City of Bellevue
Development Services Department
Land Use Staff Report

Date of Receipt by Ecology:

SHORELINE MANAGEMENT ACT
DECISION ON SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

File Number:	23-102990-WG
Proposal Name:	Nash Pier & Lifts
Proposal Address and Location:	9417 Lake Washington Blvd NE, Bellevue, WA 98004; 31-25N-05E
Water Body:	Lake Washington
Shoreline Environment Designation:	Shoreline Residential
Proposal Description: Land Use review of a Shoreline Substantial Development Permit to replace an existing boat lift, install a new boat lift, and widen an existing finger pier adjacent to and in conjunction with an existing residential dock for recreational use by the property owners.	
Applicant: ☐Applicant owns property Evan Wehr, Ecco Design Inc, 7413 Greenwood Ave N, Seattle, WA 98103, 206-706-3937, evan@eccodesign.com	
Applicant Representative: N/A	
Application Date:	February 14, 2023
Notice of Application Date:	March 30, 2023
Notice of Decision Date:	December 14, 2023

SEPA Determination: **Determination of Non-Significance**

SEPA Appeal Deadline: **December 28, 2023**

Reilly Pittman
By: Planning Manager for
Elizabeth Stead, Environmental Coordinator
Development Services Department

Decision on SSDP: **Approval with Conditions**
Elizabeth Stead, Interim Co-Director
Development Services Department

By: Richard Hansen, Land Use Planner
Richard Hansen, Land Use Planner

The appeal period for a Shoreline Substantial Development Permit is 21 days from the "date of filing" with the Department of Ecology, as defined in RCW 90.58.140(6) and WAC 173-27-130. Appeal of the decision must be made to the Washington State Shoreline Hearings Board.

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This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms and conditions hereof. This permit approval will expire within two years of the date of filing unless the construction, use, or activity pursuant to this permit is commenced. Final expiration of this permit approval is five years from the date of filing. Request for extension of expiration is subject to LUC 20.25E.250.E.6.

Construction pursuant to this permit will not begin or is not authorized until twenty-one (21) days from the date of filing 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) (D).

Development Services Department
Environmental Coordinator
450 110th Avenue NE
Bellevue, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPOSAL NAME:	Nash Pier & Lifts
LOCATION:	9417 Lake Washington Blvd NE, Bellevue, WA 98004
FILE NUMBERS:	22-104680-WG
PROPONENT:	Evan Wehr, Ecco Design Inc.

DESCRIPTION OF PROPOSAL:

Land Use review of a Shoreline Substantial Development Permit for two proposed freestanding watercraft lifts and the widening of an existing finger pier.

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.

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.

DATE ISSUED: December 21, 2023

APPEAL DATE: January 4, 2023

A written appeal must be filed in the City Clerk's Office by 5 p.m. on the date noted above.

This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating 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.

Issued By: *Richard Hansen, Land Use Planner* **for** **Date:** **12/21/2023**
Elizabeth Stead, Environmental Coordinator
Development Services Department

CONTENTS

Attachments to this Decision

No Net Loss Report and Mitigation Plan
SEPA Determination of Non-Significance

See project file for all submitted documents and forms.

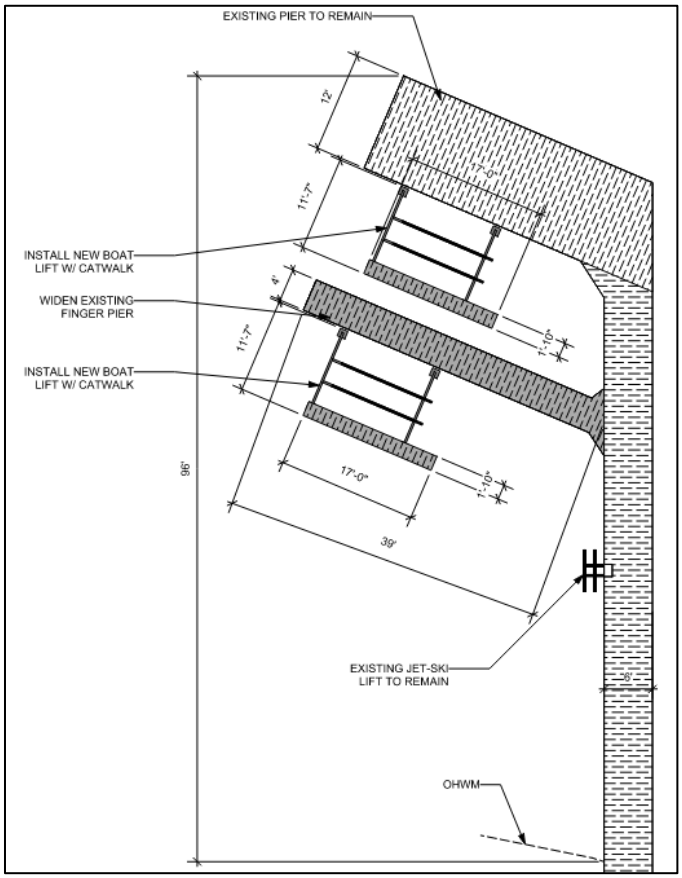
I. Proposal Description

Applicant requests approval to replace an existing boat lift, install a new boat lift, and widen an existing finger pier adjacent to and in conjunction with an existing residential dock on Lake Washington for recreational use by the property owners. The proposal exceeds allowed exemptions and is located in lands covered by water, therefore a Shoreline Substantial Development Permit with review under the State Environmental Policy Act (SEPA) is required.

The proposal includes installation of native shoreline plantings to ensure no net loss of ecological shoreline function. See **Figure 1** for proposed conditions. See **Figure 2** for proposed mitigation planting.

The proposed project is subject to a Shoreline Substantial Development Permit and SEPA requirements because the proposed work is within a shoreline of statewide significance. The reconfigured dock is proposed to be expanded resulting in increased overwater coverage which requires review under the Shoreline Code and requires Shoreline Review. In addition, the proposal exceeds thresholds for repair. The provisions of the Shoreline Overlay District apply.

