



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 Park Waterfront Improvements Project (Project)

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)

(206) 275-7833

2f. Phone (2)

2g. Fax

2h. E-mail

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. A portion of the park has been left undeveloped to foster a variety of wildlife, including 135 species of birds, 50 species of waterfowl, raccoons, beaver, muskrats, tree frogs, and rabbits (City of Mercer Island 2022). Habitat for many of the terrestrial species is provided by wetlands that occupy the north and south ends of the park, outside of the Project area. The park also contains manicured lawns surrounded by stands of trees.

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 shoreline near the proposed dock replacement is developed with a shoreline promenade that is defined by a vertical bulkhead. There is a small pocket beach located immediately to the north of the promenade that contains some large woody debris and is primarily used for recreational use. The lake in the vicinity of the Project 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 park has a play area, an off-leash dog area, picnic areas, tennis courts, a boat dock, a public fishing pier, a swimming beach, and an amphitheater.

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

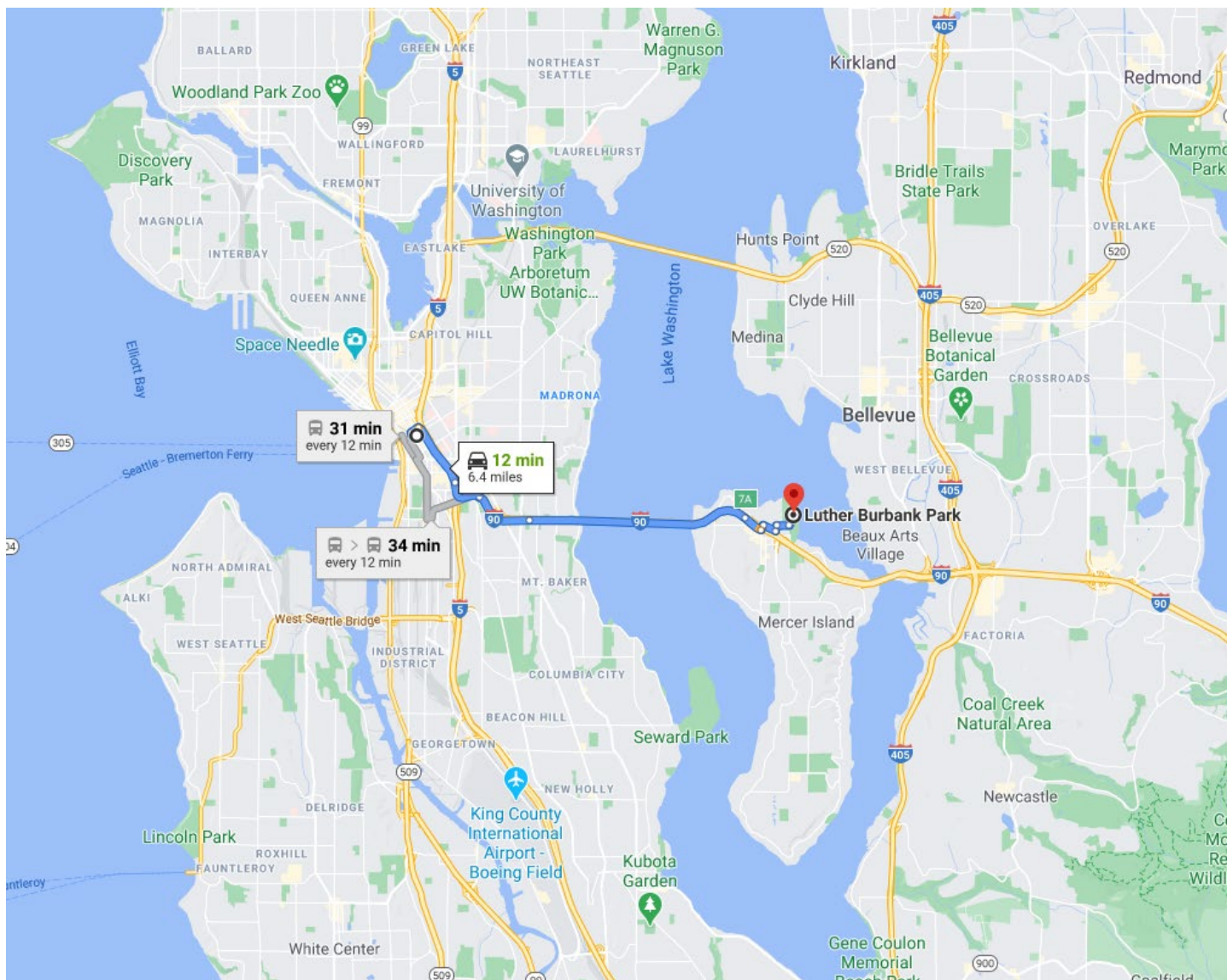
The Project area is surrounded by the remainder of the park and park facilities. Adjacent properties include the Mercer Island Community and Event Center and a community pea-patch. Residential properties are located farther to the west, outside of the park. Lake Washington is located on the east side of the Project area and used primarily for recreation.

