



Outlook

Re: File number CUP25-001 - Water Meter Data Collection unit at E Mercer/W Mercer Way

From Ryan Harriman <ryan.harriman@mercerisland.gov>

Date Wed 6/25/2025 10:33 AM

To Andrea Kristof <ackristof@comcast.net>

Cc Jim Kristof <jim@jklegal.com>; Madelyn Nelson <madelyn.nelson@mercerisland.gov>; Alaine Sommargren <alaine.sommargren@mercerisland.gov>; Deb Estrada <Deborah.Estrada@mercerisland.gov>

Bcc Alison Van Gorp <alison.vangorp@mercergov.org>

Hi Andrea,

Thanks for the email. You may appear at the public hearing and provide testimony if you would like.

There would be no mitigation required under SEPA because the Mercer Island City Code (MICC) provides regulatory requirements for the protection of bald eagles by following Federal Regulations. Additionally, the SEPA process was concluded without comment or appeal.

Here's what the MICC says:

MICC 19.10.130 Bald eagle and other federal and state requirements.

In addition to any requirement of this chapter, persons must comply with all applicable federal and state laws, rules and regulations including without limitation the Endangered Species Act, the Bald Eagle Protection Act and the Migratory Bird Treaty Act, as now existing or hereinafter adopted or amended.

The section specifically relates to bald eagles and how they relate to the tree code. The pole or equipment is not regulated under the tree code.

The Bald Eagle Protection Act (BGEPA) prohibits the taking, possession, or commerce of bald and golden eagles, including their nests and eggs, without a permit. The Migratory Bird Treaty Act (MBTA) protects all migratory birds, including bald and golden eagles, and also prohibits the take, possession, or commerce of nests and eggs without a permit. The Endangered Species Act (ESA) had once protected bald eagles, but they are no longer listed as threatened or endangered and are not currently subject to its specific requirements.

The MBTA defines "take" as pursuing, hunting, shooting, killing, trapping, capturing, or molesting any migratory bird.

While the ESA once provided protections for bald eagles, they are no longer listed as threatened or endangered and are not subject to its specific requirements.

Please note that the Hearing Examiner decides the outcome of the application, not staff. Staff provides a recommendation based on the materials provided with the application and the process conducted.

Best regards,

Ryan Harriman, EMPA, AICP

Planning Manager

City of Mercer Island – Community Planning & Development

206-275-7717 | www.mercerisland.gov

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The City of Mercer Island utilizes a hybrid working environment. Please see the City's [Facility and Program Information](#) page for City service hours of operation.

From: Andrea Kristof <ackristof@comcast.net>

Sent: Wednesday, June 25, 2025 9:15 AM

To: Ryan Harriman <ryan.harriman@mercerisland.gov>; Deb Estrada <Deborah.Estrada@mercerisland.gov>

Cc: Jim Kristof <jim@jklegal.com>; Madelyn Nelson <madelyn.nelson@mercerisland.gov>; Alaine Sommargren <alaine.sommargren@mercerisland.gov>

Subject: Re: File number CUP25-001 - Water Meter Data Collection unit at E Mercer/W Mercer Way

Hi Ryan,
Thank you for your detailed response.

I did attempt to locate the pole you show, but haven't been able to find it. I will try again.

If the SEPA review is finalized, then I wonder if the City addressed any mitigation that might be necessary for the Eagle's nest that is very close to that pole placement?

