



WASHINGTON STATE

Joint Aquatic Resources Permit Application (JARPA) Form^{1,2} [\[help\]](#)

USE BLACK OR BLUE INK TO ENTER ANSWERS IN THE WHITE SPACES BELOW.



US Army Corps of Engineers®
Seattle District

AGENCY USE ONLY

Date received: _____

Agency reference #: _____

Tax Parcel #(s): _____

Part 1—Project Identification

1. Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [\[help\]](#)

Luther Burbank Waterfront Improvements Project: Overwater Public Access Platform

Part 2—Applicant

The person and/or organization responsible for the project. [\[help\]](#)

2a. Name (Last, First, Middle)

West, Paul

2b. Organization (If applicable)

City of Mercer Island Public Works

2c. Mailing Address (Street or PO Box)

9611 SE 36th Street

2d. City, State, Zip

Mercer Island, Washington 98040

2e. Phone (1)

2f. Phone (2)

2g. Fax

2h. E-mail

(206) 275-7833

paul.west@mercergov.org

¹Additional forms may be required for the following permits:

- If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.
- Not all cities and counties accept the JARPA for their local Shoreline permits. If you need a Shoreline permit, contact the appropriate city or county government to make sure they accept the JARPA.

²To access an online JARPA form with [\[help\]](#) screens, go to

http://www.epermitting.wa.gov/site/alias_resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx.

For other help, contact the Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.

Part 3—Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b of this application.) [\[help\]](#)

3a. Name (Last, First, Middle)			
Jensen, Josh			
3b. Organization (If applicable)			
Anchor QEA, LLC			
3c. Mailing Address (Street or PO Box)			
1201 3rd Avenue, Suite 2600			
3d. City, State, Zip			
Seattle, Washington 98101			
3e. Phone (1)	3f. Phone (2)	3g. Fax	3h. E-mail
(206) 903-3374			jjensen@anchorqea.com

Part 4—Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. Consider both **upland and aquatic** ownership because the upland owners may not own the adjacent aquatic land. [\[help\]](#)

- Same as applicant. (Skip to Part 5.)
- Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)
- There are multiple upland property owners. Complete the section below and fill out [JARPA Attachment A](#) for each additional property owner.
- Your project is on Department of Natural Resources (DNR)-managed aquatic lands. If you don't know, contact the DNR at (360) 902-1100 to determine aquatic land ownership. If yes, complete [JARPA Attachment E](#) to apply for the Aquatic Use Authorization.

4a. Name (Last, First, Middle)			
4b. Organization (If applicable)			
4c. Mailing Address (Street or PO Box)			
4d. City, State, Zip			
4e. Phone (1)	4f. Phone (2)	4g. Fax	4h. E-mail

Part 5–Project Location(s)

Identifying information about the property or properties where the project will occur. [\[help\]](#)

- There are multiple project locations (e.g. linear projects). Complete the section below and use [JARPA Attachment B](#) for each additional project location.

5a. Indicate the type of ownership of the property. (Check all that apply.) [help]			
<input type="checkbox"/> Private <input type="checkbox"/> Federal <input checked="" type="checkbox"/> Publicly owned (state, county, city, special districts like schools, ports, etc.) <input type="checkbox"/> Tribal <input checked="" type="checkbox"/> Department of Natural Resources (DNR) – managed aquatic lands (Complete JARPA Attachment E)			
5b. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.) [help]			
2040 84th Avenue SE			
5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]			
Mercer Island, Washington 98040			
5d. County [help]			
King			
5e. Provide the section, township, and range for the project location. [help]			
¼ Section	Section	Township	Range
SW	6	24 North	5 East
5f. Provide the latitude and longitude of the project location. [help]			
<ul style="list-style-type: none"> Example: 47.03922 N lat. / -122.89142 W long. (Use decimal degrees - NAD 83) 			
47.591034 N lat. / -122.224481 W. long.			
5g. List the tax parcel number(s) for the project location. [help]			
<ul style="list-style-type: none"> The local county assessor's office can provide this information. 			
0624059014, 072405HYDR			
5h. Contact information for all adjoining property owners. (If you need more space, use JARPA Attachment C.) [help]			
Name	Mailing Address		Tax Parcel # (if known)
City of Mercer Island	9611 SE 36th Street		0724059054, 0124049018, 0124049002
	Mercer Island, Washington 98040		
5i. List all wetlands on or adjacent to the project location. [help]			
No wetlands are present on or adjacent to the project area (USFWS 2022). There are wetlands on the north and south end of the park that are outside of the project area and will be unaffected by the project.			
5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [help]			
Lake Washington			

5k. Is any part of the project area within a 100-year floodplain? [\[help\]](#)

Yes No Don't know

5l. Briefly describe the vegetation and habitat conditions on the property. [\[help\]](#)

Luther Burbank Park is located on the shoreline of Lake Washington (Attachment 1, Figure 1). The park is a 55-acre recreation area managed by the City of Mercer Island Parks and Recreation (Parks). Lake Washington is a large freshwater lake that occupies approximately 34 square miles between the metropolitan cities of Seattle and Bellevue. The water levels in Lake Washington are seasonally managed by the U.S. Army Corps of Engineers (USACE) to accommodate water usage, navigation, fish passage, and salinity control. The lake bottom substrate at the project location contains sand and silt with small rocks and remnant concrete and timber debris from past uses. The shoreline in this area is mostly developed, and vegetation is limited to dense non-native aquatic vegetation, Eurasian milfoil (*Myriophyllum spicatum*), found near the park's shoreline.

The lake provides habitat for a variety of migratory bird species and fish including Chinook salmon (*Oncorhynchus tshawytscha*), sockeye salmon (*O. nerka*), coho salmon (*O. kisutch*), steelhead trout (*O. mykiss*), resident cutthroat trout (*O. clarkii*) and bull trout (*Salvelinus confluentus*; WDFW 2022a).

5m. Describe how the property is currently used. [\[help\]](#)

Luther Burbank Park is used as a popular recreational resource and offers public access to Lake Washington. The shoreline area near the proposed overwater access platform is developed with a shoreline plaza that is defined by a vertical bulkhead. There are nearby docks extending from the plaza out into the lake. The site is very popular for recreational use.

5n. Describe how the adjacent properties are currently used. [\[help\]](#)

