

Date: 3-19-2026  
Project Name: Aqua Dock  
Parcel: 2524049080  
Address: 6855 W. Mercer Way, Mercer Island, WA 98040

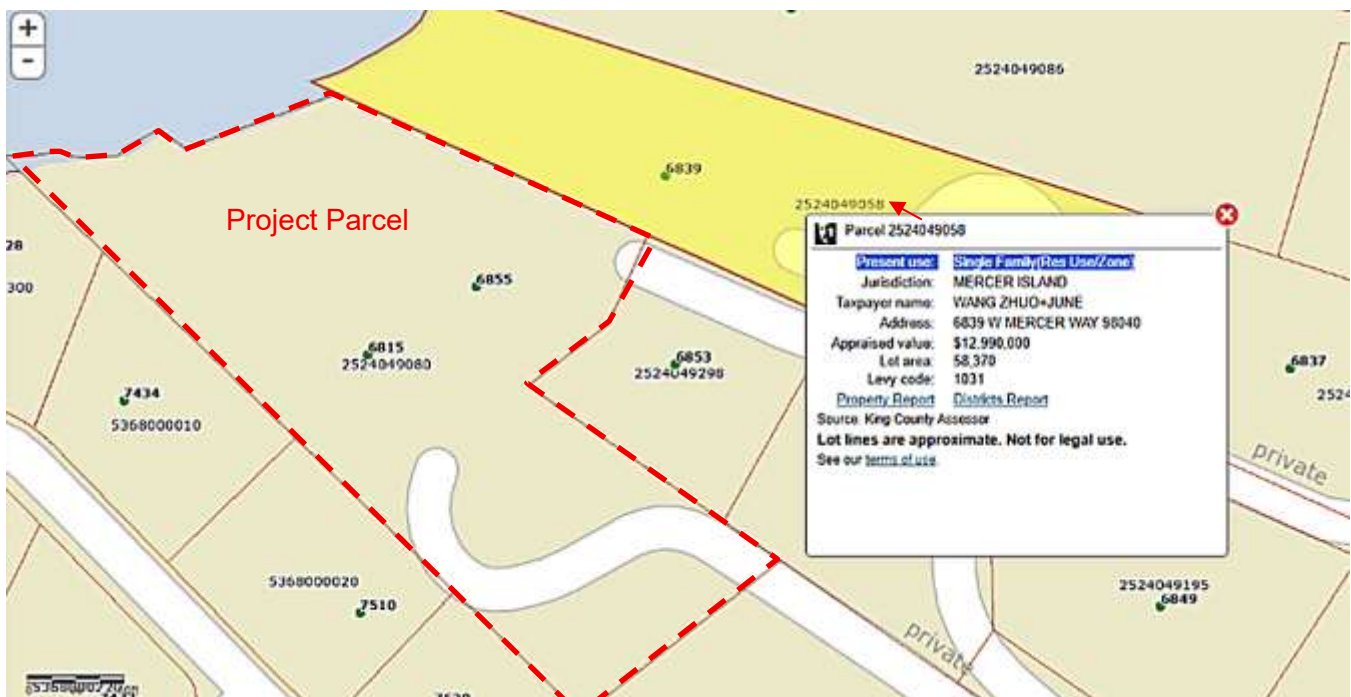
**RE: SHL25-037 & SEP25-020 Review Letter 1; 6855 W Mercer Way, Mercer Island, WA 98040 – Comment Response 1**

To Molly,

Seaborn Pile Driving is in receipt of the following requests for additional information related to Shoreline Permits **SHL25-037 & SEP25-020**. Please see responses below:

1. Please verify that the surrounding property addresses are correctly labeled. I received a comment from the neighbor regarding these labels. The comment can be found at <https://permitbulletin.mercerisland.gov/public/SHL25-037%20&%20SEP25-020/Public%20Comments/Wang%2012152025/>

**RESPONSE:** (WANG COMMENT 1) Per the King County Parcel Viewer, the parcel information labeled in our plans is well supported, as shown below:





2. Please provide responses to the public comments received during the public comment period found at <https://permitbulletin.mercerisland.gov/public/SHL25-037%20&%20SEP25-020/Public%20Comments>

**RESPONSE:** (WANG COMMENT 2) The dock referenced by Mr. Wang in his email is not the subject dock.

**RESPONSE:** (OSBEKOFF COMMENT) Seaborn does not plan to substantially edit, change, or alter plan sets provided for review, but understands that should the scope of the project or parameters which define the APE change, the Tribe reserves the right to modify its' current position.

3. Please include the 100-foot offset from the OHWM, similar to how the 30-foot offset is shown on the plan set to demonstrate compliance with MICC 19.13.050(D) Table D, Item 3.

**RESPONSE:** This offset has been added to updated plan set. Please see updated plans (attached) for more information.

4. Per MICC 19.13.020(B), expansions of a legally nonconforming moorage facility must meet all standards in the SMP. The new portion of the moorage facility (any portion beyond the 259 square foot section that is being repaired) must comply with the maximum allowed width within 30-feet waterward of the OHWM (4 feet). Please revise the plan set to comply with this section.

**RESPONSE:** Please see reduction of walkway width nearshore to 3' 11" on updated plans.

5. MICC 19.13.020(A) allows legally nonconforming moorage facilities to be repaired provided the nonconformities are not increased. MICC 19.13.050(F)(2) provides standards for the repair of legally nonconforming moorage facilities. Please provide documentation that the repair of the 259 square foot portion of the moorage facility complies with the standards in MICC 19.13.050(F)(2).

