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May 20, 2019

Mr. Jeffrey D. Mann, Senior Planner
Pierce County Planning & Public Works Department
2401 South 35th Street
Tacoma, Washington 98409

Dear Mr. Mann:

Subject: Comments on the Draft Environmental Impact Statement - Community Plan Updates for South Hill, Mid-County, Frederickson, and Parkland-Spanaway-Midland Community Plans.

Sent via U.S. mail and email to: jeff.mann@piercecounitywa.gov;
erik.jaszewski@piercecounitywa.gov

Thank you for the opportunity to comment on the Draft Environmental Impact Statement - Community Plan Updates for South Hill, Mid-County, Frederickson and Parkland-Spanaway-Midland Community Plans (Draft EIS). Futurewise works throughout Washington State to support land-use policies that encourage healthy, equitable and opportunity-rich communities, and that protect our most valuable farmlands, forests, and water resources. Futurewise has members and supporters throughout Washington State including Pierce County.

Futurewise commented on the scope of the EIS. The Draft EIS does not adequately analyze and disclose the impacts of the proposal. The Washington State Supreme Court has summarized the main standards for determining if an EIS is adequate.

The adequacy of an EIS is a question of law subject to de novo review. *Klickitat Cy. Citizens Against Imported Waste v. Klickitat Cy.*, 122 Wn.2d 619, 632, 860 P.2d 390 (1993); *Citizens for Clean Air v. Spokane*, 114 Wn.2d 20, 34, 785 P.2d 447 (1990); *Barrie v. Kitsap Cy.*, 93 Wn.2d 843, 854, 613 P.2d 1148 (1980); *Leschi Imp. Coun. v. State Hwy. Comm'n*, 84 Wn.2d 271, 285, 525 P.2d 774, 804 P.2d 1 (1974). EIS adequacy involves the legal sufficiency of the data in the EIS. *Klickitat Cy.*, 122 Wn.2d at 633, 860 P.2d 390 (citing Richard L. Settle, THE WASHINGTON STATE ENVIRONMENTAL POLICY ACT: A LEGAL AND POLICY ANALYSIS § 14(a)(i) (4th ed. 1993)). Adequacy is assessed under the “rule of reason”, *Klickitat Cy.*, at 633, 860 P.2d 390, which requires a “‘reasonably thorough discussion of the significant aspects of the probable environmental consequences’ of the agency’s decision.” *Klickitat Cy.*, at 633, 860 P.2d 390 (quoting *Cheney v. Mountlake Terrace*, 87 Wn.2d 338, 344-45, 552 P.2d 184 (1976)). The court will give the agency determination substantial weight. RCW 43.21C.090.¹

¹ *Weyerhaeuser v. Pierce Cty.*, 124 Wn.2d 26, 37 – 38, 873 P.2d 498, 504 (1994).



The Draft EIS contains no information on or analysis of the development capacity of the alternatives, violating the *Ullock* decision and Washington State Environmental Policy Act (SEPA).

In addition to rule of reason, the adequacy of an EIS is defined the Washington State Environmental Policy Act (SEPA) rules and court decisions that have applied to the rule of reason to specific situations. WAC 197-11-440(5) requires the presentation and analysis of alternatives. WAC 197-11-440(6)(a) requires that for the elements of the environment significantly affected by the proposed action, “the EIS shall describe the existing environment that will be affected by the proposal, analyze significant impacts of alternatives including the proposed action, and discuss reasonable mitigation measures that would significantly mitigate these impacts.” In the *Ullock* decision, the Court of Appeals held “that an EIS is adequate in a nonproject zoning action where the environmental consequences are discussed in terms of the maximum potential development of the property under the various zoning classifications allowed.”²

Unfortunately, the Draft EIS contains no data on the capacity of the different zoning alternatives and the impacts the increased capacity will cause. In a few places the EIS generally describes some changes in capacity. For example,

The TCTR and UCOR zones will both allow for unlimited densities and increase the minimum density to 20 and 12 units per acre, respectively. The maximum density of the NCOR will increase to 25 units per acre and will significantly increase the density from the Moderate-Density Single-Family zoning adjacent to the Corridors.

Alternatives 1 and 2 will also increase the allowable height in the TCTR zone, which will be higher than the zones it is replacing.³

However, the Draft EIS never discloses the residential and employment capacities for the above changes and the alternatives as a whole.⁴ The Draft EIS never analyzes the impacts “in terms of the maximum potential development of the property under the various zoning classifications allowed” as the *Ullock* decision requires for an adequate EIS.⁵

Instead Alternatives 1, 2, and 3 are analyzed based on assumed levels of growth. “Alternative 1 is assumed to result in approximately 2,646 additional housing units beyond the 18,180 housing units expected by 2040 under current zoning.”⁶ “Alternative 2 is assumed to result in approximately 3,426

² *Ullock v. City of Bremerton*, 17 Wn. App. 573, 580, 565 P.2d 1179, 1184 (1977).