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

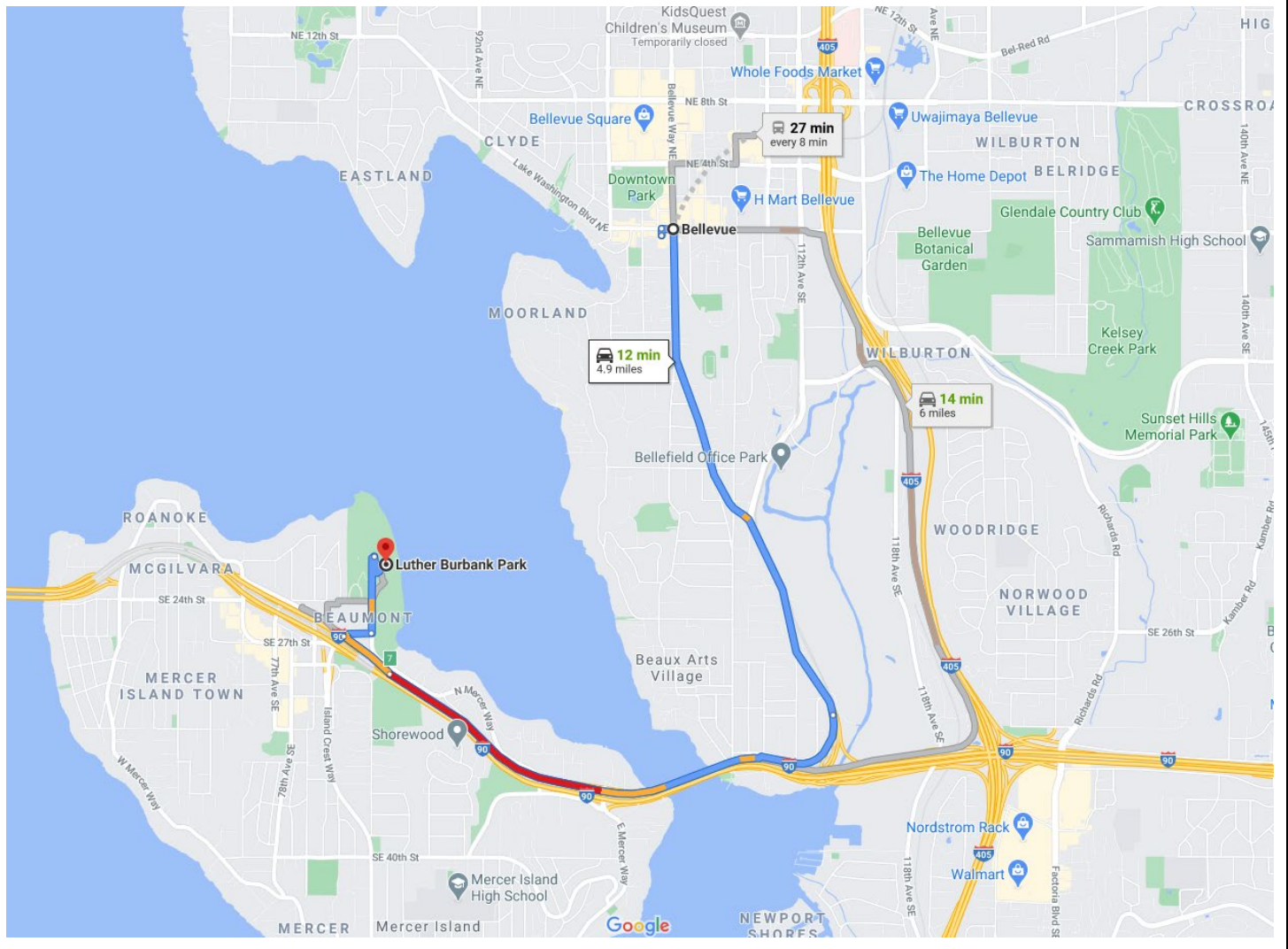
Existing structures in the Project area include the dock and Boiler Building (Attachment 1, Figure 2). The Boiler Building is located within the waterfront plaza west of the dock and is currently used for park storage and restrooms. The shoreline is defined by a vertical concrete bulkhead spanning approximately 200 linear feet (lf). The bulkhead delineates the plaza area, which includes concrete paving and pavers. The existing dock (Attachment 1, Figure 2) is a fixed 5,500-square-foot (sf) dock structure with wood and concrete decking, supported by creosote-treated timber piles (14- to 16-inch-diameter). The deck is solid concrete with no grating and currently impedes light transmission to the aquatic environment. Some timber piles are damaged. The existing dock structure includes three main segments (north, central, and south), each measuring 8 feet wide.

