

APPLICATION FOR RELOCATION OF HARBOR LINES

Harbor lines are established to provide for long term needs of water-dependent commerce and to maintain adequate space for navigation. The Harbor Line Commission is authorized to relocate harbor lines and has adopted WAC 332-30-116 to guide evaluation of harbor line relocation proposals.

The following information is required to evaluate proposals for harbor line relocation.

I. Applicant Name Foss Waterway Development Authority
Foss Landing LLC
Foss Harbor Marina Phone (253) 597-8122

Doing Business As FUDA Applicable Lease No(s)

Address 535 Dock St. 22-002775 (Waterway Permit)
Suite 207 22-072500
Tacoma, WA 98402 22-075766

II. Attach the following exhibits:

A. Please answer the following questions separately and number as follows:

1. What is the applicant's interest in the proposed relocation?
2. How will the long-term needs of water-dependent commerce be affected?
[See WAC 332-30-115 (1)]
3. How will navigation beyond the outer harbor line be affected?
4. How will the proposed relocation affect public access to the waterfront?
5. How will the proposed relocation affect Indian treaty rights?
6. What potential and need are there for extending the relocation farther (than proposed) along the shore in either direction?
7. Does the proposed relocation make a smooth tie-in to existing harbor lines?
8. What effects would there be if additional, similar relocations were approved in the future?
9. Is the relocation supported by all adjacent tideland and upland landowners? (Attach letters of support or comment if available.)

10. What affect will the proposed relocation have on the local, regional, or state economies?
 11. Explain how the proposed relocation and any potential resulting changes in development are consistent with plans and development guidelines of the public port, county, city and other local, state and federal agencies with jurisdiction? (Attach letters of support or comment if available.)
 12. What benefits will the relocation provide to the general public as opposed to individual private property owners?
 13. What is the feasibility of alternatives to relocation such as dredging, upland acquisition, project redesign, etc.?
- B. State Environmental Policy Act Checklist
- C. List of names and addresses of all upland and tideland owners of record of property abutting and within 400 feet of the harbor line segment proposed to be relocated.
- D. Map at a scale of no less than 1" = 200' showing the following:
1. Existing and proposed harbor lines;
 2. Ownership of abutting tidelands and uplands;
 3. Local shoreline and upland zoning;
 4. Existing and proposed structures; and
 5. Proposed change in use of harbor area and/or adjacent land after relocation.
- E. List of permits or approvals necessary for any proposed development associated with the relocation.

I certify that, to the best of my knowledge, the information submitted with this application is true and correct.



Applicant

10/2/18

Date

EXHIBITS TO APPLICATION

Harbor Line Adjustment – Thea Foss Waterway

EXHIBIT 1

1. *What is the applicant's interest in the proposed relocation?*

To preserve use of the three applicant's recreational marinas and public access to waters of the State. Guidelines provided to marina owners when the EPA Superfund cleanup of the Foss Waterway took place stipulated that marinas temporarily relocated during the cleanup were to remain in their original footprints when they were reinstalled. At the time the marinas along with Federal, State and local agencies were unaware that partial pier ends of floats extended beyond the outer harbor line as well as the boats moored at those locations. Historically, this was where the floats and boats had always been.

It was not until 2011 when the public marinas learned from DNR that boats and section of floats extended beyond the designated outer harbor line. Since then, a Waterway Permit has been issued by DNR for usage by boats and floats beyond the outer harbor line. The applicants seek to eliminate the need for the Waterway Permit and eliminate the staff time needed by both the applicants and DNR to apply, review and process the permit that allows boats adjacent to the marina infrastructure to moor up to 20 feet beyond the current outer harbor line. The objective for the FWDA is administrative efficiency for an agency of only two people. The two private marinas are in the same situation, but the Waterway Permit is not available to them hence the only relief is with a harbor line adjustment. This is an issue of keeping all applicant's marinas operationally and financially functional as well as ensuring equity within the waterway.

EXHIBIT 2

2. *How will the long-term needs of water-dependent commerce be affected?*

There will be no impacts to water-dependent commerce from the proposal. This is due to no change in use being proposed or modifications to the existing marina configurations. Current commerce operates effectively alongside the marinas.

