City of Seattle
Gregory J. Nickels, Mayor

Department of Planning and Development
Diane M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number:	**3008742 / 3008743**
Applicant Name:	**Kelly Goold for Seattle Parks and Recreation**
Address of Proposal:	**Leschi Marina North, 320 Lake Washington Boulevard;** **Leschi Marina South, 100 Lakeside Avenue South**

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Permit to repair two existing breakwaters at the North and South Leschi marina facilities and replace dinghy floats at the North marina. The new dinghy floats will have a 40 percent grated surface. Ninety four (94) creosote treated piles will be removed and ninety-two (92) new steel piles will be installed. The north side of the north timber breakwater will be reduced by 1926 square feet. Determination of Non-Significance prepared by the City of Seattle Department of Parks and Recreation.

Seattle Municipal Code (SMC) requires the following approvals:

Shoreline Substantial Development Permit - To allow repair and replacement of structures at a recreational marina and associated uses in a Conservancy Management (CM) and Conservancy Navigation (CN) shoreline environment pursuant to Seattle Municipal Code (SMC) 23.60.020)

SEPA - For conditioning only. (Chapter 25.05 Seattle Municipal Code)

SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS

[X] DNS with conditions[1]

[ ] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site Location and Zoning Designation

The Leschi Marina is situated on the western shore of Lake Washington, approximately two-thirds of a mile north of Interstate 90. The northern portion of the project area is located off Lake Washington Boulevard, and can be accessed via the marina's north parking lot. The southern portion of the project area is located off Lakeside Avenue South, and can be accessed via the marina's south parking lot. The dinghy floats and north breakwater are located in an area zoned Residential Single-Family 500 with underlying zoning of Conservancy Management (CM) shoreline environment. The south breakwater is partially located in an area zoned Residential, Multifamily, Lowrise 3/Residential-Commerical and partially in an area designated Conservancy Navigation (CN) shoreline environment.

Current Use of the Site and Adjacent Properties

Leschi Marina provides moorage for small- to medium-sized boats. Leschi Marina provides both long-term and temporary boat moorage. Leschi Marina consists of two main basins, the north basin and the south basin. A timber pile and timber lagging bulkhead protects the north basin. The north basin consists of fixed timber piers for moorage. On the north side of the north basin is a series of dinghy floats with very low freeboard providing storage and staging areas for small dinghies, kayaks, and other non-motorized craft. The south basin at Leschi consists of floating moorage docks providing space for small to medium recreational vessels. A floating pipe type breakwater protects the south basin.

THE PROPOSAL

Seattle Parks and Recreation is proposing to repair the fixed breakwater in North Leschi, repair the floating breakwater at South Leschi, and replace the dinghy floats in North Leschi. New timber lagging will replace the missing boards in the North Leschi fixed breakwater. A steel channel and new connection hardware will also be added along the bottom of this breakwater. The deteriorated timber piles and steel tube breakwater at South Leschi will be replaced with steel piling and a new steel tube breakwater. The North Leschi dinghy floats and deteriorated timber piling will be replaced with grated floats and new steel piling. Out-of-water activities include float construction and breakwater fabrication.

The renovation project includes:

- Removal and disposal of 94 creosote-treated timber pilings with an average diameter of 24". These include 34 in North Leschi and 60 pilings in South Leschi.
- Removal and disposal of 25,092 sq. ft. of dinghy floats in North Leschi.
- Removal and disposal of timber and gangway in North Leschi.
- Removal and disposal of 395 lineal feet of timber pile and steel tube breakwater in South Leschi.
- Installation of 92 steel piling, 16" in diameter. These include 32 in North Leschi and 60 in South Leschi.
- Installation of 25,641 sq. ft. of new grated floats in North Leschi.

- Installation of new 12' x 30 ADA-accessible gangway in North Leschi.
- Replacement of 150 linear feet of timber lagging in North Leschi fixed breakwater.
- Installation of 522 linear feet of new steel tube floating breakwater.
- The north side of the north timber breakwater will be reduced by 1926 square feet.

PUBLIC COMMENT:

Public notices of the applications were published on April 10, 2008. The required public comment period ended on May 9, 2008. No comments were received.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT

Section 23.60.030 of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads:

A substantial development permit shall be issued only when the development proposed is consistent with:

A. The policies and procedures of Chapter 90.58 RCW;

B. The regulations of this Chapter; and

C. The provisions of Chapter 173-27 WAC

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and Shoreline Management Act.

A. The Policies and Procedures of Chapter 90.58 RCW

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on insuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle adopted a shoreline master program, codified in the Seattle Municipal Code at Chapter 23.60. Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions. As the following analysis will demonstrates, the subject proposal is consistent with the procedures outlined in RCW 90.58.

