

Whatcom County Public Works

GOOSEBERRY POINT LEASE STATUS & UPDATE



OCTOBER 13, 2009

Brief History of Ferry Operations and Current Ferry Operations:

- Lummi Island Ferry operations have been active since 1926
- The Gooseberry Point Terminal was built in 1950
- Current Whatcom Chief Ferry vessel has been in operation since 1962
- Gooseberry Point Pier refurbished in 1982
- Gooseberry Point transfer span, wing walls, dolphins replaced 1987
- Major refurbishment completed to Gooseberry Point landing 1997
- The Whatcom Chief Ferry made 12,626 one-way trips in 2008 from Gooseberry Point to Lummi Island
- The total count for people transports in 2008 was 216,838*
- The count for walk-on transports in 2008 was 81,533*
- The count for vehicle transports in 2008 was 123,285*

*All counts are one-way trips from Gooseberry Point to Lummi Island from the COE report submittals.

Current Lease Details:

- **The Gooseberry Point dock/tidelands lease is with the Lummi Nation**
- **The original term of the lease was for twenty-five years and was initiated in the 1980's**
- **Compensation for the lease was the ownership transfer of two properties on the Lummi Peninsula from Whatcom County to the Lummi Nation**
- **The current lease has an expiration date of February 14, 2010**
- **The transfer span and some of the docking facility pass over the tidelands owned by the Lummi Nation**
- **Whatcom County had an expectation to pursue the "Option to Renew" clause in the lease via the language "...the lessee is hereby granted an option to renew this lease for one additional term of not more than twenty five (25) years."**
- **The renewal clause for the second twenty-five year extension has been determined to be invalid due to the absence of signature authority on the document from the Federal Government**

Current Factors Impacting the Gooseberry Point Dock:

- **Lummi Nation is developing plans for an integrated marina**
- **Ferry system dock and route do not enhance those plans**
- **Coastal Habitat Restoration project will establish islands**
- **Lummi Nation future plans for the site will require a new dock location to be developed by Whatcom County**
- **Local traffic congestion, long queuing lines, parking access and vandalism have been traditional issues associated with this location**

Ferry Dock with Islands



Whatcom County Pictometry Image 2004

1 inch = 600 feet

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Based on Lummi Nation Project Narrative: Conceptual layout of habitat islands



Current Lease Renewal Options:

Option One reflects capital improvements to multiple roadway sidewalk and other facilities in the general area of Gooseberry Point with an estimated cost over the term of a 5 year, 10.5 month lease of \$17,413,500.

■ Consideration for Lease:

a. \$6,000/month for 5 years and 10.5 months =	\$ 423,000
b. Multiple improvement projects – Outlined below	\$ 16,870,000
c. \$10,000/month/project not completed – impossible to estimate	\$ Unknown

■ Mitigation for Interference With Treaty Fishing Rights:

a. Per Trip Fee for Ferry trips. Amount not detailed.	\$ Unknown
b. Reduce speed of Ferry to “no wake” speed at 500 feet.	\$ No Cost

■ Sanitary Facilities:

Build Public Rest Room Facilities	\$ 35,000
Hook-ups and operational installations	\$ 15,000
Maintain Rest Room Facilities and provide Trash Services	
Estimated \$1,000/month for 5 years and 10.5 months	\$ 70,500

Total Estimated Cost of this proposal

\$ 17,413,500

Current Lease Renewal Options:

Summary - Multiple improvement projects for Option One:

- **\$2,550,000 - Side Walk north along Lummi View Drive (Haxton Way) from McKenzie Road to Ferry**
- **\$6,000,000 - Move queing off Lummi View Drive**
- **\$3,000,000 - Side Walk along Haxton Way from Smokehouse Road to McKenzie**
- **\$ 920,000 - Side Walk along Haxton Way from Balch Road to Smokehouse Road**
- **\$2,400,000 - Side Walk along Haxton Way from Cagey Road to Balch Road**
- **\$2,000,000 - Side Walk east along Lummi View Drive to McKenzie Road**

\$16,870,000

Current Lease Renewal Options:

- Option Two, identified as a preferred option by the Lummi Nation, consists of a 5 year term with an estimated cost of \$300,000. The Ferry operations would be removed from the current Gooseberry Point location by the end of the lease term and be functioning from another location as yet to be determined.
- Note: The Lummi Nation has requested a per trip fee for “Mitigation for Interference With Treaty Fishing Rights.” Any compensation amount would clearly need to be added to all other associated costs of the Ferry operation.

Future Objectives/Timelines:

- **Acquire agreement on lease terms by the end of 2009**
- **Execute new agreement by 2/1/2010**
- **Determine new direction by 8/1/2010**
- **Incorporate new budget objectives into 2011/2012 Budget Process**
- **Pursue new direction and be operational on, or before, the end of the new extended lease**

Decision Considerations – Decision Analysis Proposal:

- What impacts are there to law enforcement, emergency response units, public school services, public utilities, public support services (solid waste), etc. and how will they be resolved?
- What type of service should be provided – traditional vehicle/passenger, or some other alternatives?
- What are the possible impacts to organized labor groups via any changes to public service sector operations?
- What hours of operation and what days of operation will be considered as minimum for the type of service selected?
- What costs can be anticipated for the type of service desired and hours/days of operation desired? Who will pay those costs and in what proportion?
- If a new dock and/or vessel(s) are desired, what are the timeframes and costs associated with financing, permitting, construction and who will pay those costs?
- Once the type of service is determined, the type of service delivery should be evaluated. Should the service be provided by the private sector, the public sector and/or some combination of both?

Lummi Population Graph

Figure 3
Lummi Island Peak Seasonal Population (1966-2000)

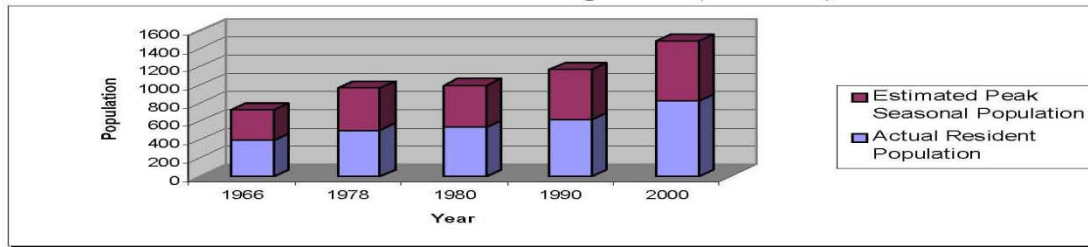


Table 2
Lummi Island Peak Seasonal Population (1966-2000)

Year	Actual Resident Population	Estimated Peak Seasonal Population	Estimated Maximum Peak Population
1966	392	335	727
1978	506	458	964
1980	538	460	998
1990	620	550	1,170
2000	822	665	1,487

Immediate Opportunities For Consideration:

- **The Whatcom Chief can be authorized to travel to Fairhaven and other points in Bellingham Bay. Such operations would be weather dependant. Minor modifications can be made to the ship (lifeboats). Vehicle capacity will be reduced to the extent that safe operations can be completed for the 50 minute one-way trip.**
- **The Whatcom Chief can utilize the Alaska Ferry docking mechanism at Fairhaven except during -3 tides (about twice a year) and when the Alaska Ferry is utilizing the facility.**
- **Incorporation of a private sector passenger-only ferry service is a possibility for multiple trips per day. Costs are being estimated and compiled.**

Lummi Ferry Map