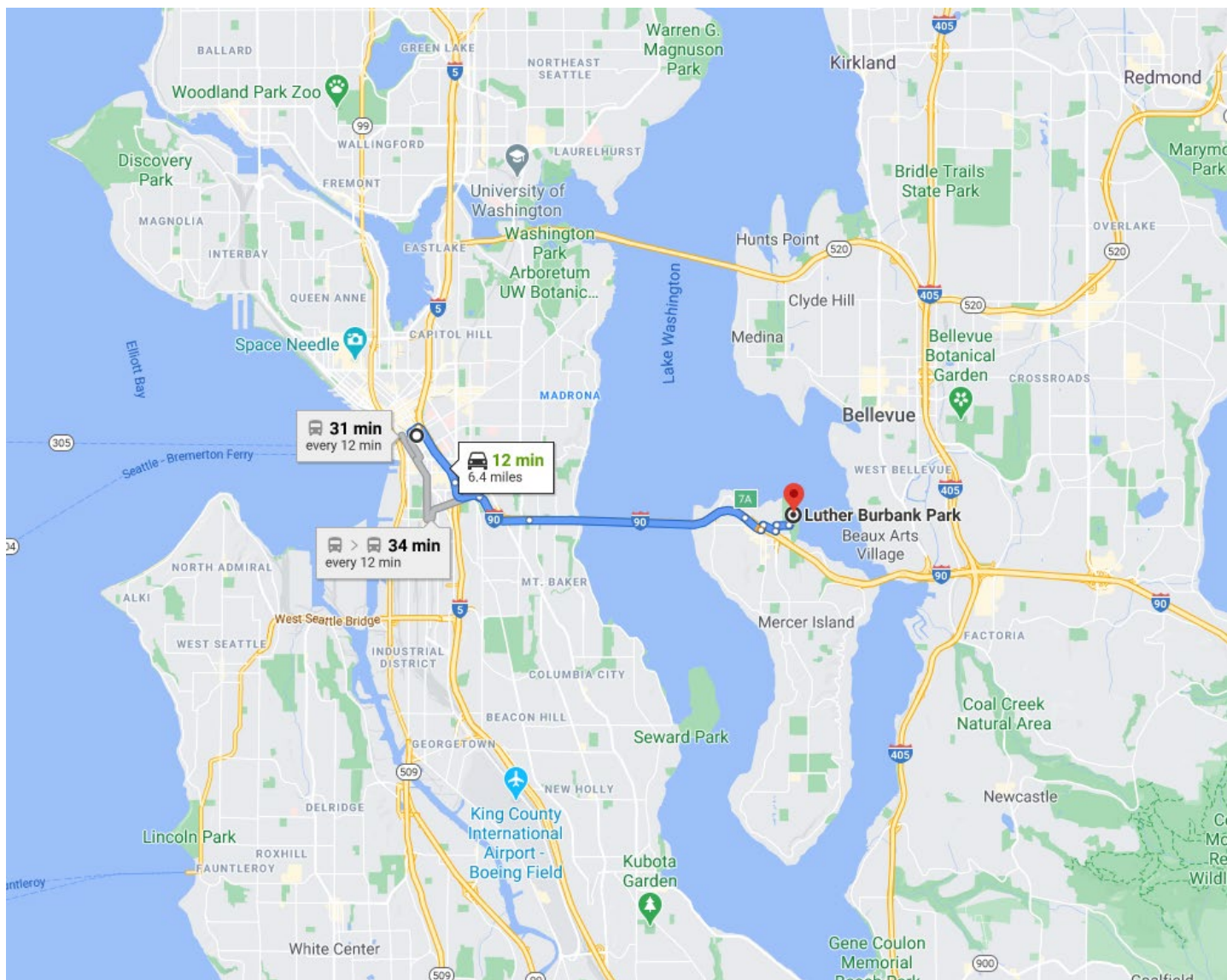
The proposed construction site is within Luther Burbank Park. The shoreline portion of the park located adjacent to the overwater access platform location is developed with a waterfront plaza, a former Boiler Building, and pathways that are heavily used by the public for recreation.

5o. Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. [\[help\]](#)

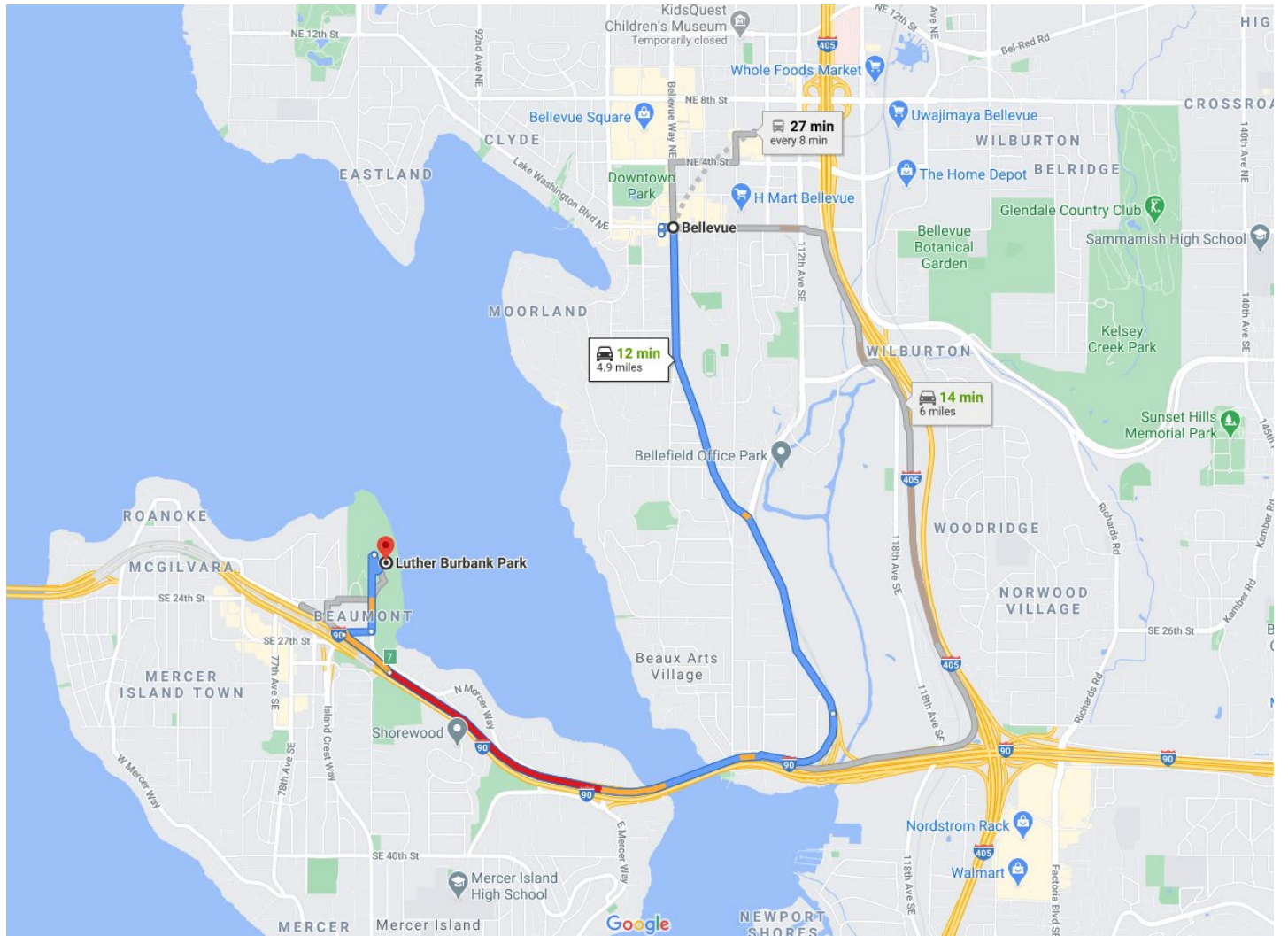
Existing structures adjacent to the proposed overwater platform location include the docks and waterfront plaza (Attachment 1, Figure 2). The shoreline is defined by a vertical concrete bulkhead spanning approximately 200 linear feet. The bulkhead delineates the plaza area, which includes concrete paving and pavers. The concrete bulkhead is in good condition.

