



November 30, 2020

Jimmy and Shannon Foo  
2820 29<sup>th</sup> Avenue W  
Seattle, WA 98199

Re: Bald eagle nest update for property located at 3453 74<sup>th</sup> Avenue SE in Mercer Island, Washington.

Dear Jimmy and Shannon:

Ecological Land Services, Inc. (ELS) conducted a field visit in March 2019 to determine the presence and usage of eagle nests within 660 feet of the property. Two bald eagle nests were mapped within 660 feet of the property and a third about 750 feet from the property, which are mapped by the City of Mercer Island Information and Geographic Services (IGS) website within and in the vicinity of Mercerdale Hillside Park. The buffers from the eagle nests are 330 feet and 660 feet as required by the U.S. Fish and Wildlife Services (USFWS), which are also shown on the IGS map (Attachment 1). A second reconnaissance visit was conducted on November 29, 2020 to provide updated information regarding the nests. This visit focused on the mapped nest that lies along the property of 3635 74<sup>th</sup> Avenue SE, which is located at the end of the road. There is an entrance to the park at the end of the road as well, which parallels this property.

### **Bald Eagle Breeding Season**

Bald eagle nests in western Washington are typically found near the top of the tallest conifer trees that include Douglas fir and grand fir. The nests are constructed of large sticks and lined with moss, grass, plant stalks, lichen, seaweed, or sod. They are usually about 4 to 6 feet in diameter and roughly 3 feet deep. They often weigh up to 1,000 pounds so the upper branches of the trees must be strong enough to support the nests. Mated pairs often have alternate nests, which are built or maintained by the eagles, and are not used on a yearly basis.

Nesting usually begins several months before eggs are laid, which typically occurs from late April to early May in Washington State. The incubation period is 33 to 35 days and eaglets start to fly around 10 to 12 weeks after hatching and fledge within a few days of their first flight. Young birds remain close to their natal nest for several weeks after fledging because they are dependent on their parents for up to an additional 6 weeks. Bald eagle nest occupation begins in January with the building or repair of nests and ends near the end of August when the young have fully fledged.

### **2019 Reconnaissance Results**

The reconnaissance involved observations from the property at 3453 74<sup>th</sup> Avenue SE to determine if the nest closest to the property (Nest 1) was present and whether there were eagles on the nest. Research of the Mercer Island IGS indicated that the last time the Nest 1 was identified in the mapped location was July 22, 2005, and at that time, it was in a leaning grand fir tree with a flagged top. Onsite observations of the area did not reveal a tree containing a bald eagle nest and the leaning grand fir was not seen. Since it was last identified in July of 2005, it is possible that the tree fell especially since it was leaning at that time. Additional reconnaissance from the Mercerdale Hillside Park trails did not result in identification of eagle nests in any of the trees on the hillside or within proximity of the property. The Mercerdale Hillside Park Trail is east and along the hillside below the subject property. The closest trail to the subject property is about 35 feet below the elevation of the property and within about 100 feet so the property and

the potential nest trees could be seen from the trail. The trail winds up to the end of 74<sup>th</sup> Avenue, which provided an additional vantage point to view the mapped nest location.

The second closest nest (Nest 2) is mapped at the shared property line of 3635 74<sup>th</sup> Avenue SE and 3648 73<sup>rd</sup> Avenue SE. According to the Mercer Island ICS mapping website, it is situated about 30 feet from the top of a Douglas fir tree near the southeast corner of that property. The information did not include the date of the last sighting within the nest so there is no recent information regarding use of the nest. However, no eagles were heard or seen within the vicinity of this property or the subject property. The mapped nest is roughly 550 feet from the subject property and there is no direct line of sight between it and the nest location due to the number of native and ornamental trees and homes between the two areas.

The third nest (Nest 3) is mapped about 750 feet southwest of the subject property. The nest tree is a Douglas fir that is about 15 feet south of SE 38<sup>th</sup> Street on a currently undeveloped property according to the information in the Mercer Island ICS mapping website. The use of the nest was noted last in November 2015 and there is no recent information regarding its use. This mapped nest tree is greater than 660 feet from the subject property and there is no direct line of sight again because of homes and trees but also because it is slightly downslope of this property.

### **2020 Update**

The site visit conducted on November 29, 2020 and involved examination of the potential nest tree from the end of 74<sup>th</sup> Avenue SE and from within the park. The examination from the park was mostly conducted from the existing trail that begins at the end of 74<sup>th</sup> Avenue SE but was also conducted by going off trail and looking up the slope toward the potential nest tree. Several large Douglas fir trees were observed in the mapped area that could support a bald eagle nest, but the nest was not observed. The nest is mapped between two existing residential homes with the home to the south closer to the tree. The mapped nests may represent alternate nest sides used by a mated pair of bald eagles.