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 (Project) to repair, maintain, and enhance the waterfront program at Luther Burbank Park in the City of Mercer Island, Washington. Attachment 1, Figures 3 and 4, provide an overview of the Project and a demolition plan, respectively. The Project includes repairing and replacing portions of the existing dock structures, including repairs to the north dock structure, and replacing and reconfiguring the central and south dock structures to accommodate waterfront programming and current and projected watercraft uses. Other waterside improvements include installing a grated overwater public platform in the nearshore to improve access to the water along the existing plaza area.

The Project also includes upgrades to the waterfront plaza and Boiler Building. These include Boiler Building repairs (i.e., new roof, seismic retrofits, and new lighting); Boiler Building restroom annex renovation to improve the restroom facilities and construct a new rooftop viewing deck; concession stand repairs; and waterfront plaza renovations and access upgrades. The Project will improve access to the waterfront by creating new Americans with Disabilities Act (ADA) accessible routes from the plaza to the viewing deck on the existing Boiler Building annex restroom rooftop, and to the expanded north beach area that will be improved with fish habitat gravel and riparian plantings. The ADA route will connect to the adjacent future

south shoreline trail that will be constructed as part of a separate project. The ADA route will also connect to the existing trail that continues north of the Project area. All proposed waterfront improvements including the dock structures and gangways will also meet ADA requirements. The waterfront plaza renovations and access upgrades will incorporate low impact development (LID) features that will provide stormwater buffering and biofiltration functions similar to a vegetated shoreline. An irrigation intake system will also be added at the south end of the plaza to irrigate recreational shoreline landscapes.

The overwater platform feature is being permitted as a separate and independent project by the USACE. A separate Joint Aquatic Resources Permit Application form will be submitted for review by the 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 to accommodate small boats in a different shoreline and recreational setting than exists today. The purpose of the Project is to modernize and optimize public access, recreational uses, and public safety, including reconfiguring the waterfront park to better accommodate small boats and non-motorized watercraft and improve ADA access to the docks, viewing deck, and beach 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) [\[help\]](#)

- Commercial
 Residential
 Institutional
 Transportation
 Recreational
 Maintenance
 Environmental Enhancement

6d. Indicate the major elements of your project. (Check all that apply) [\[help\]](#)

- | | | | |
|---|---|---|---|
| <input type="checkbox"/> Aquaculture | <input type="checkbox"/> Culvert | <input checked="" type="checkbox"/> Float | <input type="checkbox"/> Retaining Wall |
| <input type="checkbox"/> Bank Stabilization | <input type="checkbox"/> Dam / Weir | <input type="checkbox"/> Floating Home | (upland) |
| <input type="checkbox"/> Boat House | <input type="checkbox"/> Dike / Levee / Jetty | <input type="checkbox"/> Geotechnical Survey | <input type="checkbox"/> Road |
| <input type="checkbox"/> Boat Launch | <input type="checkbox"/> Ditch | <input type="checkbox"/> Land Clearing | <input type="checkbox"/> Scientific Measurement Device |
| <input type="checkbox"/> Boat Lift | <input checked="" type="checkbox"/> Dock / Pier | <input checked="" type="checkbox"/> Marina / Moorage | <input type="checkbox"/> Stairs |
| <input type="checkbox"/> Bridge | <input type="checkbox"/> Dredging | <input type="checkbox"/> Mining | <input checked="" type="checkbox"/> Stormwater facility |
| <input type="checkbox"/> Bulkhead | <input type="checkbox"/> Fence | <input checked="" type="checkbox"/> Outfall Structure | <input type="checkbox"/> Swimming Pool |
| <input checked="" type="checkbox"/> Buoy | <input type="checkbox"/> Ferry Terminal | <input checked="" type="checkbox"/> Piling/Dolphin | <input type="checkbox"/> Utility Line |
| <input type="checkbox"/> Channel Modification | <input type="checkbox"/> Fishway | <input type="checkbox"/> Raft | |

