



**City of Bellevue
Development Services Department
Land Use Staff Report**

Proposal Name: Haack Residence Dock Expansion

Proposal Address: 4627 Lake Washington Boulevard

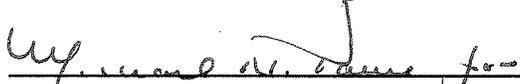
Proposal Description: Application for a Shoreline Substantial Development Permit with SEPA threshold determination for the extension of an existing pier with a 45-foot long by 4-foot wide, fully-grated pier supported by six new steel piles. This application is utilizing the Critical Areas Report process to request a modification to the prescribed dock development standards in the Shoreline Overlay District.

File Number: 09-114313-WG

Applicant: Paul Haack

Decisions Included: Shoreline Substantial Development Permit
(Process II. LUC 20.30R)

Planner: Kevin LeClair, Planner

**State Environmental Policy Act
Threshold Determination:** Determination of Non-Significance

Carol V. Helland, Environmental Coordinator
Development Services Department

Director's Decision: Approval with Conditions

Carol V. Helland, Land Use Director
Development Services Department

Application Date: June 3, 2009
Notice of Application Publication Date: July 2, 2009
Decision Publication Date: October 1, 2009
Project/SEPA Appeal Deadline: October 22, 2009

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the Decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.



DEVELOPMENT SERVICES DEPARTMENT
 ENVIRONMENTAL COORDINATOR
 450 100th Ave NE., P.O. BOX 90012
 BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Paul Haack

LOCATION OF PROPOSAL: 4627 Lake Washington Boulevard

NAME & DESCRIPTION OF PROPOSAL:

Applicant is requesting a Shoreline Substantial Development Permit with SEPA threshold determination for the extension of an existing pier with a 45-foot long by 4-foot wide, fully-grated pier supported by six new steel piles. This application is utilizing the Critical Areas Report process to request a modification to the prescribed dock development standards in the Shoreline Overlay District.

FILE NUMBER: 09-114313-WG

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Development Services Department. This information is available to the public on request.

- There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on _____.
- This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on October 15, 2009.
- This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project); or if the DNS was procured by misrepresentation or lack of material disclosure.



 Environmental Coordinator

October 1, 2009

 Date

OTHERS TO RECEIVE THIS DOCUMENT:

- State Department of Fish and Wildlife
- State Department of Ecology,
- Amy Corps of Engineers
- Attorney General
- Muckleshoot Indian Tribe



City of Bellevue
 Development Services Department
 P.O. Box 90012, Bellevue, WA 98009-9012
 (425) 452-6800 Fax (425) 452-5225

**Shoreline Management Act of 1971
 Permit for Shoreline Management Substantial
 Development
 Conditional Use and/or Variance**

Application No. 09-114313-WG

Date Received 06/03/2009

Approved / Date 10/01/2009
 Denied / Date _____

Type of Action:

- Substantial Development Permit
- Conditional Use Permit
- Variance Permit

Pursuant to Chapter 90.58 RCW, a permit is hereby granted to: Paul Haack

to undertake the following development:

Extension of an existing pier with a 45-foot long by 4-foot wide, fully-grated pier supported by six new steel piles.

upon the following property: 4627 Lake Washington Boulevard

within Lake Washington

and/or its associated wetlands. The project will be located within Shorelines of Statewide Significance (RCW 90.58.030). The project will be located within a Shoreline Overlay District designation. The following master program provisions are applicable to this development:

- Land Use Code(LUC) Section 20.25E.080(B)General Regulations Applicable to all Land Use Districts & Activities:
- LUC Section 20.25E.080 (N) Moorage Regulations;
- LUC Section 20.30R.155 Shoreline Substantial Development Permit
- Bellevue Comprehensive Plan, Shoreline Management Program Element, Policy SH-13 and SH-50

Development pursuant to this permit shall be undertaken in accordance with the following terms and conditions:

1. Mitigation for Exceeding Allowed Overwater Coverage: A plan for the installation of spawning gravel waterward of the native planting area on the Haack's shoreline is required to be submitted for review and approval by the City of Bellevue prior to issuance of the Building Permit.

Authority: Land Use Code 20.25H.210

Reviewer: Kevin LeClair, Development Services Department

2. Noise Control: Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Noise emanating from construction is prohibited on Sundays or legal holidays unless expanded hours of operation are specifically authorized in advance. Requests for construction hour extension must be done in advance with submittal of a construction noise expanded exempt hours permit.

Authority: Bellevue City Code 9.18

Reviewer: Planner, Planning and Community Development Dept

3. In-Water Work Window: To mitigate adverse impacts to the fisheries resources, in-water construction shall occur during the period of July 16th through December 31st, unless otherwise determined by the Hydraulics Project Approval issued by the Washington State Department of Fish and Wildlife.

Authority: Land Use Code 20.25H.160, Comprehensive Plan Policy EN-26 and Shoreline Master Program Policy SH-13

Reviewer: Kevin LeClair, Planning and Community Development Department

4. Land Use Inspection: To ensure gravel and restoration work has been performed in accordance with approved plans the applicant must call for and obtain an inspection for a Land Use Planner from the City of Bellevue, following installation of said restoration measures.

Authority: Land Use Code 20.25E.080.B

Reviewer: Kevin LeClair, Planning and Community Development Department

5. Silt Containment Boom: As an element of the Temporary Erosion and Sedimentation Control component of the construction plans, a silt containment boom, or silt-curtain, shall be employed to ensure disturbed sediment within the project area is not suspended and transported outside of the immediate work area.

Authority: Clearing and Grading Code BCC 23.76

Reviewer: Kevin LeClair, Development Services Department

6. Turbidity Monitoring Plan: Turbidity Monitoring Plan shall be approved by the Clearing and Grading Division prior to commencement of construction activities The Turbidity Monitoring Plan shall be included with the underlying Building Permit.

Authority: Clearing and Grading Code BCC 23.76

Reviewer: Kevin LeClair, Development Services Department

7. Obtain All Other Applicable State and/or Federal Permits: Before work can be allowed to proceed, all required federal and state permits and approvals must be received by the applicant prior to the commencement of any work. A copy of the approved Section 10 permit issued by the Army Corps of Engineer and the approved Hydraulic Project Approval (HPA) issued by the Washington State Department of Fish and Wildlife shall be submitted to the City of Bellevue, prior to construction.

Authority: Land Use Code 20.25E.080.B.1

Reviewer: Kevin LeClair, Planning and Community Development Department

This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms and conditions hereof. Construction pursuant to this permit, or substantial progress toward construction, must be undertaken within two years of the date of final approval. This permit shall expire five years from the date of local approval.

Construction pursuant to this permit will not begin or is not authorized until twenty-one (21) days from the date of filing, as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one (21) days from the date of such filing have terminated; except as provided in RCW 90.58.140(5) (A) (B) (C).

October 1, 2009

Date


City of Bellevue, Land Use Division

CC: Attorney General, Department of Ecology, Northwest Region
Dept. of Fish and Wildlife, 1775 12th Ave. NW Suite 201 Issaquah, WA 98027
DOE, Dave Radabaugh, 3190 160th Avenue SE, Bellevue, WA 98008-5452

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Attachments

1. Environmental Checklist
2. Critical Area Report
3. Site Plan
4. Comments from Muckleshoot Indian Tribe Fisheries Division with Applicant Responses

I. Proposal Description

Applicant is requesting a Shoreline Substantial Development Permit for the extension of an existing pier with a 45-foot long by 4-foot wide, fully-grated pier supported by six new steel piles. The request is a modification to the prescribed dock development standards in the Shoreline Overlay District section of the Land Use Code (LUC) 20.25E.080 utilizing the Critical Areas Report process.

The LUC 20.25E requires that all development within the shoreline overlay district is required to obtain a Shoreline Substantial Development Permit (SSDP), except for work that meets the exemption criteria contained in LUC 20.25E.050.

The proposal is regulated by the development standards for moorage contained in LUC 20.25E.080.N. This section states that these development standards may be modified through a critical areas report, LUC 20.25H.230, except where otherwise noted.

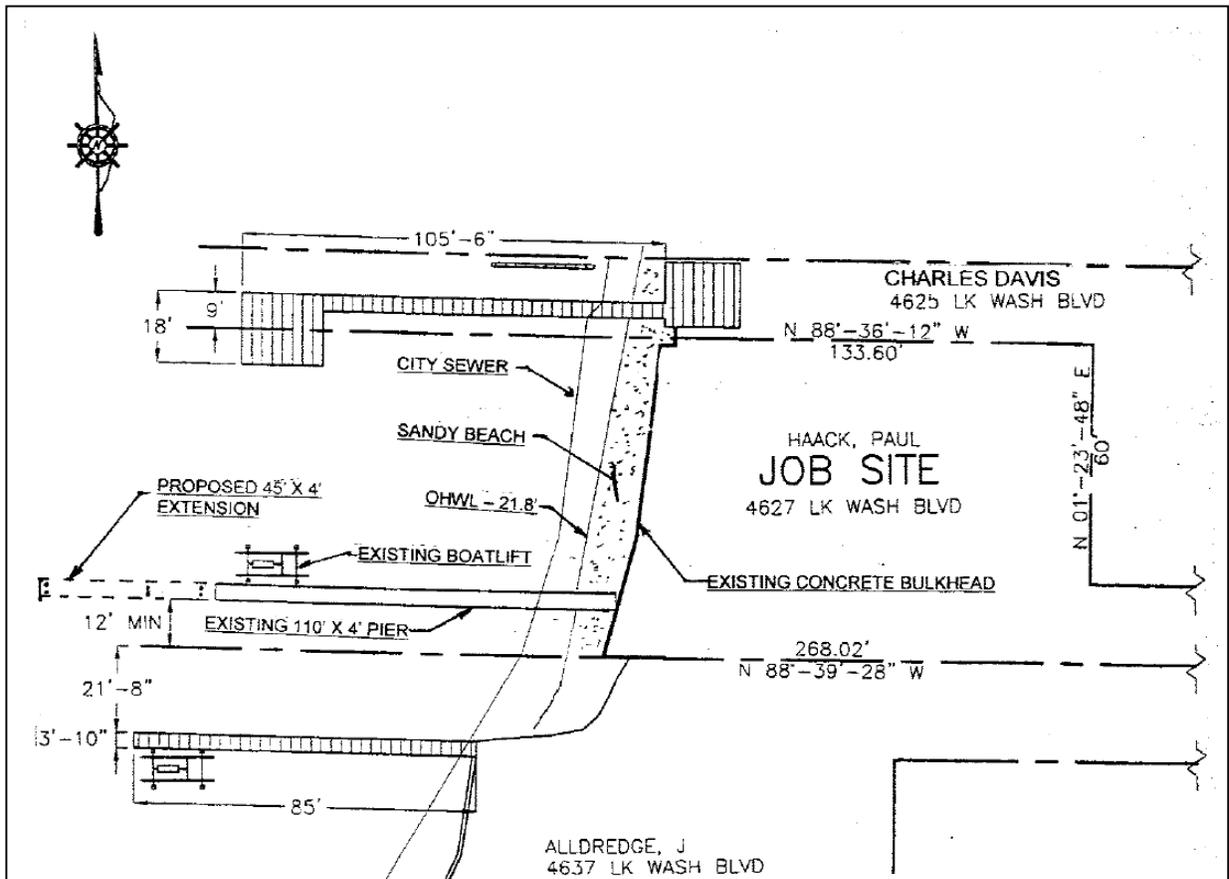


Figure 1: Site Plan

The critical areas report is intended to provide flexibility for sites where the expected critical areas functions and values are not present due to degraded conditions.

II. Site Description, Zoning, Land Use and Critical Areas

A. Site Description

The property is located at 4627 Lake Washington Boulevard SE. It is a flag-shaped lot that has approximately 82 feet of water front and a narrow, 20-foot wide access leg that connects the property to Lake Washington Boulevard SE. The property and the immediately adjacent neighboring properties are situated between the shoreline of Lake Washington and the former Burlington Northern railroad right-of-way.

The property contains an existing 110 foot by 4 foot pier attached to the shoreline at a 4-6 inch tall bulkhead that is 19 feet landward of the ordinary high water mark.



Figure 2: Aerial view of property with existing pier

The landscape on the property is typical of residential, ornamental landscape in the Pacific Northwest. The shoreline environment waterward of the low bulkhead is gravel shoreline with redbud dogwoods, iris, and native rose species growing in dense clusters.

B. Zoning

The property is zoned R-2.5. The property is also within the Shoreline Overlay District and the Critical Areas Overlay District.

C. Land Use Context

The adjacent properties to the north and south are developed as single-family

residential properties. There are no adjacent developed properties to the east because of the railroad right-of-way, Lake Washington Boulevard and Interstate 405.

D. Critical Areas Functions and Values

i. Shorelines

Shorelines provide a variety of functions including shade, temperature control, water purification, woody debris recruitment, channel, bank and beach erosion, sediment delivery, and terrestrial-based food supply (Gregory et al. 1991; Naiman et al. 1993; Spence et al. 1996).

Shorelines provide a wide variety of functions related to aquatic and riparian habitat, flood control and water quality, economic resources, and recreation, among others. Each function is a product of physical, chemical, and biological processes at work within the overall landscape. In lakes, these processes take place within an integrated system (ecosystem) of coupled aquatic and riparian habitats (Schindler and Scheuerell 2002). Hence, it is important to have an ecosystem approach which incorporates an understanding of shoreline functions and values. The discussion presented herein emphasizes this ecosystem approach.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The site is located in the R-2.5 zoning district. The applicant is not proposing any changes to the primary structure or the development of any structures greater than 30 inches in height on the property. Therefore, the general dimensional standards contained in LUC 20.20.010 are not applicable.

