

Molly McGuire

From: Sarah Fletcher <fletcha1@gmail.com>
Sent: Friday, October 6, 2023 8:35 AM
To: Jessi Bon; Jeff Thomas
Cc: Thomas Acker; Dan Thompson; Planning Commission
Subject: Fwd: Comments on SHL23-043 Public Notice of Application Against it

This is the second variance the City is asking for. It is wholly unacceptable. Why can't the contractor work within the scope and abide by our Codes considering this is a City project? If the variance is permitted, then the Code has to be changed and in order to change a variance, I believe you would have to have the City file a Code amendment/variance. And this sets a terrible precedent.

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From: **Sarah Fletcher** <fletcha1@gmail.com>
Date: Wed, Oct 4, 2023 at 2:37 PM
Subject: Comments on SHL23-043 Public Notice of Application Against it
To: <molly.mcguire@mercerisland.gov>, <paul.west@mercerisland.gov>, <council@mercerisland.gov>, <alison.vangorp@mercerisland.gov>

Hello, this is what it has in the Code:

5. Public access piers, docks, or boardwalks must be fully grated with materials that allow a minimum of 40 percent light transmittance."

I am sorry, but does "grating with 40 percent light transmission over 100 percent of the dock to construct a concrete float with zero grating at the proposed central dock" sound like it is fully grated with materials that allow a minimum of 40 percent light transmittance? If not, then scrap it or go with what is allowed.

What I am just not comprehending is why are the intake people not consulting with the contractors and explaining to them what the Code states and asking them to come up with a solution that meets the City's Codes?

What are the differences in what the contractor is proposing and what the City Code has?

[Fixed Dock vs. Floating Docks: Pros & Cons \(fwmdocks.com\)](http://fwmdocks.com)

I want to know

a) what impact a concrete float will have on the fish and the wetlands.

b) And is it a floating or fixed dock?

c) What choices were offered?

d) Why did the City want to go with a concrete deck?

e) and have you checked with the Army Corp of Engineers with regards to: Construction of public access piers, docks, or boardwalks shall abide by the work windows for listed species established by the U.S. Army Corps of Engineers and Washington Fish and Wildlife?

I am concerned about the environmental impact to what is proposed as per WAC 220-660-140:

You see, it specifically states that the grating cover the entire dock surface, but the contractor/City is asking for a variance of ZERO GRATING." Again, please do what is in the Code and stop asking for variances and wasting everyone's time. I am just not comprehending why the contractor is asking for so many variances. Why? It doesn't even have for a dock which is 10ft dock width which is applicable to the other variance you are requesting.

(C) In water bodies with a high density of piers and docks, the department may require that grating cover entire deck surface of the pier or dock.

(E) A dock or float **six feet wide or narrower must have at least thirty percent of the deck surface covered in functional grating. A dock or float wider than six feet (up to eight feet wide) must have at least fifty percent of the deck surface covered in functional grating. The grating material's open**

area must be at least sixty percent. In some water bodies the department may require a higher proportion of grating. Locate flotation under the solid decked area only. Orient grating so the lengthwise opening maximizes the amount of light penetration. Any objects that are not part of the structure on, above, or below the grating should not block light penetration."

Residential and public recreational docks, piers, ramps, floats, watercraft lifts, and buoys in freshwater areas.

The requirements in this section apply to location, design, and construction of permanent and seasonal docks, piers, ramps (gangways), floats, watercraft lifts, and mooring buoys.

(1) **Description:** Docks are structures that are fixed to the shoreline but floating upon the water. Piers are fixed, piling-supported structures. Floats (rafts) are floating structures that are moored, anchored, or otherwise secured in the water that are not directly connected to the shoreline. A ramp is a structure that connects a pier or shoreline to a float and provides access between the two. Pilings usually associated with these structures are timber, steel, reinforced concrete, or composite posts that are driven, jacked, or cast vertically into the bed. A watercraft lift is a structure that lifts boats and personal watercraft out of the water. A mooring buoy is a structure floating on the surface of the water that is used for private and commercial vessel moorage.

