

**From:** Madelyn Nelson madelyn.nelson@mercerisland.gov  
**Subject:** Re: Waterfront Tree Removal (2512-157)  
**Date:** January 27, 2026 at 12:42 PM  
**To:** Andrew Engel ate.engeldesign@earthlink.net

MN

Hi Andrew,

Thank you for speaking with me this morning. Please see the list of requirements below for a Shoreline Exemption for a dead tree removal with no development planned within the lake.

1. Development Application Form
2. Project Narrative
3. Criteria Compliance Narrative for MICC 19.13.050
4. Title Report
5. Affidavit of Ownership
6. Development Planset
7. Shoreline Exemption Affidavit
8. Concurrent Review Form
9. Fees

The following documents may not be needed if it meets the exemption requirements:

1. Pre-application meeting: not required for Type 1 permit.
2. Affidavit of Agent Authority: not needed if property owner is the contractor.
3. JARPA Form:
  - a. WDFW HPA: for "hydraulic projects" per 220-660-030(78) WAC
  - b. WA DOE Section 401 Water Quality Certification: any activity that might result into any discharge or excavation of land covered by water
  - c. WD NRAR Use Authorization if within state owned aquatic land (defined in RCW 89.105.060)
  - d. Department of the Army
    - i. Section 404: ground disturbing activities in waters or wetlands
    - ii. Section 10: work within navigable waters
  - e. USCG:
    - i. Private aids to navigation: for fixed structures or floating objects within the waters of the US.
4. Critical Area Study: needed if there is ground disturbance
5. No Net Loss Report: needed if the work is noncompliant with the shoreline code.
6. SEPA Checklist: needed if there is work happening within the lake.
7. Sewer lake line affidavit: needed if doing work within the lake.

Please note this is the interpretation without further review. It is entirely possible the reviewer for the Shoreline Exemption will require further documentation to consider the Shoreline Exemption a complete application.

Sincerely,

**Madelyn Nelson**

Assistant Planner

City of Mercer Island – Community Planning & Development

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**From:** Andrew Engel <ate.engeldesign@earthlink.net>  
**Sent:** Monday, January 26, 2026 11:30 AM  
**To:** Madelyn Nelson <madelyn.nelson@mercerisland.gov>  
**Cc:** Andrew Engel <ate.engeldesign@earthlink.net>  
**Subject:** Re: Waterfront Tree Removal (2512-157)

Good morning Madelyn,  
We did receive your message after the outage.

In review of your message, the WAC, and your Forms, Permits, and Applications site; I would like to discuss the application of the underlying WAC and the City's permit and exemptions.

Fundamentally, our application for tree removal involves two standing dead trees (easily certifiable as dead and diseased) and a single tree which as clearly fallen due to age and rot. The fact that these trees are standing dead, or fallen could reasonably be seen as currently not exceptional trees.

The 200' shoreline designation is acknowledged (in fact this boundary is indicated on the plans), but we find the connection to WAC 173-27 be questionable given the state of the three trees.

We appreciate your noting a possible resolution through -040, (2), (a) but it is not clear in this case what the "development" is? It seems reasonable to assume development is the replacement of new trees. If development includes the activities to remove the trees, then we would propose -040, (2), (b) normal maintenance and repair of existing structures or development provides exemption for the tree permit.

Also, you mentioned some forms and permit on your web page. It would be helpful to review this as it appears the form you are mentioning is the shoreline exemption. This form appears identical to the shoreline development permit application, and if so the process for exemption poses more questions for us.

My proposal is as follows:

- We remove the fallen Willow from the Tree Removal permit. This avoids any work which can remotely be seen as affecting any fish or direct shoreline habitat.
- Please note that we are currently developing a shoreline development permit to repair the existing dock. Within this permit and SEPA, we can deal with the Willow, along with both overwater and shoreside improvements.
- The two standing dead trees are a stated hazard by our arborist, our direct neighbor, and his arborist. These two trees are within the 200' boundary, but are also within a grove of healthy stable trees.

I note the Tree Removal permit has been approved. Please let me know your schedule to discuss next steps.

Thank you for your time with this permit.

Andrew Engel

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On Jan 23, 2026, at 11:40 PM, Madelyn Nelson <[madelyn.nelson@mercerisland.gov](mailto:madelyn.nelson@mercerisland.gov)> wrote:

Hi Andrew,

This email failed to deliver due to a Microsoft Outage. Feel free to reach out with any questions.

Best,

**Madelyn Nelson**

Assistant Planner

City of Mercer Island – Community Planning & Development

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**From:** Madelyn Nelson <[madelyn.nelson@mercerisland.gov](mailto:madelyn.nelson@mercerisland.gov)>

**Sent:** Thursday, January 22, 2026 4:00 PM

**To:** [ate.engeldesign@earthlink.net](mailto:ate.engeldesign@earthlink.net) <[ate.engeldesign@earthlink.net](mailto:ate.engeldesign@earthlink.net)>

**Subject:** Waterfront Tree Removal (2512-157)

Hi Andrew,

It has just come to my attention that tree removals in the waterfront must meet regulations for the Shoreline Jurisdiction. Specifically, work within the shoreline must meet [WAC 173-27-040](#). All work conducted within the Shoreline Jurisdiction (200' from the shoreline) must be granted a permit for this work, either a [Substantial Shoreline Development Permit](#) or a [Shoreline Exemption](#) if it meets [WAC 173-27-040](#). It appears likely this work meets the criteria for Shoreline Exemption, per [WAC 173-27-040\(2\)\(a\)](#). Some necessary forms and permits can be found on the Mercer Island [Forms, Permits, and Applications](#) webpage. Please submit this permit prior to beginning the tree removal.

Sincerely,

**Madelyn Nelson**

Assistant Planner

City of Mercer Island – Community Planning & Development

206-275-7704 | [www.mercerisland.gov](http://www.mercerisland.gov)

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