

BIRCH BAY VILLAGE COMMUNITY CLUB
MARINA COMMITTEE MEETING
July 11th, 2023
ZOOM / Hybrid at Marina Meeting Room
2:00 PM

Meeting ID: 88586569122 Password: 8055
Phone In call only: 1-253-215-8782

MINUTES

Marina Committee Members

Rick Whitaker (Chair)	Ken Davidson	✓ Kevin Anthony (Scribe)*
✓ David Luton	Llew Johnson	✓ Rob Booth
John Stone		✓ = In Attendance

BBVCC Officers and Staff Present

✓ Dave Owen	✓ Patrick Heaviside	✓ Randy Ambuehl
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*Note Kevin A. led the meeting in Rick W's absence.

APPROVAL OF AGENDA July 11th, 2023 – Approved
APPROVAL OF MINUTES June 13th, 2023 - Approved

AUDIENCE PRESENTATIONS

No Audience Presentations

OLD BUSINESS

1. Marina Work Orders (Patrick)

- Update on the Marina Work Order List: Completed and Open Items
 - New signage at Launch Ramp complete.
 - Removal of driftwood (ongoing).
 - Randy A. noticed that a spacer block is cracking at the top of the gangway to B dock. Patrick will discuss with Maintenance.

2. Fuel Dock Subcommittee

- Instructions for Prime Security w.r.t. marina emergencies or non-emergencies to communicate with **the appropriate responders** (even though they will not be making patrols)?

Patrick: A list of emergency contacts has been posted in the Guard Shack at the Main Gate.

- **Fuel Dock Replacement (Patrick, Rob) Update**

- Existing fuel dispenser/card reader: Status of clean/paint work?
Patrick: Working with Bobby in Maintenance to schedule cleaning and painting the card reader.
The card reader continues to function properly. A recent batch of new cards was improperly coded by the vendor. The problem is in the process of being corrected.
- Security camera at fuel dock/dispenser? Lower cost options: (Rob?)
No update.

Budgeting: Per Dave Owen, Funds are planned to be available in the 2027 budget for potential Fuel dock, Storage Tank, Fuel Dispenser replacement. It was noted that before this work can proceed, bank erosion in this area needs to be addressed. This will most likely require an engineering study to consider potential solutions, and identify any permitting which may be required. It was suggested a soil study be done for potential toxic contamination.

- **Fuel Tank Replacement (Patrick) Update**

- Exploring options to replace the underground gas tank with similar or above ground type.
No update.
- Insurance liability for leakage?
Patrick: Policy states that we carry \$1 million of liability coverage, but policy still needs to be thoroughly reviewed for coverages and exceptions.
- BOD aware of risk of failure/cost options for replacement?
Dave Owen: Yes.

3. Remaining A, C, D Docks Replacement: UPDATE

- Status on BMI contract, and field work at Lynden site, in complete engineering submittals (see Minutes, April, May and June).
Randy A: Wood frame sub-assemblies and floats are arriving at BMI's Lynden facility. Some timbers used in these assemblies have been identified to be of sub-standard quality and should be fixed. The facility in North Carolina which produces the sub-assemblies has been notified of the issue.

Engineering submittals for the electrical and plumbing components have still not been provided, but in Randy's opinion, this should not be of great concern at this point.

A change order will be needed to furnish and install corner rollers on the finger ends, which was not in the original contract (104 each). Cost is estimated to be \$15,000 for the rollers, and Randy feels BMI will install at no additional charge. There is a potential lead time of around 6 months for the solid style rollers, which are preferred.

- Status of Permits (Anchor QEA)

- See Attachment A “Update from Anchor QEA to Rick Tanner”

- It is expected that any delays in obtaining permits should not extend past the end of October. BMI is flexible with moderate scheduling changes.

- It was noted that construction through the winter months, if necessary, should not significantly affect progress on the project.

4. Dock Access ramps for B/C/D docks. (Patrick) UPDATE

- Schedule and estimate for project.

- It is expected that there are sufficient funds in this year’s budget to proceed with fabrication and installation of new aluminum access ramps. It would make sense for BMI to add installation to their scope and have the work done concurrently with the dock replacement. BMI is agreeable to doing this, and it would just be a matter of adding a change order.

- Randy A. will work on securing a quote for installation.

- Fabrication lead time is not expected to be a problem.

- Status for permits?

- Whatcom County building permit application was submitted on June 15. This is the last permit needed.

5. Dredging: (Sub-committee: Ken D, Rick Whitaker)

- Progress on permit changes by Anchor QEA?

- Patrick has sent an inquiry for an update.

6. Marina Rules and Regs: (Llew Johnson) Progress on re-write:

- Re-write, defining applicability of R&R’s to Community Docks and Private Docks and removing ambiguity.

- Proposed rule change to free moorage space where boats remain inactive for years.

- Moorage policy revision addressing subletting slips of annual moorage clients for daily/weekly/monthly members? Incentives? 80%/20% or ?? (Patrick?)

- Dave Owen: The BOD will not have time to address Marina Rules re-write until sometime after next year’s budget is complete.

The Marina Rules Sub-Committee will continue to review and fine tune the rules revisions, making the revisions as complete and easy to understand as possible.