³ Pierce County, *Non-Project Draft Environmental Impact Statement Community Plan Updates: Frederickson, Mid-County, Parkland-Spanaway-Midland and South Hill Community Plans* p. 116 (April 2019). See also *Id.* at pp. 21 – 22 for a general description of the zones, but again no information on the capacity of the zones.

⁴ *Id.* at p. 46, p. 49, p. 53, & pp. 38 – 59.

⁵ *Ullock v. City of Bremerton*, 17 Wn. App. 573, 580, 565 P.2d 1179, 1184 (1977).

⁶ Pierce County, *Non-Project Draft Environmental Impact Statement Community Plan Updates: Frederickson, Mid-County, Parkland-Spanaway-Midland and South Hill Community Plans* p. 96 (April 2019).

additional housing units beyond the 18,180 housing units expected by 2040 under current zoning.”⁷ Alternative 3 “is expected to add less growth than that assumed under Alternative 1 or 2.”⁸ Even for the no action alternative, the Draft EIS fails to disclose the capacity.⁹ The Draft EIS assumes job growth “is not expected to differ substantially from job normal job growth under existing zoning.”¹⁰ There is a brief discussion of how the residential assumptions were determined, but no data on pages 94 and 95. The basis for all of these assumptions is not adequately substantiated using data, especially because the capacity is not disclosed. In sum, the Draft EIS is inadequate under the rule of *Ullock*.¹¹

The Draft EIS also fails the rule of reason because the lack of capacity data and analysis of the impacts of those changes in capacity is not a “reasonably thorough discussion of the significant aspects of the probable environmental consequences’ of the agency’s decision.”¹² Given that one of the two objectives of the Community Plan Updates are to “adjust zoning to reflect property owner requests and changes in development patterns and community goals” a lack of data on the changes in zoning capacity is a major flaw in the Draft EIS.¹³

To rectify these flaws, the EIS needs to disclose the changes in zoning capacity. It also needs to document using actual data how the assumed levels of growth were determined. As the supreme court has written “[i]n determining whether a particular discussion of environmental factors in an EIS is adequate under the rule of reason, the reviewing court must determine whether the environmental effects of the proposed action are sufficiently disclosed, discussed, and substantiated by supportive opinion and data.”¹⁴ Here, no data support the assumptions. Unsupported assumptions do not meet this standard. Therefore, the Draft EIS is inadequate.

The failure to disclose the capacity of the alternatives and the factual basis for the housing and employment assumptions means that the disclosure of impacts of aspects of the built and natural environment that depend at least in part on the number of housing units, people, and jobs are also inadequate. These elements of the environment include land use and built environment, plans and policies, public services and utilities, air quality, ground and surface water, and transportation.¹⁵ We have additional comments on the analysis of these impacts on the elements of the environment below.

⁷ *Id.* at p. 101.

⁸ *Id.* at p. 106

⁹ *Id.* at p. 107.

¹⁰ *Id.* at p. 94.

¹¹ *Ullock v. City of Bremerton*, 17 Wn. App. 573, 580, 565 P.2d 1179, 1184 (1977).

¹² *Weyerhaeuser v. Pierce Cty.*, 124 Wn.2d 26, 37 – 38, 873 P.2d 498, 504 (1994).

¹³ Pierce County, *Non-Project Draft Environmental Impact Statement Community Plan Updates: Frederickson, Mid-County, Parkland-Spanaway-Midland and South Hill Community Plans* p. 2 (April 2019).

¹⁴ *Klickitat Cty. Citizens Against Imported Waste v. Klickitat Cty.*, 122 Wn.2d 619, 644, 860 P.2d 390, 404 (1993), as amended on denial of reconsideration (Jan. 28, 1994), amended, 866 P.2d 1256 (1994).

¹⁵ See for example the lack of specificity on how the magnitude of the capacities differ across the alternatives at Pierce County, *Non-Project Draft Environmental Impact Statement Community Plan Updates: Frederickson, Mid-County, Parkland-Spanaway-Midland and South Hill Community Plans* pp. 55 – 58 (April 2019).

The Draft EIS does not analyze the land use and transportation impacts of the increases in zoning capacity on adjacent and nearby cities as SEPA requires.