B. Shoreline Overlay District Development Standards LUC 20.25E:

The development standards for a new or expanded residential moorage contained in LUC 20.25E.080.N state that a moorage facility may not exceed 480 square feet in overwater coverage and 150 in total length waterward of the ordinary high water mark.

The applicant currently has a 4 foot wide by 110 foot long dock. The pier is connected to the shoreline at the bulkhead, which is 19 feet landward of the ordinary high water mark. Therefore, the actual pier length is 91 feet in length waterward of OHWM. The pier is 4 feet wide. The existing overwater coverage is 364 square feet.

The proposed expansion of the pier with a 45 foot long by 4 foot wide extension will make the total facility length 136 feet, which is in compliance with the development standards.

The additional pier length will add 180 square feet of overwater coverage. Therefore, the total overwater coverage will be 544 square feet. This represents a deviation of 64 additional square feet overwater coverage from the development standards for new or expanded moorage. Per LUC 20.25E.080.N, the requirement of this section may be modified through a Critical Areas Report, LUC 20.25H.230.

C. Critical Areas Requirements LUC 20.25H:

Performance standards for development of in the shoreline critical area are prescribed by the development standards contained in LUC 20.25E.080. The applicant's proposal complies with the majority of the development standards. One modification of the development standards is being requested. The standard limits overwater cover by structures to 480 square feet. The applicant is requesting a pier that will result in total overwater coverage of 544 square feet. Per LUC 20.25E.080.N, the requirement of this section may be modified through a Critical Areas Report, LUC 20.25H.230.

D. Consistency with Critical Areas Report LUC 20.25H.230.

The applicant supplied a critical areas report prepared by Seaborn Pile Driving, a professional qualified for preparation of shoreline development permit submittal information. The report met the minimum requirements in LUC 20.25H.250.

E. Consistency with Critical Areas Report – Additional provisions LUC 20.25H.119.

An applicant proposing a modification to the shoreline critical area buffer which would reduce the buffer to less than 25 feet shall establish by survey the site's ordinary high water mark, notwithstanding any other provision of this part or Part 20.25E LUC.

The applicant is not proposing to reduce the critical area buffer on the property, so this provision does not apply.

IV. Public Notice and Comment

| | |
|---------------------------|----------------|
| Application Date: | June 3, 2009 |
| Public Notice (500 feet): | July 2, 2009 |
| Minimum Comment Period: | August 3, 2009 |

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on July 2, 2009. It was mailed to property owners within 500 feet of the project site. One comment was received from the Karen Walter, with the Muckleshoot Indian Tribe Fisheries Division, as of the writing of this staff report. The applicant prepared a written response to the comments received. No other comments were received.

A copy of the comments received and the written response is attached to this report and is included in the project file.

V. Summary of Technical Reviews

Utilities

The Utilities Department's Development Review Division has reviewed the proposed development for compliance with Bellevue Utilities' codes and standards. The Utilities Development Review staff found no issues with the proposed development.

VI. State Environmental Policy Act (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The Environmental Checklist submitted

with the application adequately discloses expected environmental impacts associated with the project. The City codes and requirements, including the Clear and Grade Code, Utility Code, Land Use Code, Noise Ordinance, Building Code and other construction codes are expected to mitigate potential environmental impacts. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

A. Earth and Water

A temporary erosion and sedimentation control plan is included in the project plans, and addresses all requirements for protecting the surrounding aquatic environment from siltation during the installation of the new piles. All work will occur from the water side of the pier, therefore no disturbance or restoration of the upland portion of the site is required or expected. Erosion and sediment control best management practices include the installation of silt containment boom around the work area. See Section X for a related condition of approval.

B. Animals

The project site is part of the large natural resource management area of Lake Washington. Lake Washington is known to support the life cycle of Chinook salmon, along with numerous upland species that depend on the health and integrity of the Lake for their survival. No significant vegetation will be altered as part of the project. The proposed overwater coverage will be mitigated through the use of light-penetrating decking on the surface of the pier. The driving of piles for the new pier will follow industry best management practices for vibration damping and silt containment will ensure water turbidity is limited to the immediate project area. See Section X for related conditions of approval.

C. Plants

No vegetation is planned to be altered as part of the proposed project.

D. Noise

The site is adjacent to single-family residences whose residents are most sensitive to disturbance from noise during evening, late night and weekend hours when they are likely to be at home. Construction noise will be limited by the City's Noise Ordinance (Chapter 9.18 BCC) which regulates construction hours and noise levels. See Section X for a related condition of approval.

VII. Changes to proposal as a result of City review

No changes have been made to the proposal as a result of City review.

VIII. Decision Criteria

A. Critical Areas Report Decision Criteria- General Criteria LUC 20.25H.255

The Director may approve, or approve with modifications, the proposed modification where the applicant demonstrates:

1. The modifications and performance standards included in the proposal lead to levels of protection of critical area functions and values at least as protective as application of the regulations and standards of this code;

Finding: The modification of the shoreline development standards to allow for the extension of the dock structure will allow the Haacks to moor their boat in deeper water that is less disturbing of the lake bed. The application of the prescribed development standards would not allow this expansion. The applicant has also demonstrated that the lake bed is aggrading and will continue to get shallower, thus increasing the amount of sediment disturbance when using the current dock.

2. Adequate resources to ensure completion of any required mitigation and monitoring efforts;

Finding: The required mitigation includes the addition of spawning gravel in the nearshore area just waterward of the native plant area in the critical area buffer. The mitigation will be carried out during the project implementation.

3. The modifications and performance standards included in the proposal are not detrimental to the functions and values of critical area and critical area buffers off-site; and

Finding: The proposed modification to the shoreline development standards for residential moorage is not detrimental to the functions and values of the critical area or critical area buffers off-site. By moving the moorage location to deeper water, it is improving the nearshore environment for migrating salmon using this area for refuge. Additionally, the installation of spawning gravel in the nearshore area will further absorb wave energy and provide a softened shoreline environment.

4. The resulting development is compatible with other uses and development in the same land use district.

Finding: With very few exceptions, all of the neighboring properties in the same land use district possess private residential moorage facilities that serve their properties. The proposed extension of the dock is consistent with these other properties.

B. Shoreline Substantial Development Permit Decision Criteria 20.30R

The Director of Planning and Community Development may approve or approve with modifications if:

1. The applicant has carried the burden of proof and produced evidence sufficient to support the conclusion that the application merits approval or approval with modifications; and

Finding: The applicant has supplied the City of Bellevue with an accurate site plan including existing conditions, along with a description of the construction methods to be used. They have also analyzed the impacts associated with the project through the SEPA checklist and a Critical Areas Report evaluation.

2. The applicant has demonstrated that the proposal complies with the applicable decision criteria of the Bellevue City Code; and

Finding: The applicant's SEPA checklist, site plan, construction details and critical areas report demonstrate compliance with the applicable decision criteria pertaining to the proposed development.

3. The applicant has demonstrated that the proposal is consistent with the policies and procedures of the Shoreline Management Act and the provisions of Chapter 173-14 WAC and the Master Program.

Finding: The applicant's proposal is consistent with the City's shoreline master program and followed the required procedures to request a modification to the prescribed development standards for residential moorage.

C. Critical Areas Land Use Permit Decision Criteria 20.30P

The Director may approve or approve with modifications an application for a critical areas land use permit if:

1. The proposal obtains all other permits required by the Land Use Code;

Finding: The proposed development activity will be required to apply for and obtain a Building Permit.

2. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer;

Finding: The applicant's consultant has designed the proposed pier extension using the best available construction and design techniques. The work will occur entirely from the water. Other than temporary impacts associated with the installation of the steel piles to support the pier, very little other impacts are expected.

3. The proposal incorporates the performance standards of Part 20.25H to the maximum extent applicable, and ;

Finding: The applicable performance standards for residential moorage specify a pier that has no more than 480 square feet of overwater coverage. The applicant has utilized the critical areas report process to request a modification to this standard in

order to have 544 square feet of overwater coverage.

4. The proposal will be served by adequate public facilities including street, fire protection, and utilities; and;

Finding: The property is currently served by adequate public facilities. The proposed modification to the development standards will not increase the need for public facilities for the subject property.

5. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC Section 20.25H.210; and

Finding: The proposal includes a mitigation plan that includes the addition of spawning gravels into the nearshore area that is buffered by dense native planting area waterward of a concrete bulkhead.

6. The proposal complies with other applicable requirements of this code.

Finding: As discussed in Section IV & V of this report, the proposal complies with all other applicable requirements of the Land Use Code.

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of Planning and Community Development does hereby **approve with conditions** the proposal to extend an existing pier with a 45-foot long by 4-foot wide, fully-grated pier supported by six new steel piles within Lake Washington.

Note- Expiration of Approval: In accordance with LUC 20.30P.150 a Critical Areas Land Use Permit automatically expires and is void if the applicant fails to file for a Clearing and Grading Permit or other necessary development permits within one year of the effective date of the approval.

X. Conditions of Approval

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

| <u>Applicable Ordinances</u> | <u>Contact Person</u> |
|--------------------------------------|-----------------------------|
| Clearing and Grading Code- BCC 23.76 | Kevin LeClair, 425-452-2928 |
| Land Use Code- BCC 20.25H | Kevin LeClair, 425-452-2928 |
| Noise Control- BCC 9.18 | Kevin LeClair, 425-452-2928 |

The following conditions are imposed under the Bellevue City Code or SEPA authority referenced:

1. Mitigation for Exceeding Allowed Overwater Coverage: A plan for the installation of spawning gravel waterward of the native planting area on the Haack's

shoreline is required to be submitted for review and approval by the City of Bellevue prior to issuance of the Building Permit.

Authority: Land Use Code 20.25H.210
Reviewer: Kevin LeClair, Development Services Department

2. Noise Control: Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Noise emanating from construction is prohibited on Sundays or legal holidays unless expanded hours of operation are specifically authorized in advance. Requests for construction hour extension must be done in advance with submittal of a construction noise expanded exempt hours permit.

Authority: Bellevue City Code 9.18
Reviewer: Planner, Planning and Community Development Dept

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Authority: Land Use Code 20.25H.160, Comprehensive Plan Policy EN-26 and Shoreline Master Program Policy SH-13
Reviewer: Kevin LeClair, Planning and Community Development Department

4. Land Use Inspection: To ensure gravel and restoration work has been performed in accordance with approved plans the applicant must call for and obtain an inspection for a Land Use Planner from the City of Bellevue, following installation of said restoration measures.

Authority: Land Use Code 20.25E.080.B
Reviewer: Kevin LeClair, Planning and Community Development Department

5. Silt Containment Boom: As an element of the Temporary Erosion and Sedimentation Control component of the construction plans, a silt containment boom, or silt-curtain, shall be employed to ensure disturbed sediment within the project area is not suspended and transported outside of the immediate work area.

Authority: Clearing and Grading Code BCC 23.76
Reviewer: Kevin LeClair, Development Services Department

6. Turbidity Monitoring Plan: Turbidity Monitoring Plan shall be approved by the Clearing and Grading Division prior to commencement of construction activities The Turbidity Monitoring Plan shall be included with the underlying Building Permit.

Authority: Clearing and Grading Code BCC 23.76
Reviewer: Kevin LeClair, Development Services Department

7. Obtain All Other Applicable State and/or Federal Permits: Before work can be allowed to proceed, all required federal and state permits and approvals must be received by the applicant prior to the commencement of any work. A copy of the

approved Section 10 permit issued by the Army Corps of Engineer and the approved Hydraulic Project Approval (HPA) issued by the Washington State Department of Fish and Wildlife shall be submitted to the City of Bellevue, prior to construction.

Authority: Land Use Code 20.25E.080.B.1
Reviewer: Kevin LeClair, Planning and Community Development Department

WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable:

City of Bellevue is referring to proposed project as:
"Haack Residence Dock Expansion" File 09-114313-WG

2. Name of applicant: ~~Paul Haack~~

3. Address and phone number of applicant and contact person:

Seaborn Pile Driving Company – Ted Burns
9311 SE 36th Street Suite 204
Mercer Island, WA. 98040

4. Date checklist prepared: **May 6, 2009**

5. Agency requesting checklist: **City of Bellevue**

6. Proposed timing or schedule (including phasing, if applicable):

Upon receipt of all permits.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. **No.**

REVIEWED

By Kevin LeClair at 12:17 pm, Jun 17, 2009

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. **Unknown.**

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. **Unknown.**

10. List any government approvals or permits that will be needed for your proposal, if known.

City of Bellevue Shoreline Substantial Development permit.

City of Bellevue Building permit.

Army Corps of Engineers federal SPIF permit.

