
To: Sarah Bluvas and Shelby Perrault; City of Mercer Island Public Works

From: Emily Hurn and Phil Cordell, PE, GeoEngineers

Date: February 12, 2026

File: 00817-025-03

Subject: Code Compliance Narrative for Shoreline Exemption Request for a Sediment Investigation for Luther Burbank Park Waterfront Improvements Project

The City of Mercer Island (Applicant) seeks a shoreline exemption to conduct a sediment investigation in Lake Washington adjacent to Luther Burbank Park as part of the Luther Burbank Park Waterfront Improvements Project (Project).

PROJECT OVERVIEW

The Applicant proposes to complete a sediment investigation within Lake Washington adjacent to the historic boiler building located at Luther Burbank Park in Mercer Island, Washington. The investigation is being conducted at the request of the Washington Department of Ecology (Ecology) following enrollment in their Expedited Voluntary Cleanup Program (EVCP) to address contaminants related to historical operation of the boiler building and associated underground storage tanks (USTs). Ecology's request was made following their review of the Remedial Investigation, Feasibility Study, and Cleanup Action Plan (RI/FS/CAP) for the site that summarized upland soil and groundwater data and recommended a cleanup alternative that relies on removal of accessible petroleum-impacted soil. Ecology has requested sediment data to evaluate whether historical releases at the boiler building resulted in impacts to Lake Washington sediment.

NECESSITY FOR SEDIMENT INVESTIGATION

The City of Mercer Island (City) has completed phase one renovations to the boiler building and plans to complete improvements to the waterfront and dock structures. Contamination was discovered during activities for the boiler building renovation, and the City has decided to clean up the contamination in accordance with Washington State's Model Toxics Control Act (MTCA) guidance in pursuit of a No Further Action (NFA) determination. Ecology has indicated that the sediment investigation is required before the NFA determination can be issued for the upland area of the site following successful implementation of the planned upland cleanup.

See Figure 1 – Vicinity Map and Figure 2 – Sampling Plan for the details.

CODE COMPLIANCE CRITERIA

The Project received conditional approvals for a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, Shoreline Variances (four), and Critical Areas compliance in April 2025 (refer to approvals issued for SHL22-023, SHL22-024, SHL22-025, SHL23-043, SHL23-044, SHL23-045, and CAO22-018). Additionally, the project received a Shoreline Exemption in February 2026 for installation of two “no wake” buoys and one “non-motorized vessels only” buoy (refer to SHL26-001). The Applicant now requests a shoreline exemption for the proposed sediment investigation to receive an NFA determination for the upland areas of the project site. This investigative element of the Project is categorically exempt from a Shoreline Substantial Development Permit per the following:

WAC 173-27-040(2) *The following developments shall not require substantial development permits:*

(m) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization, if:

(i) The activity does not interfere with the normal public use of the surface waters;

Applicant Response: Sediment sampling is proposed to occur over 2 working days. The work is proposed during the winter months (March 2026) when limited use of this area of the shoreline is expected to occur. No permanent structures are proposed and therefore no long-term interference to public use is expected from the project's actions.

(ii) The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

Applicant Response: Sampling will be performed via an anchored vessel using a power grab sampler operated from the vessel. Sediment disturbance from sampling is expected to be minimal due to the limited sampling area and depth in addition to the low number of samples. Impacts to water quality are not expected due to the containment of the sediment and water within the power grab sampler. The power grab sampler includes a closure of the grab upon retrieval and employs flaps or other seals on the top of the sample so that material is contained within the sampler as it is retrieved.

(iii) The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

Applicant Response: The activity does not involve installation of any structure and will not impact the vegetation and land configuration of the site.