Figure 1



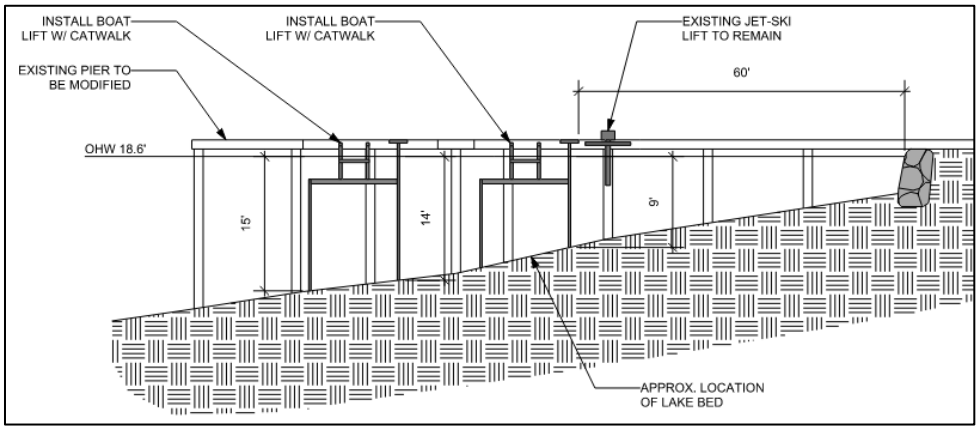
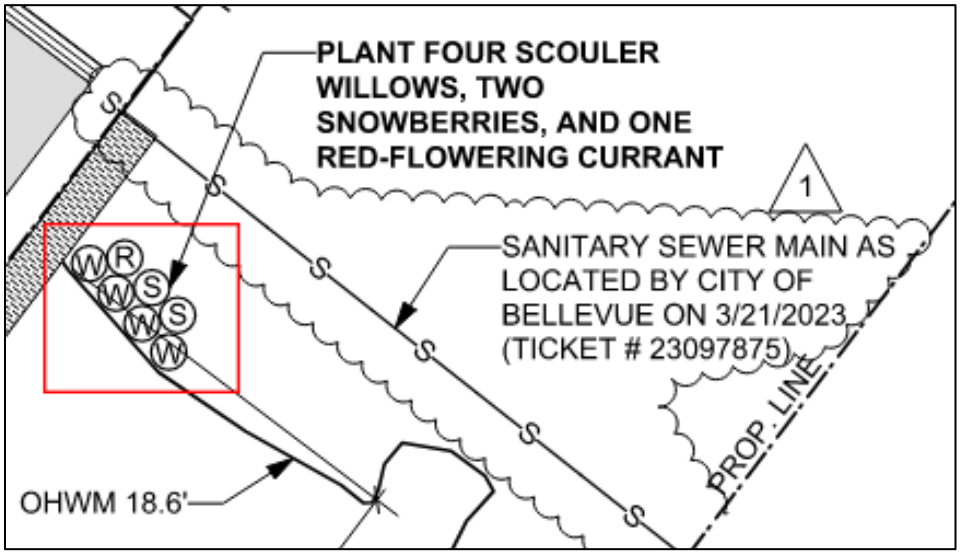


Figure 2



II. Site Description, Zoning, and Shoreline Environment and Functions

A. Site Description

The subject site is located on Lake Washington in the North Bellevue subarea at 9417 Lake Washington Blvd NE, Bellevue, WA 98004. The proposed boat lift and replacement boat lift will be located adjacent to an existing residential dock. The subject site consists of one (1) single-family dwelling with an attached garage and one (1) residential dock. The dock and existing boat lift were last permitted by City of Bellevue SF Accessory Structure In Water Permit, 04-118350 WB and Shoreline Exemption Permit 21-120427 WD. The existing shoreline between the house and OHWM is comprised of a paver patio, lawn and minor landscaping improvements. See **Figure 3** for site condition**.**

Figure 3

B. Zoning, Neighborhood Area, and Comprehensive Plan

The property is zoned R-1.8 and is located within the Northwest Bellevue neighborhood area. Properties in the vicinity to the east, and west are also within the R-1.8 zoning district while those across Washington Blvd NE to the north are zoned R-3.5. R-1.8 is a single-family low-density (SF-L) Comprehensive Plan designation.

C. Shoreline Environment and Functions

The site is in the Shoreline Residential shoreline environment designation. Per LUC 20.25E.010, the shoreline residential environment is to accommodate single or multifamily residential development and appurtenant structures. A shoreline residential environment designation is assigned to Bellevue shorelands which are predominantly characterized by residential development or are planned for residential development and exhibit moderate to low levels of ecological functions because of historic shoreline modification activities.

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.

III. Consistency with Land Use Code Requirements

A. Zoning District Dimensional Requirements:

The site is in the R-1.8 zoning district. No upland structures are proposed that are subject to zoning requirements.

B. Shoreline Overlay District LUC 20.25E:

A. General Requirements – Dock Materials

Dock Materials. Environmentally neutral materials approved by the Environmental Protection Agency for use in aquatic environments shall be used. No materials treated with known toxic preservatives are allowed. Dock materials shall not be treated with pentachlorophenol, creosote, chromated copper arsenate (CCA) or comparably toxic compounds. Preservative and surface treatments are limited to products approved for use in aquatic environments and must be applied according to label directions. Construction hardware that comes into contact with water either directly, or through precipitation that causes discharges either directly or indirectly into surface waters shall not be susceptible to dissolution by corrosion.

Finding: The proposed dock complies with above listed materials requirements. Dock material compliance will be confirmed during the review of the required Building Permit. **See Section IX for conditions of approval related to dock.**

B. Residential Shoreline Regulations – LUC 20.25E.065

The property has frontage along Lake Washington and is within the Shoreline Overlay District which regulates areas within 200-feet of the Ordinary High-Water Mark of shorelines identified in LUC 20.25E and the City's Shoreline Master Program. The Shoreline Overlay District regulations (LUC 20.25E) allow residential moorage facilities provided the applicable performance standards in LUC 20.25E.065 are met.

i. Consistency with LUC 20.25E.065.H

Each application for a new or reconfigured residential dock shall comply with the requirements in LUC 20.25E.065.H.4 or as amended by approval from the US Army Corps of Engineers under Section 404 or Section 10 or by the Washington Department of Fish and Wildlife HPA. The proposed dock and boat lift comply with applicable standards below or as amended through mutual agreement with adjacent property owners as allowed per LUC 20.25E.065.H(2).

Dock Location: Lake Washington		
Development Standard	**Required by LUC 20.25E.065**	**Proposed Standards**
Dock and Structure Side Setback	10' or as established per mutual agreement	**Complies with setback.**
Number of Lifts	4 allowed per lot	**2 boat lifts and 1 jet ski lift**

ii. Consistency with LUC 20.25E.065.H.6

Boat and Watercraft Lifts. To reduce disturbance of the lake substrate, attached boatlifts and watercraft lifts are preferred over freestanding lifts. Lifts are limited in the number allowed and location:

a. Number. The number of combined boat and watercraft lifts is limited to four per dock.

b. Location. The landward stanchion of any boat or watercraft lift shall be located more than 30 feet waterward of OHWM or within 30 feet waterward of OHWM if located in at least 9 feet of water depth when measured from the OHWM unless otherwise approved by State or Federal Agencies pursuant to LUC Chart 20.25E.065.H.4 Note 4.

c. Number of Lift Canopies Allowed. One fabric watercraft or boat lift canopy is allowed per single-use dock. Two fabric watercraft or boat lift canopies are allowed per joint-use dock. Canopy fabric shall be light-transmitting, unless alternative materials are approved by State or Federal Agencies pursuant to LUC Chart 20.25E.065.H.4, Note 4

Finding: The proposal will result in two (2) boat lifts and one (1) jet ski lift and is located more than 30 feet from the OHWM. The existing boat lift to be replaced is located 19 feet from the neighboring property line and the proposed location for the new boat lift is 26 feet from the property line, therefore the two boat lifts are meeting the required 10-foot setback. Additionally, no canopy is proposed. Therefore, the criteria above are met.