In *Barrie v. Kitsap County* the Washington State Supreme Court held that a county EIS for a shopping center was invalid because it did not adequately analyze the impacts on downtown Bremerton.¹⁶ The court wrote that “[b]ecause experts disagree on the possible effects, the statement should set forth the responsible opposing views rather than ignoring the potential debilitating impact.”¹⁷ In *Cathcart-Malby-Clearview Community Council v. Snohomish County*, the Washington State Supreme Court wrote that SEPA “mandates that extra-jurisdictional effects be addressed and mitigated, when possible.”¹⁸ The Supreme Court explained that:

In *Save*, an EIS was considered deficient, and the zoning approval invalidated, because the EIS failed to address the extra-jurisdictional consequences of a proposed shopping center. Similarly, in *Barrie*, the zoning approval and EIS were invalid because of the failure to assess, and to attempt some mitigation of, the impact of a shopping center on a downtown business district.¹⁹

In *Save*, the extra-jurisdictional consequences included serious increased traffic congestion and need expend millions of dollars of local, state and federal funds to construct needed transportation facilities.²⁰

The areas proposed for upzoning about Tacoma and Puyallup.²¹ The traffic modeling relies on transportation projects in both cities.²² The Draft EIS does not even attempt to determine whether the upzones will divert residential and employment growth from Tacoma, Puyallup, or other nearby cities and the effects this would have on those cities.²³ The Draft EIS does not attempt to analyze the transportation impacts on Tacoma, Puyallup, or other nearby cities or the state highway system.²⁴ There is no attempt to mitigate the land use or transportation impacts on the cities or the state highway system as SEPA requires. These failures violate the rules of *Barrie* and *Save*. Again, the Draft EIS is inadequate.

¹⁶ *Barrie v. Kitsap Cty.*, 93 Wn.2d 843, 859, 613 P.2d 1148, 1157 – 58 (1980).

¹⁷ *Barrie*, 93 Wn.2d at 859, 613 P.2d at 1157.

¹⁸ *Cathcart-Malby-Clearview Cmty. Council v. Snohomish Cty.*, 96 Wn.2d 201, 209, 634 P.2d 853, 858 – 59 (1981).

¹⁹ *Cathcart-Malby-Clearview Cmty. Council v. Snohomish Cty.*, 96 Wn.2d 201, 209, 634 P.2d 853, 859 (1981).

²⁰ *Save a Valuable Env't (SAVE) v. City of Bothell*, 89 Wn.2d 862, 868, 576 P.2d 401, 405 (1978).

²¹ Pierce County, *Non-Project Draft Environmental Impact Statement Community Plan Updates: Frederickson, Mid-County, Parkland-Spanaway-Midland and South Hill Community Plans* p. 23 (April 2019).

²² *Id.* at p. 89.

²³ *Id.* at pp. 38 – 59.

²⁴ *Id.* at pp. 93 – 113.

Section 3.1 Land Use and Built Environment needs to adequately analyze and describe the land use impacts of the alternatives.

The Draft EIS, on page 55, states that “Alternatives 1 and 2 would generally focus the majority of future growth into compact areas around major transportation corridors, which are characterized by improved access to services and potentially redevelopable parcels.” This is not the case. Alternatives 1 and 2, and Alternative 3, will disperse growth over large parts of the community plan areas within the urban growth area (UGA).²⁵ This can be seen from the large upzones from the Residential Resource (RR) and the Single-Family (SF) zones to Moderate-Density Single-Family (MSF). In Alternative 1, 2,771.62 acres will be rezoned from RR to MSF.²⁶ An additional 1,857.10 acres will be rezoned from SF to MSF.²⁷ In Alternative 2, 2,684.36 acres will be rezoned from RR to MSF.²⁸ An additional 1,770.71 acres will be rezoned from SF to MSF.²⁹ In Alternative 3, 2,773.80 acres will be rezoned from RR to MSF.³⁰ An additional 1,859.74 acres will be rezoned from SF to MSF.³¹ In each of these alternatives, the capacity of lower density zones will be increased by thousands of housing units. These rezones are spread over larger areas.³² This not an effective growth focusing strategy and growth will not be focused into centers.

While the Draft EIS describes earlier and ongoing efforts to increase compatibility with Joint Base Lewis McChord, it does not evaluate the compatibility of each of the alternatives with the base.³³ This analysis is important because Alternatives 1, 2, and 3 upzone land right next to the base.³⁴ Compatibility with the base is a very important land use issue. It is also an important economic issue for the county and state. The EIS needs to evaluate the alternatives for compatibility with Joint Base Lewis McChord.