Wash State Dept of Fish and Wildlife Hydraulic Project Approval.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Construct a 45' long by 4' wide extension to an existing conforming dock to provide safe boat operation in shallow water conditions.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

4625 Lake Wash Blvd SE, Bellevue, WA. 98006

Section: 17 Township: 24 Range: 5

Latitude: 47.33.44 Longitude: 122.11.19

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous,
other

b. What is the steepest slope on the site (approximate percent slope)? **Less than 2%.**

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By Kevin LeClair at 12:19 pm, Jun 17, 2009

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland. **Clay, sand, and residential landscaping topsoil.**
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. **Unknown.**
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill. **None.**
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. **N/A.**
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? **0%.**
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: **N/A.**
- a. **Air**
- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known. **Typical engine exhaust from the pile driver.**
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. **Unknown.**
- c. Proposed measures to reduce or control emissions or other impacts to air, if any: **None.**

3. Water

a. Surface:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. **The site is adjacent to Lake Washington.**

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. **Yes. Construct a 45' long by 4' wide extension to an existing conforming dock.**

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. **None.**

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. **No.**

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. **Unknown.**

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. **No.**

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known. **No.**

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. **None as part of this project.**

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c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. **N/A.**

2) Could waste materials enter ground or surface waters? If so, generally describe. **No.**

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any: **Installation and maintenance of an erosion fence.**

4. **Plants**

a. Check or circle types of vegetation found on the site:

- _____ deciduous tree: alder, maple, aspen, other
- _____ evergreen tree: fir, cedar, pine, other
- _____ shrubs
- _____ grass
- _____ pasture
- _____ crop or grain
- _____ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- _____ water plants: water lily, eelgrass, milfoil, other
- _____ other types of vegetation

b. What kind and amount of vegetation will be removed or altered? **None.**

c. List threatened or endangered species known to be on or near the site. **Unknown.**

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: **No landscaping will be changed as part of this project.**

5. **Animals**

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

- birds: hawk, heron, eagle, songbirds, other:
- mammals: ~~deer, bear, elk, beaver~~, other:
- fish: bass, salmon, trout, herring, shellfish, other:

Lake Washington is known to support populations of salmonid fish species such as, sockeye, coho and chinook salmon.

b. List any threatened or endangered species known to be on or near the site. **Unknown.**

c. Is the site part of a migration route? If so, explain. **Unknown.**

d. Proposed measures to preserve or enhance wildlife, if any: **N/A.**

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. **N/A.**

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. **N/A.**

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: **N/A.**

7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. **No.**

1) Describe special emergency services that might be required. **N/A.**

2) Proposed measures to reduce or control environmental health hazards, if any: **N/A.**

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? **None.**

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. **Typical light machinery while under construction from 7:00 am – 3:30 pm daily.**

3) Proposed measures to reduce or control noise impacts, if any: **None.**

8. Land and shoreline use

a. What is the current use of the site and adjacent properties? **Residential single family living and recreation.**

b. Has the site been used for agriculture? If so, describe. **Unknown.**

c. Describe any structures on the site. **Single family residence on the site.**

d. Will any structures be demolished? If so, what? **No.**

e. What is the current zoning classification of the site? **Residential.**

f. What is the current comprehensive plan designation of the site? **Unknown.**

g. If applicable, what is the current shoreline master program designation of the site? **Unknown.**

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify. **Unknown.**

i. Approximately how many people would reside or work in the completed project? **None.**

j. Approximately how many people would the completed project displace? **None.**

k. Proposed measures to avoid or reduce displacement impacts, if any: **N/A.**

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By Kevin LeClair at 12:28 pm, Jun 17, 2009

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: **This project is to extend an existing residential dock with no change in land use.**

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. **None.**
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. **None.**
- c. Proposed measures to reduce or control housing impacts, if any: **N/A.**

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? **Less than 2' above the water.**
- b. What views in the immediate vicinity would be altered or obstructed? **None.**
- c. Proposed measures to reduce or control aesthetic impacts, if any: **N/A.**

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? **None.**
- b. Could light or glare from the finished project be a safety hazard or interfere with views? **N/A.**
- c. What existing off-site sources of light or glare may affect your proposal? **None.**
- d. Proposed measures to reduce or control light and glare impacts, if any: **N/A.**

12. **Recreation**

- a. What designated and informal recreational opportunities are in the immediate vicinity? **Residential waterfront recreation consisting of boating and swimming.**

- b. Would the proposed project displace any existing recreational uses? If so, describe. **No.**

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: **N/A.**

13. **Historic and cultural preservation**

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe. **Unknown.**

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site. **Unknown.**

- c. Proposed measures to reduce or control impacts, if any: **N/A.**

14. **Transportation**

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any. **Lake Wash Blvd SE**

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop? **Yes.**

- c. How many parking spaces would the completed project have? How many would the project eliminate? **None.**

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private). **No.**

REVIEWED

By Kevin LeClair at 12:28 pm, Jun 17, 2009

TO BE COMPLETED BY APPLICANT

EVALUATION FOR
AGENCY USE ONLY

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. **No.**
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur. **None.**
- g. Proposed measures to reduce or control transportation impacts, if any: **N/A.**

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe. **No.**
- b. Proposed measures to reduce or control direct impacts on public services, if any. **N/A.**

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. **None.**

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Paul Bon D.

Date Submitted: May 18, 2009

REVIEWED
By Kevin LeClair at 12:28 pm, Jun 17, 2009

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Highly unlikely.

Proposed measures to avoid or reduce such increases are:

Light penetrating grating will be installed to protect the fish and to enhance the quality of aquatic life.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Not likely.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Highly unlikely.

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Highly unlikely

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposed dock extension is consistent with current use and unlikely to encourage incompatible use of the shoreline.

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

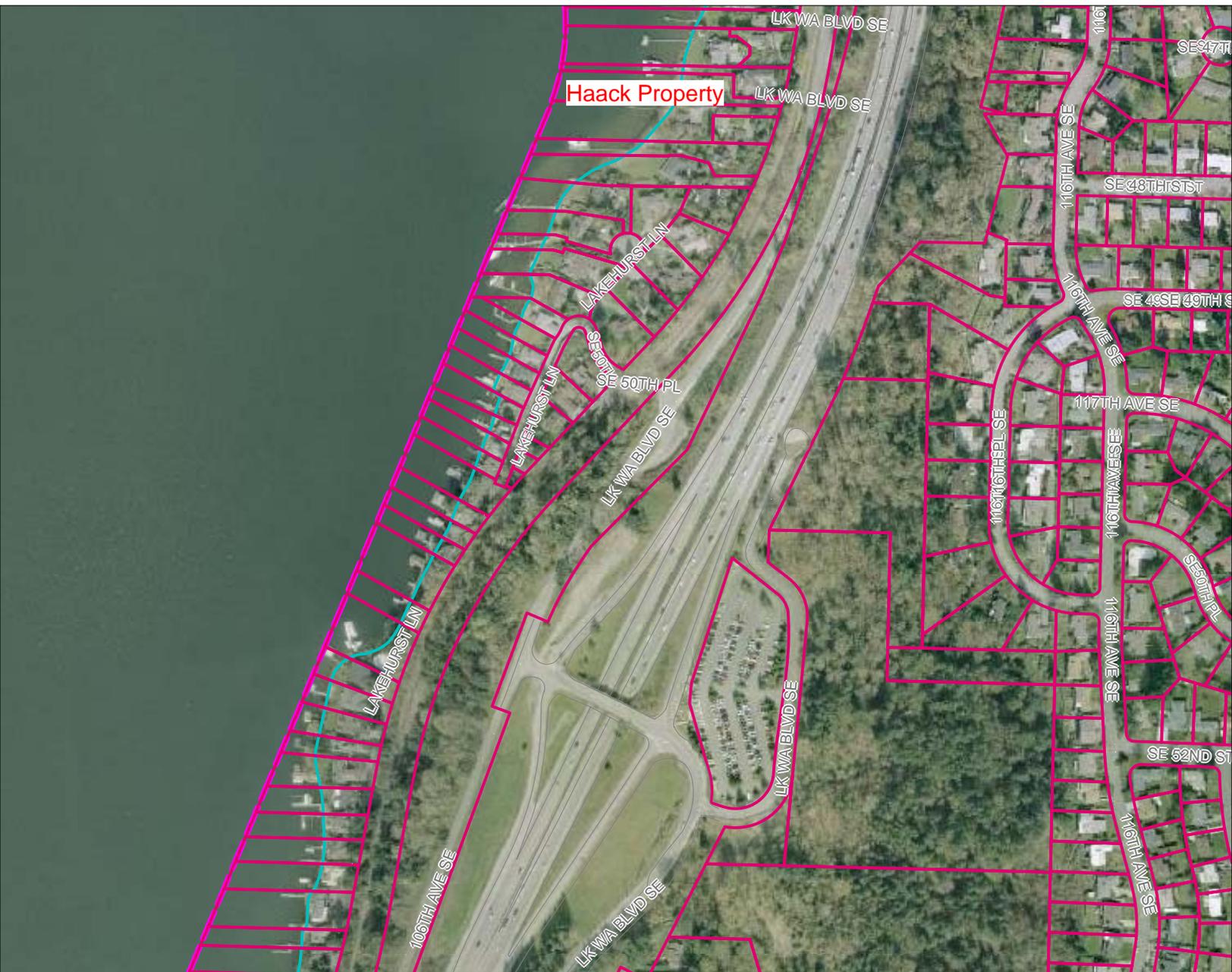
Highly unlikely.

Proposed measures to reduce or respond to such demand(s) are:

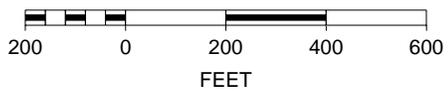
7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposed dock extension will not conflict with local, state or federal environmental laws.

Haack Residence Dock Expansion (09-114313-WG) Vicinity Map

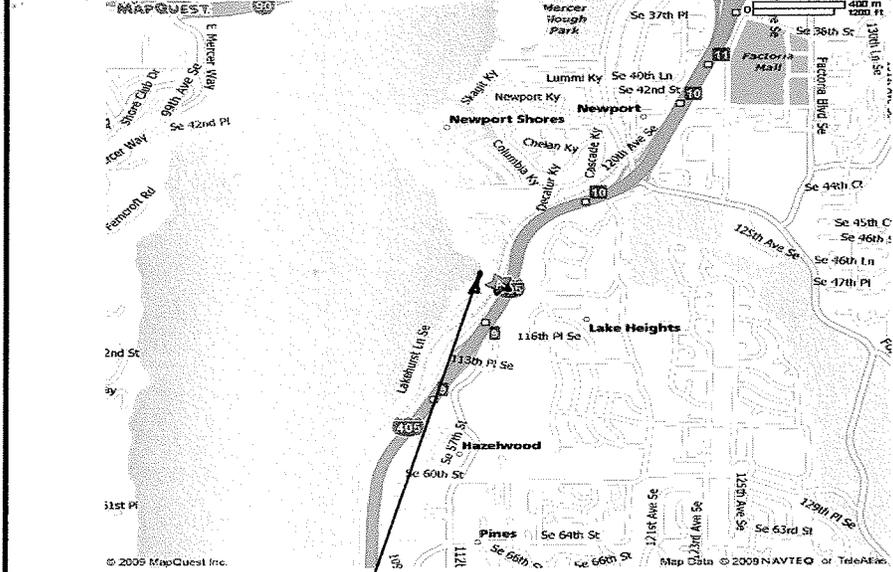


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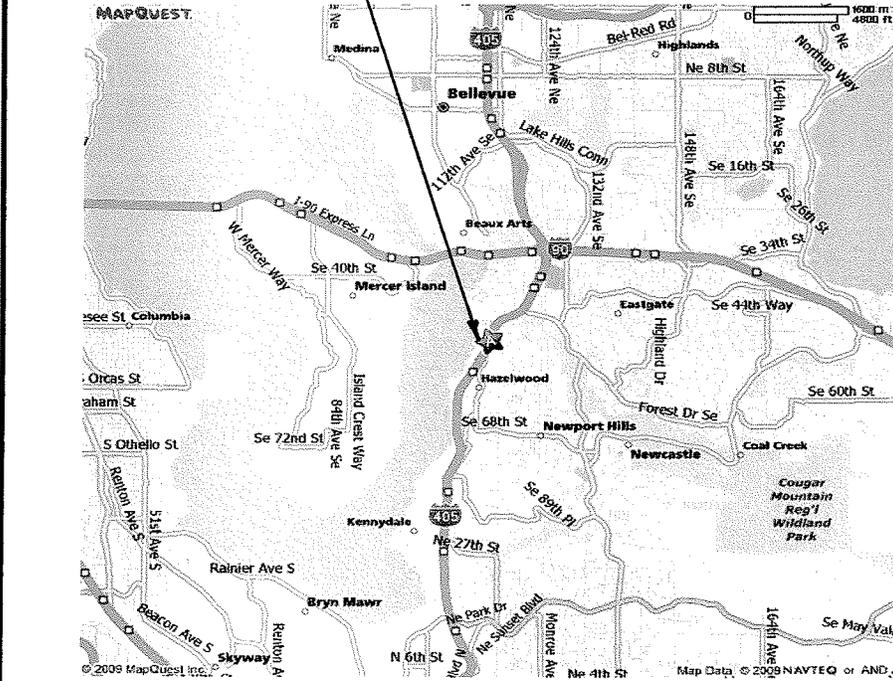


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JOB SITE



Project Address: 4627 Lake Wash Blvd SE, Bellevue, WA. 98006

Parcel Number: 1724059039

Applicant: Ted Burns, Seaborn Pile Driving Co., 9311 SE 36th Street, Suite 204, Mercer Island, WA. 98040

Legal Description: LOT 1 BELLEVUE SHORL PLAT NO FSP-91-7120 REC NO 9111059003 SD SHORL PLAT DAF - THAT POR OF GOV'T LOT 5 STR 17-24-05 BEG AT SE COR OF SD LOT 5 TH W ALG THE S LN THOF 857.79 FT TH N 59.16 FT TH N 22-32-00 E 82.63 FT TH N 18-50-06 E 127.25 FT TH N 14-34-09 E 97.84 FT TO TPOB OF TRACT HEREIN DESC TH S 89-56-44 W 252.65 FT TO SH OF LAKE WASHINGTON TH N06-35-14E 100.68 FT TH N 89-56-44 E 261.66 FT TO WLY LN OF NP R/W CO R/W TH S 11-38-07 W ALG SD R/W 102.12 FT TO TPOB TGW SH LDS ADJ

Lat: 47.34.01.13 Long: 122.11.32.03

Purpose: Provide safe boat moorage 

Proposed: Drive (6) 6" steel piles and construct a 45' long by 4' wide extension to an existing conforming dock.