C. No Net Loss of Ecological Function

Applicants that choose to exceed or alter the standards for dock size must demonstrate their proposal results in no net loss based on mitigation provided as part of the proposal. As a result, the applicant has provided a report authored by a qualified professional, Northwest Environmental Consulting LLC, to document pre- and post-shoreline function; analysis of impacts due to the modified standards; analysis of mitigation sequencing, and mitigation to demonstrate the proposal results in no net

loss of ecological function of the on-site shoreline as a result of the proposed mitigation measures. The attached reporting and mitigation plan adequately demonstrates the ecological function replaced with the use of grated, light-penetrating decking and shoreline planting. As proposed, the mitigation plans achieve no net loss of shoreline ecological functions.

In addition to mitigation listed above, a final planting plan; annual maintenance and monitoring plan for the shoreline plantings; and financial surety will be required to be provided as part of the Building Permit application. **See Section IX for conditions of approval related to the final planting plan; required maintenance and monitoring; and financial assurance device.**

IV. Public Notice and Comment

Application Date:	February 14, 2023
Public Notice Date:	March 30, 2023
30-Day Comment Period End:	April 29, 2023

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on May 5, 2022. It was mailed to property owners within 500 feet of the project site. No comments were received regarding this proposal.

V. Summary of Technical Reviews

A. Clearing and Grading

The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards and approved the application with conditions for permitting and rainy season restrictions. If any clearing and excavation is proposed then Clearing and Grading review will be required under a future grading permit or building permit, if required.

B. Utilities

The Utilities Department has reviewed the proposed site development for compliance with Utility codes and standards and approved the application.

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, Air, and Water

No dredging, withdrawals, diversions, or discharges are anticipated from the proposed construction. The proposal is subject to applicable sediment control requirements as required by clearing and grading review.

B. Animals

Provided that it meets City standards, the proposed boat lift is allowed. Fish species and their habitat will be protected during the project construction through the timing of in-water work. The applicant will be required to receive State and Federal permit approval and all in-water work is required to occur within the construction window as established by the agencies to minimize or avoid impacts to fish and wildlife. **See Conditions of Approval for federal and state permits in Section X of this report**

C. Plants

Existing vegetation on the shoreline is moderately dense, consisting of lawn and ornamental plants/shrubs. No vegetation will be disturbed as part of the proposal.

VII. Changes to Proposal Due to Staff Review

A no net loss report and mitigation of at least 48 SF were required as a result of staff review.

VIII. Decision Criteria

LUC 20.25E.160.D Shoreline Substantial Development Permit – Decision Criteria

The Director may approve, or approve with modifications a Shoreline Substantial Development Permit if:

1. **The proposal is consistent with the policies and procedures of the Shoreline Management Act;**

   Finding: As evaluated the proposal is consistent with applicable policies and procedures of the Shoreline Management Act (SMA). The SMA includes broad policies that give priority to water-dependent uses and activities and single-family residences are specifically identified as a preferred use.

2. **The proposal is consistent with the provisions of Chapter 173-27 WAC;**

   Finding: The proposal is consistent with 173-27 WAC.

3. **The proposal is consistent with the SMP;**

Finding: As evaluated in Section III of this report, the applicant has submitted project plans that demonstrate the proposal's consistency with the policies and procedures of the Shoreline Management Program (SMP).

4. **The proposal will be served by adequate public facilities including streets, fire protection, and utilities;**
   Finding: The proposed boat lift does not alter existing service of public facilities to the property.

5. **The proposal is consistent with the Bellevue Comprehensive Plan;**
   Finding: Shoreline Management Goal 6. To recognize existing residential uses and to regulate new residential construction within the intent of shoreline policies.

   The proposal is consistent with the City of Bellevue Shoreline Comprehensive Plan policies SH 16, and SH-18.

   POLICY SH-16. *Avoid, minimize, or mitigate adverse impacts to ecological functions, including water quality and wildlife habitat, associated with the shoreline development by providing regulations, best management practices, and incentives sufficient to ensure no net loss of ecological functions.*

   POLICY SH-18. *Give preference to residential and water dependent, water-enjoyment, and water-related uses (in that order) when the use, activity, or development preserves shoreline ecological functions and processes or, where necessary, mitigates impacts to water quality, fish and wildlife habitat, and other shoreline functions*

   Finding: The proposed boat lifts and pier are consistent with this goal to allow residential use of the shoreline, will be constructed with materials suitable for in-water construction, and will not have an adverse effect on water quality, vegetation, fish, and wildlife in or near the water.

6. **The proposal complies with applicable requirements of the Bellevue City Code.**
   Finding: As identified in Section III of this report the applicant has submitted project plans that demonstrate the proposal's compliance with the applicable City of Bellevue Codes and Standards.

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 the Development Services Department does hereby **approve with conditions** the installation of a new boat lift, replacement of an existing boat lift, and minor expansion of an

existing pier at 9417 Lake Washington Blvd NE. **Approval of this Shoreline Substantial Development Permit does not constitute a permit for construction. A clearing and grading permit is required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.**

Note- Expiration of Approval: In accordance with LUC 20.25E.250, the Shoreline Substantial Development Permit automatically expires and is void if the applicant fails to commence construction, use, or activity granted by the shoreline permit within two years of the effective date of the permit unless the applicant has received an extension for the Shoreline Substantial Development Permit pursuant to LUC 20.25E.250.

Permit authorization expires finally, despite commencement of construction, five years after the effective date of the Shoreline Substantial Development Permit unless the applicant has received an extension pursuant to LUC 20.25E.250.

X. Conditions of Approval

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

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Savina Uzunow, 425-452-7860
Utilities – BCC Title 24	James Henderson, 425-452-7889
Land Use Code- BCC Title 20	Richard Hansen, 425-452-2739
Noise Control- BCC 9.18	Richard Hansen, 425-452-2739

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

1. **Building Permit Required:** Approval of the Shoreline Substantial Development Permit does not constitute approval of a development permit. A Building Permit (BR Permit) shall be required and approved. Plans consistent with those submitted as a part of this permit application shall be included in the Building Permit application

   Authority: LUC 20.25E.160
   Reviewer: Richard Hansen, Development Services Department

2. **Mitigation and Restoration Planting Plan:** A mitigation planting plan in conformance with the conceptual plan shall be submitted with the Building Permit application. A restoration plan for any temporary impacts associated with the new construction, repairs or mitigation planting associated with the project shall also be submitted with the Building Permit application.