5p. Provide driving directions from the closest highway to the project location, and attach a map. [\[help\]](#)

From Seattle: Take I-90 east across the Lacey V. Murrow floating bridge, then take Exit 7A for 77th Avenue SE. In 0.3 miles, turn left onto 77th Avenue SE, then turn right onto North Mercer Way. In 0.2 mile, turn left onto 81st Avenue SE, then turn right onto SE 24th Street. In 0.2 mile, turn left onto 84th Avenue SE and park in the North Lot of Luther Burbank Park. There are public trails that head west from the parking area to the promenade and dock.



From Bellevue: Take I-90 west to Exit 7 for Island Crest Way. Continue for 0.2 mile, then turn right onto SE 26th Street. In 0.1 mile, turn left onto 84th Avenue SE and park in the North Lot of Luther Burbank Park. There are public trails that head west from the parking area to the promenade and dock.



Part 6–Project Description

6a. Briefly summarize the overall project. You can provide more detail in 6b. [\[help\]](#)

The City of Mercer Island (City) is proposing the Luther Burbank Park Waterfront Improvements Project to repair, maintain, and enhance waterfront program at Luther Burbank Park in the City of Mercer Island, Washington. The overall project includes repairing and replacing portions of the existing dock structures to accommodate waterfront programming and current and projected watercraft uses. The subject of this application is the installation of a grated overwater access platform in the nearshore to improve access to the water along the existing plaza area (Attachment 1, Figure 3). The overwater access platform is being permitted as a separate and independent project in this application. A separate Joint Aquatic Resources Permit Application form for other proposed park improvements will be submitted for review by USACE.

6b. Describe the purpose of the project and why you want or need to perform it. [\[help\]](#)

Luther Burbank Park is a popular park used by the residents of Mercer Island and the greater Seattle-Bellevue metro area for many waterfront recreational activities. The dock structures, in their current configuration, were constructed in 1974. The purpose of the overwater access platform is to provide better public access to the water while avoiding and minimizing potential impacts to sensitive environments and resulting in no net loss of ecological function.

6c. Indicate the project category. (Check all that apply) [help]			
<input type="checkbox"/> Commercial	<input type="checkbox"/> Residential	<input type="checkbox"/> Institutional	<input type="checkbox"/> Transportation
<input type="checkbox"/> Maintenance	<input type="checkbox"/> Environmental Enhancement	<input checked="" type="checkbox"/> Recreational	
6d. Indicate the major elements of your project. (Check all that apply) [help]			
<input type="checkbox"/> Aquaculture <input type="checkbox"/> Bank Stabilization <input type="checkbox"/> Boat House <input type="checkbox"/> Boat Launch <input type="checkbox"/> Boat Lift <input type="checkbox"/> Bridge <input type="checkbox"/> Bulkhead <input type="checkbox"/> Buoy <input type="checkbox"/> Channel Modification	<input type="checkbox"/> Culvert <input type="checkbox"/> Dam / Weir <input type="checkbox"/> Dike / Levee / Jetty <input type="checkbox"/> Ditch <input type="checkbox"/> Dock / Pier <input type="checkbox"/> Dredging <input type="checkbox"/> Fence <input type="checkbox"/> Ferry Terminal <input type="checkbox"/> Fishway	<input type="checkbox"/> Float <input type="checkbox"/> Floating Home <input type="checkbox"/> Geotechnical Survey <input type="checkbox"/> Land Clearing <input type="checkbox"/> Marina / Moorage <input type="checkbox"/> Mining <input type="checkbox"/> Outfall Structure <input type="checkbox"/> Piling/Dolphin <input type="checkbox"/> Raft	<input type="checkbox"/> Retaining Wall (upland) <input type="checkbox"/> Road <input type="checkbox"/> Scientific Measurement Device <input type="checkbox"/> Stairs <input type="checkbox"/> Stormwater facility <input type="checkbox"/> Swimming Pool <input type="checkbox"/> Utility Line
<input checked="" type="checkbox"/> Other: Install overwater grated access platform adjacent to existing bulkhead			
6e. Describe how you plan to construct each project element checked in 6d. Include specific construction methods and equipment to be used. [help]			
<ul style="list-style-type: none"> Identify where each element will occur in relation to the nearest waterbody. Indicate which activities are within the 100-year floodplain. 			
<p>Attachment 1, Figure 3, provides a plan and section view of the overwater access platform. Portions of the “Handsome Bollards” chain in the plaza will be removed to allow the public past the art feature and onto the platform where they can access the lake at water level. The platform will only provide access to the water level and will not descend to the beach substrate.</p> <p>The platform will attach to the existing concrete bulkhead at the plaza as an overwater feature and will be of fiberglass reinforced plastic (FRP) grating material. Six small (6-inch-diameter) pin piles will be installed to support the platform. The platform will be approximately 80 feet long and 7 feet wide in total. The grating material will allow a minimum of 40% light transmittance.</p> <p>Piles will be installed using a vibratory pile driver to the extent feasible. Impact pile driving will be limited to proofing or when obstructions are encountered during vibratory pile driving. During all impact driving, sound-attenuation devices such as wooden cushion blocks or similar devices will be employed to minimize sound related impacts.</p>			
6f. What are the anticipated start and end dates for project construction? (Month/Year) [help]			
<ul style="list-style-type: none"> If the project will be constructed in phases or stages, use JARPA Attachment D to list the start and end dates of each phase or stage. 			
Start Date: <u>July 2024</u>		End Date: <u>November 2024</u>	
<input type="checkbox"/> See JARPA Attachment D			
6g. Fair market value of the project, including materials, labor, machine rentals, etc. [help]			
\$113,000			

6h. Will any portion of the project receive federal funding? [\[help\]](#)

- **If yes**, list each agency providing funds.

Yes No Don't know U.S. Fish and Wildlife Service

Part 7–Wetlands: Impacts and Mitigation

- Check here if there are wetlands or wetland buffers on or adjacent to the project area.
(If there are none, skip to Part 8.) [\[help\]](#)

7a. Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [\[help\]](#)

Not applicable

7b. Will the project impact wetlands? [\[help\]](#)

Yes No Don't know

7c. Will the project impact wetland buffers? [\[help\]](#)

Yes No Don't know

7d. Has a wetland delineation report been prepared? [\[help\]](#)

- **If Yes**, submit the report, including data sheets, with the JARPA package.

Yes No

7e. Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? [\[help\]](#)

- **If Yes**, submit the wetland rating forms and figures with the JARPA package.

Yes No Don't know

7f. Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands? [\[help\]](#)

- **If Yes**, submit the plan with the JARPA package and answer 7g.
- **If No, or Not applicable**, explain below why a mitigation plan should not be required.

Yes No Don't know

Not applicable

7g. Summarize what the mitigation plan is meant to accomplish, and describe how a watershed approach was used to design the plan. [\[help\]](#)

Not applicable

7h. Use the table below to list the type and rating of each wetland impacted, the extent and duration of the impact, and the type and amount of mitigation proposed. Or if you are submitting a mitigation plan with a similar table, you can state (below) where we can find this information in the plan. [\[help\]](#)

Activity (fill, drain, excavate, flood, etc.)	Wetland Name ¹	Wetland type and rating category ²	Impact area (sq. ft. or Acres)	Duration of impact ³	Proposed mitigation type ⁴	Wetland mitigation area (sq. ft. or acres)
Not applicable						

¹ If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report.

² Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package.

³ Indicate the days, months or years the wetland will be measurably impacted by the activity. Enter "permanent" if applicable.