B. The Regulation of Chapter 23.60

Chapter 23.60 of the Seattle Municipal Code is known as the "Seattle Shoreline Master Program." In evaluating requests for substantial development permits, the Director must determine that a proposed use meets the approval criteria set forth in SSMP 23.60.030 (cited above). Development standards of the shoreline environment and underlying zone must be considered, and a determination made as to any special requirements (shoreline conditional use, shoreline variance, or shoreline special use permit) or conditioning that is necessary to protect and enhance the shorelines area (SSMP 23.60.064). In order to obtain a shoreline substantial development permit, the applicant must show that the proposal is consistent with the shoreline policies established in SSMP 23.60.004, and meet development standards for all shoreline environments established in SMC 23.60.152 as well as the criteria and development standards for the shoreline environment in which the site is located, any applicable special approval criteria and the development standards for specific uses.

Each of these elements is evaluated below in the order they are listed in the Shoreline Master Program. The shoreline designations for the area of work are Conservancy Management and Conservancy Navigation (CM and CN at SMC 23.60.220).

SMC 23.60.004 - Shoreline Policies

The Shoreline Goals and Policies which are part of the Seattle Comprehensive Plan's Land Use Element and the purpose and location criteria for each shoreline environment designation contained in SMC 23.60.220 must be considered in making all discretionary decisions in the shoreline district. The purpose of the CM and CN environments are stated in SMC 23.60.220.C.4 and C1, respectively. The applicable sections of these regulations to the current proposal are:

- *in the Conservancy Navigation Environment to preserve open water for navigation and*
- *in the Conservancy Management Environment to conserve and manage areas for public purposes, recreational activities and fish migration routes.*

The repaired breakwaters will be located in nearly the same location as the existing ones and therefore create no new impediment to navigation. The repairs of the dinghy floats are necessary to maintain the water dependent marina use. The proposed project will result in no increase in overwater coverage and the new dinghy floats will be grated to increased light transmission for aquatic habitat.

SMC 23.60.032 Criteria for special use approvals.

Uses which are identified as requiring special use approval in a particular environment may be approved, approved with conditions or denied by the Director. The Director may approve or conditionally approve a special use only if the applicant can demonstrate all of the following:

A. That the proposed use will be consistent with the policies of RCW 90.58.020 and the Shoreline Policies;

RCW 90.58.020 states in part, that in the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and

prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. The structures to be repaired or replaced for this were built before the enactment of the Shoreline Management Act, therefore were not originally reviewed for impacts on the shoreline environment. The current dinghy floats in the north marina are ungrated, whereas the replacement floats are designed to allow ambient light to pass through the decking of the overwater structures. This will improve the migration route and rearing habitat for juvenile chinook. The removal of creosote-treated timber piles will improve water quality and associated toxicity.

B. That the proposed use will not interfere with the normal public use of public shorelines;

The proposed use will not interfere with the normal public use of public shorelines because the site is currently used for boat moorage, and the project proposed is to allow for safer more efficient operation of the current activities.

C. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area;

The marina has been previously established at this site. The proposal is to improve the safety of existing structures and is a maintenance project necessary to improve the efficiency of the current use as a boat mooring area, which is a water dependent use. While the natural environment is not maintained in a pure state, the activities to be carried out provide minimal adverse impact.

D. That the proposed use will cause no unreasonably adverse effects to the shoreline environment in which it is to be located; and

The proposed design has been chosen to provide an improved condition for the aquatic environment at this site. The new floats will be grated to allow ambient light to pass through the decking of the overwater structures. This will improve the migration route and rearing habitat for juvenile chinook. There will be no increase in overwater coverage between existing and proposed projects and the removal of creosote-treated timber piles will improve water quality and associated toxicity.

E. That the public interest suffers no substantial detrimental effect.

The proposal is for maintenance of an existing water dependent shoreline boat moorage facility. No changes in existing uses or activities are proposed, and there will be no detrimental effect to the public interest.

SMC 23.60.064 - Procedures for Obtaining Shoreline Substantial Development Permits

This application has followed the procedural requirements for a Master Use Permit as specified in subsection A. SMC 23.60.064 also provides authority for conditioning of shoreline substantial development permits as necessary to carry out the spirit and purpose of and assure compliance with the Seattle Shoreline Code, Chapter 23.60, and with RCW 90.58.020 (State policy and legislative findings).