Authority: LUC 20.25E.060.D
Reviewer: Richard Hansen, Development Services Department

3. **Maintenance and Monitoring:** A maintenance and monitoring plan consisting of five (5) years of maintenance and monitoring activities to ensure successful establishment of native shoreline plantings shall be submitted with the Building Permit application. Annual reporting is required to be transmitted to the City of Bellevue following the end of the growing season or by December 1 of each year following the installation and inspection of the mitigation planting. All reporting shall be sent to RHansen@Bellevuewa.gov or by mail to:

   Environmental Planning Manager
   Development Services Department
   City of Bellevue
   PO Box 98012
   Bellevue, WA 98009-9012

   Authority: LUC 20.25E.060.D
   Reviewer: Richard Hansen, Development Services Department

4. **Cost Estimate and Assurance Device:** A cost estimate for all plants, labor, and materials needed to complete the mitigation planting plan shall be submitted with the Building Permit application. Upon successful review, an assurance device totaling 150% of the installation cost including plants, labor, and materials shall be provided to the City prior Land Use approval of the Building Permit.

   Authority: LUC 20.25E.060.D
   Reviewer: Richard Hansen, Development Services Department

5. **Federal and State Permits:** Federal and state water quality standards shall be met. All required federal and state permits and approvals must be received by the applicant prior to commencement of any work. Copies of approved permits are required to be submitted under the building permit application.

   Authority: LUC 20.25E.065
   Reviewer: Richard Hansen, Development Services Department

6. **Lake Washington Allowed In-Water Work Windows:** The US Army Corps of Engineers regulates work windows for when work can occur in Lake Washington and this project shall comply with the approved work window.

   Authority: LUC 20.25E.160
   Reviewer: Richard Hansen, Development Services Department

7. **Rainy Season Restrictions:** No clearing and grading activity may occur during the rainy season, which is defined as October 1 through April 30 without written authorization of the Development Services Department. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

   Authority: Bellevue City Code 23.76.093.A,
   Reviewer: Savina Uzunow, Development Services Department
   Reviewer: Richard Hansen, Development Services Department

Ecological No Net Loss Assessment Report

Prepared for

Michael Nash
9425 Lake Washington Blvd NE
Bellevue, WA 98004

Prepared by

Northwest Environmental Consulting, LLC
600 N 36th Street, Suite 423
Seattle, WA 98103
206-234-2520

October 2023

Purpose

The purpose of this report is to fulfill the requirements of City of Bellevue Land Use Code (LUC) 20.25E.060 for General requirements applicable to all shoreline development and uses by assessing overall project impacts and proposed mitigation to determine if the project meets the "No Net Loss" standard.

No Net Loss is defined as "a balancing of unavoidable shoreline ecological function losses with replacement for those losses so that further reduction to shoreline ecological functions of ecosystem-wide processes may be prevented."

Permits are being applied for a finger pier expansion and new boat lift (see Appendix A – A1.0 to A2.0).

Location

The subject property is located at 9245 Lake Washington Boulevard NE in the City of Bellevue, Washington (see Appendix A – Sheet A1.0). The parcel is on the waterfront of Lake Washington that contains several endangered fish species listed under the Endangered Species Act and Washington State designated priority fish species.

Project Description

The proposed work includes removing and replacing an existing boat lift and placing another boat lift with a 1-foot-10-inch wide catwalk. The existing finger pier will by widened to 4-feet wide from 1-foot-10-inches. No pile work will be required to complete the work.

All new decking (finger pier and catwalk) will be decked with ThruFlow grated decking See Sheets A1.0 to A2.0 for additional information and layout.

During construction, a floating boom will surround the work barge and pier.

A shoreline vegetation planting plan is proposed and will include 4 Scouler willows and 2 snowberries and 1 red flowering currant. (See Appendix A – Sheet A1.0 Proposed Site Plan).

Project drawings are included in Attachment A.

Approach

Northwest Environmental Consulting LLC (NWEC) biologist Brad Thiele conducted a site visit on September 1, 2023 to evaluate conditions on site and adjacent to the site. NWEC also consulted the following sources for information on potential critical fish and wildlife habitat along this shoreline:

- Washington Department of Fish and Wildlife (WDFW): Priority Habitats and Species online database (http://apps.wdfw.wa.gov/phsontheweb/)

- WDFW SalmonScape online database of fish distribution and ESA listing units (https://apps.wdfw.wa.gov/salmonscape/)

Site Description

The subject property is a shoreline tract in a residential neighborhood. It has shoreline on its southern boundary with single-family homes to the east and a public park to the west.

The only existing structures on the property are the house, the existing dock, and a rock bulkhead. The yard is landscaped with lawn down to planting beds with ornamental and woody shrubs along the shoreline. The bulkhead is constructed with basalt boulders with some overhanging vegetation. Lake substrates are sand and gravel with some cobble. Eurasian milfoil was present in the Lake starting waterward of the existing finger pier.

The dock is adjacent to the Sea Scouts building that extends about the same length as the dock. (Photos 1 through 6).

The property to the east has a similar shoreline. The property to the south is Clyde Beach public park with a swim area and overwater building and dock.

Species Use

WDFW's PHS mapping and SalmonScape mapping tools show the following salmonid species using Lake Washington for migration and/or rearing: residential coastal cutthroat (*Oncorhynchus clarkii*), winter steelhead (*O. mykiss*), Dolly Varden/bull trout (*Salvelinus malma*), sockeye salmon (*O. nerka*), fall Chinook (*O. tshawytscha*), coho salmon (*O. kisutch*), and kokanee (*O. nerka*). The SalmonScape database maps the site as accessible to the Endangered Species Units (ESU) of Threatened Chinook and steelhead. The shoreline is along the edge of an area mapped as a Sockeye spawning area by WDFW.

Juveniles may rear in the waters near the project when traveling from spawning sites on other lake tributaries to the lake's outlet at the Locks. The project site is accessible to any fish migrating or rearing in the lake.

A wetland is mapped as being present to the west along the shoreline about 950 feet from the site. No other priority habitats are directly associated with the project site for aquatic or terrestrial species.

Project Impacts and Conservation Measurements

Direct Impacts:

Sediments: Sediment disturbance will occur below the OHWM and along the shoreline of Lake Washington during placement of the boat lifts. Additionally, the tug and barge propwash may disturb sediments temporarily when making trips to/from the site.

Sediments are expected to be minimally disturbed during lift placement. The bottom substrate is sand a gravel that will help reduce the chances of turbidity. The project is expected to meet state water quality standards for turbidity.