⁴ Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/In-lieu fee (B)

Page number(s) for similar information in the mitigation plan, if available: _____

7i. For all filling activities identified in 7h, describe the source and nature of the fill material, the amount in cubic yards that will be used, and how and where it will be placed into the wetland. [\[help\]](#)

Not applicable

7j. For all excavating activities identified in 7h, describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. [\[help\]](#)

Not applicable

Part 8–Waterbodies (other than wetlands): Impacts and Mitigation

In Part 8, "waterbodies" refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [\[help\]](#)

Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

8a. Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [\[help\]](#)

Not applicable

Avoidance and minimization measures are incorporated into the design of the overall waterfront improvement project and will also be employed during overwater access platform installation. To avoid or minimize potential adverse impacts to the aquatic environment, the following best management practices (BMPs) will be employed during construction:

- The overwater platform will be composed of grated FRP and supported by six small pin piles, resulting in a minimal increase in overwater cover and shading in Lake Washington.
- Applicable permits will be obtained prior to construction. Work will be performed according to the requirements and conditions of these permits.
- In-water work will occur during the approved regulatory work window for Lake Washington; expected to be July 16 to March 15 (or an approved extension).
- The contractor will be responsible for the preparation and implementation of a spill plan to be used for the duration of construction, which will include spill prevention, control, and response BMPs. In addition, the spill plan will outline roles and responsibilities, notifications, inspections, and response protocols to be implemented in the event of an inadvertent spill during construction.
- The contractor will supply to the Project Engineers a Temporary Erosion and Sediment Control (TESC) Plan and/or a Construction Stormwater Pollution Prevention Plan (SWPPP) that will use BMPs to prevent erosion and sediment-laden runoff from leaving the site. These plans will be implemented prior to the start of ground-disturbing activities. All areas disturbed by construction will be stabilized as soon as possible to

prevent erosion and re-vegetated as soon as practicable post-construction and prior to the removal of TESC/SWPPP measures.

- Excess or waste materials will not be disposed of or abandoned waterward of the ordinary high water mark or allowed to enter waters of the state.
- No petroleum products, chemicals, or other toxic or deleterious materials will be allowed to enter surface waters.
- Barges will not be allowed to ground out during construction.
- A temporary floating debris boom will be installed around the work area. The contractor will be required to retrieve any floating debris generated during construction using a skiff and a net. Debris will be disposed of at an appropriate upland facility.
- Demolition and construction materials will not be stored where wave action or upland runoff can cause materials to enter surface waters.
- No uncured concrete or grout will be in contact with surface waters.
- New light fixtures on overwater structures will be directed away from the water to minimize impacts on aquatic species.
- Vibratory pile driving will be used to the maximum extent practicable, with limited impact pile driving to reach required pile depths and for pile proofing. During all impact driving, sound-attenuation devices such as a wooden cushion blocks or similar devices will be employed to minimize sound-related impacts, as determined through federal Endangered Species Act consultation.
- New light fixtures for overwater structures will be directed away from the water to the extent practicable to minimize impacts on aquatic species.
- Geotechnical engineering recommendations will be incorporated into the Project (Appendices C and D).
- Any contaminated soils encountered in the vicinity of the two decommissioned underground storage tanks will be identified and handled according to a soil management plan developed by a qualified engineer.
- Any additional measures required by the agencies during Endangered Species Act review will be incorporated into the Project to avoid impacts on federally listed species.

8b. Will your project impact a waterbody or the area around a waterbody? [\[help\]](#)

Yes No

8c. Have you prepared a mitigation plan to compensate for the project's adverse impacts to non-wetland waterbodies? [\[help\]](#)

- **If Yes**, submit the plan with the JARPA package and answer 8d.
- **If No, or Not applicable**, explain below why a mitigation plan should not be required.

Yes No Don't know

The project is designed to maintain aquatic habitat. The overwater access platform will be constructed using light-penetrating grating and a minimum number of small pin piles. The platform will not descend all the way to the lake bottom. The nearshore habitat at this location is of low quality due to past use of the shoreline for a steam plant. Construction of the platform will not require removal of riparian vegetation. Because the project would result in no substantive impacts to aquatic habitat, a mitigation plan has not been prepared.

8d. Summarize what the mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.

- If you already completed 7g you do not need to restate your answer here. [\[help\]](#)

Not applicable. A mitigation plan has not been prepared for the Project.

8e. Summarize impact(s) to each waterbody in the table below. [help]					
Activity (clear, dredge, fill, pile drive, etc.)	Waterbody name ¹	Impact location ²	Duration of impact ³	Amount of material (cubic yards) to be placed in or removed from waterbody	Area (sq. ft. or linear ft.) of waterbody directly affected
Install grated overwater access platform	Lake Washington	Overwater	Permanent	n/a	Approximately 560 sf new overwater cover
Install 6 pin piles to support overwater access platform	Lake Washington	In-water	Permanent	6 steel pin piles (6-inch) installed	1.5 sf new lake bottom cover
¹ If no official name for the waterbody exists, create a unique name (such as "Stream 1") The name should be consistent with other documents provided. ² Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain. ³ Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter "permanent" if applicable.					
8f. For all activities identified in 8e, describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody. [help]					
No fill material will be placed into Lake Washington for the construction of the overwater access platform.					
8g. For all excavating or dredging activities identified in 8e, describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed. [help]					
No excavation below the ordinary high water mark is proposed as part of overwater access platform installation.					

Part 9–Additional Information

Any additional information you can provide helps the reviewer(s) understand your project. Complete as much of this section as you can. It is ok if you cannot answer a question.

9a. If you have already worked with any government agencies on this project, list them below. [help]			
Agency Name	Contact Name	Phone	Most Recent Date of Contact
USACE	Kelsey Rogers	(206) 316-3165	December 2021
WDFW	Julian Douglas	(206) 584-9808	November 2021
WDNR	Trina Contreras	(206) 949-1720	May 2022
Ecology	Maria Sandercock	425-256-1372	November 2021
9b. Are any of the wetlands or waterbodies identified in Part 7 or Part 8 of this JARPA on the Washington Department of Ecology’s 303(d) List? [help]			
<ul style="list-style-type: none"> If Yes, list the parameter(s) below. If you don’t know, use Washington Department of Ecology’s Water Quality Assessment tools at: https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d. 			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

<p>9c. What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [help]</p> <ul style="list-style-type: none"> Go to http://cfpub.epa.gov/surf/locate/index.cfm to help identify the HUC.
17110012
<p>9d. What Water Resource Inventory Area Number (WRIA #) is the project in? [help]</p> <ul style="list-style-type: none"> Go to https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-availability/Watershed-look-up to find the WRIA #.
WRIA 8: Cedar – Sammamish Watershed
<p>9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [help]</p> <ul style="list-style-type: none"> Go to https://ecology.wa.gov/Water-Shorelines/Water-quality/Freshwater/Surface-water-quality-standards/Criteria for the standards.
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable
<p>9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [help]</p> <ul style="list-style-type: none"> If you don't know, contact the local planning department. For more information, go to: https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-laws-rules-and-cases.
<input type="checkbox"/> Urban <input type="checkbox"/> Natural <input type="checkbox"/> Aquatic <input type="checkbox"/> Conservancy <input checked="" type="checkbox"/> Other: <u>Urban Park</u>
<p>9g. What is the Washington Department of Natural Resources Water Type? [help]</p> <ul style="list-style-type: none"> Go to http://www.dnr.wa.gov/forest-practices-water-typing for the Forest Practices Water Typing System.
<input checked="" type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Fish <input type="checkbox"/> Non-Fish Perennial <input type="checkbox"/> Non-Fish Seasonal
<p>9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [help]</p> <ul style="list-style-type: none"> If No, provide the name of the manual your project is designed to meet.
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Name of manual: _____
<p>9i. Does the project site have known contaminated sediment? [help]</p> <ul style="list-style-type: none"> If Yes, please describe below.
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>9j. If you know what the property was used for in the past, describe below. [help]</p> <p>A cultural resources assessment for the Project is provided in Attachment 2. Previous cultural resources surveys in Luther Burbank Park and geotechnical information for the current Project indicate that the vicinity contains topsoil over glacial deposits. Most of the Project area would also have been inundated periodically. There are no historic structures in the Project area, and Project ground disturbance has minimal potential to encounter archaeological materials. An Inadvertent Discovery Plan is recommended during construction and is provided in Attachment 2.</p>
<p>9k. Has a cultural resource (archaeological) survey been performed on the project area? [help]</p> <ul style="list-style-type: none"> If Yes, attach it to your JARPA package.
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Attachment 2 Cultural Resources Memo