EXHIBIT 3

3. *How will navigation beyond the outer harbor line be affected?*

There should be no impacts to navigation beyond the outer harbor line resulting from this proposal. The waterway affected by the harbor line adjustment is primarily utilized by recreational craft. Navigation channels to the north utilized by commercial craft will not be altered.

EXHIBIT 4

4. *How will the proposed relocation affect public access to the waterfront?*

Public access to the waterfront will not be modified because of this proposal. Accessibility from the shoreline will still be maintained to access the marinas and public facilities such as the Dock Street Marina transient moorage, and the launch float specifically installed for human powered watercraft at the Waterway Park site.

There are three unrestricted public water access points in the Foss available 24 hours a day, 365 days per year. They are at the south end of the waterway at the human powered watercraft float, at 15th Street public transient moorage and at the North Moorage location (please see map).

EXHIBIT 5

5. *How will the proposed relocation affect Indian treaty rights?*

The proposal is not anticipated to affect Indian treaty rights. No changes in existing uses are proposed.

EXHIBIT 6

6. *What potential and need are there for extending the relocation farther (than proposed) along the shore in either direction?*

No potential need to extend the harbor line further than currently proposed is anticipated. The extension of the harbor line will encompass areas of marinas historically utilized for moorage.

EXHIBIT 7

7. *Does the proposed relocation make a smooth tie-in to existing harbor lines?*

The proposed relocation alters the existing harbor line straddled by the marinas by moving it 20 feet toward the center of the waterway except at the south end of the waterway on the east side adjacent to the Foss Landing and Johnny's Dock marinas. There, the line will be moved 10 feet toward the center of the waterway to address the rowing and paddling community concerns associated with Waterway Park, a future park for rowing and paddling access. Also, on the south end of the waterway along the west side, the harbor line adjustment is proposed to stop just before where the Dock Street marina guest moorage begins. That guest moorage is not a part of the harbor line adjustment application. The adjusted harbor line will be parallel to the existing harbor line and eliminate the overlapping marinas footprint. At the 15th Street float, utilized for recreational boating, the proposed harbor line will extend further out than 20 feet. This is to form a continuous straight line with new outer harbor line extending from the marina to the south. No plans for expansion of the 15th Street moorage are proposed due to an EPA covenant within the waterway that prohibits new piles from being installed.

EXHIBIT 8

8. *What effects would there be if additional, similar relocations were approved in the future?*

An increase in over water coverage with infrastructure and boats would result. The current proposal is to remedy previous mapping of marinas placed back into their original footprints over 10 years ago following the EPA cleanup of the Foss Waterway. Some of the marinas have operated in this area since the mid-1950's.

EXHIBIT 9

9. *Is the relocation supported by all adjacent tideland and upland landowners? (Attach letters of support of comment if available.)*

Yes. Please see the attached letters of support.

EXHIBIT 10

10. *What affect will the proposed relocation have on the local, regional, or state economies?*

There will be an increase in revenues to the State from the DNR Aquatic Leases resulting from the outer harbor line adjustment.

EXHIBIT 11

11. *Explain how the proposed relocation and any potential resulting changes in development are consistent with plans and development guidelines of the public port, county, city and other local, state and federal agencies with jurisdiction? (Attach letters of support of comment if available.)*

Since the proposed relocation merely encompasses the historic and existing footprints of the marinas eliminating their straddling the harbor line, no resulting changes in development will take place or are proposed. The marinas will continue to operate in accordance with all regulatory agencies requirements. Please see the attached letters of support.

EXHIBIT 12

12. *What benefits will the relocation provide to the general public as opposed to individual private property owners?*

Access for recreational boating for both motorized and non-motorized craft will continue to be maintained for the use by the public.

EXHIBIT 13

13. What is the feasibility of alternatives to relocation such as dredging, upland acquisition, project redesign, etc.

This harbor line adjustment provides no new impacts or changes to existing uses. It merely adjusts the line to encompass the historical and current operational footprint of the marinas. To reduce the size of the marinas would be financially unfeasible and result in lost boating infrastructure and opportunity for recreational use of the waters. No dredging, upland acquisition or project redesign will result from this action.