Shoreline: Planting native vegetation will increase the habitat functions of the shoreline by creating shade along the shoreline that will be an improvement from the existing baseline

habitat conditions at the project site. These plants, especially the 4 Scouler willows, will provide overhanging cover for fish, structural diversity for birds and wildlife, detritus for aquatic invertebrates and long-term recruitment of woody material and other allochthonous food sources. These plants will be planted within 10 feet of the shoreline and have canopy coverage from about 9 feet to about 30 feet at maturity. The willows will be planted along the top of the bulkhead and will tend to grow out over the water and will provide direct ecological benefits to the aquatic environment within a few years. The proposed planting plan is included (see Appendix A - Sheet A1.0 Proposed Site Plan).

Lakebed: No pilings will be driven. The lifts will be set on the bottom.

Noise: Construction equipment will create noise audible to neighbors and in-water. Noise disturbance will be short-term and should have negligible effects on fish and wildlife in the area. Work will be completed during the in-water work window when juvenile fish are not expected to be present.

Potential spills: Short-term risks include the potential for petroleum spills that can occur with any equipment operation. The level of impact to the aquatic environment is expected to be minor because of spill containment measures that will be employed should a spill occur.

Indirect Impacts:

Shading: The project results in an increase in overwater coverage. The new catwalk will add 31 square feet of overwater coverage. The existing catwalk will be replaced in kind and will not alter overwater shading at the site. Widening the existing finger pier will increase overwater shading by 80 square feet. All new decking will be decked using grated decking.

Grated decking increases light penetration to the waters below the dock, which can increase productivity in the waters, and reduce the full shade favored by salmonid predators. Salmonid predators are known to use hard shadowing under solid-decked docks to ambush juvenile salmonids. Reducing these hard shadows limits their ability to effectively hunt salmonids. Overwater structures may also increase outmigration times of juvenile salmonids. Juvenile salmonids have been shown to hesitate before passing under structures. Grated decking may reduce this behavioral effect. ThruFlow grated decking has measured performance at 43 percent light penetration (ThruFlow, 2021). Thus, the increase in lighting under the pier is effectively 57% of the area of a solid decked structure. A summary of how this will affect this project's shading is shown below:

Table 1 – Effective coverage

	Existing solid overwater coverage	Proposed Grated overwater coverage	Conversion to grated	Effective coverage
Existing decking (SF)	No change	111	0	63
Change in Total (SF)	0	111		48

The use of grated decking reduces the effective overwater coverage by 48 square feet over not using grated decking. The new overwater coverage will be constructed in 9 to 15 feet deep, reducing the effects of overwater coverage by placing moorage in deeper water.

Recreational Boating: The project supports continued recreational boating, which has been identified as a limiting factor for salmonid populations in Lake Washington. The pier reconfiguration will not introduce additional boating to Lake Washington, as the owners could still access the lake from a public boat launch or private moorage facility.

Other Conservation measures:

Work window: The work will be completed during the prescribed in-water work window for this area of Lake Washington (July 16 to April 30). Operating within this time frame helps protect Chinook salmon, steelhead, bull trout and other salmonid fish species by doing work when juvenile fish are not expected to be present.

Best Management Practices: Applicable BMPs will be used, such as a floating boom around the in-water work area, to contain any floating debris that may escape during construction. The barge will have a perimeter containment sock to absorb oil and grease that might inadvertently wash from the barge during construction.

Hazardous material containment materials such as spill absorbent pads and trained personnel will be required onsite during any phase of construction where machinery is in operation near surface waters.

In-lieu Fee: The shoreline on the subject property will be planted with additional native, overhanging vegetation. The project also requires approval from the National Marine Fisheries Service (NMFS). NMFS has developed a calculator to determine appropriate mitigation costs for proposed in-water structures in Lake Washington. This calculator has established a fund that owners can pay into if they are not willing or cannot find mitigation to offset impacts from the project. The owner is not able to complete the required mitigation at the subject property and the property owners will pay into the in-lieu fee program to mitigate project impacts. An in-lieu fee program is defined as follows:

> "A program involving the restoration, establishment, enhancement, and/or preservation of aquatic resources through funds paid to a governmental or non-profit natural resources management entity to satisfy compensatory mitigation requirements... Similar to a mitigation bank, an in-lieu fee program sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the in-lieu program sponsor." (Fed. Reg. 40 CFR Part 230)

The fee has been determined using the Restoration And Permitting (RAP) Calculator for Lake Washington and will be paid to King County Conservation Fund. This fund has been used to remove 350 piles from the mouth of the Cedar River within Lake Washington to date.

The City of Bellevue has not codified the In Lieu Fee program and does not recognize program within the City Limits. This program is part of the Alternative Design Criteria and is used by Federal and State agencies during review and the discussion is required in this report.

Compliance with LUC

Dock Location: Lake Washington		
Development Standard	**Required by LUC 20.25E.065**	**Proposed Standards**
Number of Docks Allowed	1 per residential lot	Complies

Dock Side Setback	10’ or as established per mutual agreement	No Change
Maximum Dock Length	150’	96’ – No change
Maximum Dock Size	480 square feet	Non-conforming, the project will add 80 square feet of additional overwater coverage from construction of the finger pier.
Maximum Walkway Width	4’ within 30’ of OHWM 6’ beyond 30’ from OHWM	Non-conforming, no changes to width is proposed
Ell Location vs. Depth	30’ waterward of OHWM or at least 9’ of water depth	Complies, no change proposed.
Mooring Piles	2 per lot	Complies, no change
Decking	Grated	Open Grating Proposed - complies
Number of Lifts	4 allowed per lot	Complies, 1 new proposed, two existing.

Impact Minimization and Mitigation

Reasonable efforts were made to apply mitigation sequencing when altering habitats within shoreline areas, as required by City Code LUC 20.25E.060.D.2. This sequence has three steps: avoidance, minimization, and mitigation.

Avoidance and Minimization

The pier reconfiguration is being done to allow for safe moorage of the owners boats.

The finger pier increased is the maximum size allowed.

During construction, BMPs will be used to prevent construction debris from entering Lake Washington. All construction debris will be removed from the site.

Additional avoidance and minimization measures include the following:

- No floats are proposed in the nearshore;
- Artificial night lighting on and from overwater structures will be minimized by focusing the light on the pier surface (not the water), and using shades that minimize illumination of the surrounding environment and reduces glare on the water surface. The visible light emitted by an individual fixture shall not exceed 450 lumens, and the total visible light emitted by all fixtures on a pier shall not exceed 2,700 lumens.
- No new boathouses are proposed;
- No new or replaced pier skirting is proposed;
- No use of treated wood for any in-water structures or components are proposed;
- Piles will be epoxy coated steel and the smallest size and quantity practicable;
- No impact pile driving or proofing will occur;
- No galvanized coated steel will be placed below the waterline.