Datum: Corps of Engineers 1919

In: Lake Washington

Adjacent Property Owners:
 1) J. Aldredge
 4637 Lake Wash Blvd SE
 Bellevue, WA. 98006
 2) Charles Davis
 4627 Lake Wash Blvd SE
 Bellevue, WA. 98006

At: Bellevue
County: King
Applicant: Paul Haack
 4627 Lake Wash Blvd SE
 Bellevue, WA. 98006
Date: 5-19-09 Page 1 of 4

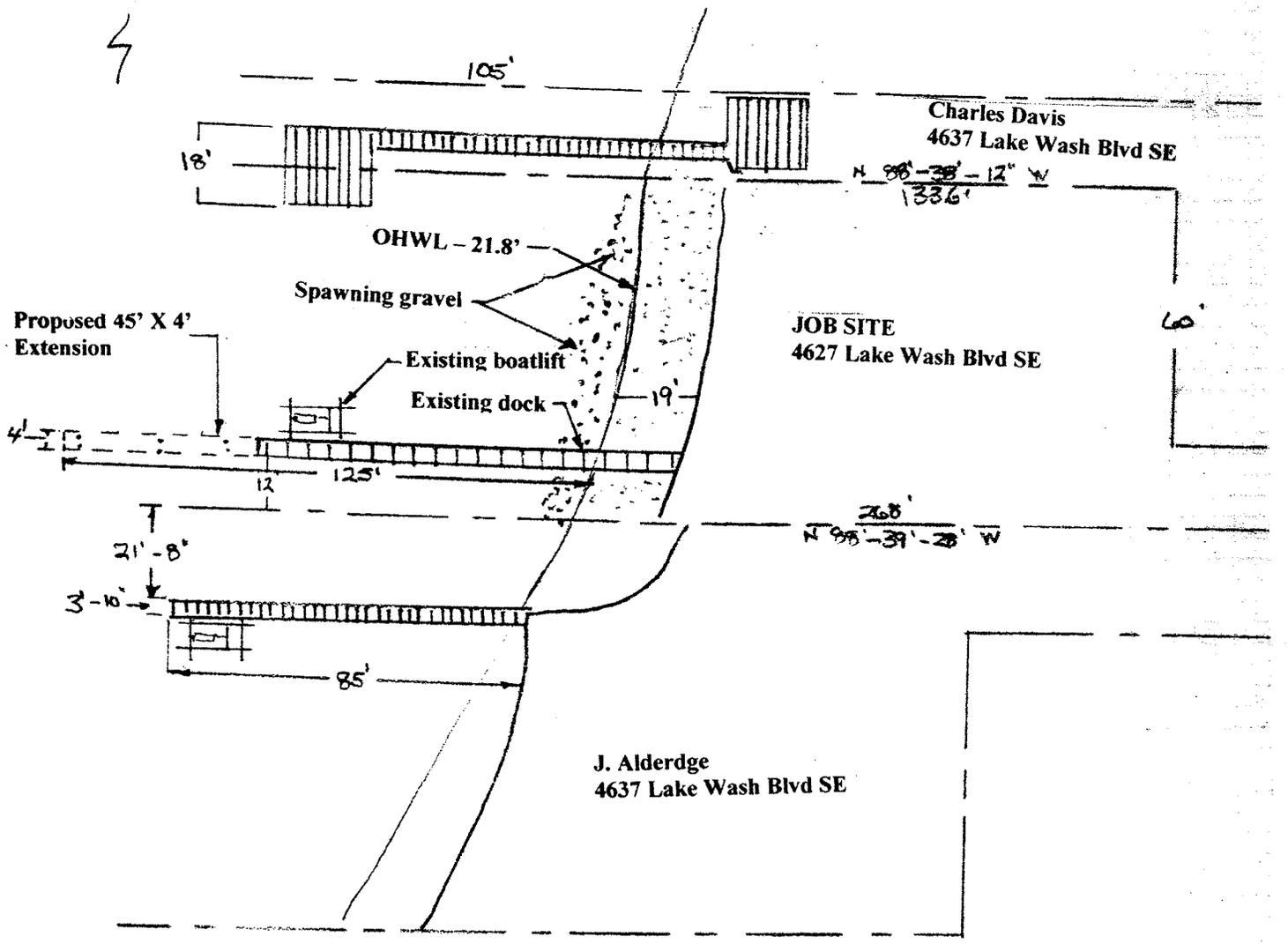
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JUN 03 2009

PERMIT PROCESSING



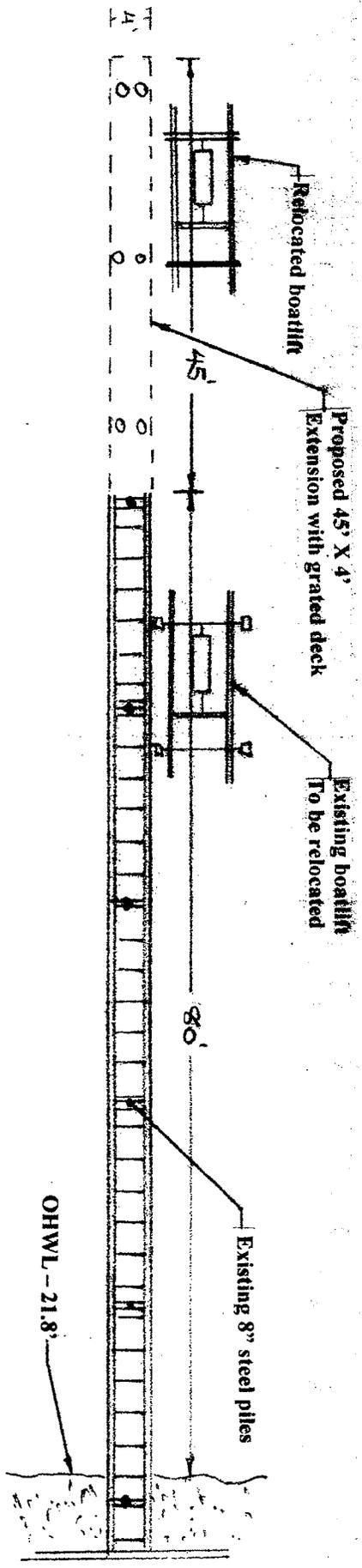
Lake Washington



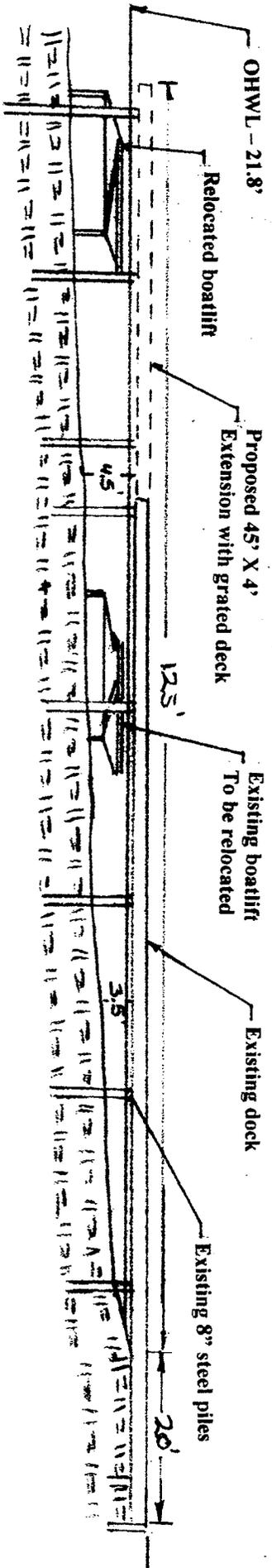
SITE PLAN WITH MITIGATION

SCALE 1" - 40'

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| Purpose: Provide safe boat moorage  | Proposed: Drive (6) 6" steel piles and construct a 45' long by 4' wide extension to an existing conforming dock. |
| Datum: Corps of Engineers 1919 | In: Lake Washington At: Bellevue County: King |
| Adjacent Property Owners: 1) J. Aldredge 4637 Lake Wash Blvd SE Bellevue, WA. 98006 2) Charles Davis 4625 Lake Wash Blvd SE Bellevue, WA. 98006 | Applicant: Paul Haack 4627 Lake Wash Blvd SE Bellevue, WA. 98006 |
| | Date: 5/19/09 Page 2 of 4 |



PLAN VIEW
Scale 1"=.16'



Elevation View
Scale 1"=.16'

Proposed: Drive (6) 8" steel piles and construct a 45' long by 4' wide extension to an existing conforming dock.

Purpose: Provide safe boat moorage
Datum: Corps of Engineers 1919



Adjacent Property Owners:

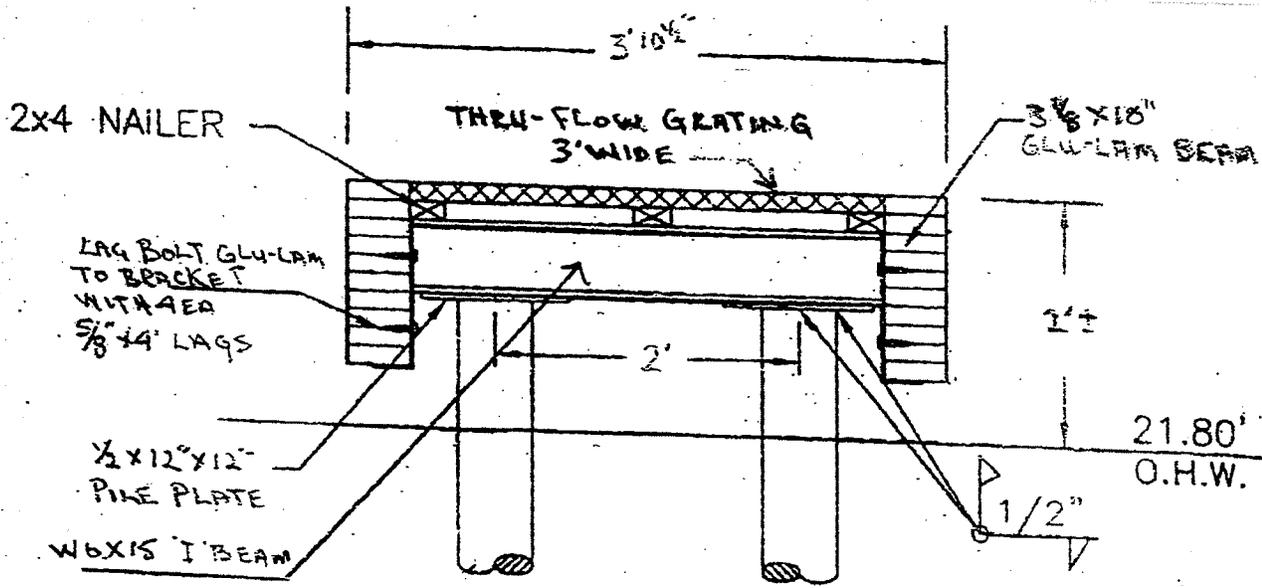
1) J. Aldredge
4637 Lake Wash Blvd SE
Bellevue, WA, 98006

2) Charles Davis
4625 Lake Wash Blvd SE
Bellevue, WA, 98006

In: Lake Washington
At: Bellevue
County: King

Applicant: Paul Haack
4627 Lake Wash Blvd SE
Bellevue, WA, 98006

Date: 5/19/09 Page 3 of 4



SCALE 3/4" - 1'

SCALE 3/4" - 1'

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| Purpose: Provide safe boat moorage  | Proposed: Drive (6) 6" steel piles and construct a 45' long by 4' wide extension to an existing conforming dock. |
| Datum: Corps of Engineers 1919 | In: Lake Washington At: Bellevue County: King |
| Adjacent Property Owners: 1) J. Aldredge 4637 Lake Wash Blvd SE Bellevue, WA. 98006 2) Charles Davis 4625 Lake Wash Blvd SE Bellevue, WA. 98006 | Applicant: Paul Haack 4627 Lake Wash Blvd SE Bellevue, WA. 98006 Date: 5-19-09 Page 4 of 4 |

Applicant Information

Project Address: 4627 Lake Washington Blvd. SE, Bellevue, WA. 98006

Parcel Number: 1724059039

Applicant: Ted Burns, Seaborn Pile Driving Company, 9311 SE 36th Street, Mercer Island, Wa. 98040 206.236.1700

Property Owner: Paul Haack 4627 Lake Wash. Blvd. SE, Bellevue, WA. 98006

Legal Description: LOT 1 BELLEVUE SHORT PLAT NO FSP-91-7120 REC NO 9111059003 SD SHORT PLAT DAF - THAT POR OF GOV'T LOT 5 STR 17-24-05 BEG AT SE COR OF SD LOT 5 TH W ALG THE S LN THOF 857.79 FT TH N 59.16 FT TH N 22-32-00 E 82.63 FT TH N 18-50-06 E 127.25 FT TH N 14-34-09 E 97.84 FT TO TPOB OF TRACT HEREIN DESC TH S 89-56-44 W 252.65 FT TO SH OF LAKE WASHINGTON TH N06-35-14E 100.68 FT TH N 89-56-44 E 261.66 FT TO WLY LN OF NP R/W CO R/W TH S 11-38-07 W ALG SD R/W 102.12 FT TO TPOB TGW SH LDS ADJ

Description of Work: Construct a 45' long by 4' wide extension to an existing conforming dock.

Contractor: Seaborn Pile Driving Company License #: SEABOPD942CG

Address: 9311 SE 36th Street Mercer Island, Wa. 98040

Phone: 206.236.2700

Fax: 206.236.2700

Contact: Ted Burns

Mobile: 206.947.4010

Email: tedeurns@yahoo.com

Construction Narrative

Mobilization

1. Mobilize crew, crane barge, supply barges, and materials on site. Make sure that the barge doesn't come in contact with the lake bottom.

