



TRAMP HARBOR DOCK CLOSURE – DECEMBER 2, 2019

Key Points:

- The dock has deteriorating infrastructure that requires expensive repairs.
- The dock poses environmental risks identified by Washington State DNR that requires mitigation.
- WA State DNR owns the tidelands beneath the latter portion of the dock and will not approve a VPD lease until the environmental risks are addressed.
- VPD insurance will not allow continued use of the dock under current conditions.
- VPD has been working with WA State DNR for 6 years to identify solutions and will continue to pursue.

Background

In 2009, the Vashon Park District (VPD) commissioned KPFF Consulting Engineers (KPFF) to perform a condition assessment of the Tramp Harbor Dock to evaluate structural deficiencies. In 2015, VPD re-commissioned KPFF to re-evaluate the previously noted structural deficiencies of the visible portions of the pilings, pile caps, and stringers for further deterioration and to look for damage that had occurred since the 2009 assessment. In general, the structure was roughly in the same condition as the 2009 report, which suggested that the rate of decay was relatively slow. However, of the 98 vertical structural piles supporting the structure, 6 were noted to be in poor condition, and 5 additional pile locations were observed to either be in fair or poor condition from section loss. While there was no calculable capacity for these piles, KPFF determined that any demand in addition to the current pile load could result in pile failure.

In 2015, KPFF recommended that certain repairs be performed immediately. The estimated cost was \$312,000. Due to developments at that time concerning a lease with the State Department of Natural Resources, VPD concluded that it would be throwing good money after bad by repairing the pilings (see "The Lease" on the opposite side of this flyer). KPFF, VPD's legal counsel, and VPD's insurance opinions were to, at minimum, post warning signs on the pier indicating that the pier may not be safe.

Four years have passed, and the dock has not been repaired due to ongoing negotiations with the State DNR. On October 31, 2019, the VPD's insurance company determined that warning signs are no longer adequate to safeguard against safety and liability concerns and that closure of the dock was mandatory. At the following VPD Board of Commissioners meeting of November 12, 2019, the Commissioners determined they had no choice but to comply. **Therefore, effective December 2, 2019, the Tramp Harbor Dock will be closed to public access.**

For further discussion, please attend a public meeting at the Ober Administration Building, 17130 Vashon Hwy S.W., November 26, 7:00 p.m.

The Lease

The Vashon Park District (VPD) owns the Tramp Harbor Dock. VPD also owns the first 180 feet of the tidelands beneath the dock. The latter 160 feet of the tidelands beneath the dock are owned by the Washington State Department of Natural Resources. The State DNR is requiring VPD to enter into a lease for continued use of those tidelands.

In summary, the Lease requires the following:

- “Tenant must remove all portions of the existing pier, including decking, framing, railings, pilings, bracing material, and any artificial reef material on state-owned bedlands.” Two concerns are driving this requirement: creosote leaching and the need for light penetration below. This requirement applies to the latter 160 feet of the dock.
- VPD must assume all risk, including (a) all liability associated with hazardous materials that are part of the dock, e.g., the creosote pilings and leaching from those; (b) all liability associated with the use of the dock (including acts of the public); and (c) the removal of a new dock if the lease expires or terminates.
- VPD must assume all risk associated with Environmental Liability. VPD’s insurance will not cover a pre-existing condition, which includes creosote leaching or any other environmental hazard from past use as a petroleum import and storage port. VPD’s pollution insurance policy will not cover contractual liability where all risk is transferred to VPD.
 - The State DNR suggested VPD secure outside Commercial Liability insurance. VPD has tried unsuccessfully to secure such a policy.
 - The Model Toxics Control Act trumps contractual liability and would pursue past owners of the dock for their share of environmental clean-up. But it is likely VPD would be deemed partially liable for creosote leaching as the current owner. Again, insurance will not cover this.
 - The State DNR will perform sediment sampling to determine the level of contamination, which DNR believes will be minimal. But it is unknown what other hazards may be present.

Next Steps

VPD is seeking legal counsel from an environmental attorney to explore:

- Any known outside insurance options; and
- The willingness of the State DNR to concede to requested risk mitigation of the lease conditions.

If VPD is successful in mitigating risks and liability, VPD will explore funding a \$2 million replacement project by:

- Requesting an appropriation from the State; and/or
- Asking voters to approve a bond; and/or
- Requesting that a local 501©3 engage in a fundraising campaign.

Grants are not an option due to extensive match requirements and the exclusion of permitting and engineering costs, unless those costs are covered by the options above.