SMC 23.60.064C. In evaluating whether a development which requires a substantial development permit, conditional use permit, variance permit or special use authorization meets the applicable criteria, the Director shall determine that:

1. The proposed use is not prohibited in the shoreline environment(s)and underlying zone(s) in which it would be located;

Boat moorage, accessory to a park use, is a permitted use in the SF-5000 zone. A recreational marina is a special use in the CM Environment (SMC 23.60.420, see discussion above). The breakwater at South Leschi, if new, would require conditional use approval, however repair of the existing breakwater is permitted outright in the CN Environment (SMC 23.60.244).

2. The development meets the general development standards and any applicable specific development standards set forth in Subchapter III, the development standards for the shoreline environment in which it is located, and any applicable development standards of the underlying zoning, except where a variance from a specific standard has been applied for; and

The project meets standards for recreational marinas per SMC 23.60.200 and the conformance of the project with the general development standards listed at SMC 23.60.152 is discussed below.

3. If the development or use requires a conditional use, variance, or special use approval, the project meets the criteria for the same established in Sections 23.60.034, 23.60.036 or 23.60.032,respectively.

The evaluation of the project against the criteria for the special use listed at 23.60.032 is discussed above.

SMC 23.60.152 - Development Standards for all Environments

These general standards apply to all uses in the shoreline environment. They require that design and construction of all uses be conducted in an environmentally sound manner, consistent with the Shoreline Management Program and with best management practices for the specific use or activity. These general standards of the SMP state, in part, that all shoreline development and uses shall:

- *protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as paving and berming of drum storage areas, fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.*

- *not release oil, chemicals or other hazardous materials onto or into the water...*
- *be located, designed, constructed, and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas, including but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes;*
- *be located, designed, constructed and managed to minimize interference with, or adverse impacts to, beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion;*
- *be located, designed, constructed, and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area; and*
- *be located, constructed, and operated so as not to be a hazard to public health and safety.*

The current dinghy floats in the north marina are ungrated, whereas the replacement floats are designed to allow ambient light to pass through the decking of the overwater structures for enhanced vegetative growth and reduced predation potential. This will improve the migration route and rearing habitat for juvenile chinook. The removal of creosote-treated timber piles will improve water quality and associated toxicity. The reduction of the North Leschi timber breakwater by 1926 square feet will result in no increase in overwater coverage for the project.

Moorage facilities often have debris on the substrate caused by users accidentally and intentionally dropping debris and other deleterious material into the water. This debris degrades aquatic habitat. To meet SMC 23.60.152, all sunken foreign debris, including that unrelated to marina demolition and construction, found during demolition and removal of the existing dinghy floats will be documented, retrieved from the water, and deposited in a licensed upland waste disposal facility. A log book will be used by the contractor during demolition and construction to denote where demolition and construction debris entered the water for later retrieval. A diving contractor shall conduct post-construction retrieval operations of foreign debris. The diving contractor will keep a photo log of all debris retrieved. Retrieved debris will be disposed of with other marina construction and demolition debris at a licensed, upland landfill facility.

SMC 23.60.270 - Development Standards for CN Shoreline Environments

The development standards set forth in the Conservancy Navigation Shoreline Environment relate to avoiding interference with navigation. The replaced breakwater in South Leschi will occupy almost the same space as the existing breakwater and therefore will not interfere with navigation activities. Therefore, this project is consistent with the development standards of the CN shoreline environment.

SMC 23.60.420 – Development standards for the CM Environment

All developments in the CM environment shall be located and designed to minimize disturbance of any critical habitat area. The current dinghy floats in the north marina are ungrated, whereas the replacement floats are designed to allow ambient light to pass through the decking of the overwater structures for enhanced vegetative growth and reduced predation potential. This will improve the migration route and rearing habitat for juvenile chinook. The removal of creosote-treated timber piles will improve water quality and associated toxicity. The reduction of the North Leschi timber breakwater by 1926 square feet will result in no increase in overwater coverage for the project. The removal of underwater debris per the cleanup plan will improve aquatic habitat for migrating salmon.

The development as proposed and conditioned below will comply with the above shoreline development standards and should have minimal effects on migratory fish routes and do not warrant further conditioning.

As noted above, Seattle's Municipal Code provides criteria for the review and conditioning of shoreline substantial development permits. Thus, as shown in the applicant's development plans the Director has determined that the proposal is consistent with the criteria of SMC 23.60.030A.2 and may be conditionally granted as noted at the end of this decision.

C. ***The Provisions of Chapter 173-27 WAC***

WAC 173-27 establishes basic rules for the permit system to be adopted by local governments, pursuant to the language of RCW 90.58. It provides the framework for permits to be administered by local governments, including time requirements of permits, revisions to permits, notice of application, formats for permits, and provisions for review by the state's Department of Ecology (DOE). Since DOE has approved the Seattle Shoreline Master Program, any project consistent with the criteria and procedures of SMC Chapter 23.60 is also consistent with WAC 173-14 and RCW 90.58.