### **USFWS Requirements**

The bald eagle nests around the Mercerdale Hillside Park are located within residentially developed areas with the two mapped nests on or adjacent to developed properties. Based on the locations of these nests, the eagles are likely accustomed to the activities within the residential area and would likely not be negatively impacted by construction activities on this property. Despite the mapped location of the nest trees within 330 and 660 feet of the property, guidance states that onsite activities should be conducted outside the breeding season or between September 1<sup>st</sup> and December 31<sup>st</sup> so that breeding of the bald eagles is not negatively impacted. ELS completed the online *Do I Need a Permit* questionnaire on the USFWS website to determine when a permit would be needed in March 2019. The results of the questionnaire for construction activities between January and August was a permit is needed if the nest is within 660 feet and a permit would not be required if the work was conducted after August 31<sup>st</sup> and the nest is within 330 feet.

### **Potential Impacts to Bald Eagle Nesting Activities**

The MIC requires project proceed through the mitigation sequencing section (19.07.107.B.1.f) when projects are proposed within FWHCA buffers to demonstrate that the project avoids and minimizes potential impacts to bald eagle nests and their use. The project proposes to replace the existing home, which will require demolition and construction activities, with a new home in the same basic location. The home is surrounded by maintained grounds including lawn and ornamental landscaping, which extend to the top of the steep east facing slope, which lies about 40 feet east of the home.

The purpose of the 330- and 660-foot buffers is to protect the nest from activities that the local bald eagles are unaccustomed to and that will negatively impact nesting during the breeding season. The National Bald Eagle Management Guidelines, May 2007, recommendations to avoid nest disturbances include “1) keeping a distance between the activity and nest (distance buffers); 2) maintaining preferably

forested (or natural) areas between the activity and around nest trees (landscape buffers); and 3) avoiding certain activities during the breeding season. These recommendations for the buffer serve to minimize visual and auditory impacts associated with human activities near nest trees.”

The potential nesting disturbances vary based on how visible the nest is from the homesite and the degree of similar activities that currently occur in proximity to the nest. The visibility of the nest is a factor because disturbances are often greater when the activity is visible from the nest. The management guidelines also take into account the similarity of the proposed activity to the conditions/activities already occurring in proximity to the nest. The level of existing activity, such as the residential neighborhood where this project is located, can indicate that the eagles in the area tolerate a greater degree of human activity than is expected of eagle nests in less developed areas.

**Nest 1:** The closest eagle nest on the Mercer Island map was not observed during the March 2019 field visit and is presumed abandoned or destroyed. There is a somewhat obscured line of sight from the property to the closest mapped eagle nest, but the onsite vegetation will remain to provide screening of noise generated during construction should the nest become active again.

**Nest 2:** The nest was not observed during the March 2019 or the November 2020 reconnaissance visits so is presumed to be mis-located on the map or no longer exists. Regardless of the presence of this nest, there is no direct line of sight from the 3453 74<sup>th</sup> Avenue SE where construction is proposed to the mapped location because there are multiple residences (5 to 7), a residential street (74<sup>th</sup> Street), and existing trees and landscaping associated with the residences. There are additional homes in proximity of the next along 73<sup>rd</sup> Avenue SE west of the mapped nest. Additionally, there is a 5 percent grade down from the proposed activities to the mapped nest, which further decreases the visibility of the project from the nest, thus increasing the effectiveness of the buffer. Because of the multiple factors that include distance (~550 feet), existing landscape and native vegetation that will not be altered by the project (landscape buffer), the level of existing residential activities, and a distinct change in topography, there will likely be no negative impacts to the mapped nest tree.

**Nest 3:** This nest is about 750 feet from the project so is not within the eagle management boundaries established from this property. There is no line of sight to this nest and the noise generated onsite will not influence the use of this nest.

In conclusion, there appear to be no nests within 660 feet of the property at 3453 74<sup>th</sup> Avenue SE where construction activities are proposed. The two nests mapped within 660 feet were not present and there was no eagle activity observed in proximity to the nest during both reconnaissance visits. Nest 1 was mapped closest to the property but was not observed in 2019 so is determined to have been destroyed so there is no nest within 330 feet. Nest 2 was mapped between two existing homes but was not observed in November 2020. Regardless of the presence of Nest 2, there is no line of sight between the project site and mapped nest location because of existing homes, landscaping, and a distinct change in topography that eliminates a direct line of sight, which reduces the potential impacts to a bald eagle nests.

If you have any additional questions regarding construction on the property and the eagle nests, please contact me at (360) 674-7186 or [joanne@eco-land.com](mailto:joanne@eco-land.com).