Mitigation Approach

The City of Bellevue considers native plantings within 10 feet of the shoreline to be mitigation for impacts to the shoreline. The project proposes to enhance the shoreline by planting 4 willows, and 3 native woody shrubs within 10 feet of the shoreline. The Scouler willows proposed are along the bulkhead and will provide overhanging vegetation along the shoreline. This overhanging vegetation will provide shade and add beneficial nutrients to the water. The general growth form of willow trees provide direct benefits to the aquatic environment by extending out over the water. This growth form provides enhanced shading and sometimes direct contact with the water.

In addition, the owner has opted to pay the required in-lieu fee to King County to complete the mitigation requirements as required by the National Marine Fisheries Service using the RAP process. The City of Bellevue does not consider in lieu fees as mitigation for impacts within City Limits since the mitigation typically occurs outside of the City Limits.

Shoreline Functions and Values Improvements

Shoreline enhancements will increase the buffer functions and values by adding native tree and shrub buffer between the house and Lake Washington that will increase screening, filtering of runoff, increase vertical and overhanging structure along the lake edge, provide food sources for songbirds and other native fauna that use the Lake Washington shoreline and provide woody material, leaf litter and other beneficial allochthonous nutrients to Lake Washington in the long-term.

Proposed Mitigation

Mitigation Goals

The mitigation goals for the project will include the following:

- Planting shoreline native plants including 4 willows and 3 shrubs with 100% survival for 5 years after planting.

Performance Standards

Buffer plantings shall maintain a 100% survival for the 5 years. For proper functioning, species diversity will be maintained. The planting areas will maintain a minimum of 1 willow species and 2 shrub species for the 5-year monitoring period.

Planting Plan

Shrubs and trees will be containerized or bare root. The planting layouts, details, and quantities are shown in Appendix A – Sheet A 1.0 Proposed Site Plan.

Schedule and Maintenance

Plantings shall be installed in the same season or before completion of the dock construction. Watering will be required for at least the first year after planting during the summer months, and any invasive plants removed.

Maintenance and Monitoring Program

To ensure that the performance standards are met, plantings will be counted in August or September for survival for five years. All dead plantings will be replaced with similar native plants so that 100% survival is reached for the monitoring period.

Reporting

Monitoring reports shall be prepared and submitted to City of Bellevue annually on years 1-5. The Monitoring report must include at a minimum, written and photographic documentation on plant mortality and replanting efforts, and document whether the performance standards are being met. Photos will be taken from established points and used repeatedly for each monitoring year.

Conclusion

Juvenile Chinook salmon, and other salmonids, rear and migrate along the Lake Washington shoreline.

There will be temporary impacts from noise and disturbed sediments during construction. The effects of construction will be short term. Construction disturbance will degrade ecological conditions at the site temporarily.

The project will minimize construction effects on the environment by following the prescribed fish window and using applicable BMPs to prevent construction spills, turbidity, and floating debris from escaping the area. The construction crew will retrieve all dropped items from the bottom and dispose of them properly.

The new overwater coverage will all be grated. The grated decking reduces the hard shadows favored by salmonid predators and increases productivity under the pier in the littoral zone.

Docks may act as a partial barrier to outmigrating juvenile salmonids that use the nearshore when migrating out of Lake Washington to saltwater. Reducing effective overwater coverage and reducing hard shadowing may help reduce hesitation of outmigrating juvenile salmonids.

A shoreline planting plan will be implemented that will add 4 native willows and 3 native shrubs to the shoreline that will provide natural shading, allochthonous food sources and will eventually be a source of woody materials that will improve shoreline conditions at the site in the long-term. The owner has also opted to pay into the In Lieu Fee program that will be used for conservation projects that benefit salmon in King County.

This project has been designed to meet current residential dock standards and will use Best Management Practices to reduce project impacts. The conservation measures are designed to improve ecological functions or prevent further degradation of habitat **and will result in No Net Loss of ecological functions**.

Document Preparers

Brad Thiele	Biologist	29 years of experience	Northwest Environmental Consulting, LLC. (NWEC)

The conclusions and findings in this report are based on field observations and measurements and represent our best professional judgment and to some extent rely on other professional service firms and available site information. Within the limitations of project scope, budget, and seasonal variations, we believe the information provided herein is accurate and true to the best of our knowledge. Northwest Environmental Consulting does not warrant any assumptions or conclusions not expressly made in this report, or based on information or analyses other than what is included herein.

REFERENCES

Kitsap Conservation District (Kitsap). 2022. Kitsap Conservation District Native Plant Sale https://kitsapcd.org/plant-sale accessed 2023.

ThruFlow. 2020. Legacy Series. Online at https://thruflow.com/products/legacy/.

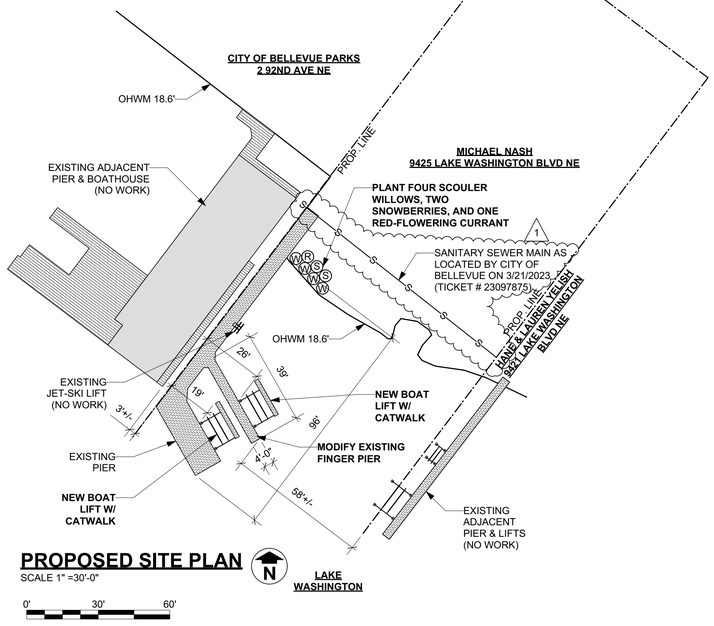
US Army Corps of Engineers (USACE). 2004. Final Biological Evaluation, Regional General Permit: Construction of New or Expansion of Existing Residential Overwater Structures and Driving of Moorage Piling. Lake Washington, Lake Sammamish, the Sammamish River and Lake Union, Including the Lake Washington Ship Canal, in the State of Washington.