9l. Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [\[help\]](#)

Table 1 presents a summary of threatened and endangered species potentially occurring in the action area based on species lists provided by the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS). The NMFS species list encompasses the entire north Puget Sound region, while USFWS provides site-specific species lists. The table also identifies whether critical habitat has been designated by the NMFS or USFWS for those species within the Project vicinity. The Project will occur during the approved in-water work window for the site when the species listed in Table 1 are unlikely to be present.

**Table 1
Federally Listed Species and Critical Habitat Likely to Occur in the Project Area**

Common Name (Scientific Name)	Jurisdiction	Endangered Species Act Status	Critical Habitat
Chinook salmon (<i>Oncorhynchus tshawytscha</i>) Puget Sound evolutionarily significant unit	NMFS	Threatened	Designated
Steelhead (<i>O. mykiss</i>) Puget Sound distinct population segment	NMFS	Threatened	None designated within the action area.
Bull trout (<i>Salvelinus confluentus</i>) Coastal-Puget Sound distinct population segment	USFWS	Threatened	Designated
Marbled murrelet (<i>Brachyramphus marmoratus</i>)	USFWS	Threatened	None designated within the action area.

See the Critical Areas Report in Attachment 3 and the Biological Evaluation in Attachment 4 for more details.

9m. Name each species or habitat on the Washington Department of Fish and Wildlife’s Priority Habitats and Species List that might be affected by the proposed work. [\[help\]](#)

Lake Washington provides habitat for a variety of aquatic species. Fish species occurrence and migration documented in Lake Washington according to the WDFW SalmonScape and Priority Habitat and Species websites (WDFW 2022a, 2022b) include bull trout (*Salvelinus confluentus*), Chinook salmon (*Oncorhynchus tshawytscha*), Puget Sound steelhead (*O. mykiss*), sockeye salmon (*O. nerka*), and coho salmon (*O. kisutch*). The WDFW Priority Habitat and Species data (WDFW 2022b) do not identify any documented occurrences of terrestrial species or priority habitats in the Project area of the Park.

Part 10–SEPA Compliance and Permits

Use the resources and checklist below to identify the permits you are applying for.

- Online Project Questionnaire at <http://apps.oria.wa.gov/opas/>.
- Governor’s Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.
- For a list of addresses to send your JARPA to, click on [agency addresses for completed JARPA](#).

10a. Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.) [\[help\]](#)

- For more information about SEPA, go to <https://ecology.wa.gov/regulations-permits/SEPA-environmental-review>.

A copy of the SEPA determination or letter of exemption is included with this application.

A SEPA determination is pending with The City of Mercer Island Community Planning and Development Department (lead agency). The expected decision date is Winter 2023.

I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) [\[help\]](#)

- This project is exempt (choose type of exemption below).
- Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt?

 - Other: _____

SEPA is pre-empted by federal law.

10b. Indicate the permits you are applying for. (Check all that apply.) [\[help\]](#)

LOCAL GOVERNMENT

Local Government Shoreline permits:

- Substantial Development Conditional Use Variance
- Shoreline Exemption Type (explain): _____

Other City/County permits:

- Floodplain Development Permit Critical Areas Ordinance

STATE GOVERNMENT

Washington Department of Fish and Wildlife:

- Hydraulic Project Approval (HPA) Fish Habitat Enhancement Exemption – [Attach Exemption Form](#)

Washington Department of Natural Resources:

- Aquatic Use Authorization
- Complete [JARPA Attachment E](#) and submit a check for \$25 payable to the Washington Department of Natural Resources.
Do not send cash.

Washington Department of Ecology:

- Section 401 Water Quality Certification Non-Federally Regulated Waters

FEDERAL AND TRIBAL GOVERNMENT

United States Department of the Army (U.S. Army Corps of Engineers):

- Section 404 (discharges into waters of the U.S.) Section 10 (work in navigable waters)

It is anticipated that a Letter of Permission will be issued for this Project.

United States Coast Guard:

For projects or bridges over waters of the United States, contact the U.S. Coast Guard at: d13-pf-d13bridges@uscg.mil

- Bridge Permit Private Aids to Navigation (or other non-bridge permits)

United States Environmental Protection Agency:

Section 401 Water Quality Certification (discharges into waters of the U.S.) on tribal lands where tribes do not have treatment as a state (TAS)

Tribal Permits: (Check with the tribe to see if there are other tribal permits, e.g., Tribal Environmental Protection Act, Shoreline Permits, Hydraulic Project Permits, or other in addition to CWA Section 401 WQC)

Section 401 Water Quality Certification (discharges into waters of the U.S.) where the tribe has treatment as a state (TAS).

Part 11—Authorizing Signatures

Signatures are required before submitting the JARPA package. The JARPA package includes the JARPA form, project plans, photos, etc. [\[help\]](#)

11a. Applicant Signature (required) [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application. PW (initial)

By initialing here, I state that I have the authority to grant access to the property. I also give my consent to the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project. PW (initial)

<u>Paul D West</u>	<u><i>Paul D. West</i></u>	<u>10/25/2022</u>
Applicant Printed Name	Applicant Signature	Date

11b. Authorized Agent Signature [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities and I agree to start work only after all necessary permits have been issued.

<u>Josh Jensen, Anchor QEA</u>	<u><i>Josh Jensen</i></u>	<u>October 20, 2022</u>
Authorized Agent Printed Name	Authorized Agent Signature	Date

11c. Property Owner Signature (if not applicant) [\[help\]](#)

Not required if project is on existing rights-of-way or easements (provide copy of easement with JARPA).

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

<u>Property Owner Printed Name</u>	<u>Property Owner Signature</u>	<u>Date</u>
------------------------------------	---------------------------------	-------------

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORIA publication number: ORIA-16-011 rev. 09/2018

References

City of Mercer Island, 2022. Luther Burbank Park. Accessed May 23, 2022. Available at:
<https://www.mercerisland.gov/parksrec/page/luther-burbank-park>

USFWS (U.S. Fish and Wildlife Service), 2022. USFWS National Wetlands Inventory mapper. Accessed May 23, 2022. Available at: <https://www.fws.gov/wetlands/data/mapper.html>.

WDFW (Washington Department of Fish and Wildlife), 2022a. "SalmonScape." Accessed May 23, 2022. Available at: <http://apps.wdfw.wa.gov/salmonscape>

WDFW, 2022b. WDFW Priority Habitat and Species on the Web. Accessed May 23, 2022. Available at: <http://apps.wdfw.wa.gov/phsontheweb>.

