has a covered slip at Jensen's and has had one there prior to the Port purchasing Jensen's.

Commissioner Marrett commented that this has been a very emotional time for the boat owner and apologized for that. She stated that staff have been working very hard since the collapse to protect the boats.

Commissioner Black opened the meeting to public comment:

Bob Clos: asked if the Port would release a list of the boat owners with all their contact information.

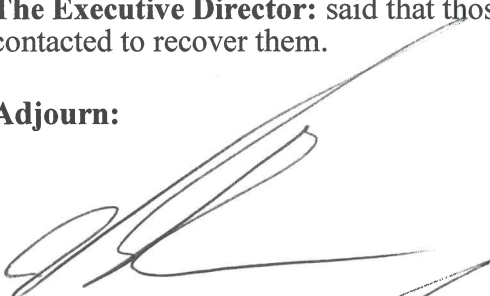
The Executive Director: said that generally Washington State did not approve of sharing that type of information and it is generally not legally permissible. He further said that the Port could ask individual boat owner for permission to release that information and agreed to do so.

Sally Hawkins: said that the Port could e-mail all the owners and assist in the coordination of an on-line conversation.

Unidentified Caller: asked about the personal effects that Port staff was clearing out of the boathouse and how they were going to get those items back to the proper owners?

The Executive Director: said that those items were tagged, and the owners were being contacted to recover them.

Adjourn:



Graham Black, Commissioner
For



Barbara Marrett, Commissioner
For



Greg Hertel, Commissioner
For