Washington Department of Fish and Wildlife (WDFW). 2023. Priority Habitats and Species. Online database. Accessed October 2023 at http://apps.wdfw.wa.gov/phsontheweb/

WDFW. 2023. SalmonScape. Online database. Accessed October 2023 at http://apps.wdfw.wa.gov/salmonscape/

Appendix A:
Project Drawings

PLEASE NOTE THAT THE SHORELINE CONFIGURATION AND PROPERTY LINE LOCATIONS ARE APPROXIMATE ONLY. PROPERTY LINES WERE NOT SURVEYED.



PROPOSED SITE PLAN

SCALE 1" =30'-0"

0' 30' 60'

Best Management Practices

1. In water work shall be restricted to work windows established by Washington Department of Fish and Wildlife and US Army Corps of Engineers.

2. No stockpiling or staging of material will occur below OHW.

3. No solvents or other chemicals will be used in or over the water during the construction or operation of the proposed action.

4. No waste material, including material associated with treated wood decks, will enter the waterbody.

5. All waste material and construction debris will be collected and disposed of at an approved facility that is in compliance with the Endangered Species Act.

6. All floating debris generated during construction will be retrieved, removed, and disposed of at an approved upland location.

7. All equipment that will operate over water or below OHWM or MHHW will be cleaned of accumulated grease, oil, or mud. All leaks will be repaired prior to arriving on site. Equipment will be inspected daily for leaks, accumulations of grease, etc., and any identified problems will be fixed before operating over water or below the OHWM or MHHW.

8. Two oil absorbing floating booms, appropriate for the size of the work area, will be available onsite whenever heavy equipment operates within 150 feet of open water and there is a potential for hazardous materials to enter surface waters. The booms will be stored in a location that facilitates immediate deployment in the event of a spill.

9. Work done by barge will be done with a crane and a guide on the end of the barge for placement of the piling in specific locations. The working barge will be kept in place with steel spuds or large steel piles that act as anchors at each corner of the barge to prevent the barge from grounding out. The barge will not ground or rest on the substrate or be over or within 25 feet of vegetated shallows (except where such vegetation is limited to State-designated noxious weeds).

10. Fueling and servicing of equipment will be confined to an established staging area that is at least 150 feet from open water or wetlands. Spill containment systems must be adequate to contain all fuel leaks.

11. Equipment and vehicles will be stored in established staging areas when not in use (excluding cranes, which cannot be easily moved).

12. A written spill prevention, control, and countermeasures plan will be prepared for activities that include the use of heavy equipment. The plan will describe measures to prevent or reduce impacts from accidental leaks or spills, and will contain a description of all hazardous materials that will be used, proper storage and handling, and monitoring methods. A spill kit will be available onsite during construction and stored in a location that facilitates immediate deployment if needed.

13. Treated wood and other material shall be the least toxic according to industry standards. Treated wood used shall be applied and used in accordance with the American Wood Preserver Association (AWPA) standards for aquatic use. Wood treated with pentachlorophenol, creosote, chromate copper arsenate (CCA), or comparably toxic compounds is prohibited for decking or piling.

PROJECT INFORMATION

APPLICANT:
MICHAEL NASH

SITE ADDRESS:
9425 LAKE WASHINGTON BLVD NE
BELLEVUE, WA 98004

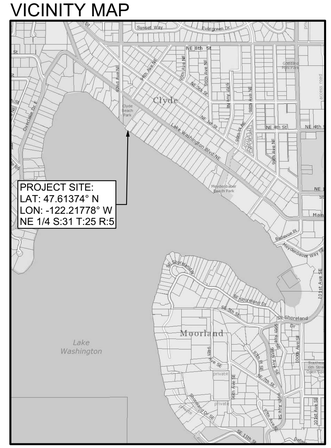
PARCEL NUMBER:
438920-0805

BODY OF WATER:
LAKE WASHINGTON

LEGAL DESCRIPTION:
LOCHLEVEN POR OF 3 & OF SELY 25 FT OF 2 SWLY OF LK WASH BLVD & SH LDS ADJ LESS BEG 50 FT SELY OF NW COR THOF TH SWLY TO PT ON NWLY LN OF SELY 10 FT OF LOT 2 DIST SWLY AS MEAS ALG SD LN 100 FT FR SWLY LN OF BLVD TH S 37-26-00 W 118 FT TH S 52-34-00 E 85 FT TH S 37-26-00 W 157 FT TO OUTER LIMITS OF SH LDS TH SELY TO SWLY LN THOF TH NELY TO NELY COR THOF TH NWLY 60 FT TO BEG
PLAT BLOCK: 15
PLAT LOT: 2-3

PROJECT DESCRIPTION:
REPLACE AN EXISTING BOAT LIFT AND INSTALL A NEW BOAT LIFT. THE PROPOSED LIFTS WILL HAVE A GRATED CATWALK. WIDEN AN EXISTING FINGER PIER.

VICINITY MAP



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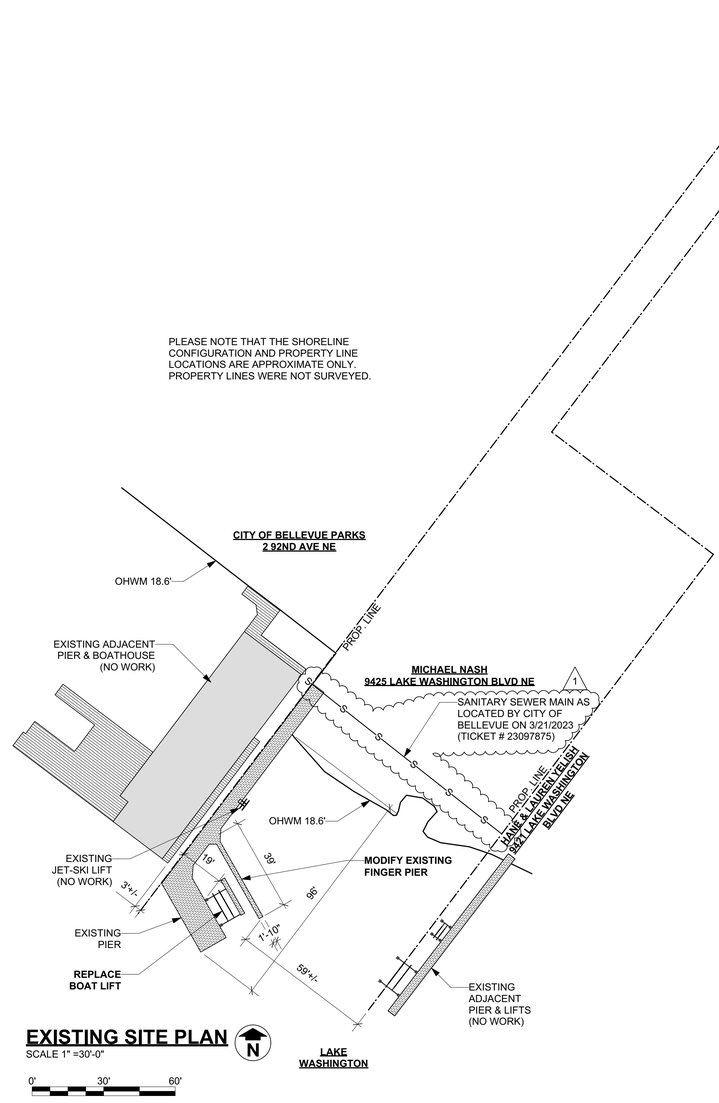