Dock construction

1. Locate the pilings per the approved permitting drawings.
2. Drive (4) 6" epoxy coated steel pilings to firm bearing or refusal.
3. Confirm the pilings are straight and solid.
4. Using a cutting torch, cut the pilings to the designated elevation using a laser for confirmation.
5. Install, level and fasten the galvanized pile plates to the piles per the laser elevation.
6. Weld the galvanized "I" beams to the piles.
7. Install the 3 1/8" X 18" engineered Glu-Lams on the sides of the dock using lag bolts.
8. Install new 4" X 8" treated Doug-Fir stringers 2' on center as required to support the new decking and grating.
9. Attach the dock extension to the existing dock using galvanized steel brackets and thru bolts.

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JUN 03 2009

10. Install a schedule 40 electrical conduit sleeve for electrical power. All electrical work will be performed by a licensed electrician experienced with over-water electrical work. Electrical service outlets and lights can be installed as options.
11. Install the ThruFlow grating with stainless steel "button head" screws making sure the screws are flush with the surface.
12. Install optional lights, service outlets, and fenders as requested

Structural Notes

General

- All materials, workmanship, design and construction shall conform to the submitted drawings and the International Building Code.
- The contractor will be responsible for all safety precautions and methods and processes to perform the designated work.

Design Criteria

- The existing and repaired design and construction meets the a live load specification of a minimum of 40 PSF.

Carpentry

- Lumber will be graded in conformance with WCLIB grading rules.
 - Stringers Doug Fir #2 or better
 - Decking Thru-Flo grating
- All Doug Fir to be pressure treated with ACZA
- Steel brackets– All of the steel components will be galvanized for long life and to prevent rusting.
- Fasteners – All fasteners, bolts, nuts and nails will be hot-dip galvanized.

Preservatives

- All wood preservatives to be state approved and will be applied and fully cured prior to installation over the water.
- All hardware and fasteners to be hot dipped galvanized.

Materials

All materials used in the construction of the dock will be for use on the water and of the highest quality available on the market. All materials will conform to the International Building Code.

For example:

- Steel pilings – ASTM A53 GrB with Devran 261QC low temperate cure epoxy (16 mils) finish coated full length..
- Structural Steel – All steel plates and beams will be hot dipped galvanized and conform to ASTM A-53 grade B.
- Lumber – All lumber will be grade 2 or better (most is grade 1) and marked in conformance with WCLIB standard grading rules and will be wood pressure treated with ACZA.
- Steel brackets – All of the steel components will be hot dipped galvanized for long life and to prevent rusting.
- Fasteners – All fasteners, bolts, nuts and nails will be hot-dip galvanized.

Best Management Practices

1. Above the Water Line Work

1. SEABORN PILE DRIVING COMPANY will employ one each crane barge and one each supply for above water work. A tug will tow the barges on and off the job site.
2. All SEABORN PILE DRIVING COMPANY personnel working in, near or over the water will at all time wear either USCG approved life vests or work vest as well as hard hats and safety glasses.

2. Material Handling

1. During removal of the existing dock pile caps, stringers and decking a floating containment boom will completely surround the work area.
2. During removal of the existing skirting of the North building a floating containment boom will completely surround the work area.
3. During construction of the existing dock pile caps, stringers and decking a floating containment boom will completely surround the work area.

3. Hazardous Materials

- No hazardous materials will be mixed or stored in or near the water. No cleaning of materials will be performed in or near the water.

4. Polluting Materials in Water

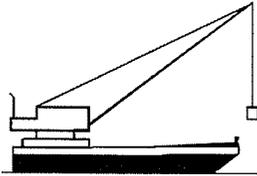
- SEABORN PILE DRIVING COMPANY will not be working with any materials that can fall into or pollute the water.

5. Materials Disposal

- SEABORN PILE DRIVING COMPANY will dispose of all wood debris in an approved legal disposal site in accordance with all applicable laws and permit requirements.

6. Treated Wood

- Any treated wood installed by SEABORN PILE DRIVING COMPANY will meet the Best Management Practices for Treated Wood in Western Aquatic Environments.



S E A B O R N
PILE DRIVING COMPANY

ESTABLISHED 1947

9311 SE 36TH STREET, SUITE 204
MERCER ISLAND, WASHINGTON 98040
(206) 236-1700 – PHONE
(206) 236-2700 – FAX
CONTRACTOR LICENSE SEABOPD942CG
WEBSITE: WWW.SEABORNPILEDRIVING.COM

June 1, 2009

City of Bellevue
PO Box 90012
Bellevue, WA. 98009

Attn: David Pyle – Planner

Re: Critical Area Report for the Haack Residence at 4627 Lake Wash Blvd. SE,
Bellevue, WA. 98006

Dear David;

I am acting as the agent for Mr. Paul Haack for the application for permit to extend the existing pier 45' long X 4' wide at his single family residence at 4627 Lake Wash Blvd SE in Bellevue.

Per **LUC 20.25E.080.N.1.a** allows one non commercial residential moorage facility provided the pier meets the development standards outlined in **LUC 20.25E.808.N.1.b**. The existing pier has an over water coverage of 320 square feet, and the proposed addition will add 180 square feet for a total over water coverage of 500 square feet. Per **LUC 20.25E.808.N.1.b.iii.1** a moorage facility serving one residential waterfront lot shall not exceed 480 square feet.

The proposed extension of an existing conforming pier is the result of substantial silt build-up under the existing pier from the runoff from Interstate Highway 405. This build-up of firm material on the lake bed has resulted in the water depth at the end of the existing conforming pier to decrease over .5' since the pier was constructed in 2000.

The low water depth at the end of the existing pier is now dangerous for boat moorage and has the potential to cause property damage to the boat as the result of the low water and the waves associated with normal boat traffic. In addition, due to the rapid silt build-up at the applicant's waterfront property; it is expected that the water depth will continue to decrease. In addition, the existing 500 square feet of over water coverage, will soon be reduced to 480 square feet or less.

DOCKS

MARINE CONSTRUCTION

JUN 03 2009
BULKHEADS

PERMIT PROCESSING

We feel the applicant has the right to use the pier and due to the change in the depth at the end of the pier we have no other reasonable alternative than to extend the pier 45'. The proposed pier extension meets all other development standards.

The applicant feels the City of Bellevue should waive the 480 square foot over water requirement due to the rapid loss of over water coverage at the pier; however, if the City decides not to waive the over water requirement at this property, the applicant is applying for the **Critical Area Land Use Permit** as a result of the hardship the silt build-up has caused at his existing moorage.

The application herein contains a critical area report demonstrating that there will be a net increase in critical area functions and values as a result of the proposed actions. This net increase is based on mitigation consisting of existing shoreline plantings per the City's Critical Area Handbook.

We will also be applying for a Shoreline Substantial Development Permit from the City of Bellevue, a federal permit from the US Army Corps of Engineers, and a HPA from the WA State Department of Fish & Wildlife.

We have included a JARPA for review by the City of Bellevue, the WA State Dept of Fish & Wildlife and the US Army Corps of Engineers. The work window for the site will be established by the federal permit and is July 16 – December 31 of every year.

Our submission of the Critical Areas Report will address several sections and sub-sections of the Bellevue Land Use Code (LUC) section **20.25E.080.N.5**; including:

- **20.25H.230 Critical areas report – Purpose** – which is a mechanism by which the requirements of this part, certain requirements of Part **20.25E** LUC of that part may be modified for a special purpose.
 - **Under this section we will direct our efforts to the following section of the code.** The critical areas report must demonstrate a net increase in certain critical area functions.
- **20.25H.245 Incorporation of best available science.** The critical area report shall evaluate the proposal and all probable impacts to critical areas in accordance with the provision of this part.
- **20.25H.250 Critical areas report – Submittal requirements**
 - **Specific Proposal Required.** A critical areas report must be submitted as part of an application for a specific development proposal. In addition to the requirements of this section, additional information may be required for the permit applicable to the development proposal.
 - **Minimum Report Requirements.** The critical areas report shall be prepared by a qualified professional and shall at minimum include the content identified in this section. The Director may waive any of the

report requirements where, in the Director's discretion, the information is not necessary to assess the impacts of the proposal and the level of protection of critical area function and value accomplished. At a minimum, the report shall contain the following:

1. Identification and classification of all critical areas and critical area buffers on the site.

The site is a single family waterfront residence on Lake Washington. The property includes an existing sand beach with emergent plantings along the shoreline supporting existing water life and fish.

2. Identification and characterization of all critical areas and critical area buffers on those properties immediately adjacent to the site.

Lake Washington with a continuous natural sand beach along the lakefront.

3. Identification of each regulation or standard of this code proposed to be modified.

The regulation to be modified by this critical area permit is: **LUC 20.25E.808.N.1.b.iii.1**

4. A habitat assessment consistent with the requirements of LUC 20.25H.165;

A. Detailed description of vegetation on and adjacent to the site.

The site contains numerous water based plantings along the shoreline, as well as trees and shrubs in the adjacent yard

B. Identification of any species of local importance that have a primary association with habitat on or adjacent to the site, and assessment of potential project impacts to the use of the site by the species.

The weeping willow tree hangs over the lake and drops leaves and nutrients into the lake to sustain and support the fish and aquatic wildlife. There will be no potential project impacts as a result of the willow tree presence on the site.

C. A discussion of any federal, state, or local special management recommendations, including Washington Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the site.

The Washington State Department of Fish and Wildlife has not recommended or developed any specific management recommendations for this site; however they do recommend that adjacent piers and docks contain light penetrating grating surfaces, that existing sandy beaches remain for their ability to provide nutrients and habitat for spawning fish, and that the inshore portion of the property contain spawning salmon enhancing lakebed coverage (ie: spawning gravel).

D. A detailed discussion of the direct and indirect potential impacts on habitat by the project, including potential impacts to water quality.

The proposed pier extension will be constructed utilizing minimally invasive 6" steel piles spaced to the maximum distance the building code will allow. The proposed pier extension will not offer potential impacts to the aquatic wildlife in and surrounding Lake Washington either directly or indirectly during a continuing long-term period.

E. A discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve existing habitats and restore any habitat that was degraded prior to the current proposed use or activity and to be conducted in accordance with the mitigation sequence set forth in LUC 20.25H.215.

- a. Avoiding the impact altogether by not taking a certain action or parts of an action. The waterfront property owner has the right to use the pier.
- b. The proposed pier extension is required due to the fact that there has been a significant depth change from storm water run-off.
- c. As a result of the depth change at the end of the existing pier, there are no other alternatives to provide safe boat moorage.
- d. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking

affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts. The proposed pier will be constructed with the latest technologies to provide support and protection of personal property with minimal disturbance to the lakebed and waters within the lake. The proposed pier will be constructed utilizing acceptable materials and approved materials for in-water applications that are compatible with the waters of Lake Washington; and which won't negatively impact those waters. The proposed pier extension will be constructed during federal and state mandated work windows.

- e. Performing the following types of mitigation (listed in order of preference): We propose a planting plan consisting of spawning gravel to provide an improved habitat for the fish. The proposed spawning gravel and existing plants will continue to be maintained to provide a continuous source of lakeshore nutrients.
- f. Monitoring the hazard or other required mitigation and taking remedial action when necessary. The proposed pier extension will be monitored to ensure that it doesn't change after installation or in any way change it's impact on the vegetation and aquatic life in Lake Washington.

F. A discussion of ongoing management practices that will protect habitat after the site has been developed, including proposed monitoring and maintenance programs. (Ord. 5680, 6-26-06, § 3).

The proposed shoreside plants will continue to be monitored per the City of Bellevue Critical Areas Handbook for five (5) years. During this period we will 1). track the survival of the existing planted vegetation, 2). percent cover of planted the existing vegetation, 3). diversity of planted vegetation, and 4). percent cover of non-native invasive weeds.

5. An assessment of the probable cumulative impacts to critical areas resulting from development of the site and the proposed development.

There are no expected probable cumulative impacts to Lake Washington or the lakebed as a result of the installation and use of the proposed pier extension.

6. An analysis of the level of protection of critical area functions and values provided by the regulations or standards of this code, compared with the level of protection provided by the proposal. The analysis shall include:

- a. **A discussion of the functions and values currently provided by the critical area and critical area buffer on the site and their relative importance to the ecosystem in which they exist.** Lake Washington provides a habitat for fish, ducks, geese and birds and it is important to the ecosystem in which they exist.
- b. **A discussion of the functions and values likely to be provided by the critical area and critical area buffer on the site through application of the regulations and standards of this Code over the anticipated life of the proposed development:** The application of this code will insure that the proposed pier extension doesn't negatively impact the lake's existing species and ecosystem, as well as provide for improvement through shoreline aquatic and plant enhancement.
- c. **A discussion of the functions and values likely to be provided by the critical area and critical area buffer on the site through the modifications and performance standards included in the proposal over the anticipated life of the proposed development.** The addition of inshore and shoreline enhancement and mitigation with spawning gravel on the lakebed and the maintaining of the existing nutrient providing plants along the shoreline will provide a net increase in critical area functions and values to Lake Washington in the project area.

7. A discussion of the performance standards applicable to the critical area and proposed activity pursuant to LUC 20.25H.160, and recommendation for additional or modified performance standards, if any

- a. **If habitat associated with species of local importance will be impacted by a proposal, the proposal shall implement the wildlife management plan**

developed by the Department of Fish and Wildlife for such species. Where the habitat does not include any other critical area or critical area buffer, compliance with the wildlife management plan shall constitute compliance with this part. The project site habitat does not impact other species and the Washington State Department of Fish & Wildlife management plan is not affected by the proposed boatlift installation. .