- Other: Install new upland trails, repair or renovate existing building/restrooms, install new irrigation intake, low impact development improvements, overwater access platform, nearshore habitat enhancements (gravel), riparian plantings

<p>6e. Describe how you plan to construct each project element checked in 6d. Include specific construction methods and equipment to be used. [help]</p> <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>See Project Description, figures, and drawings in Attachment 1.</p>
<p>6f. What are the anticipated start and end dates for project construction? (Month/Year) [help]</p> <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.
<p>Start Date <u>July 2023</u> End Date: <u>November 2024</u> <input checked="" type="checkbox"/> See JARPA Attachment D</p>
<p>6g. Fair market value of the project, including materials, labor, machine rentals, etc. [help]</p>
<p>\$6,000,000</p>
<p>6h. Will any portion of the project receive federal funding? [help]</p> <ul style="list-style-type: none"> If yes, list each agency providing funds.
<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know U.S. Fish and Wildlife Service</p>

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.) [\[help\]](#)

<p>7a. Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [help]</p>
<p><input checked="" type="checkbox"/> Not applicable</p>
<p>7b. Will the project impact wetlands? [help]</p>
<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't know</p>
<p>7c. Will the project impact wetland buffers? [help]</p>
<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't know</p>
<p>7d. Has a wetland delineation report been prepared? [help]</p> <ul style="list-style-type: none"> If Yes, submit the report, including data sheets, with the JARPA package.
<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>7e. Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? [help]</p> <ul style="list-style-type: none"> If Yes, submit the wetland rating forms and figures with the JARPA package.
<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't know</p>

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

The Project will be constructed in, over, and along the shoreline of Lake Washington. Avoidance and minimization measures are incorporated into the design of the Project and include replacing overwater cover with grated decking to the extent practicable, replacing or encapsulating creosote-treated timber piles, shifting replacement dock components waterward to open up more of the nearshore habitat for migrating salmonids, and enhancing riparian vegetation and public beach area. The design balances upland stormwater management and shoreline access improvements to maintain shoreline and riparian habitat functions. To avoid or minimize potential adverse impacts to the aquatic environment, the following best management practices will be employed during construction:

- Applicable permits for the Project 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.
- 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 (see Attachment 1, Figure 4). These plans will be implemented prior to the start of ground-disturbing activities. All areas disturbed by Project 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.
- Piles will be removed as practicable, using best efforts, equipment preferences, and BMPs identified in Washington Department of Natural Resources *Puget Sound Initiative Derelict Creosote Piling Removal: Best Management Practices for Pile Removal and Disposal* (WDNR 2017).
- All creosote-treated materials will be disposed of in a landfill or recycling facility approved to accept these types of materials.
- 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.
- 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 preserve and improve aquatic habitat compared to existing conditions. Therefore, 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
North Dock (Attachment 1, Figures 7a, 8, and 9)					
Remove 1 creosote-treated timber pile	Lake Washington	In-water	Permanent	1 timber pile (12- to 14-inch)	1 sf lake bottom cover removed
Repair 5 damaged creosote-treated timber piles; leave in place	Lake Washington	In-water	Temporary	No change (existing piles remain in place)	None
Encapsulate 38 creosote-treated timber piles; leave in place	Lake Washington	In-water	Temporary	Approx. 2 ft depth of lake bottom excavated around each pile to allow installation of fiberglass jacket; native soil to be replaced around piles	80 sf lake bottom temporarily disturbed
Remove existing concrete dock segment; replace with FRP plastic grating	Lake Washington	Overwater	Permanent	n/a	235 sf overwater concrete replaced with grating
Remove wood finger dock	Lake Washington	Overwater	Permanent	n/a	120 sf overwater cover removed
Central Dock (Attachment 1, Figures 7a, 10, and 11)					
Remove fixed concrete dock	Lake Washington	Overwater	Permanent	n/a	1,500 sf overwater cover removed
Remove 26 creosote-treated timber piles	Lake Washington	In-water	Permanent	26 timber piles (12- to 14-inch) removed	26 sf lake bottom cover removed
Install wave attenuator float	Lake Washington	Overwater	Permanent	n/a	2,160 sf new overwater cover

