

5/19/2021 SMCHD Board Meeting

I am here to give comment on agenda item 11.

My name is Porter McHenry and I am one of the three leaseholders on the end of the pier. I have studied the new safety plan and been part of the design. Honestly I can say I am not happy about the safety plan, but still request the board approve it. It brings many changes to the way things have operated on the pier for the past 20 years and change can be difficult and scary, but sometimes needed.

Figuring out the needs of the Tenants, Fire Marshal, and all other requirements fell on the shoulders of the GM. Through this process I have gotten to know GM Pruett and have gained much respect for him. He has been patient, listened openly, considered all input, responded timely to all questions, and has done so very professionally. This is a great change from past GMs and very much appreciated. It took months and lots of effort to get to this latest version of the safety plan and honestly I cannot see a different way to accomplish all the needs and goals required.

Three Captain's second hoist was installed first in 2014 and it has been a major contention since. I have never been opposed to any tenant having a second hoist or any other operation unless it negatively affects myself and other tenants and users of Pillar Point Marina. I was forced to file an injunction at the end of 2019 against the hoist since it had been installed and operated without any operational or safety plan for 6 months. This installation led to major congestion and unsafe working conditions that still continue now since there is still no operational and safety plan in effect at this time. The ultimate outcome of the legal battle was the District gaining authority to create a safe working environment. This is the first plan to address the effects of the new hoist since it was first installed in 2014.

This plan reduces my tote storage space and I am required to relocate my squid pump. Even with these unwanted effects I am looking forward to having an actual operational plan that allows safer working conditions on a very small and crowded pier. This plan allows Three Captains to have his second hoist and all the tenants to maintain equal space on the pier. I have fought the last couple years to maintain my ability to operate on the pier with a hoist installed in the middle of the main thoroughfare and this plan allows my business to operate with minimal detriment.

My main concern with the operational and safety plan is that it limits the number of semi trucks on the pier. Trucks are a major part of offloading squid. Without a truck available the squid must be stacked up on the pier or the offloading stop. There is limited space to place totes on the pier so trucks are extremely necessary. I am the only squid offloading operation that has invested in their own equipment and there has been a pump in my space since the mid 80's. The only other operation has been a joint venture between the other two tenants that started around 2013.

The safety plan allows two trucks on the pier simultaneously and I am requesting priority to one of the trucks. Without a truck on the pier my offload would be shut down. I am only requesting this for squid since all tenants have been offloading salmon and crab since the pier was built. I would have priority to 1 truck and any new operations would have to share the second truck space. This will allow my business to continue as it has for almost 40 years, while allowing the other tenants to pursue a new operation without causing damage to mine. If there are only 2 squid offloading operations there is no problem, but if a third is allowed then I request priority to 1 truck to protect my investment and business. The lease says any additional services shall not be incompatible with an existing service allowed. This is a change the GM will be able to make under the operational and safety plan if he deems it necessary.

This request is reasonable and our lease states:

9.1 Use

(a) "Tenant shall use the Premises for its commercial fish-buying and/or fish-unloading business and additional ancillary and compatible uses and services pursuant to Paragraph 9.1(b)(vii) of this lease."

9.1(b)(vii) "Tenant may provide additional uses and services which are ancillary to, and compatible with, the required uses and services here under, provided that they are not incompatible with other uses and services allowed or required for other tenants at Pillar Point Marina"

I am in no way trying to disadvantage any other tenant only to protect my long term service of unloading squid.

Please approve the operational and safety plan and let's move forward together to make Pillar Point a better place.

Thank you Commissioners,

Porter McHenry

McHenry Fisheries inc.