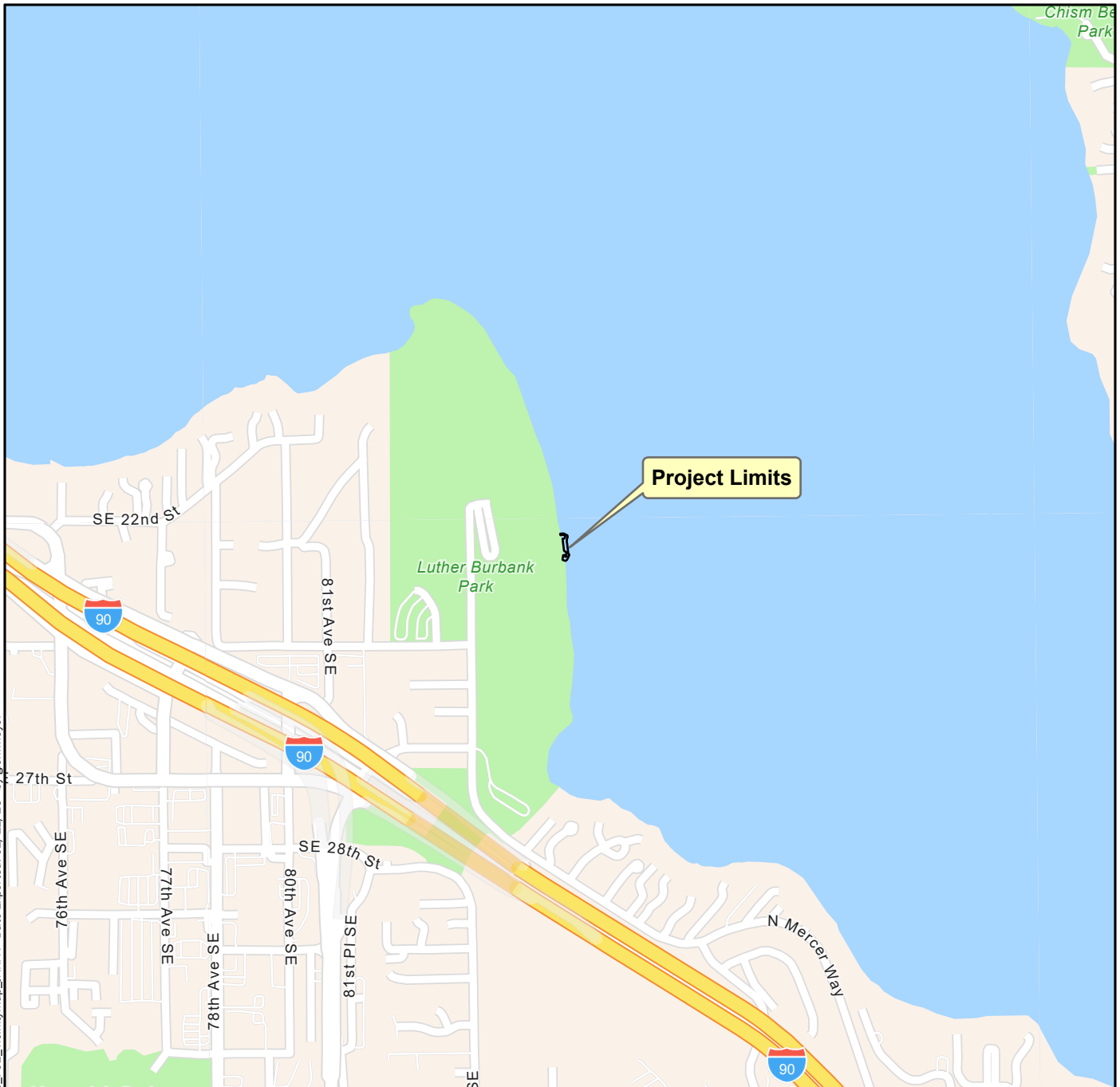
(iv) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and

Applicant Response: Not applicable criteria since this project is proposed by a public entity.

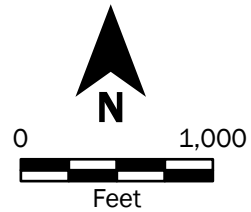
(v) The activity is not subject to the permit requirements of RCW [90.58.550](#);

Applicant Response: Not applicable as RCW 90.58.550 applies to oil and gas explorations in marine waters.

Because this intended purpose of the sampling satisfies the exemption outlined in WAC 173-040(2)(m), this project qualifies for a shoreline exemption from the City of Mercer Island.



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Source(s):
 • ESRI









Coordinate System: NAD 1983 UTM Zone 10N

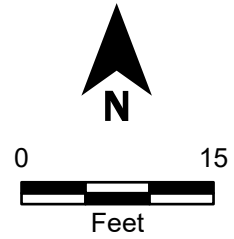
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Vicinity Map	
Reference Number:	Project Location (Address):
Applicant:	LUTHER BURBANK PARK
CITY OF MERCER ISLAND	
SARAH BLUVAS	SHEET 1 OF 2 DATE: 2/6/26



Legend

-  Proposed Surface Sediment Grab Sample
-  Proposed Surface Sediment Grab Contingency Sample
-  Project Limits
-  Approximate Location of Boundary with Washington State Department of Natural Resources Owned Shorelands
-  Minor Contour
-  Major Contour
-  Ordinary High Water Mark (OHWM)
-  Property Boundary and Parcel Number



Source(s):
 • King County GIS, Aerial Imagery 2023
 Coordinate System: NAD 1983 StatePlane Washington North FIPS 4601 Feet
 Vertical Datum: NAVD88
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Sampling Plan	
Reference Number:	Project Location (Address):
Applicant:	LUTHER BURBANK PARK
CITY OF MERCER ISLAND	SHEET 2 OF 2 DATE: 2/6/26
SARAH BLUVAS	