

TECHNICAL MEMORANDUM

TO: City of Mercer Island

CC: Matthew Evinger, Regional Shoreline Planner at Washington State Department of Ecology

FROM: Brad Thiele, Northwest Environmental Consulting, LLC

DATE: July 10, 2025

SUBJECT: Response to Comments from Matthew Evinger at Washington State Department of Ecology re Shoreline Conditional Use Permit

PROJECT: Mercer Island Beach Club Project

Thank you for providing your comments and concerns about the proposed improvements at the Mercer Island Beach Club. This memorandum is in response to Matthew Evinger's email dated May 20, 2025 at 7:17 PM regarding the Shoreline Conditional Use Permit.

Ecology Comments:

MICC 19.13.040.L.4.f restricts marinas from interfering with public use or creating navigational hazards. Are there designs that could avoid or reduce the marina's expansion farther into the lake?

Response:

This design has been vetted with several agencies already, including WDFW, NMFS and the Corps of Engineers. We have also worked with Ecology on 401WQ and CZMA. The design does not add any new slips and pushes the marina out into deeper water from the nearshore to the extent practical, and within the ownership of the Mercer Island Beach Club. The current design is too close to shore and existing boats have to be removed during lake low water because they ground out. Moving the marina further away from shore provides improved nearshore habitat.

Ecology Comments:

2700 square feet of additional overwater cover would be a substantial adverse impact. Are there designs that could avoid or further reduce this impact? The reduction in cover within 30 feet of OHWM would be a strong benefit. Note that conversion to grated decking is a requirement during any replacement and would not offset expansion in Ecology's eyes.

Response:

This is the best design. The design removes 4 existing docks in the nearshore and consolidates them into a single point access marina (preferred by WDFW). The project was designed following WAC 220-660-160 and the amount of overwater coverage has been minimized to the extent practical. The design reduces overwater coverage in the nearshore by 380 square feet over the existing condition.

The project is preliminarily approved by the Corps for a Sect 404 permit and Section 10 permit. Section 10 of the Rivers and Harbors act reviews structures in navigable waters. Issues of navigability have been approved and the marina does not extend over SOAL. We disagree with the logic that grated decking is not considered a conservation and mitigation measure merely because it is otherwise required. Grated decking reduces impacts of overwater coverage and is a best available science measure, and this grated decking replaces marina surfaces that have no grating for light transmission.

Ecology Comments:

It looks like the proposal would expand the existing wave attenuator/breakwater and make it double as moorage. Table B of MICC 19.13.040 lists breakwaters as not permitted; we assume this breakwater is a legal nonconforming use, and its expansion may require a shoreline variance.

Response:

There is no a wave attenuator, the planned outer dock is a float.

Ecology Comments:

How much of the marina would be floating platforms rather than fixed piers? Why not use fixed piers, which would reduce shade on the water?

Response:

The inner moorage is a fixed pier. The remainder are floats. Floating platforms are used, particularly where the water becomes deeper and reduces the feasibility of a fixed pier. The design has been consulted on with NMFS and approved.

Ecology Comments:

Table D of MICC 19.13.040 caps dock length at 100 feet unless the dock needs to extend farther to reach 11.85 feet of depth. The swim dock extends farther; how deep is the water where the swim dock would reach 100 feet in length?

Response:

MICC 19.13.040 section L is specific to Marinas, and Table D's dock length does not apply.

As explained in the Criteria Compliance Matrix we submitted to the City, copy attached, there is a Table D requirement for "Length or Maximum Distance Waterward from the OHWM for Docks, Covered Moorage, Boatlifts and Floating Platforms: D. Maximum 100 feet, but in cases where water depth is less than 11.85 feet below OHWM, length may extend up to 150 feet or to the point where water depth is 11.85 feet at OHWM, whichever is less." That Table D requirement is not applicable to the MIBC project. Per MICC 19.13.050(L)(1), the MIBC Marina need not comply with the Table D requirements for moorage facilities related to width and length.

Ecology Comments:

It does not appear the proposal would achieve no net loss of ecological functions, with the primary adverse impact being expansion of overwater coverage. In-kind compensation is most effective; are there overwater structures that could be removed? Could more structures at the water's edge be removed, or could a substantial portion of the shoreline be enhanced with native trees and shrubs?

Response:

Onsite mitigation is being completed to the extent practical. The owners have been approved through the RAP program and have agreed to pay additional funds into an in lieu fee program with the King County Conservation District. Mitigation includes the following:

- All new surfaces will use grated decking.
- The existing timber and rock bulkhead will be removed and replaced with beach.
- 420 square feet of overwater structure will be removed from the nearshore and consolidated into a single grated overwater structure to access new moorage (formerly the B, C, and D docks).
- The existing 12-foot wide swim dock will be reduced to an 8-foot wide grated structure.
- Reconfiguration of the marina will put moorage into deeper water resulting in less impacts to the nearshore and less chance of propwash suspending sediments during regular use.
- Concentration of moorage at the marina is preferable to building individual residential docks for the up-to-30-foot vessels the moorage will accommodate. It results in less overwater coverage and places the concentrated moorage farther from the shoreline than individual docks for each of 52 proposed moorage slips.
- The MIBC is paying into the RAP program. The RAP program has funded restoration projects through the King County Conservation District. Project elements include removal of overwater structures, derelict pilings, including creosote, and restoration of Taylor Creek.
<https://kingcounty.gov/en/dept/dnrcp/nature-recreation/environment-ecology-conservation/wetlands/mitigation-reserves-program/restoration-and-permitting-program>
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