Patrick would like to put a priority on correcting administrative conflicts in the existing rules, and some enforcement procedures where marina users are given unnecessarily long grace periods to correct marina violations. Dave Owen feels the BOD would have the ability to address these issues in a timely manner and recommends that Patrick and Rick T. put together a list of critical issues that should be addressed.

NEW BUSINESS:

Patrick: Would like to consider a way to keep weeds growing around boats & trailers in the dry storage stalls. Paving was one suggestion but would likely be cost prohibitive. Application of a weed killer may be an option.

Meeting adjourned: 3:00 PM

Next meeting: August 8th, 2023

Attachment A: Update on permits from Anchor QEA to Rick Tanner.

Update of activities and issues for BBVCC dock float permitting.

We're working now to finalize three (3) permitting submittals for dock float replacement and are planning to send you the 3 sets of applications later this week for BBVCC review and signature as follows:

- Army Corps Permit (Rivers and Harbors Act, Section 10 Permit)
- WA Dept. of Fish and Wildlife Hydraulic Project Approval (HPA) Modification Request
- Whatcom County Building Permits

Some notes regarding these submittals:

- We anticipate that the Corps will issue coverage for the project under a Nationwide Permit (NWP), either *NWP 2 - Structures in Artificial Canals* or *NWP 3 – Maintenance*. For either of the NWPs, Ecology Coastal Zone Management Concurrence and Section 401 Water Quality Certification is typically included programmatically as part of the Corps permit and a separate application to Ecology is not required.
- I spoke with WDFW on June 22 and they have agreed to add dock float replacement for Docks A, C, and D to the existing HPA No. 2021-4-86+01 issued in 2021 for Dock B float replacement. This will provide for an expedited submittal and review process to obtain HPA coverage.
- The initial submittal to Whatcom County will be for a building permit application pre-screen review for all dock floats for the county to identify/confirm submittal requirements. A subsequent submittal will include 4 building permit applications, one for each float dock.

***A few request items for BBVCC related to the warranty replacement of the floats for B dock . . can you please:

1. Confirm the date that the B-Dock floats were replaced (month and year);

2. Confirm that BBVCC is planning to do the warranty replacement of B dock floats at the same time as the other 3 docks in late October, or if it is to be later, please provide an approximate time frame for that replacement; and
3. Send us a copy of the stamped dock float plan set for B Dock. Since we are including the warranty replacement as a new permit in the County submittals, we will need to submit the finalized design plan for this dock.

Finally, regarding agency application review and decision time frames . . . based on the typical permitting time frames for obtaining the HPA from the WDFW and the building permits from the County, we expect both of these processes to be completed with permits issued by the end of October, especially since WDFW has indicated that a modification of the existing B-Dock HPA can be processed and a new HPA will not be required for float replacement for the other docks. The timing for the Corps permit, however, is more challenging for BBVCC's desired time frame for accomplishing float replacement this fall. As Matt and I indicated earlier this year, our recent experience with Corps permits has been that their review/issuance time frame has been in the 12-to-18-month range, with this longer time frame driven largely by the time required for the Corps to consult with the National Marine Fisheries Service and U.S. Fish & Wildlife Service (collectively, the Services) regarding potential Endangered Species Act (ESA) impacts. The typical review time frame also includes formal consultation with WA State Dept. of Archaeology and Historic Preservation (WA DAHP) regarding the potential for disturbance of archaeological or historic resources. That said, there are several factors that potentially work in favor of a more expedient outcome for the dock float replacement project, including:

1. Additional consultation with the Services for the BBVCC dock float replacement may not be required due to the nature of the project essentially not requiring any disturbance of existing habitat and the fact that the Corps has already permitted this activity for B-Dock in the last several years and found at that time that no adverse impacts to ESA-listed species were expected;
2. For similar reasons, the Corps may not need to engage in additional consultation with the WA DAHP regarding the potential for disturbance of archaeological or historic resources; and
3. Dock float replacement for B-dock was permitted under the previously issued programmatic 2017 NWP-3 which expired and was replaced unchanged by the current programmatic NWP-3 in February 2022 (Note: that permit may have covered float replacement for all 4 docks, however without BBVCC's original permit application we are unable to determine this. Verification letter NWS-2020-925 issued to BBVCC in 2020 only refers to the "replacement of floats in the BBVCC Basin", the letter is not specific to B-Dock). Because of the pending warranty replacement of B-Dock floats (and the possible inclusion of the other 3 docks under the original NWP-3 permit), the Corps may determine that the work authorized under the expired permit has not yet been fully completed. Projects that started work under the old NWP-3 permit and could not be completed before the coverage of that permit expired are required to request issuance of a new verification letter to verify coverage under the new NWP-3 permit. To the extent that the Corps is willing to recognize the B-Dock warranty replacement as a continuation of work originally authorized under the 2017 NWP-3, they may be willing to use an expedited process for issuance of the new verification letter, and potentially, to include float replacement for Docks A, C, and D as part of that verification either because these other 3 docks were originally included under the 2017 permit or because the project activities and low potential for any adverse ESA or archaeological/historic resource effects are nearly identical for all four docks.

We have reached out to the Corps in advance of submitting the application for dock float replacement to discuss these considerations and make the case for expedited issuance of a NWP verification letter, and plan to do so either prior to application submittal or as soon thereafter as possible.

Please let me know if you have any questions or would like to discuss the any of the above information further.

Thanks,

Chris Andersen

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