**JARPA ATTACHMENT E
DNR AQUATIC USE AUTHORIZATION FORM**



WASHINGTON STATE
Joint Aquatic Resources Permit
Application (JARPA) [\[help\]](#)



US Army Corps
of Engineers
Seattle District

AGENCY USE ONLY

Date received: _____; Town
 Application Fee Received; Fee N/A
 New Application; Renewal Application
Type/Prefix #: _____; NaturE Use Code: _____
LM Initials & BP#: _____
RE Assets Finance BP#: _____
New Application Number: _____
Trust(s): _____; County: _____
AQR Plate #(s): _____
Gov Lot #(s): _____
Tax Parcel #(s): _____

Attachment E:
Aquatic Use Authorization on
Department of Natural Resources
(DNR)-managed aquatic lands [\[help\]](#)

Complete this attachment and submit it with the completed JARPA form only if you are applying for an Aquatic Use Authorization with DNR. Call (360) 902-1100 or visit <http://www.dnr.wa.gov/programs-and-services/aquatics/leasing-and-land-transactions> for more information.

- DNR recommends you discuss your proposal with a DNR land manager before applying for regulatory permits. Contact your regional land manager for more information on potential permit and survey requirements. You can find your regional land manager by calling (360) 902-1100 or going to <http://www.dnr.wa.gov/programs-and-services/aquatics/aquatic-districts-and-land-managers-map>. [\[help\]](#)
- The applicant may not begin work on DNR-managed aquatic lands until DNR grants an Aquatic Use Authorization.
- Include a \$25 non-refundable application processing fee, payable to the “Washington Department of Natural Resources.” (Contact your Land Manager to determine if and when you are required to pay this fee.) [\[help\]](#)

DNR may reject the application at any time prior to issuing the applicant an Aquatic Use Authorization. [\[help\]](#)

Use black or blue ink to enter answers in white spaces below.

1. Applicant Name (Last, First, Middle)	
West, Paul	
2. Project Name (A name for your project that you create. Examples: Smith’s Dock or Seabrook Lane Development) [help]	
Luther Burbank Waterfront Improvements Project: Overwater Public Access Platform	
3. Phone Number and Email	
(206) 275-7833 paul.west@mercergov.org	
4. Which of the following applies to Applicant? Check one and, if applicable, attach the written authority – bylaws, power of attorney, etc. [help]	
<input type="checkbox"/> Corporation <input type="checkbox"/> Limited Partnership <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Liability Company Home State of Registration: _____	<input type="checkbox"/> Individual <input type="checkbox"/> Marital Community (Identify spouse): _____ <input checked="" type="checkbox"/> Government Agency <input type="checkbox"/> Other (Please Explain): _____

5. Washington UBI (Unified Business Identifier) number, if applicable: [help]
179019640
6. Are you aware of any existing or previously expired Aquatic Use Authorizations at the project location?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know If Yes, Authorization number(s): <u> Aquatic Lands Lease No. 20-A09917 </u>
7. Do you intend to sublease the property to someone else?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, contact your Land Manager to discuss subleasing.
8. If fill material was used previously on DNR-managed aquatic lands, describe below the type of fill material and the purpose for using it. [help]
Not applicable

To be completed by DNR and a copy returned to the applicant.

Signature for projects on DNR-managed aquatic lands:

Applicant must obtain the signature of DNR Aquatics District Manager OR Assistant Division Manager if the project is located on DNR-managed aquatic lands.

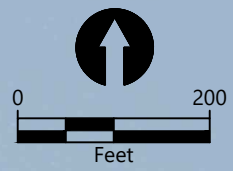
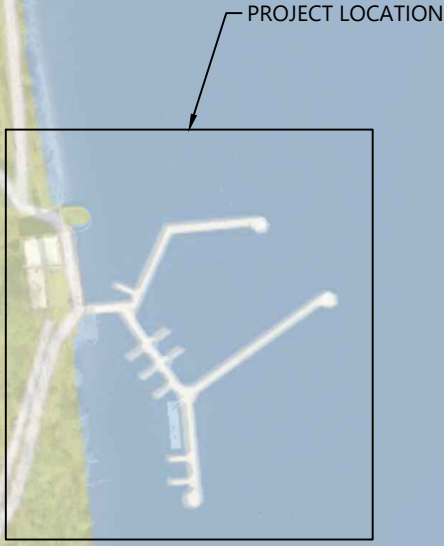
I, a designated representative of the Dept. of Natural Resources, am aware that the project is being proposed on Dept. of Natural Resources-managed aquatic lands and agree that the applicant or his/her representative may pursue the necessary regulatory permits. My signature does not authorize the use of DNR-managed aquatic lands for this project.

Printed Name	Signature	Date
Dept. of Natural Resources District Manager or Assistant Division Manager	Dept. of Natural Resources District Manager or Assistant Division Manager	

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORIA Publication ORIA-16-016 rev. 10/2016

**JARPA ATTACHMENT 1
FIGURES**

Sheet List Table	
Sheet Number	Sheet Title
1	Vicinity Map
2	Existing Conditions in Waterfront Plaza Area
3	Proposed Overwater Stairs Plan and Section



SOURCE: AERIAL PROVIDED BY ESRI

REFERENCE #:
APPLICANT: CITY OF MERCER ISLAND
LOCATION: 2040 84TH AVENUE SE,
 MERCER ISLAND, WA 98040
ADJACENT PROPERTY OWNERS:
 1 - CITY OF MERCER ISLAND, PARCELS 0724059054, 0124049018,
 0124049002