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 2 grated finger floats	Lake Washington	Overwater	Permanent	n/a	175 sf new overwater cover
Install grated gangway	Lake Washington	Overwater	Permanent	n/a	375 sf new overwater cover
Install 16 steel piles for wave attenuator/mooring float	Lake Washington	In-water	Permanent	16 steel piles (24-inch) installed	48 sf new lake bottom cover
Install 1 steel pile at gangway support	Lake Washington	In-water	Permanent	1 steel pile (16-inch) installed	0.5 sf new lake bottom cover
South Dock (Attachment 1, Figures 7a and 12)					
Remove fixed concrete dock	Lake Washington	Overwater	Permanent	n/a	1,930 sf overwater cover removed
Remove aluminum ramp	Lake Washington	Overwater	Permanent	n/a	40 sf overwater cover removed
Remove 7 wood finger docks	Lake Washington	Overwater	Permanent	n/a	840 sf overwater cover removed
Remove 40 creosote-treated timber piles	Lake Washington	In-water	Permanent	40 timber piles (12- to 14-inch) removed	40 sf lake bottom cover removed
Remove 2 concrete encapsulated piles	Lake Washington	In-water	Permanent	2 concrete piles (16-inch) removed	3 sf lake bottom cover removed
Install general purpose grated float	Lake Washington	Overwater	Permanent	n/a	380 sf new overwater cover
Install 2 grated finger floats	Lake Washington	Overwater	Permanent	n/a	90 sf new overwater cover
Install grated gangway	Lake Washington	Overwater	Permanent	n/a	225 sf new overwater cover
Install concrete gangway abutment	Lake Washington	Overwater	Permanent	n/a	18 sf new overwater cover
Install 6 steel piles	Lake Washington	In-water	Permanent	6 steel piles (16-inch) installed	8 sf new lake bottom cover
North Beach (Attachment 1, Figures 5 and 6)					
Install gravel for maintenance driveway	Lake Washington Shoreline	Above OHWM	Permanent	30 cy	600 sf
Install gravel pathway at north beach	Lake Washington Shoreline	Above OHWM	Permanent	13 cy	105 linear feet
Install gravel pathway at south on-grade pathway	Lake Washington Shoreline	Above OHWM	Permanent	15 cy	140 linear feet

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 rock revetment at north beach	Lake Washington Shoreline	Above OHWM	Permanent	1 cy	100 linear feet
Install rock terrace at on-grade pathway	Lake Washington Shoreline	Above OHWM	Permanent	42 cy	250 linear feet
Install sheet pile wall with concrete cap	Lake Washington Shoreline	Above OHWM	Permanent	1 cy	8 linear feet
Remove and reinstall stormwater outfall	Lake Washington shoreline	Above OHWM	Permanent	n/a	3 sf
Fill with habitat-grade gravel and cobble underlayment for north beach	Lake Washington Shoreline	Above OHWM	Permanent	55 cy above OHWM	720 sf above OHWM
Excavate to add cobble underlayment for north beach; backfill with cobble and habitat-grade gravel	Lake Washington Shoreline	Below OHWM	Temporary (area already contains habitat gravel)	10 cy below OHWM	115 sf below OHWM

Buoys (Attachment 1, Figure 7b)

Install 3 buoys	Lake Washington	In-water	Permanent	n/a	Less than 6 sf
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Irrigation Intake (Attachment 1, Figure 5)

Trenching to install water piping between intake and pump station	Lake Washington Shoreline	Shoreline	Temporary	n/a	Approx. 50 lf trench in existing paved upland areas
Install screened intake	Lake Washington	In-water	Permanent	n/a	Less than 3 sf

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. [\[help\]](#)

Habitat-grade gravel (2-inch minus meeting Washington Department of Fish and Wildlife [WDFW] grain size criteria) will be used to provide a suitable fish habitat in the nearshore along the north beach area. A total of 55 cubic yards (cy) will be placed over 720 square feet (sf). The material will be placed from the upland or by barge using a conveyor (e.g., telebelt or similar) to place the material precisely and evenly. All materials will be sourced from an approved off-site distributor.