CONCLUSIONS

Development requiring a Shoreline Substantial Development Permit can only be approved if it conforms to the policies and procedures of the WAC, RCW and with the regulations of Chapter 23.60, Seattle Shoreline Master Program. The specific standards for development in the shoreline environments will be met by the proposed development.

Pursuant to the Director's authority under Seattle's Shoreline Master Program to ensure that development proposals are consistent with the policies and procedures, and conform to specific development standards of the underlying zone, and having established that the proposed use and development are consistent with the Seattle Shoreline Program, the proposal is approved with the conditions listed below.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT

The Shoreline Substantial Development permit is **CONDITIONALLY GRANTED**.

ANALYSIS - SEPA

Disclosure of the potential impacts from this project was made in the following documents the Environmental Checklist dated Jan. 15, 2008, the Biological Evaluation dated Feb. 25, 2008, the application for Shoreline Substantial Development Permits and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary or construction-related impacts are expected: temporary increase in noise levels, increase in water turbidity levels, increased levels of fugitive dust and fumes from the construction equipment, disturbance of shorelines and displacement of some fish wildlife species due to increased water turbidity levels and increased noise from the construction activities. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794). Although not significant, these impacts are adverse and, in some cases, mitigation may be warranted.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Seattle Noise Ordinance (construction noise); and State Air Quality Codes administered by the Puget Sound Air Pollution Control Agency (air quality). In addition Federal and State regulations and permitting authority (Section 10 Permit, 404 Permit from the Army Corps and HPA permit from Washington Department of Fish and Wildlife) are effective to control short-term impacts on water quality. Compliance with these codes and/or ordinances will lessen the environmental impacts of the proposed project.

The proposed construction work will take place in and adjacent to the waters of Lake Washington. Additionally, construction material will be delivered by barge over-water. With the proposed work taking place in and adjacent to water and the delivery of construction material taking place over-water, there exists the potential for debris and other deleterious material to enter the water during this proposed work. Best management practices (BMPs) will be required to decrease the probability of debris or other deleterious material from entering the water during the proposed work. A turbidity curtain and debris boom will be deployed around the project area during in- and over-water work to contain any debris, suspended sediments, or spills caused by demolition or construction activities. This material should be contained on site and then disposed of at the appropriate upland facility. In-water construction activity will be restricted to July 16th through April 30th as outlined in the Specific Project Information Form document provided by the applicant, dated Feb. 25, 2008.

Construction material and equipment pose some potential danger of water and near shore contamination and shoreline erosion. The contamination from spills could lead to both water quality and aquatic habitat damage. In order to be prepared to provide a fast and effective response to spills or other actions which cause new contaminants to be introduced into the shoreline environment, it is necessary to condition the project to require that prior to commencing construction an emergency containment plan and procedures be developed and all necessary equipment be stocked on the site. It is also warranted to require the use of BMPs to minimize erosion along the shoreline caused by storage and staging construction material in this area.

Construction Noise

The project involves installation of 92 steel piles. Pile installation is proposed to be done with a vibratory hammer as much as possible. Best Management Practices and noise abatement measures such as cushions and bubble curtains will be utilized in the event impact hammer use is required.

No further SEPA conditioning of potential short-term impacts is warranted.

Long Term Impacts

Long-term or use related impacts are also anticipated from the proposal and include: a continued presence of a marina facility at this site. These long-term impacts are potentially significant without mitigation; therefore, merit a detailed discussion of the impacts and the required mitigation.

Air Quality

The marina's operational activities will be maintained rather than expanded by the work under this proposal. The vehicular trips associated with the project and the projects' energy consumption are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Seattle's SEPA Air Quality Policy (Section 25.05.675.1A.4). The Puget Sound Air Pollution Control Agency is responsible for monitoring air quality in the Seattle area, setting standards and regulating development to achieve regional air quality goals.

Adverse impacts may be mitigated only if the decision maker finds that the applicable federal, state and regional regulations did not anticipate or are inadequate to address the particular impacts of a project. No unusual circumstances exist which warrant additional mitigation, pursuant to the SEPA Overview Policy.