8. A discussion of the mitigation requirements applicable to the proposal pursuant to LUC 20.25H.210, and a recommendation for additional or modified mitigation, if any;
- a. **Where a mitigation or restoration plan is required under this part or Part 20.25E LUC, the plan shall be developed in accordance with the standards of LUC 20.25H.210 through 20.25H.225 inclusive. Any mitigation or restoration plan shall be approved as part of the permit or approval required for the underlying activity. Where a project requires a critical areas report and a mitigation or restoration plan, the mitigation or restoration plan may be included with the critical areas report. (Ord. 5680, 6-26-06, § 3)**

The proposed mitigation plan has been developed and is in accordance with the subject standards, as well as the standards set forth by the Washington State Department of Fish and Wildlife and the US Army Corps of Engineers (RGP-1).

9. Any additional information required for the specific critical area as specified in the sections of this part addressing that critical area.

This critical areas permit application and report as well as the proposed mitigation plan addresses all of the sections and requirements.

Additional Report Submittal Requirements.

1. Unless otherwise provided, a critical areas report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site, as approved by the Director.

A completed SEPA checklist, state JARPA and federal APPENDIX A of the Regional General Permit 3 application for pier construction is included as part of the critical area study.

2. Where a project requires a critical areas report and a mitigation or restoration plan, the mitigation or restoration plan may be included with the critical areas report, and may be considered in determining compliance with the applicable decision criteria, except as set forth in subsection C.4 of this section.

The proposed mitigation plan is included as part of the critical area study.

3. The applicant may consult with the Director prior to or during preparation of the critical areas report to obtain approval of modifications to the required contents of the report where, in the judgment of a qualified professional, more or less information is required to adequately address the potential critical area impacts and required mitigation.

The report is submitted for review without consultation.

4. Proposals to obtain reductions in regulated critical area buffers below the buffers required by this part shall include the following information in addition to the minimum critical areas report contents described in subsection B of this section. The restoration proposed to improve existing function included in the proposal must be separate from any impact mitigation proposal:

This critical area report doesn't address the need for a reduction in the regulated critical area buffer.

- **20.25H.255 Critical areas report – Decision criteria.**
- **A. General**

Except for the proposals described in subsection B of this section, the Director may approve, or approve with modifications, the proposed modification where the applicant demonstrates:

1. The modifications and performance standards included in the proposal lead to levels of protection of critical area functions and values at least as protective as application of the regulations and standards of this code;

We are confident that the proposed mitigation plan leads to a net increase in critical area functions and values for the site.

2. Adequate resources to ensure completion of any required mitigation and monitoring efforts;

We have developed and will schedule adequate resources to complete the required mitigation proposed as part of this critical area report.

3. The modifications and performance standards included in the proposal are not detrimental to the functions and values of critical area and critical area buffers off-site; and

We are confident that the mitigation and resulting modifications are not detrimental to the functions and values to the critical areas and critical area buffers off-site.

4. The resulting development is compatible with other uses and development in the same land use district.

The proposed pier extension and mitigation is compatible and consistent with other numerous piers and waterfront recreation items found in the vicinity and throughout Lake Washington.

The responses provided will directly address the Design Criteria listed in 20.25H.255 above as it is believed this will serve as the basis for approval of the project as designed. It is our goal to demonstrate that the design has been developed to demonstrate that the proposed mitigation will more than offset the extension of the existing pier and cause a positive enhancement of the critical area. In addition, as a result of other codes and restrictions, there is no alternative design; and the property owner has the right to use the dock for the boating and swimming activities for which it was designed.

Development Standards

vi. Shoreline Critical Area and Critical Area Buffer Functions.

- (1) Existing Habitat Features. Existing habitat features (e.g., large and small woody debris, substrate material, etc.) shall be preserved and new or expanded moorage facilities placed to avoid disturbance of such features.

The proposed pier extension will avoid disturbing any existing habitat that may be determined to exist in the area.

- (2) Invasive weeds (e.g., milfoil) may be removed with nonchemical means only.

There are currently no invasive weeds located in the critical area of this proposed project, and non will be removed as part of this project.

- (3) Shoreline Planting. In order to mitigate the impacts of new or expanded moorage facilities, the applicant shall plant emergent vegetation (if site-appropriate) and a buffer of vegetation a minimum of 10 feet wide along the entire length of the lot immediately landward of ordinary high water mark. Planting shall consist of native shrubs and trees and, when possible, emergent vegetation. At least five native trees will be included in a planting plan containing one or more evergreen trees and two or more trees that like wet roots (e.g., willow species). Such planting shall be monitored for a period of five years consistent with a monitoring plan approved pursuant to LUC 20.25H.210. This subsection is not intended to prevent reasonable access through the shoreline critical area buffer to the shoreline, or to prevent beach use of the shoreline critical area.

Response and Environmental Considerations: This standard applies to those project sites where the ordinary high water line is adjacent to the land on the property. The ordinary high water line at our proposed job site has become 20' waterward of the land adjacent to the dock on the property. To provide nutrients into the lake to support the aquatic life and to provide a sustainable net increase in critical area functions and values; the emergent vegetation/mitigation should be located in the water to provide 5 years or more of net increased value at the property.

The proposed shoreline spawning gravel mitigation supports the position that the proposed project reflects less impact than the existing site and therefore warrants review and approval based on the net increase in critical area functions and values as a result of these proposed actions.

As demonstrated above pertaining to Development Standard N.1.b.vi. (3):

- The mitigation and planting plan included in the proposal lead to levels of protection of critical area functions and values at least as protective as application of the regulations and standards of this code.
- Adequate resources to ensure completion of any required mitigation and monitoring efforts will be put in place.
- The modifications and performance standards included in the proposal are not detrimental to the functions and values of critical area and critical area buffers off-site.
- The resulting development is compatible with other uses and development in the same land use district.
- The proposed development reflects an improvement over existing conditions.

As demonstrated above pertaining to Development Standard N.2.6.a.i:

- The mitigation and planting plan included in the proposal lead to levels of protection of critical area functions and values at least as protective as application of the regulations and standards of this code.
- Adequate resources to ensure completion of any required mitigation and monitoring efforts.
- The modifications and performance standards included in the proposal are not detrimental to the functions and values of critical area and critical area buffers off-site.
- The resulting development is compatible with other uses and development in the same land use district.
- The proposed development reflects an improvement over existing conditions.

Incorporation of Best Available Science – All elements of the project reflect Seaborn Pile Driving's as well as Paul Haack's commitment to incorporate Best Available Science into every aspect of the pier extension. This is demonstrated through the use of local, state and federal regulatory design standards including installing a pier with steel piles and using stainless steel hardware and conducting work only during authorized in-water work windows.

We're very pleased to provide the documentation and address and support the development standards where the proposed project deviates from the City of Bellevue guidelines. If you need any additional information, please feel free to contact the undersigned as agent for the owner.



Ted Burns
Seaborn Pile Driving Company
9311 SE 36th Street
Suite 204
Mercer Island, WA. 98040
206-236-1700 – Phone
206-947-4010 – mobile
tedeburns@yahoo.com - email

enclosures:

Proposed planting plan
JARPA
SEPA checklist
RGP-3 as submitted to the US Army Corps of Engineers

Agency Reference #:
Circulated by:
Project Tracking Number:

Date Received:
(local govt. or agency)

JOINT AQUATIC RESOURCES PERMIT APPLICATION FORM (JARPA)

(for use in Washington State)

Please type only in white fields and use blank ink.

To fill in electronically, use F11 to move through the form. To use the help feature you must have an internet connection.



- Application for a Fish Habitat Enhancement Project per requirements of RCW 77.55.290. You must submit a copy of this completed JARPA application form and the (Fish Habitat Enhancement JARPA Addition) to your local Government Planning Department and Washington Department of Fish & Wildlife Area Habitat Biologist on the same day.

NOTE: LOCAL GOVERNMENTS – You must submit any comments on these projects to WDFW within 15 working days.

Based on the instructions provided, I am sending copies of this application to the following: *(check all that apply)*

- Local Government for shoreline: Substantial Development Conditional Use Variance Exemption Revision
 Floodplain Management Critical Areas Ordinance
- Washington Department of Fish and Wildlife for HPA (Submit 3 copies to WDFW Region)
- Washington Department of Ecology for 401 Water Quality Certification (to Regional Office-Federal Permit Unit)
- Washington Department of Natural Resources for Aquatic Resources Use Authorization Notification
- Corps of Engineers for: Section 404 Section 10 permit
- Coast Guard for: General Bridge Act Permit Private Aids to Navigation (for non-bridge projects)
- For Department of Transportation projects only: This project will be designed to meet conditions of the most current Ecology/Department of Transportation Water Quality Implementing Agreement

PROJECT TITLE: Haack Pier Extension

PROJECT DESCRIPTION Construct a 45' long by 4' wide extension to an existing conforming dock.

SECTION A - Use for all permits covered by this application. Be sure to ALSO complete Section C (Signature Block) for all permit applications.

help 1. APPLICANT Paul Haack

MAILING ADDRESS
4627 Lake Wash Blvd SE Bellevue, WA. 98006

| | | | |
|------------|----------------|------------|-------|
| WORK PHONE | E-MAIL ADDRESS | HOME PHONE | FAX # |
|------------|----------------|------------|-------|

If an agent is acting for the applicant during the permit process, complete #2. Be sure agent signs Section C (Signature Block) for all permit applications

help 2. AUTHORIZED AGENT Ted Burns – Seaborn Pile Driving Company

MAILING ADDRESS
9311 SE 36th Street Suite 204 Mercer Island, WA. 98040

| | | | |
|----------------------------|---------------------------------------|----------------------------|-----------------------|
| WORK PHONE 206-236-1700 | E-MAIL ADDRESS tedeburns@yahoo.com | HOME PHONE 206-947-4010 | FAX # 206-236-2700 |
|----------------------------|---------------------------------------|----------------------------|-----------------------|

help 3. Relationship of applicant to property: OWNER PURCHASER LESSEE _____

help 4. Name, address and phone number of property owner(s) if other than applicant:

help 5. Location (street address, including city, county and zip code, where proposed activity exists or will occur)
4627 Lake Wash Blvd SE Bellevue, King County 98006

help Local government with jurisdiction (city or county) City of Bellevue

help Waterbody you are working in Lake Washington

help Tributary of **help** WRIA #

help Is this waterbody on the 303(d) List** YES NO
If YES, what parameter(s)?

help Shoreline designation

**For 303d List,
<http://www.ecy.wa.gov/programs/wq/303d/index.html>

help Zoning designation

| | | | | |
|-------------------|---------------|----------------|------------|------------------------------|
| 1/4 Section SE | Section 17 | Township 24 | Range 5 | Government Lot 1724059039 |
|-------------------|---------------|----------------|------------|------------------------------|

help DNR stream type if known

RECEIVED

JUN 03 2009

PERMIT PROCESSING

help Latitude and Longitude: 47.33.4 22.11.19 Tax Parcel Number 1724059039

help 6. Describe (a) the current use of the property, (b) structures existing on the property, and (c) existing environmental conditions. Have you completed any portion of the proposed activity on this property? YES NO
For any portion of the proposed activity already completed on this property, indicate month and year of completion.
The property is a single family residence.

help Is the property agricultural land? YES NO **help** Are you a USDA program participant? YES NO

help 7a. Describe the proposed work that needs aquatic permits: Complete plans and specifications should be provided for all work waterward of the ordinary high water mark or line, including types of equipment to be used. If applying for a shoreline permit, describe all work within and beyond 200 feet of the ordinary high water mark. If you have provided attached materials to describe your project, you still must summarize the proposed work here. Attach a separate sheet if additional space is needed.
Drive (6) 6" steel piles and construct a 45' long by 4' wide extension to an existing conforming dock. The proposed pier extension will feature a fully grated deck.

PREPARATION OF DRAWINGS: See sample drawings and guidance for completing the drawings. **ONE SET OF ORIGINAL OR GOOD QUALITY REPRODUCIBLE DRAWINGS MUST BE ATTACHED.** NOTE: Applicants are encouraged to submit photographs of the project site, but these DO NOT substitute for drawings. **THE CORPS OF ENGINEERS AND COAST GUARD REQUIRE DRAWINGS ON 8-1/2 X 11 INCH SHEETS. LARGER DRAWINGS MAY BE REQUIRED BY OTHER AGENCIES.**

help 7b. Describe the purpose of the proposed work and why you want or need to perform it at the site. Please explain any specific needs that have influenced the design.
Provide the property with access to safe boating. The beach and inshore area has become full of sand from the uplands and lowered the depth to an unsafe level.

help 7c. Describe the potential impacts to characteristic uses of the water body. These uses may include fish and aquatic life, water quality, water supply, recreation and aesthetics. Identify proposed actions to avoid, minimize, and mitigate detrimental impacts and provide proper protection of fish and aquatic life. Identify which guidance documents you have used. Attach a separate sheet if additional space is needed.
The proposed pier extension will not affect the current use of Lake Washington.

help 7d. For in water construction work, will your project be in compliance with the State of Washington water quality standards for turbidity WAC 173.201A-110? YES NO (See USEFUL DEFINITIONS AND INSTRUCTIONS)

help 8. Will the project be constructed in stages? YES NO
Proposed starting date: **Upon receipt of the required permits.**
Estimated duration of activity: **One week.**

help 9. Check if any temporary or permanent structures will be placed:
 Waterward of the ordinary high water mark or line for fresh or tidal waters AND/OR
 Waterward of the mean higher high water for tidal waters?

help 10. Will fill material (rock, fill, bulkhead, or other material) be placed:
 Waterward of the ordinary high water mark or line for fresh waters?