Thank you,

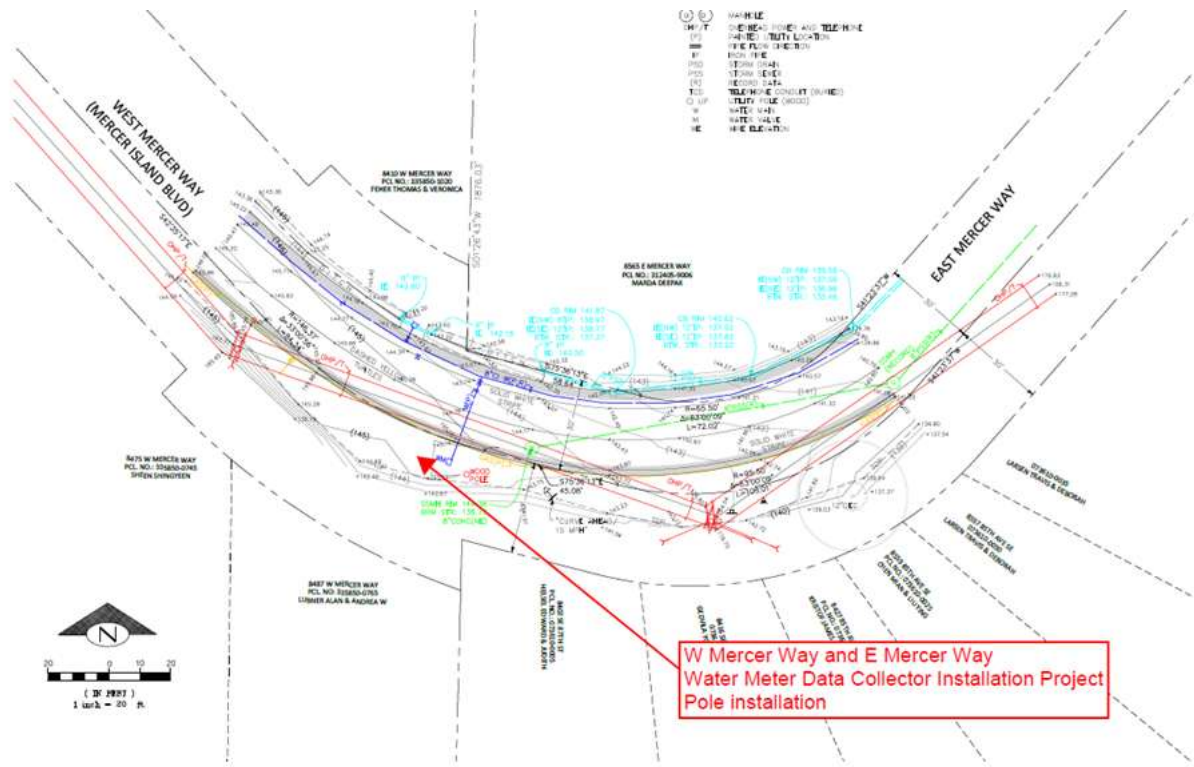
Andrea Kristof
8427 85th Ave SE

On 06/24/2025 11:06 AM PDT Ryan Harriman <ryan.harriman@mercerisland.gov> wrote:

Hi Andrea,

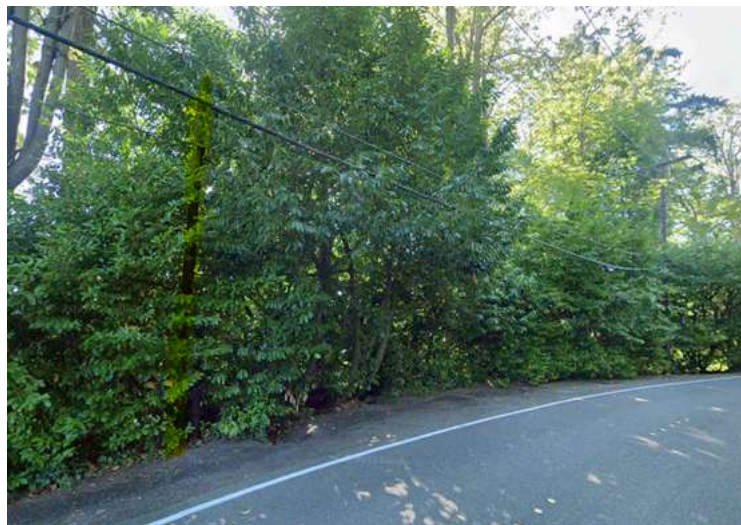
Thank you for reaching out with your concerns. The proposed location is in the right-of-way to the rear of 8487 W Mercer Way, Mercer Island WA 98040.

Please see the location below for the proposed pole, per the CUP25-001 Plan Set.



The signs were relocated when it was discovered they were in the wrong location, or they were updated as the project advanced. This is common for projects within the public right-of-way and not attached to a certain property. The intention was not to confuse the neighborhood but to update the information to be as accurate as possible. We are sorry for any confusion this process has caused for this neighborhood. If there are any questions surrounding this project, please reach out. The City wishes to have clear communication and transparency with the impacted neighborhood.

The pole is proposed to replace an existing wooden pole that is not currently in use. This pole is located partially within the foliage along W Mercer Way. See the photo below for confirmation.



Please note that the SEPA process was completed, and no appeals were filed by the required deadline. The SEPA process is officially closed.

For project-related questions, please feel free to contact the applicant.

Please reach out if there are additional questions about the project. We look forward to hearing from you on Thursday.

