

Ryan Harriman

From: Blair, Misty (ECY) <mbla461@ECY.WA.GOV>
Sent: Friday, June 30, 2017 4:05 PM
To: Nicole Gaudette
Subject: RE: Joint Use Dock Permit

Nicole,

The short answer is yes, impacts to other existing water-dependent uses and navigation is within the scope of your SMP and the SMA.

Additional information on the SMA's role in implementing the common law Public Trust Doctrine is available on [our website](#). The essence of this court doctrine is that the waters of the state are a public resource for the purposes of navigation, conducting commerce, fishing, recreation and similar uses and that this trust is not invalidated by private ownership of the underlying land. The doctrine limits public and private use of tidelands and other shorelands to protect the public's right to use the waters of the state.

The intent of many of your moorage facilities standards are to establish the reasonable size and location for such structures to both protect the nearshore ecological functions and to provide a separation between these facilities to ensure that navigation is not adversely impacted by new in-water development.

If a proposal is not meeting all the bulk, dimensional, and performance standards of your SMP, then a shoreline variance would be required. Either way, impacts to navigation should be part of the permit review. The project may be able to be re-designed or conditioned to mitigated that impact.

Hope that helps.

Misty Blair | Regional Shoreline Planner | S.E.A. Program | Northwest Regional Office |
[WA Department of Ecology](#) | P 425-649-4309 | misty.blair@ecy.wa.gov

This communication is public record and may be subject to disclosure as per the Washington State Public Records Act, RCW 42.56.

From: Nicole Gaudette [mailto:nicole.gaudette@mercergov.org]
Sent: Friday, June 30, 2017 1:23 PM
To: Blair, Misty (ECY) <mbla461@ECY.WA.GOV>
Subject: RE: Joint Use Dock Permit

Misty,

Good afternoon. I have a question that could influence my decision regarding the Cherberg dock project. I have reviewed the project and it appears to meet most of the city's standards for a dock. We have a code section that states that the proposal must comply with the criteria of the Shore line Master Program, Shoreline Management Act policies, and all requirements of the City of Mercer Island Development Code.

The proposed dock meets the dock spacing/separation requirements of our code (if the agreement is signed by the neighbors). However I have a memo for the Army Corps that a navigation to a neighbor's dock may be affected by the proposed Cherberg dock. We have a code provision in our Shoreline code that states "The technical review of an Shoreline Development Permit, Deviation and/or Variance must insure that the proposal complies with the criteria of

the Shoreline Master Program, Shoreline Management Act polices and all requirements of the City of Mercer Island Development Code”.

My question is: If the proposed Cherberg dock negatively effects the navigation of a neighboring dock, would the proposed dock not comply with the criteria of the Shoreline Management Act?

Thank you

From: Blair, Misty (ECY) [<mailto:mbla461@ECY.WA.GOV>]
Sent: Friday, May 5, 2017 9:07 AM
To: Nicole Gaudette <nicole.gaudette@mercergov.org>
Subject: RE: Joint Use Dock Permit

This is an old permit, but very important to reviewing the current situation. I will need to recall it from archives and that could take a few weeks. I will let you know as soon as I get it.

Misty Blair | Regional Shoreline Planner | S.E.A. Program | Northwest Regional Office |
WA Department of Ecology | P 425-649-4309 | misty.blair@ecy.wa.gov

This communication is public record and may be subject to disclosure as per the Washington State Public Records Act, RCW 42.56.

From: Nicole Gaudette [<mailto:nicole.gaudette@mercergov.org>]
Sent: Friday, May 05, 2017 8:49 AM
To: Blair, Misty (ECY) <mbla461@ECY.WA.GOV>
Subject: Joint Use Dock Permit

Misty,

This Griffith/Cherberg dock situation is getting interesting. Turns out, the existing dock on the Cherberg’s property was permitted as a joint use dock between the Cherberg’s predecessor, the Dunn’s, and the Griffith’s. Unfortunately I cannot track down our permit for the dock. I did find Ecology’s permit (attached). In Ecology’s permit it says that the city sent our permit to Ecology. By any chance, would you have a copy of our permit on file? If so, would you please provide me with a copy – electronic is fine.

Thank you!

Nicole Gaudette, Senior Planner
Development Services Group
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040
(206) 275-7719
nicole.gaudette@mercergov.org