If YES, VOLUME (cubic yards) / AREA (acres)
 Waterward of the mean high water for tidal waters?
 If YES, VOLUME (cubic yards) / AREA (acres)

- help** 11. Will material be placed in wetlands? YES NO
 If YES:
help A. Impacted area in acres:
help B. Has a delineation been completed? If YES, please submit with application. YES NO
help C. Has a wetland report been prepared? If YES, please submit with application YES NO
help D. Type and composition of fill material (e.g., sand, etc.)
help E. Material source:
help F. List all soil series (type of soil) located at the project site, and indicate if they are on the county's list of hydric soils. Soils information can be obtained from the natural Resources Conservation Service (NRCS).
help G. WILL PROPOSED ACTIVITY CAUSE FLOODING OR DRAINING OF WETLANDS? YES NO
 If YES, IMPACTED AREA IS _____ ACRES OF DRAINED WETLANDS.

NOTE: If your project will impact greater than 1/2 of an acre of wetland, submit a mitigation plan to the Corps and Ecology for approval along with the JARPA form.
 NOTE: A 401 water quality certification will be required from Ecology in addition to an approved mitigation plan if your project impacts wetlands that are: a) greater than 1/2 acre in size, or b) tidal wetlands or wetlands adjacent to tidal water. Please submit the JARPA form and mitigation plan to Ecology for an individual 401 certification if a) or b) applies.

- help** 12. Stormwater Compliance for Nationwide Permits Only: This project is (or will be) designed to meet ecology's most current stormwater manual, or an Ecology approved local stormwater manual. YES NO
 If YES – Which manual will your project be designed to meet?
help If NO – For clean water act Section 401 and 404 permits only – Please submit to Ecology for approval, along with this JARPA application, documentation that demonstrates the stormwater runoff from your project or activity will comply with the water quality standards, WAC 173.201(A)

- help** 13. Will excavation or dredging be required in water or wetlands? YES NO
 If YES:
 A. Volume: _____ (cubic yards) / area _____ (acre)
 B. Composition of material to be removed:
 C. Disposal site for excavated material:
 D. Method of dredging:

- help** 14. Has the State Environmental Policy Act (SEPA) been completed YES NO
 SEPA Lead Agency: City of Bellevue
 SEPA Decision: DNS, MDNS, EIS, Adoption, Exemption Decision Date (end of comment period)
 SUBMIT A COPY OF YOUR SEPA DECISION LETTER TO WDFW AS REQUIRED FOR A COMPLETE APPLICATION

- help** 15. List other Applications, approvals or certifications from other federal, state or local agencies for any structures, construction discharges or other activities described in the application (i.e. preliminary plat approval, health district approval, building permit, SEPA review, federal energy regulatory commission license (FERC), Forest practices application, etc.). Also, indicate whether work has been completed and indicate all existing work on drawings. NOTE: For use with Corps Nationwide Permits, identify whether your project has or will need an NPDES permit for discharging wastewater and/or stormwater.

| TYPE OF APPROVAL | ISSUING AGENCY | IDENTIFICATION NO. | DATE OF APPLICATION | DATE APPROVED | COMPLETED? |
|-----------------------------------|-----------------------------------|--------------------|---------------------|---------------|------------|
| Shoreline Substantial Development | City of Bellevue | | | | |
| Building permit | City of Bellevue | | | | |
| Hydraulic Project Approval | Wa. Stae Dept. of Fish & Wildlife | | | | |
| Federal permits | US Army Corps of Eng. | | | | |
| | | | | | |

- help** 16. Has any agency denied approval for the activity you're applying for or for any activity directly related to the activity described herein?
 YES NO
 If YES, explain:

SECTION B - Use for Shoreline and Corps of Engineers permits only:

help 17a. Total cost of project. This means the fair market value of the project, including materials, labor, machine rentals, etc.
\$50,000.00

help 17b. If a project or any portion of a project receives funding from a federal agency, that agency is responsible for ESA consultation. Please indicate if you will receive federal funds and what federal agency is providing those funds. See instructions for information on ESA.*

FEDERAL FUNDING YES NO If YES, please list the federal agency.

help 18. Local government with jurisdiction: **City of Bellevue**

help 19. For Corps, Coast Guard and DNR permits, provide names, addresses and telephone numbers of adjoining property owners, lessees, etc. *Please note: Shoreline Management Compliance may require additional notice – consult your local government.*

| NAME | ADDRESS | PHONE NUMBER |
|---------------|-------------------------------------------------------|--------------|
| J Aldredge | 4637 4627 Lake Wash Blvd SE Bellevue, WA. 98006 | |
| Charles Davis | 4625 Lake Wash Blvd SE Bellevue, WA. 98006 | |
| | | |

SECTION C - This section MUST be completed for any permit covered by this application

help 20. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed, in-progress or completed work. I agree to start work **ONLY** after all necessary permits have been received.

| | |
|---------------------------------------------------------------------------------------------------------------------|-------------------|
|  SIGNATURE OF APPLICANT | DATE 5/18/2009 |
|  SIGNATURE OF AUTHORIZED AGENT | DATE 5/12/2009 |

I HEREBY DESIGNATE Ted Burns - Seaborn Pile Driving Company TO ACT AS MY AGENT IN MATTERS RELATED TO THIS APPLICATION FOR PERMIT(S). I UNDERSTAND THAT IF A FEDERAL PERMIT IS ISSUED, I MUST SIGN THE PERMIT.

| | |
|---------------------------------------------------------------------------------------------------------------|-------------------|
|  SIGNATURE OF APPLICANT | DATE 5/18/2009 |
|---------------------------------------------------------------------------------------------------------------|-------------------|

SIGNATURE OF LANDOWNER (EXCEPT PUBLIC ENTITY LANDOWNERS, E.G. DNR)

THIS APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE AGENT, IF AN AUTHORIZED AGENT IS DESIGNATED.

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

COMPLETED BY LOCAL OFFICIAL

A. Nature of the existing shoreline. (Describe type of shoreline, such as marine, stream, lake, lagoon, marsh, bog, swamp, flood plain, floodway, delta; type of beach, such as accretion, erosion, high bank, low bank, or dike; material such as sand, gravel, mud, clay, rock, riprap; and extent and type of bulkheading, if any)

B. In the event that any of the proposed buildings or structures will exceed a height of thirty-five feet above the average grade level, indicate the approximate location of and number of residential units, existing and potential, that will have an obstructed view:

C. If the application involves a conditional use or variance, set forth in full that portion of the master program which provides that the proposed use may be a conditional use, or, in the case of a variance, from which the variance is being sought:

These Agencies are Equal Opportunity and Affirmative Action employers.



US Army Corps
of Engineers
Seattle District

APPENDIX A



REGIONAL GENERAL PERMIT 3
APPLICATION FORM

For Construction of New or Modification of
Existing Residential Overwater Structures

and Drive Moorage Piling in Lake Washington, Lake Sammamish,
the Sammamish River and Lake Union, Including the Lake Washington Ship Canal,
in the State of Washington
Version March 7, 2005

TO BE COMPLETED BY THE CORPS

Corps Reference Number _____

The proposed work meets all of the conditions of RGP 3.

The proposed work does not meet all of the conditions of RGP 3. This form constitutes a Reference Biological Evaluation.

USFWS Reference: 1-3-04-PI-00560

NMFS Reference: 2004/00175

1. Biological Evaluation:

Biological Evaluation for Construction of New or Modification of Existing Residential Overwater Structures and Installation of Moorage Piling in Lake Washington, Lake Sammamish, the Sammamish River and Lake Union, Including the Lake Washington Ship Canal, in the State of Washington June 26, 2003. U.S. Army Corps of Engineers, Seattle District, Regulatory Branch.

2. Date: May 5, 2009

3. Applicant' Name: Paul Haack

Address: 4627 Lake Wash Blvd. SE

City: Bellevue

State: WA

Zip: 98006

Agent' Name: Ted Burns - Seaborn Pile Driving Company

Address: 9311 SE 36th Street Suite 204

City: Mercer Island

State: WA

Zip: 98040

JUN 03 2009

PERMIT PROCESSING

5. **Location(s) of Activity:**

Quarter Section: SE Section: 17 Township: 24 Range: 5

Latitude: 47.33.44 Longitude: 122.11.19

Street address: 4627 Lake Wash. Blvd. SE

Waterbody: Lake Washington County: King

Names and Addresses of Adjacent Property Owners:

J Aldredge 4627 Lake Wash. Blvd. SE Bellevue, WA. 98006

Charles Davis 4625 Lake Wash. Blvd SE Bellevue, WA. 98006

6. **Use type:** Private non-commercial Private Joint-use¹ non-commercial

Name and address of joint-use property owner(s):

7. **Project description:** _____

Drive (6) 6" steel piles and construct a 45' long by 4' wide extension to an existing conforming dock. The proposed pier extension will feature a fully grated deck.

8. **Construction techniques:** _____

a. Describe how the piling will be installed. Include the type of equipment, tools, and machinery to be used:
The six 6" steel piles will be installed using a drop hammer on a floating crane.

b. Describe how the pier, ramp, and float will be constructed, transported, and installed. Include the type of equipment, tools, and machinery to be used:
The pier will be constructed in-place utilizing a crane barge with the required tools and a supply barge with the wood and other construction material. Both barges will be secured away from the beach and adjacent docks.

¹ Joint use requires at least two contiguous residential waterfront property owners.

- c. The number of days it will take to complete the project: 5 work days.
- d. Describe the methods proposed to prevent construction debris from entering the water or causing water quality degradation: _____
- All cutting will be performed on the barge to contain material within the barge area. Construction in-place will include debris containment tarps or booms as required.

Endangered Species Act (ESA) Information: Specific Project Information

Conservation Measures and Construction Specifications: In order to meet all ESA requirements for authorization under this Regional General Permit (RGP), all applicable Conservation Measures and Construction Specifications summarized below must be implemented. The entire text of the Conservation Measures and Construction Specifications are listed in the RGP document. Check each item that you agree to implement. Check each item "not applicable" if they do not apply to your project. For example, if you will not install piling, check "not applicable" next to the item listing the piling requirements. You must also complete the column on the right with your specific project information.

| I (We) Will Implement | I (We) Will Not Implement | Not Applicable | Conservation Measure and Construction Specification | Specific Project Information |
|-----------------------|---------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| X | <input type="checkbox"/> | <input type="checkbox"/> | Existing in-water and over-water structures (with the exception of bulkheads) with 30 feet of OHW, except for those facilitating access, shall be removed and no additional in-water structures shall be constructed in this nearshore area over the entire length of the property. | Existing in-water and over-water structures that will be removed: <u>0</u> |
| X | <input type="checkbox"/> | <input type="checkbox"/> | Only piers and ramps can be within 30 feet of shore. All floats and ellis must be at least 30 feet waterward of OHW. | |
| X | <input type="checkbox"/> | <input type="checkbox"/> | Skirting: Skirting is not authorized by this RGP and any existing skirting must be removed. | |
| | <input type="checkbox"/> | X | New Piers: Surface coverage of pier must not exceed the following: a. Single property owner- 480 square feet b. Two property owners- 700 square feet c. Three or more property owners- 1000 square feet | Total size of proposed pier: <u>500</u> square feet |
| X | <input type="checkbox"/> | <input type="checkbox"/> | Except for floats, the bottom of all structures must be at least 1.5 feet above OHW. | distance of bottom of pier from OHW <u>21'</u> |
| X | <input type="checkbox"/> | <input type="checkbox"/> | Pier/walkway must be fully grated. We will install ThruFlow grating over the entire pier. | 43 % open area |

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|-------------------------------------|-------------------------------------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | | <input type="checkbox"/> | Pier/walkway must be no wider than 4 feet. | width of proposed pier: _____ 4 feet |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Ramps must not exceed 3 feet in width and be fully grated. | width of proposed ramp: _____ feet |
| <input type="checkbox"/> | | <input checked="" type="checkbox"/> | Ells must not exceed than 6-foot wide by 20-foot long with a 2-foot wide strip of grating down the center OR 6-foot wide by 26-foot long and fully grated. There is no ELL on the existing or proposed pier. | length of ell: _____feet— width of ell: _____ feet |
| <input type="checkbox"/> | | <input checked="" type="checkbox"/> | Finger ell must not exceed 2-foot wide by 20-foot long and must be fully-grated.. The is no finger ELL on the existing or proposed pier. | length of ell: _____ feet width of ell: _____ feet |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Float width must not exceed 6 feet and the length cannot exceed 20 feet. | width of proposed float: _____ feet length of proposed float: _____ feet |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Floats must contain at least a two foot strip of grating down the center | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | All grating must have at least 60% open area. The new deck will be ThruFlow grating. | Proposed grating has 43 % open area |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Piling: The first in-water set of piles shall be steel, 4-inch and at least 18-feet from OHW. The inshore piling are existing. | Type of material and size of first set of piling; |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | | Beyond the first set of piles, piles for a new pier must be spaced no closer than 20 feet apart and no greater than 12-inches in diameter. The new support piling will 6" in diameter and steel. | Number of proposed piling supporting the new pier: <u>4</u> Size of piling beyond the first set: 6" _____ |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | | Piling beyond the first set: Replacement or proposed new piling can be steel, concrete, plastic or untreated or treated wood. The proposed piles are 6" steel. | Type of material for piling: |