Sincerely,



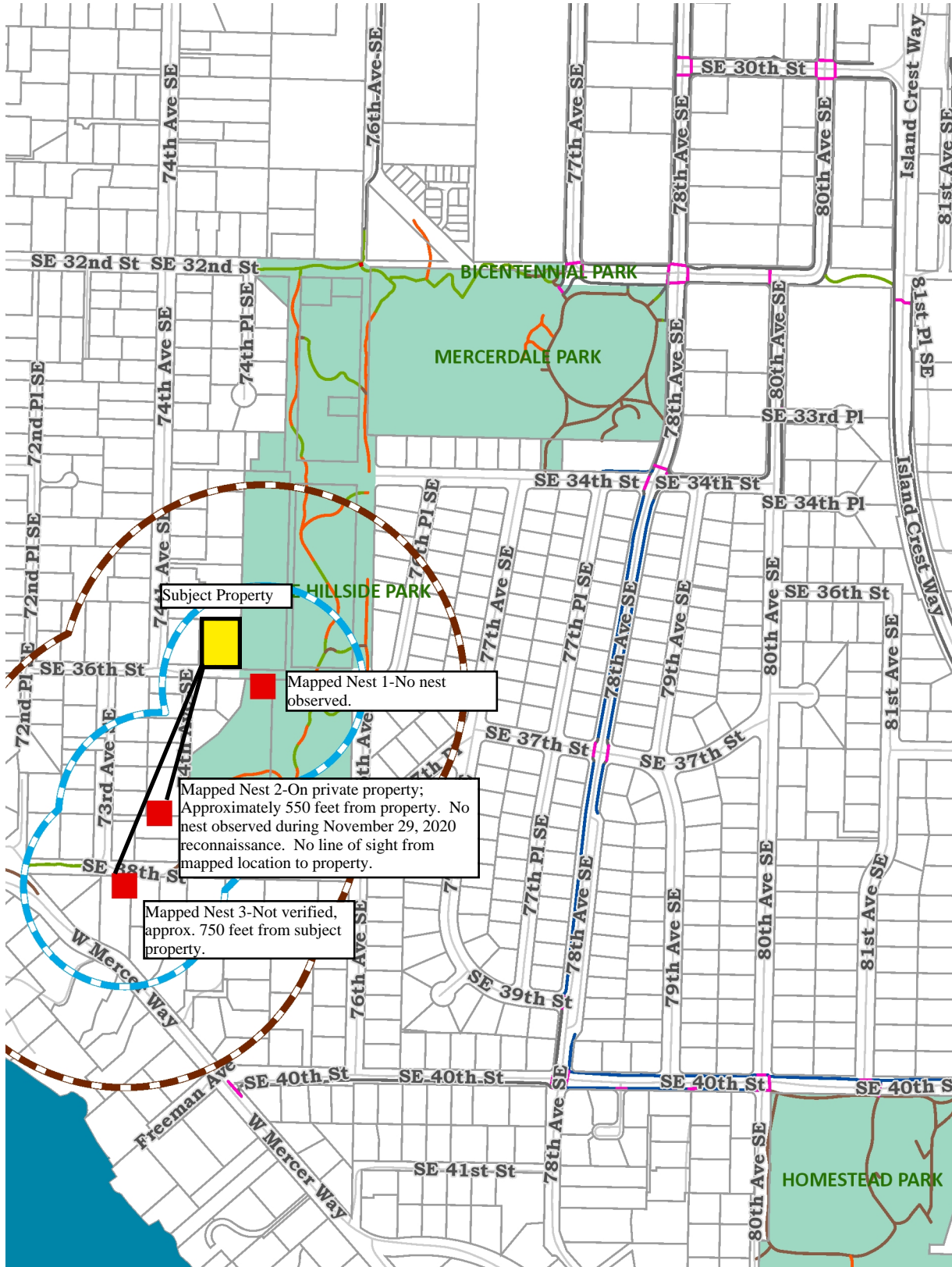
Joanne Bartlett  
Senior Biologist

Attachment

*Shannon and Jimmy Foo*  
November 30, 2020  
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*74<sup>th</sup> Avenue Eagle Nest-Update*  
*Ecological Land Services, Inc.*

# Mercerdale Park Eagle Nests Map 2



### Legend

- King County Highway
- Water
- Eagle Nest
- Eagle Nest Buffers**
  - 330 Ft
  - 660 Ft
- 2ft Lidar Contours (2C)
- Parcel
- Trails**
  - Boardwalk
  - Bridge
  - Crosswalk
  - Path
  - Sidewalk
  - Stairs
  - Trail
  - Walkway
- Parks
- Street

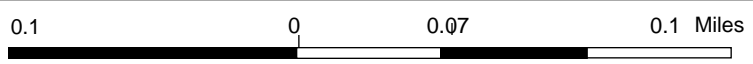
**Subject Property**

**Mapped Nest 1**-No nest observed.

**Mapped Nest 2**-On private property; Approximately 550 feet from property. No nest observed during November 29, 2020 reconnaissance. No line of sight from mapped location to property.

**Mapped Nest 3**-Not verified, approx. 750 feet from subject property.

1:5,886



**Disclaimer:** These maps were developed by the City of Mercer Island and are intended to be a general purpose digital reference tool. These maps are not an accepted legal instrument for describing, establishing, recording or maintaining descriptions for property concerns or boundaries. The City makes no representation or warranty with respect to the accuracy or currency of these data sets, especially in regard to labeling of surveyed dimensions, or agreement with official sources such as records of survey, or mapped locations of features.

**Notes**  
 Ecological Land Services, Inc.  
 March 1, 2019