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**CITY OF MERCER ISLAND**

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May 10, 2018

Sang Hou  
7022 E Mercer Way  
Mercer Island, WA 98040  
[shoumkle@gmail.com](mailto:shoumkle@gmail.com)

*Sent: via email*

RE: Review Comments for File No. CAO17-010 – Hou Critical Areas Determination  
4825 E Mercer Way, Mercer Island, WA 98040; King County Tax Parcel # 216200-0070

Dear Mr. Hou:

The City of Mercer Island has reviewed the above referenced application for a critical areas determination for the property located at 4825 E Mercer Way (King County parcel # 216200-0070). City staff has determined that additional information is necessary to ensure compliance with the Mercer Island City Code (MICC) and to continue processing the application.

**Fish and Wildlife Habitat Conservation Area:** The previous review comment letter dated December 21, 2017 requested eight (8) items; several of the review items were related to the presence of Bald Eagles on site. In response, the project ecologist, Jennifer Marriott of Talasaea Consultants, Inc., provided the city with a letter dated March 9, 2018 in which she discussed the potential usage of the 80-inch fir tree on the property by Bald Eagles. In said letter, Ms. Marriott states "My observations as a professional ecologist support that this tree does not reflect current or recent usage by eagles." In a subsequent email by Jennifer Marriott dated May 1, 2018, she described the difference between roosting and perching and explained that trees used by eagles for perching are not protected by federal law and that the subject tree is only used for perching. I spoke with Bill Vogel, Certified Wildlife Biologist with the U.S. Fish and Wildlife Service, via telephone on May 3, 2018. Bill Vogel explained that trees used by eagles for survival would be trees used for nesting or for winter roosting sites. Bill Vogel also confirmed that roosting sites are not the same as perching sites. Bill Vogel had previously stated in a June 30, 2017 email that there is no nest in the tree. Drone footage of the tree provided to the city on January 26, 2018 demonstrated that eagle nests were not present in the tree. Based on the information provided in the file and personal observation of the site, biologist Christina Hersum, along with Ilon Logan, master birder, both from the city's consultant Environmental Science Associates (ESA), have confirmed (email, dated May 8, 2018) that the tree does not meet the definition of a wildlife habitat conservation area as defined within MICC Chapter 19.07.

Based on the above statements and all information in the file, the 80-inch fir will not be regulated as a wildlife habitat conservation area. The tree will continue to be regulated as an "exceptional tree" pursuant to MICC 19.10.

Due to this change in tree status, some of the items previously requested in the review comment letter dated December 21, 2017 are no longer required. The list of items required has been reduced to items 1 through 4 below. The following information is requested to continue processing the application:

1. Please indicate on the project plans where drainage from the proposed house and driveway will go ( Will it be directed to the stream? Will it be directed to the ditch?).
2. It appears the exterior of the proposed house is too close to the proposed buffer. Identify the area of construction on the plans and determine what construction and future home maintenance activities will occur and how these can occur without disturbing the buffer. There will likely need to be more space between the proposed home and the proposed buffer than shown on the plans to accommodate these activities without disturbing the buffer. Please provide the needed setback from the buffer on the plans.
3. Please apply for a SEPA determination by submitting a SEPA checklist along with an application, or provide a narrative explaining how the project is exempt from SEPA.
4. Please provide a construction management plan. A construction management plan template has been attached. The plan shall include explanation of but is not limited to the following items: the staging and stockpiling of materials, the timing of utility installation and the location of those utilities in regard to wetland and stream impacts, the timing of construction (e.g. the rainy season, etc), and the prevention of runoff to the wetland and stream. (Attachment A).

The purpose of this construction management plan is to demonstrate how critical areas will be protected throughout the construction phase. Exceptional trees are not regulated as critical areas, so you are not required to address protections of any exceptional trees on the site at this time. However, you will be required to expand the scope of the construction management plan to address tree impacts as part of a future building permit. You may wish to address those impacts now to create a more streamlined project.

If the applicant fails to provide the required information within 90 days from the date of this request for information, the application shall lapse, and become null and void. Questions particular to the provided comments may be directed to the above specified reviewers or to me by phone at 206-275-7719 or via e-mail at [nicole.gaudette@mercergov.org](mailto:nicole.gaudette@mercergov.org).

Sincerely,



Nicole Gaudette, Senior Planner  
City of Mercer Island Development Services Group

Enclosed:

Attachment A: Construction Management Plan Handout