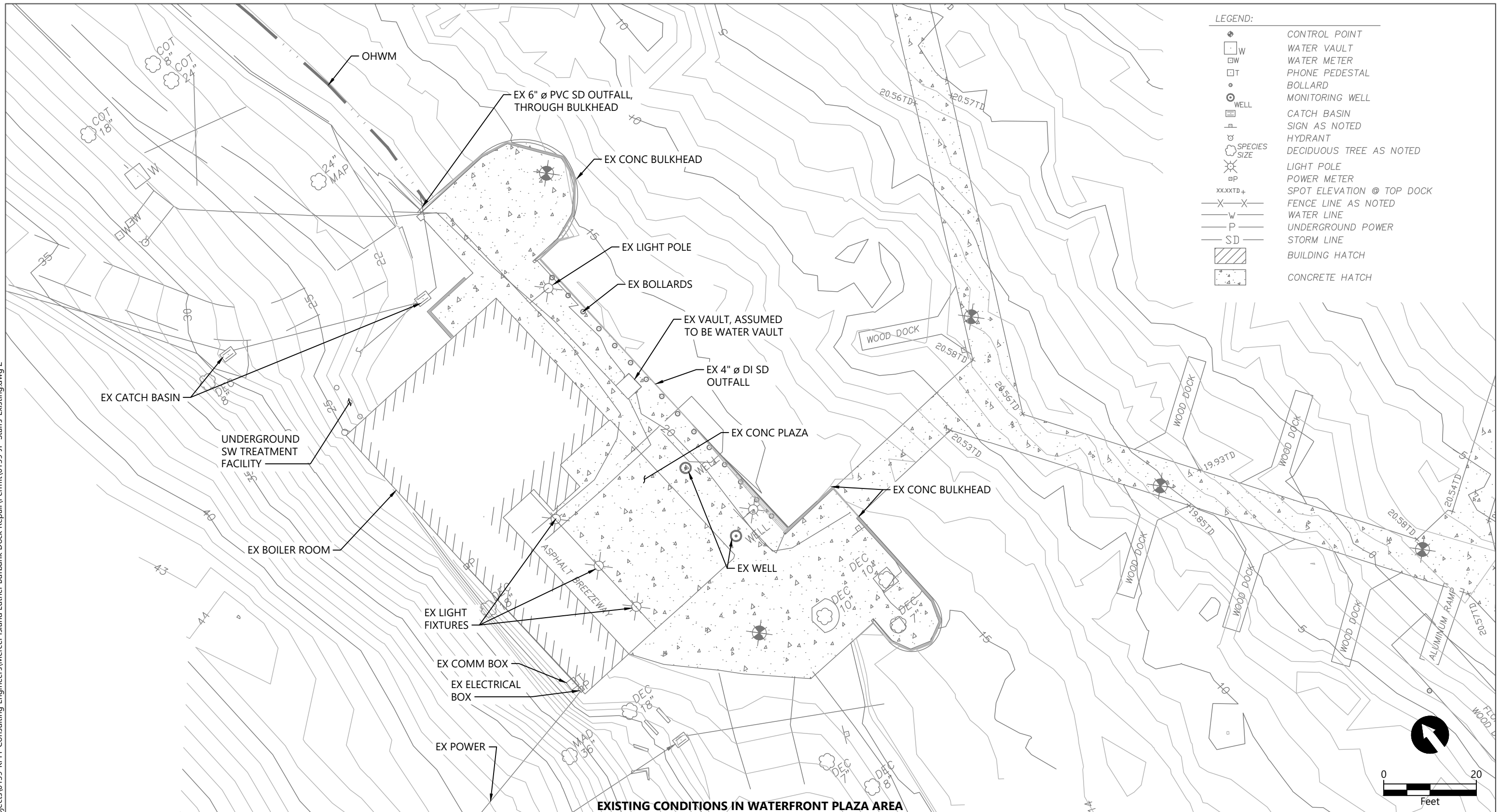
NAME: LUTHER BURBANK WATERFRONT IMPROVEMENTS PROJECT
PROPOSED: INSTALL GRATED OVERWATER PUBLIC ACCESS PLATFORM
PURPOSE: IMPROVE PUBLIC ACCESS TO THE WATER
HORIZONTAL DATUM: WASHINGTON STATE PLANE, NORTH ZONE, NAD83
VERTICAL DATUM: NAVD88

LATITUDE: 47.591034 N
LONGITUDE: -122.224481 W
S-T-R: 6-25N-5E
IN: LAKE WASHINGTON
NEAR/AT: MERCER ISLAND
COUNTY: KING
STATE: WASHINGTON
DATE: OCTOBER 2022



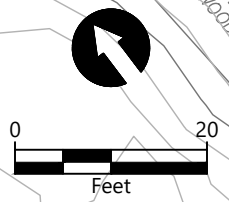
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 Oct 19, 2022 12:28pm chawett

K:\Projects\0159-KPFF Consulting Engineers\Mercer Island Luther Burbank Dock Repair\Permit\0159-IP-Stairs-Existing.dwg 2
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LEGEND:	
	CONTROL POINT
	WATER VAULT
	WATER METER
	PHONE PEDESTAL
	BOLLARD
	MONITORING WELL
	CATCH BASIN
	SIGN AS NOTED
	HYDRANT
	DECIDUOUS TREE AS NOTED
	LIGHT POLE
	POWER METER
	SPOT ELEVATION @ TOP DOCK
	FENCE LINE AS NOTED
	WATER LINE
	UNDERGROUND POWER
	STORM LINE
	BUILDING HATCH
	CONCRETE HATCH