Sincerely,

Ryan Harriman, EMPA, AICP

Planning Manager

City of Mercer Island – Community Planning & Development

206-275-7717 | www.mercerisland.gov

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From: Andrea Kristof <ackristof@comcast.net>

Sent: Tuesday, June 24, 2025 9:48 AM

To: Deb Estrada <Deborah.Estrada@mercerisland.gov>

Cc: Jim Kristof <jim@jklegal.com>; Ryan Harriman <ryan.harriman@mercerisland.gov>; Madelyn Nelson <madelyn.nelson@mercerisland.gov>; Alaine Sommargren <alaine.sommargren@mercerisland.gov>

Subject: RE: File number CUP25-001 - Water Meter Data Collection unit at E Mercer/W Mercer Way

Hello City of Mercer Island staff,

I have not had a response to my question about the exact placement of the Water Meter Data Collection pole. However, since my email on 6/10, I did notice that the sign that was at the top of our property was moved so that is now above 8487 West Mercer Way, and the other sign near 8400 East Mercer Way was pulled down so that it is not visible. I do not know why these signs were moved/removed when the Site plan clearly shows the new pole will be at the intersection of our property and our neighbor's property (Gedvilla property)

When looking at the materials in connection with this property, it states that this new pole will "replace an existing City-owned pole". I find that hard to believe, when the current pole on our property was recently replaced & upgraded and it appears that cell phone equipment was installed on it. There is also no pole near 8487 West Mercer Way, so that I do not see that location as being under serious consideration by the City.

With the movement of the signage, it appears that the City (or someone else?) is deliberately trying to confuse our neighborhood as to the exact placement of the new pole.

Please confirm that the Site plan is accurate, so that I have correct information before the hearing on Thursday. I also want to know exactly which pole is going to be replaced.

Thank you,

Andrea Kristof
8427 85th Ave SE

On 06/10/2025 3:04 PM PDT Andrea Kristof <ackristof@comcast.net> wrote:

Hello Deb and/or Ryan, Madelyn and Alaine,

I do have a question on the placement of the pole. I notice the City has placed a new sign with information regarding this pole and Water data Collection Unit and the upcoming hearing at 2nd new location, close to the 8400 block of East Mercer Way.

Please let me know if the City is also considering that location for the pole placement?

I also want to go on record to note that we have precise locations of two eagle nests (and there are others on the north side of east/west Mercer Way). There is one nest on the lot of 8557 85th Ave SE, and one at 8402 SE 87th street. Both of these lots are adjacent to the location under consideration at the intersection of East/West Mercer way.

Thank you,

Andrea Kristof

On 05/28/2025 1:39 PM PDT Deb Estrada
<deborah.estrada@mercerisland.gov> wrote:

Thank you for reaching out, Andrea. The information regarding the hearing is available in our [Weekly Permit Bulletin](#) and attached.

By copy of this email, I am looping in the staff members best equipped to answer any questions.

Thank you,

Deb

Deborah Estrada, MMC

Administrative Coordinator/Deputy City Clerk
City of Mercer Island- Community Planning & Development
206-275-7791 | www.mercerisland.gov

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From: Andrea Kristof <ackristof@comcast.net>

Sent: Wednesday, May 28, 2025 10:02 AM

To: Deb Estrada <Deborah.Estrada@mercerisland.gov>
Cc: Jim Kristof <jim@jklegal.com>
Subject: File number CUP25-001 - Water Meter Data Collection unit at E Mercer/W Mercer Way

Hello Deb,

I would like to attend the public hearing on this matter and also would like to submit the following comments:

My Husband and I reside at 8427 85th Ave SE, and the proposed site of the Water Meter Collection pole is near or on our property where it connects to the intersection of East & West Mercer Way.

We are also across the street from another city project, the Pump Station Rehabilitation & replacement Project for PS 20 at 8790 85th Ave SE

Both of these projects are very impactful to us and our neighbors.

In regard to the Water Meter Data Collection pole, we would like to point out some errors on the SEPA Review document submitted to obtain the necessary permits for the pole placement.

- In response to Section B (environmental elements), question 4 (plants) paragraph (e): This question asks if there are any invasive species on or near the site, and the City responded No. That is incorrect. There are Himalayan Blackberry plants on our near that site. Here is the description of the plant: [Washington State Noxious Weed Control Board](#). I do not know what kind of mitigation efforts are required by law, but if the City moves forward with this project, I believe it would be appropriate for the City to remove this invasive species.
- In response to Section B, question 5 (animals), I would like to point out two things:
 - There are Eagle's nests very close to the proposed site, and our neighborhood is a frequent hunting area for Eagles. Has there been any research to be certain that the signals emitted from this pole do not affect Eagles? Bald Eagles are a protected species per The **Bald and Golden Eagle Protection Act** (16 [U.S.C.](#) 668-668d). We would not want there to be any adverse impact to the Eagles known to nest in our neighborhood.
 - In addition, there are a group of deer who sleep in the ravine adjacent to the pole. Does this impact the placement of the pole?

My husband and I concerned about the impact of this pole placement on the value of our property. Many people do not want to live near poles that have emitting devices. It seems it would be prudent know how much the pole installation will decrease our property value, and to ask the City to compensate for that reduction in property value. We also question why the City has to install yet another pole, and could not place the necessary

equipment on an existing pole that was recently installed in the same area (this pole was installed with no notice to us whatsoever). This pole also displaced street signage equipment that has not be placed.

Thank you,

Andrea & Jim Kristof
8427 85th Ave SE