**RESPONSE:** Please review 19.13.050(F)(2) code sections as addressed below with our responses:

#### 19.13.050 Shoreland development standards.

- F. Moorage facilities. All permits for new and expanded moorage facility, other than marinas and public access piers or boardwalks, shall meet the following standards unless otherwise exempted. Moorage facilities have the option of meeting either the development standards



prescribed in subsection (F)(1) or (F)(2) of this section, or the "alternative development standards" in subsection (F)(3) of this section.

2. Development standards for replacement, repair and maintenance of overwater structures, including moorage facilities. The maintenance, repair and complete replacement of legally existing overwater structures is permitted; provided, that:

i. All permit requirements of federal and state agencies are met;

**RESPONSE:** Permit requirements for federal and state agencies are supported by the following federal and state decisions including: NWS-2024-120 (USACE); Aquatics ID #146281 and CZMA (Dept of Ecology).

ii. The area, width, or length of the structure is not increased, but may be decreased;

**RESPONSE:** Non conforming portion of dock is decreasing nearshore.

iii. The height of any structure is not increased, but may be decreased; provided, that the height above the OHWM may be increased as provided in subsection (F)(2)(ix)(b) of this section;

**RESPONSE:** The height of the structure will not change.

iv. The location of any structure is not changed unless the applicant demonstrates to the director's satisfaction that the proposed change in location results in: (A) a net gain in ecological function, and (B) a higher degree of conformity with the location standards for a new overwater structure;

**RESPONSE:** The proposed changes result in both (A) a net gain in ecologic function and (B) a higher degree of conformity with the location standards for new structures. Please consider the following as related to these requirements:

(A) a net gain in ecologic function

Please see attached No Net Loss Report for more information.

(B) a higher degree of conformity with the location standards for new structures.

Proposed location of the pier is more conforming to property line setbacks.

- v. Piles shall not be treated with pentachlorophenol, creosote, CCA or comparably toxic compounds. If ammoniacal copper zinc arsenate (ACZA) pilings are proposed, the applicant shall meet all of the best management practices, including a post-treatment procedure, as outlined in the amended best management practices of the Western Wood Preservers. All piling sizes are in nominal diameter;

**RESPONSE:** Repaired pier would have no creosote-treated, CCA, or pentachlorophenol treated wood anywhere in its structure. Reconfigured areas will not contain creosote-treated, CCA, or pentachlorophenol treated wood either. Construction will follow BMPs. All proposed pile diameters meet federal and state regulations.

- vi. Any paint, stain or preservative applied to components of the overwater structure must be leach resistant, completely dried or cured prior to installation. Materials shall not be treated with pentachlorophenol, creosote, CCA or comparably toxic compounds;

**RESPONSE:** No paint or stain is proposed.

- vii. The applicant shall abide by the work windows for listed species established by the U.S. Army Corps of Engineers and Washington Fish and Wildlife;

**RESPONSE:** All work will be performed within the applicable work window July 16 - December 31 (South of I90 - OUTSIDE slough).

- viii. Disturbance of bank vegetation shall be limited to the minimum amount necessary to accomplish the project. Disturbed bank vegetation shall be replaced with native, locally adapted herbaceous and/or woody vegetation. Herbaceous plantings shall occur within 48 hours of the completion of construction. Woody vegetation components shall be planted in the fall or early winter, whichever occurs first. The applicant shall take appropriate measures to ensure revegetation success;

**RESPONSE:** No vegetation on shore will be removed or disturbed.

- ix. Structural repair. The structural repair, which may include replacement of framing elements, of moorage facilities that results in the repair of more than 50 percent of the structure's framing elements within a five-year period shall comply with subsections (F)(2)(ix)(a) through (F)(2)(ix)(c) of this section. For this section, framing elements

include, but are not limited to, stringers, piles, pile caps, and attachment brackets, as shown in Figure D:

- a. One hundred percent of the decking area of the pier, dock, and any platform lifts must be fully grated with materials that allow a minimum of 40 percent light transmittance;

**RESPONSE:** Repaired grating proposed has a minimum of 53% light transmittance

- b. The height above the OHWM for moorage facilities, except floats, shall be a minimum of one and one-half feet and a maximum of five feet; and

**RESPONSE:** Height to lowest fascia is 18" above the OHWM.

- c. An existing moorage facility that is five feet wide or more within 30 feet waterward from the OHWM shall be replaced or repaired with a moorage facility that complies with the width of moorage facilities standards specified in Table D of this section;

**RESPONSE:** The proposed pier conforms to TABLE D.

- x. Exterior surface repair. The exterior surface repair, which may include the replacement of exterior surface materials of moorage facilities that results in the repair of more than 50 percent of the surface area of the moorage facility's decking, fascia, and platform lifts within a five-year period (see Figure D), shall be required to utilize materials that allow a minimum of 40 percent light transmittance over 100 percent of the dock; and

**RESPONSE:** Proposed decking selected for repairs has light transmittance of 53% for 100% of the dock.

- xi. Any decking that is removed in the course of repair shall be replaced with decking materials that allow a minimum of 40 percent light transmittance.

**RESPONSE:** Proposed decking has light transmittance of 53%

6. If the proposed moorage facility expansion results in a moorage facility that is greater than 480 square feet, the moorage facility must be reviewed under MICC 19.13.050(F)(3)



for alternative development standards. Please demonstrate compliance with these standards for the portion of the dock that will not be reviewed under (F)(2) for repair of the legally nonconforming portion of the moorage facility

**RESPONSE:** We will provide the Corps Letter of Permission and WDFW HPA after the City of Mercer Island issues their SEPA decision.

Please review the resubmittals noted to meet **19.13.050 Shoreland development standards** for the above referenced Shoreline Substantial Development Permit application.

If you have questions or need additional information, please reach out using the contact information provided.

Thanks,

**Katherine Rupert**

Permit Technician

(206) 236-1700

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