EXISTING CONDITIONS IN WATERFRONT PLAZA AREA



SOURCE: SURVEY PROVIDED BY KPFF

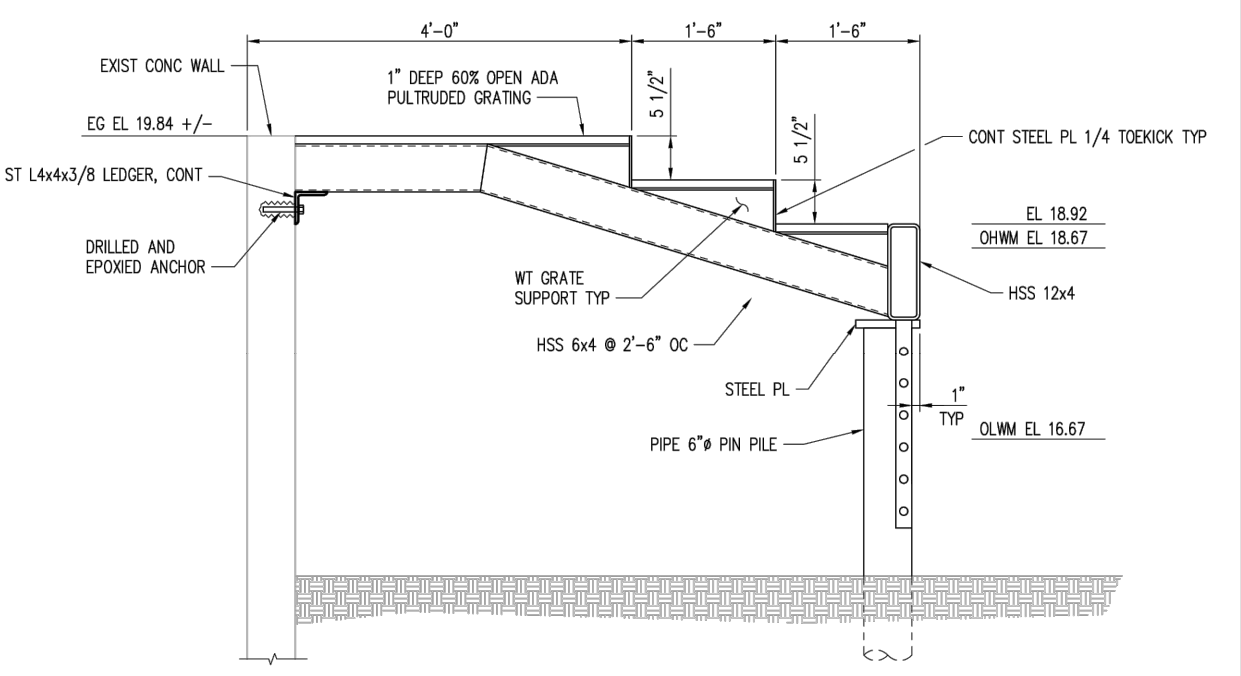
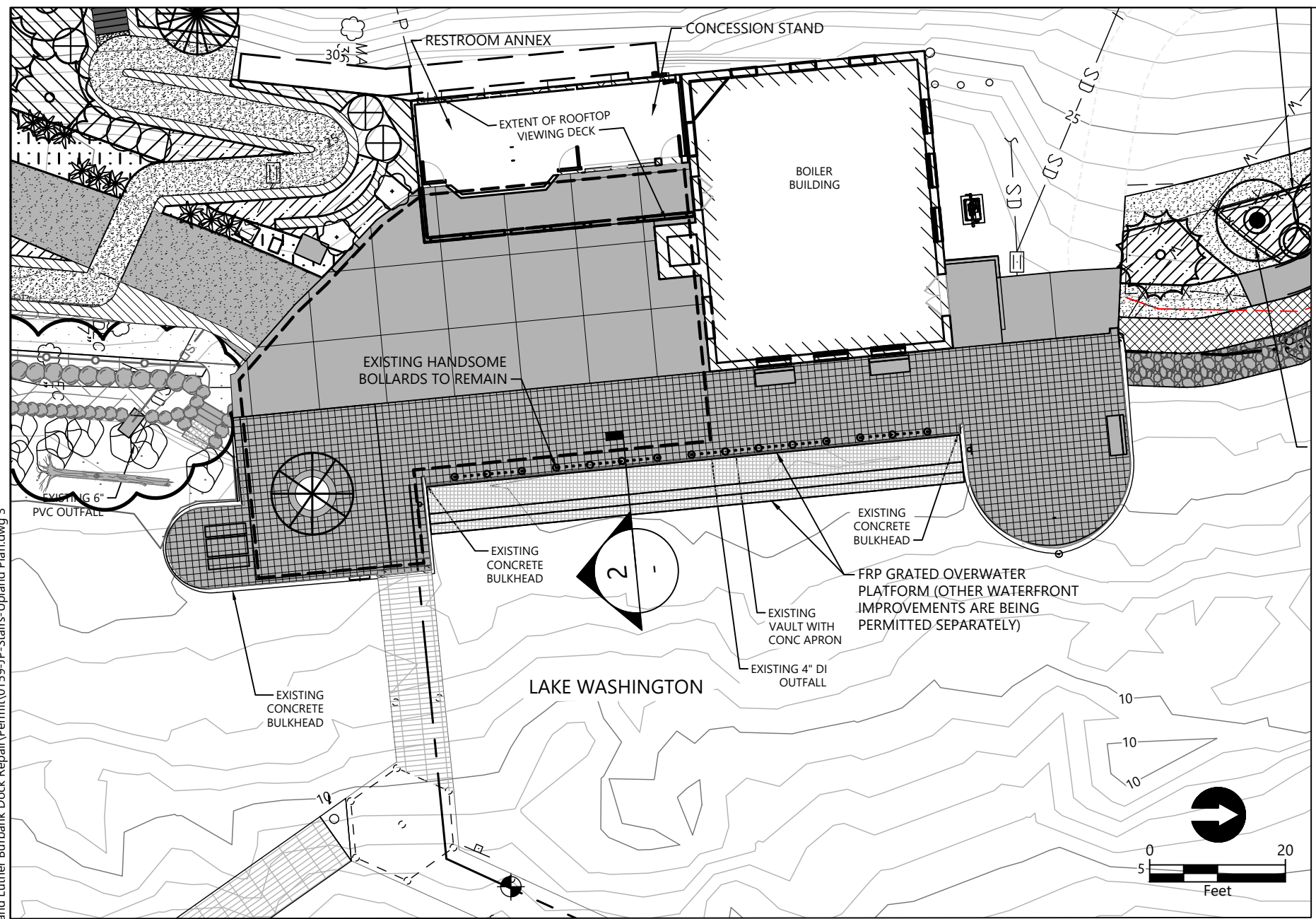
REFERENCE #:
APPLICANT: CITY OF MERCER ISLAND
LOCATION: 2040 84TH AVENUE SE,
 MERCER ISLAND, WA 98040
ADJACENT PROPERTY OWNERS:
 1 - CITY OF MERCER ISLAND, PARCELS 0724059054,
 0124049018, 0124049002

NAME: LUTHER BURBANK WATERFRONT IMPROVEMENTS
 PROJECT
PROPOSED: INSTALL GRATED OVERWATER PUBLIC ACCESS
 PLATFORM
PURPOSE: IMPROVE PUBLIC ACCESS TO THE WATER
HORIZONTAL DATUM: WASHINGTON STATE PLANE, NORTH
 ZONE, NAD83
VERTICAL DATUM: NAVD88

LATITUDE: 47.591034 N
LONGITUDE: -122.224481 W
S-T-R: 6-25N-5E
IN: LAKE WASHINGTON
NEAR/AT: MERCER ISLAND
COUNTY: KING
STATE: WASHINGTON
DATE: OCTOBER 2022



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SECTION
 SCALE: NTS
2

- LEGEND:**
- | | | |
|--|--------------------|------------------------------------|
| EXISTING CONTOUR | HABITAT GRAVEL | PROPOSED TREE |
| EXISTING TREE TO RETAIN | GRAVEL OVER COBBLE | PROPOSED SHRUBS/GROUNDCOVERS |
| EXISTING UPLAND EDGE OF SHORELINE HABITAT GRAVEL | ROCK TERRACE | RIPARIAN SHRUBS |
| EXISTING ORDINARY HIGH WATER LINE | ROCK REVETMENT | NATIVE UPLAND PLANTING/GROUNDCOVER |
| EXISTING BOULDER TO RETAIN | FRP GRATING | STORMWATER CONVEYANCE PLANTING |
| PROPOSED CONTOUR | HANDRAIL | |
| PERVIOUS PAVERS | SPLIT RAIL FENCING | |
| CONCRETE SLAB ON GRADE WITH SAWCUT JOINT SCORING | PICNIC TABLE | |
| CRUSHED GRAVEL PATHWAY | BENCH | |
| GRAVEL DRIVEWAY PAVING | SALVAGED LOG | |
| EXISTING BOLLARD AND CHAIN TO REMAIN | SALVAGED BOULDER | |

SOURCE: SURVEY PROVIDED BY KPFF

PROPOSED OVERWATER STAIRS PLAN AND SECTION

<p>REFERENCE #:</p> <p>APPLICANT: CITY OF MERCER ISLAND</p> <p>LOCATION: 2040 84TH AVENUE SE, MERCER ISLAND, WA 98040</p> <p>ADJACENT PROPERTY OWNERS: 1 - CITY OF MERCER ISLAND, PARCELS 0724059054, 0124049018, 0124049002</p>	<p>NAME: LUTHER BURBANK WATERFRONT IMPROVEMENTS PROJECT</p> <p>PROPOSED: INSTALL GRATED OVERWATER PUBLIC ACCESS PLATFORM</p> <p>PURPOSE: IMPROVE PUBLIC ACCESS TO THE WATER</p> <p>HORIZONTAL DATUM: WASHINGTON STATE PLANE, NORTH ZONE, NAD83</p> <p>VERTICAL DATUM: NAVD88</p>	<p>LATITUDE: 47.591034 N</p> <p>LONGITUDE: -122.224481 W</p> <p>S-T-R: 6-25N-5E</p> <p>IN: LAKE WASHINGTON</p> <p>NEAR/AT: MERCER ISLAND</p> <p>COUNTY: KING</p> <p>STATE: WASHINGTON</p> <p>DATE: OCTOBER 2022</p>	 1201 3rd Ave, Suite 2600 Seattle, WA 98101 206-287-9130
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**JARPA ATTACHMENT 2
CULTURAL RESOURCES ASSESSMENT**

[PROVIDED AS A SEPARATE FILE]

**JARPA ATTACHMENT 3
CRITICAL AREAS REPORT**

[PROVIDED AS A SEPARATE FILE]

**JARPA ATTACHMENT 4
BIOLOGICAL EVALUATION**

[PROVIDED AS A SEPARATE FILE]