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. [\[help\]](#)

Approximately 10 cy (115 sf) of excavation below OHWM is proposed in order to install cobble and habitat gravel at the north beach. Approximately 80 sf of lake bottom will be excavated to allow installation of fiberglass jackets around timber piles; this material is expected to move back into place relatively quickly.

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	Matthew Bennett	(206) 764-3428	July 2022
WDFW	Julian Douglas	(206) 584-9808	August 2022
WDNR	Trina Contreras	(206) 949-1720	August 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? [\[help\]](#)

- 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>.

Yes No

9c. What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [\[help\]](#)

- Go to <http://cfpub.epa.gov/surf/locate/index.cfm> to help identify the HUC.

17110012

9d. What Water Resource Inventory Area Number (WRIA #) is the project in? [\[help\]](#)

- Go to <https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-availability/Watershed-look-up> to find the WRIA #.

WRIA 8: Cedar – Sammamish Watershed

9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [\[help\]](#)

- Go to <https://ecology.wa.gov/Water-Shorelines/Water-quality/Freshwater/Surface-water-quality-standards/Criteria> for the standards.

Yes No Not applicable

9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [\[help\]](#)

- 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>.

Urban Natural Aquatic Conservancy Other: Urban Park

9g. What is the Washington Department of Natural Resources Water Type? [\[help\]](#)

- Go to <http://www.dnr.wa.gov/forest-practices-water-typing> for the Forest Practices Water Typing System.

Shoreline Fish Non-Fish Perennial Non-Fish Seasonal

9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [\[help\]](#)

- **If No**, provide the name of the manual your project is designed to meet.

Yes No

Name of manual: _____

9i. Does the project site have known contaminated sediment? [\[help\]](#)

- **If Yes**, please describe below.

Yes No

9j. If you know what the property was used for in the past, describe below. [\[help\]](#)

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.

9k. Has a cultural resource (archaeological) survey been performed on the project area? [\[help\]](#)

- **If Yes**, attach it to your JARPA package.

Yes No

See Attachment 2.

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 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 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

*It is anticipated that Section 401 compliance, if required, can be covered under a Nationwide Permit (NWP) 3 for maintenance.

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 the work can be covered under a NWP 3 for maintenance.

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).

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 D
PROJECT SCHEDULE AND PHASING**



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



US Army Corps
of Engineers®
Seattle District

AGENCY USE ONLY

Date received: _____

Agency reference #: _____

Tax Parcel #(s): _____

Attachment D: Construction sequence [\[help\]](#)

TO BE COMPLETED BY APPLICANT [\[help\]](#)

Use this attachment only if your project will be constructed in phases or stages. Complete the outline showing the construction sequence and timing of activities, including the start and end dates of each phase or stage.

Project Name: **Luther Burbank Waterfront Improvements Project** _____

Location Name (if applicable): **Luther Burbank Park** _____

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

Phase or Stage	Start Date	End Date	Activity Description
1	July 2023	Jan. 2024	<ul style="list-style-type: none"> Boiler Building Repairs: installing a new roof, seismic retrofits, and new lighting on the existing building Restroom Annex Renovation: renovating the existing restrooms, constructing a new rooftop viewing deck, and installing new lighting on the existing building Concession Stand Repairs: installing improvements and a new electrical panel within the concession area of the existing building
2	June 2024	Nov. 2024	<ul style="list-style-type: none"> North Dock Repairs: constructing repairs and improvements Central and South Dock Reconfiguration: removing existing dock structures, installing new gangways, wave attenuation/mooring float, grated docks Overwater Access Platform: installing new platform to allow public access to lake high water level Waterfront Plaza Renovation and Access Upgrades: installing plantings and irrigation, plaza paving improvements, benches and picnic table, ADA-accessible ramp and pathways, seatwall, fencing, granite steps North Beach Enhancements: placing fish habitat gravel landward of the upland edge of the existing beach, relocate boulders and LWD along the shoreline, and enhance riparian vegetation Waterfront LID: installing new site drainage improvements including pervious pavers, installing a silva cell design, and complying with storm drainage reporting and compliance requirements Irrigation Intake System: replacing and installing a new irrigation intake, pump system, and supply lines

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-16-015 rev. 10/2016

**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 (Project)	
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
PROJECT DESCRIPTION AND FIGURES**

[PROVIDED AS A SEPARATE FILE]

**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]