EXISTING SITE PLAN

SCALE 1" =30'-0"

0' 30' 60'

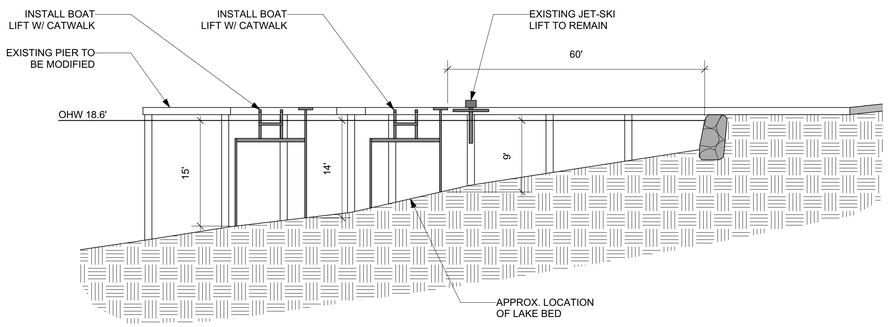
ECCO
Architecture & Design
7431 Greenwood Ave N
Seattle, WA 98103

PROJECT INFO
SITE PLAN

DATE: 2/10/2023
REVISIONS: 1 3/23/2023

NASH PIER & LIFTS
9245 LAKE WASHINGTON BLVD NE.
BELLEVUE, WA 98004

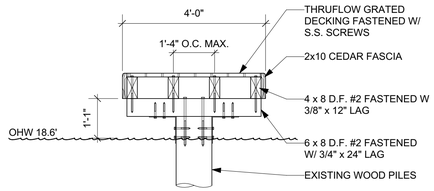
A1.0



ELEVATION

SCALE 1" = 10'-0"

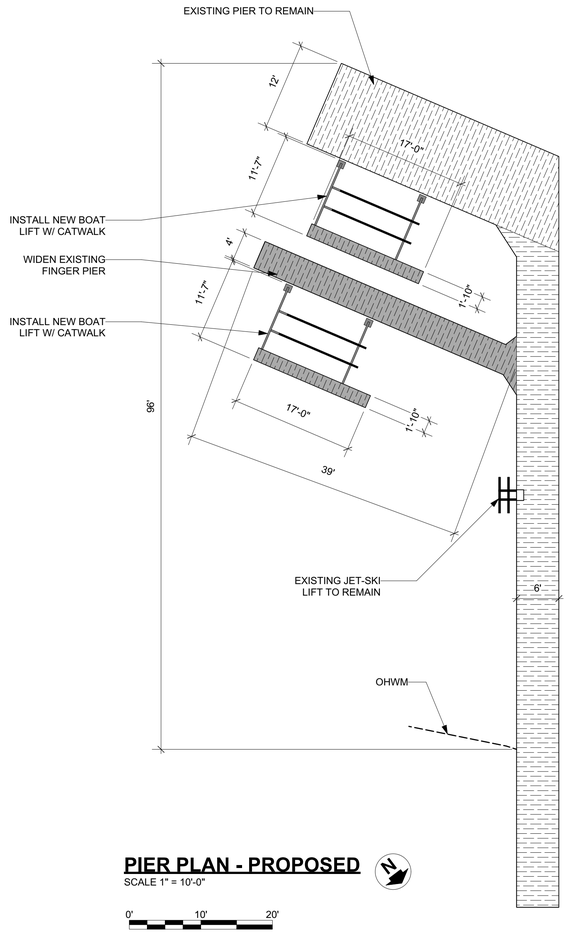
0' 10' 20'



FINGER PIER SECTION

SCALE 1/2" = 1'-0"

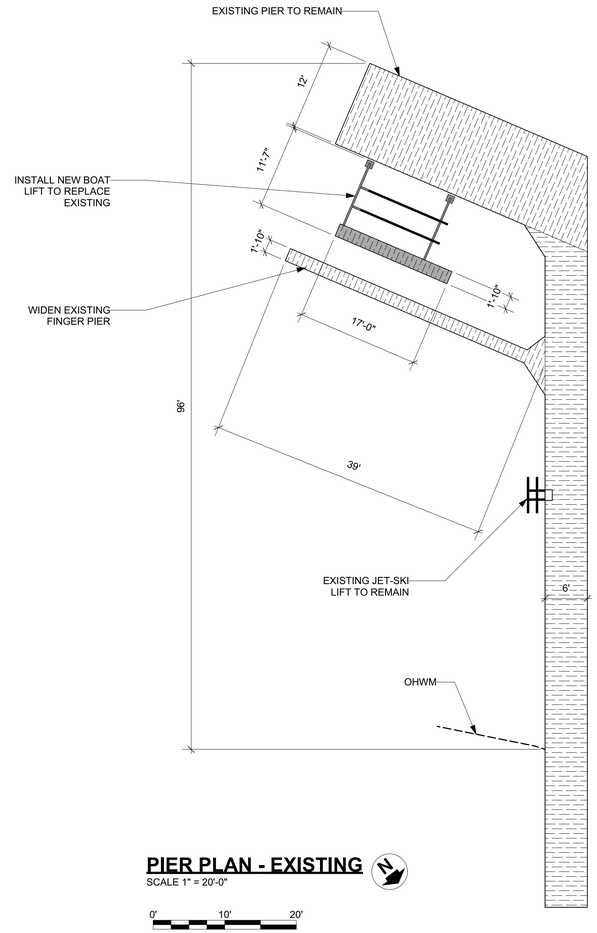
0' 2' 4'



PIER PLAN - PROPOSED

SCALE 1" = 10'-0"

0' 10' 20'



PIER PLAN - EXISTING

SCALE 1" = 20'-0"

0' 10' 20'

ECCO
Architecture & Design
7431 Greenwood Ave N
Seattle, WA 98103

ELEVATION
SECTION
PIER PLAN

DATE: 2/10/2023
REVISIONS:

NASH PIER & LIFTS

9245 LAKE WASHINGTON BLVD NE.
BELLEVUE, WA 98004

A2.0

Appendix B:
Site Photographs

Photo 1 - Existing dock looking waterward.

Photo 2 - Existing dock looking landward.

Photo 3 - Existing shoreline west of the dock.

Photo 4 - Existing shoreline east of the dock.

Photo 5 - Conditions west of the property.

Photo 6 - Existing conditions east of the property.