Plants and Animals

Chinook salmon, a species listed as threatened under the Endangered Species Act (ESA) in March 1999, are known to inhabit Lake Washington including the proposed project area. Under the City of Seattle's Environmental Policies and Procedures 25.05.675 N (2) it states in part: *A high priority shall also be given to meeting the needs of state and federal threatened, endangered, and sensitive species of both plants and animals.*

This project is proposed to take place in Lake Washington which is part of the migration corridor and is rearing habitat of chinook salmon from the Cedar River and the other water bodies in Water Resource Inventory Area 8.

Clearly identified long-term impacts on juvenile chinook salmon and the aquatic environment include the continued existence of overwater coverage and substrate alteration at the site, and the continued use of the site as a motorized boat launching facility. Overwater coverage in the form of piers and associated structures reduce the amount and quality of natural habitat of juvenile chinook salmon and provides habitat for introduced predator species of juvenile chinook. Measures proposed by the project proponent to mitigate impacts to the ESA listed species and other aquatic wildlife [SEPA checklist 5(d)] include:

- Using grated material in the new North Leschi dinghies to allow for greater light penetration under these floating pier structures.
- Removing creosote-treated timber piles, which will improve water quality and associated toxicity, and replacing them with steel piles.
- Reducing the north side of the north timber breakwater by 1926 square so that the project will result in no increase in overwater coverage.
- Featuring five gaps below lake level in the repaired North Leschi breakwater in order to allow for fish passage.

Each of these measures is believed to improve habitat conditions for chinook salmon and other juvenile salmonids that utilize the site. Collectively these measures are believed to help reduce dark areas under the marina floats and increase the availability of nearshore habitat for migration and rearing, which will allow the juvenile salmon to remain in the shallow water during their migration and reduce the juvenile chinooks' vulnerability to predation in the lake environment.

CONDITIONS - SEPA

During Demolition and Construction:

1) All demolition and construction activities are subject to the limitations of the Noise Ordinance. All activities (including but not limited to pile removal, pile driving and deliveries) shall be limited to non-holiday weekdays from 7am to 6pm. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

CONDITIONS – SHORELINE

Prior to Building Permit Issuance:

2) The TESC plan, Spill Prevention and Containment Plan, Debris Cleanup Plan and the Operational BMPs shall be included on the building permit plans.

During Construction:

3) Work waterward of ordinary high water shall be restricted to July 16 through April 30.

4) Appropriate best management practices (BMPs) shall be employed to prevent material from entering Lake Washington. BMPs shall include the deployment of a turbidity curtain and debris boom surrounding the project area during in-water and over-water work to contain any debris, suspended sediments, or spills caused by demolition or construction activities. Materials to be disposed of shall be contained on site and then be discarded at an appropriate upland facility.

5) Sunken foreign debris, including that unrelated to marina demolition and construction, found during demolition and removal of the existing dinghy floats shall be documented, retrieved from the water, and deposited in a licensed upland waste disposal facility. A log book shall be used by the contractor during demolition and construction to denote where demolition and construction debris entered the water for later retrieval. A diving contractor shall conduct post-construction retrieval operations of foreign debris. The diving contractor shall keep a photo log of all debris retrieved. Retrieved debris shall be disposed of with other marina construction and demolition debris at a licensed, upland landfill facility.

6) Whenever possible, timber piles shall be completely removed. If the pile breaks below the mudline, the remainder shall be left in place and covered with clean backfill to minimize disturbance of the sediment.

7) All creosote-treated wood that is removed shall be disposed of in accordance with Washington State's Dangerous Waste Regulation (WAC 173-303) and Excluded Categories of Waste (WAC 173-303-071).

8) The use of vibratory hammer for pile installation shall occur as much as possible. Best Management Practices and noise abatement measures such as cushions and bubble curtains shall be utilized in the event impact hammer use is required.

9) Care shall be taken by the owner(s), builder(s), or responsible party(s) to prevent toxic materials, petrochemicals and other pollutants from entering surface water during the proposed repair work. Spill prevention and response plan and material shall be kept at the site for quick response to any toxic spills, such as fuel, at the site.

10) The appropriate Best Management Practices (BMPs) shall be employed to prevent erosion and sediment from entering Lake Washington. Any debris that enters the water during construction shall be collected and disposed of in an appropriate upland facility.

11) The appropriate equipment and material for hazardous material clean up shall be kept at the site.

All conditions to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

Compliance with conditions must be verified and approved by the Land Use Planner assigned to this project at the specified development stage, as required in the Director's decision. You must make an appointment with the assigned Land Use Planner at least three (3) working days in advance of a field inspection. The Land Use Planner will determine whether the condition requires submission of additional documentation or a filed verification to ensure that compliance has been achieved.

Signature: (signature on file) Date: October 30, 2008
Ben Perkowski, Fisheries Biologist/ Land Use Planner
Department of Planning and Development

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