(2) **Fish life concerns:**

(a) Over-water and in-water structures can alter physical processes that create or maintain habitat that supports fish life. These processes include light regime, hydrology, substrate conditions, and water quality. However, light reduction is a main impact to fish life at critical life stages. Light reduction, or shading, by over-water or in-water structures reduces survival of aquatic plants. Aquatic plants provide food, breeding areas, and protective nurseries for fish life.

(b) Shallow water provides juvenile fish a refuge from predators like larger fish. Over-water and in-water structures can alter movement of juvenile salmon, steelhead, and other fish species. Structures grounding on the bed can physically block migration and cause other impacts. The light/dark contrast of shading/no shading of over-water and in-water structures can affect migration behavior. Fish respond by moving into deeper water which increases the risk of predation. These structures may increase the exposure of juvenile salmon, steelhead, and other small fish to predators by providing predator habitat.

(3) **Residential and public recreational dock, pier, ramp, float, watercraft lift and buoy design - General:**

(a) The design and location of structures must follow the mitigation sequence to protect freshwater habitats of special concern.

(b) Design and locate structures to protect fish spawning areas.

(c) Design and locate structures to protect juvenile salmonid migration, feeding, and rearing areas where shading impacts are a concern.

(i) Limit the width of residential piers and docks to six feet for the first thirty feet from the shoreline (measured from mean low water). Limit the width of recreational piers to the minimum width needed to accommodate the intended use.

(A) In certain river systems alternative residential pier and dock criteria may apply.

(B) For the Columbia River, limit the width of residential piers and docks to six feet for the first fifty feet from the shoreline. Docks must have twenty feet of water depth below them (both criteria measured at mean low water).

(ii) Piers must extend far enough from the shoreline so floats do not impact juvenile salmonid migration, feeding, and rearing areas. Grounding of floats is approved in reservoirs and impoundments only at times of the year when the water level is dropped.

(iii) The underside of pier must be at least one and one-half feet above the OHWL elevation unless prohibited by local land use regulations.

(iv) The department will require residential pier, dock, ramp and float designs to include grating. The department may require public recreational pier, dock, ramp and float designs to include grating.

(A) North/south oriented piers (338 to 22 degrees, or 158 to 202 degrees) greater than four feet in width must have at least thirty percent of the entire deck surface covered in functional grating. The grating must be installed parallel to the length of the pier for the entire length of the pier.

(B) Northeast/southwest, northwest/southeast and east/west oriented piers (23 to 157 degrees, 203 to 337 degrees) must have at least fifty percent of the entire deck surface covered in functional grating regardless of width. The grating must be installed parallel to the width of the pier, evenly spaced along the entire length of the pier.

(C) In water bodies with a high density of piers and docks, the department may require that grating cover entire deck surface of the pier or dock.

(D) Limit the width of residential ramps to four feet wide. Limit the width of public recreational ramps to the minimum width needed to accommodate the intended use. Cover the entire ramp surface with grating.

(E) A dock or float six feet wide or narrower must have at least thirty percent of the deck surface covered in functional grating. A dock or float wider than six feet (up to eight feet wide) must have at least fifty percent of the deck surface covered in functional grating. The grating material's open area must be at least sixty percent. In some water bodies the department may require a higher proportion of grating. Locate flotation under the solid decked area only. Orient grating so the lengthwise opening maximizes the amount of light penetration. Any objects that are not part of the structure on, above, or below the grating should not block light penetration.

(F) If only the minimum deck surface area described in (c)(iv) of this subsection is grated, the grating material's open area must be at least sixty percent unless the grating covers more than the minimum deck area. If the grating covers more than the minimum deck surface area, the grating material's open area can be reduced to at least forty percent open area.

(d) If artificial nighttime lighting is used in the design, use low-intensity lights that are located and shielded to prevent light from attracting fish, unless there are safety constraints."