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|-------------------------------------|-------------------------------------|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | A maximum of 2 (two) moorage piling (or 4 for joint-use) may be installed to accommodate the moorage of boats exceeding the length of the floats. | Number of proposed mooring piling: |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Moorage piling shall be at least 30-foot waterward of OHW and no further than 12 feet from the end of the pier. | Distance of piling from OHW: _____ Distance of piling from pier: _____ |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | | If an impact hammer pile driver for steel piling is utilized, a sound attenuation device or system must be implemented during pile driving. Steel piling cannot exceed a 12-inch diameter. | Diameter of steel piling: 6" |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | | 1. Piling with diameter of 10 inches or less – one Corps approved sound attenuation device is required | Type of sound attenuation device: wood block. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2. For piling with a diameter greater than 10 inches, up to 12 inches, two Corps approved sound attenuation devices are required | Type of sound attenuation devices: _____ |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Treated Wood: No creosote, pentachlorophenol, CCA, or comparably toxic compounds not approved for marine use, shall be used for any portion of the over water structure. ACZA treated wood must meet Post-Treatment Procedures. | If treated wood will be used, list type of treatment: _____ You must also submit certification that the wood was treated by the appropriate and approved Post Treatment Procedures before authorized work can commence. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Invasive aquatic weeds are present and applicant will remove by non-chemical means. | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Impact Reduction Measures: Applicant will plant emergent vegetation. | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | | Impact Reduction Measures: Applicant will plant a ten-foot wide strip of vegetation along the entire of the shoreline (including shorelines of any joint-use applicants). A six-foot wide path through the vegetation is allowed for access to the pier. | |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Impact Reduction Plantings: The authorized species, number of plants, and correct spacing of plants will be utilized. | Attach planting plan. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | | Impact Reduction Planting Performance Standards- The required performance standards will be met for the 5-year monitoring | |

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | | <p>period:</p> <p>a. 100% survival of all trees and shrubs for the first two years.</p> <p>b. 100% of trees and 80% of shrubs must survive years 3-5.</p> <p>Impact Reduction Reports: A status report on the project and mitigation, including as-built drawings, must be submitted to the Corps within 12 months from the date the Corps issues an RGP to the permittee. Planting monitoring reports will be due annually for 5 years from the date.</p> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>Fish Work Windows: The required RGP fish work window will be met. Note: The RGP fish work window may be different than the HPA work window. For the work to be authorized by this RGP, the RGP fish work window must be met.</p> | Fish work window at this project location is (per Corps' website): _____ |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>Bald Eagle Work Window: Required bald eagle work windows will be met, if applicable to the project location.</p> <p>General work prohibition times: January 1 through August 15 (nesting areas) November 1 through March 31 (wintering areas)</p> | The required bald eagle work window at this project location will be determined by the Corps |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>Work in the Dry: Work that disturbs the substrate, bank, or shore shall occur in the dry whenever practicable.</p> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>Operation of Equipment: Equipment shall be operated from the top of the bank, dry gravel bar, temporary work platform, barge, or similar out-of-water location.</p> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>Equipment shall be operated in a manner that minimizes suspended particulates from entering the water column.</p> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>All equipment used in or around waters shall be clean and inspected daily prior to use to ensure that the equipment has not fluid leaks. Any equipment that develops a leak shall be removed from the site immediately and not used again until it has been adequately repaired.</p> | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>All General Conditions will be met.</p> | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>A copy of this permit, permit drawings, mitigation planting plan, and final authorization letter shall be recorded with the Registrar of Deeds, within 60 days after final Corps authorization, to ensure that subsequent property owners are aware of the construction, use, and mitigation requirements. Proof of this must be provided to the Corps within 65 days after the date of the Corps' RGP verification</p> | |

| I (We) Will Implement | I (We) Will Not Implement | Not Applicable | Conservation Measure and Construction Specification | Specific Project Information |
|-----------------------|---------------------------|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| | | | letter to the permittee. If the pier is joint use , all co-applicants must voluntarily agree to build no additional overwater structures on their property, except for the maintenance or modification of the proposed joint use overwater structure. This voluntary agreement and the documentation described above must be recorded on the deeds of all involved properties. (General Condition 3) | |

9. **Essential Fish Habitat, area affected (square footage of pier, ramp, and float):** _____
10. **Drawings:** Attach a vicinity map and project drawings (plan and elevation views required). Photographs are recommended.
11. **Planting plan:** Attach copy of planting, monitoring, and contingency plan for riparian area.

If the applicant has checked “will not implement” for any of the above items, then the following items must be completed by the applicant:

- You must attach a completed Coastal Zone Management form.
Note: This form can be found on the Corps’ web page: www.nws.usace.army.mil/reg.html
- Based on the existing environmental conditions and the proposed work, the applicant is proposing additional impact reduction measures (beyond the requirements of Construction Specification 10) as described below: _____

List those Conservation Measures that will not be met by this project. Describe why they won’t be met:
The applicant’s yard for planting emergent plantings is located 20 +/- feet from the OHWL and not able to provide the nutrients into Lake Washington from this location. The proposed mitigation is to install spawning gravel on the property.

APPLICATION IS HEREBY MADE FOR A PERMIT OR PERMITS TO AUTHORIZE THE ACTIVITIES DESCRIBED HEREIN. I CERTIFY THAT I AM FAMILIAR WITH THE INFORMATION CONTAINED IN THIS APPLICATION, AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, SUCH INFORMATION IS TRUE, COMPLETE, AND ACCURATE. I FURTHER CERTIFY THAT I POSSESS THE AUTHORITY TO UNDERTAKE THE PROPOSED ACTIVITIES. I HEREBY GRANT TO THE AGENCIES TO WHICH THIS APPLICATION IS MADE, THE RIGHT TO ENTER THE ABOVE-DESCRIBED LOCATION TO INSPECT THE PROPOSED, IN-PROGRESS, OR COMPLETED WORK. I VOLUNTARILY AGREE TO MEET ALL REQUIREMENTS OF THIS RGP. I AGREE TO START WORK ONLY AFTER ALL NECESSARY PERMITS HAVE BEEN RECEIVED.



Signature of Applicant



Date

5/12/2009

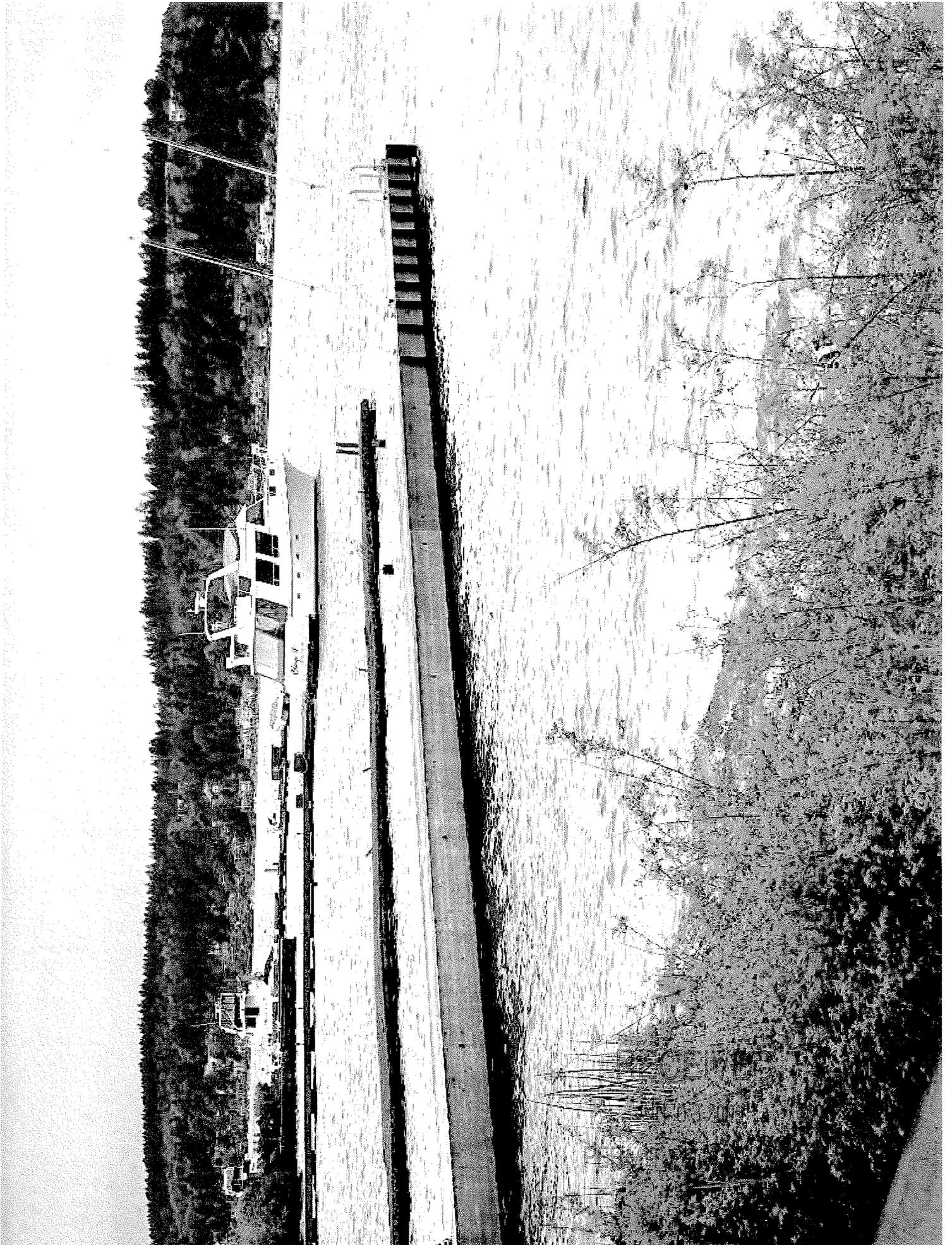
Date



Signature of Authorized Agent

Signature of Contractor (if Contractor is known)

Date





-----Original Message-----

From: Karen Walter [mailto:Karen.Walter@muckleshoot.nsn.us]

Sent: Monday, August 03, 2009 5:17 PM

To: LeClair, Kevin

Subject: Haack residence dock expansion, 09-114313-WG, Optional Determination of Non-Significance (DNS) Notice Materials

Kevin,

The Muckleshoot Indian Tribe Fisheries Division has reviewed the Optional Determination of Non-Significance Notice Materials for the above referenced project. We have several questions about this project as noted below:

1. According to the June 1 2009 letter from Seaborn, the applicant's consultant indicates that the 45' x 4' long pier extension is needed because of the "substantial silt build-up under the existing pier from Interstate Highway 405". What information or data did the applicant or his consultant collect to substantiate this claim? THE APPLICANT AND THE ADJACENT PROPERTIES NOTICED A SIGNIFICANT INCREASE IN MATERIAL COMING ONTO THEIR PROPERTY AND THE INSHORE LAKE AREA AFTER THE CONSTRUCTION STARTED ON STATE HWY 405.

Where is the source of this runoff coming from (i.e. where are the outfalls, sediment sources)? A NEIGHBORING PROPERTY.

Who owns/maintains them? UNKNOWN.

2. This same letter on the bottom of page 1 states "In addition, the existing 500 square feet of overwater coverage, will soon be reduced to 480 square feet or less". Please clarify the basis for this statement as the page that follows suggests that the City should waive its requirement for a 480 square foot maximum dimension for a moorage facility serving one residential waterfront lot. THIS STATEMENT IS BASED ON THE MIGRATION OF THE OHWL TO THE WEST. THE PICTURE ATTACHED WITH THE APPLICATION SHOWS THAT THE FIRST PILING THAT WAS WATERWARD OF THE OHWL WHEN THE ORIGINAL PIER WAS CONSTRUCTED IN 2000, IS NOW LANDWARD OF THE OHWL.

3. Please clarify how many new piles will be driven for the project and how many will be removed. Page 3 of the drawings and 2 of the JARPA indicate 6 new piles will be driven. Page 1 of the "Applicant Information" sheets and page 2 of the RGP application form indicate that 4 new piles will be driven. It is unclear if the two piles at the end of the existing pier will be removed or not. SIX NEW PILES WILL BE DRIVEN.

4. Page 3 of the June 1 2009 letter from Seaborn indicates that there are emergent plantings along the shoreline of the site currently but fails to identify what type of plants, and how much area these plants cover over the length of the existing shoreline of the site. PLEASE SEE ATTACHED.

5. Also on page 3 of the June 1 2009 letter from Seaborn, the letter indicates that there are trees and shrubs in the adjacent yard but fails to specify what species these are, how many there are and their proximity to the shoreline and ordinary high water mark of Lake Washington. The letter does mention one weeping willow overhanging the lake but the rest of the vegetation is unknown. PLEASE SEE THE ATTACHED.

6. Page 4 of the June 1 2009 letter from Seaborn indicates that spawning gravel is proposed as a mitigation measure but fails to indicate how much spawning gravel and where this spawning gravel is proposed to be placed as mitigation. PLEASE SEE ATTACHED DWGS.

7. The Applicant Information pages on page 2 indicate that there will be electrical power installed and the potential to install optional lights. However, the environmental checklist indicates that there will be no light or glare proposed by the project. Please clarify if lights will be installed on the extension and if so, if these lights will shine on the water of Lake Washington. THERE ARE NO LIGHTS SPECIFIED AT THIS TIME.

8. The June 1 2009 letter on page 7 in the development standards section for Shoreline Critical Area and Critical Area Buffer Functions in section vi.(3) indicates that the "the emergent vegetation/mitigation should be located in the water to provide 5 years or more of net increased value at the property". Does the applicant propose any contingency measures if the emergent vegetation does not survive past 5 years? Also, page 7 of the RGP 3 application form indicates that the applicant's yard for planting emergent plantings is located 20+/- feet from the OHWL and not able to provide the nutrients into Lake Washington from this location. Are the emergent plants considered by the applicant to be a mitigation measure or not? YES. PLEASE SEE THE ATTACHED.

9. What is the contingency measure if the spawning gravel is buried by sediment from the stormwater runoff that is potentially affecting this property? NONE AT THIS TIME.

We appreciate the opportunity to comment on this proposal and look forward to the City's responses to these comments. We may have comments subsequently.

Thank you,

Karen Walter
Watersheds and Land Use Team Leader
Muckleshoot Indian Tribe Fisheries Division
39015 172nd Ave SE
Auburn, WA 98092
253-876-3116