Alternatives 1, 2, and 3, upzone land uphill from the Puyallup Valley farmland north and east of the study area.³⁵ There have already been adverse impacts from uphill development on the agricultural valleys including increased runoff and land use incompatibilities from uphill uses. But the Draft EIS contains no analysis of these impacts. This is necessary for an adequate EIS.

Given the many inadequacies of the land use analysis, the statement on page 59 that “[n]o significant unavoidable land use impacts are anticipated under any Alternative” is not accurate. This section of the Draft EIS is inadequate.

²⁵ Pierce County, *Non-Project Draft Environmental Impact Statement Community Plan Updates: Frederickson, Mid-County, Parkland-Spanaway-Midland and South Hill Community Plans* pp. *223 -234 (April 2019).

²⁶ *Id.* at p. *225.

²⁷ *Id.*

²⁸ *Id.* at p. *229.

²⁹ *Id.*

³⁰ *Id.* at p. *234.

³¹ *Id.*

³² *Id.* at p. *223, p. *227, p. p. *232.

³³ *Id.* at pp. 55 – 58.

³⁴ *Id.* at p. *223, p. *227, p. p. *232.

³⁵ *Id.*

Section 3.2 Plans and Policies needs to better analyze and describe the impacts on the regional growth strategy.

Vision 2040 was approved by Pierce County, the cities in the county, and the cities and counties in the four-county region. The Vision 2040 Regional Growth Strategy includes numbers by regional geographies which contain “specific guidance for the distribution of growth.”³⁶ The VISION 2040 Regional Growth Strategy allocates 21 percent of the region’s population growth from 2000 to 2040, 81,000 people, to the unincorporated Pierce County urban growth areas.³⁷ The VISION 2040 Regional Growth Strategy allocates ten percent of the region’s employment growth from 2000 to 2040, 22,000 jobs, to the unincorporated Pierce County urban growth areas.³⁸

The *Pierce County Buildable Lands Report* identified a 2030 estimated housing capacity of 40,058 housing units for unincorporated urban Pierce County.³⁹ Comparing the population and housing targets in Pierce County Ordinance No. 2011-36s, which adopted the population and housing targets, yields a factor of 2.359963 to convert from housing units to population.⁴⁰ Based on this factor, there is a capacity of 94,535 people in unincorporated urban Pierce County. The *Pierce County Buildable Lands Report* identified a 2030 estimated employment capacity of 30,118 for unincorporated urban Pierce County.⁴¹ Both of these capacities are significantly higher than the Vision 2040 Regional Growth Strategy allocation, but this impact was not disclosed in the Draft EIS and no mitigation was proposed.

The Draft EIS also did not analyze whether any of the four alternatives is consistent with the Regional Growth Strategy considering the growth already allocated to the other unincorporated UGAs in the county.⁴² However, “Alternative 1 is assumed to result in approximately 2,646 additional housing units beyond the 18,180 housing units expected by 2040 under current zoning.”⁴³ “Alternative 2 is assumed to result in approximately 3,426 additional housing units beyond the 18,180 housing units expected by 2040 under current zoning.”⁴⁴ So, unless there will be reductions in capacity elsewhere in the unincorporated UGAs, those alternatives are not consistent with the Regional Growth Strategy. Given this failure of analysis, it is not possible to make the statement on page 78 that “[t]here are no significant adverse impacts resulting from any inconsistency with adopted state, regional, countywide, County Comprehensive Plan, or community plans policies.” So,

³⁶ Puget Sound Regional Council, *Vision 2040 Part II: Regional Growth Strategy* p. 17 (Dec. 2009) accessed on May 15, 2019 at: <https://www.psrc.org/vision-2040-documents>.

³⁷ *Id.* at p. 19.

³⁸ *Id.*

³⁹ Pierce County Planning and Land Services, *Buildable Lands Report* p. 246 (June 30, 2014) accessed on May 20, 2019 at: <https://www.co.pierce.wa.us/DocumentCenter/View/30444/Final-Draft-2014-Pierce-County-Buildable-Lands-Report?bidId=> and cited pages enclosed in a separate email.

⁴⁰ Pierce County Ordinance No. 2011-36s Exhibit A to Ordinance No. 2011-36s pp. 1 – 2 of 3 accessed on May 20, 2019 at: <https://online.co.pierce.wa.us/cfapps/council/model/otDocDownload.cfm?id=1493708&fileName=2011-36s%20signed%20final.pdf> and enclosed in a separate email.

⁴¹ Pierce County Planning and Land Services, *Buildable Lands Report* p. 247 (June 30, 2014).

⁴² Pierce County, *Non-Project Draft Environmental Impact Statement Community Plan Updates: Frederickson, Mid-County, Parkland-Spanaway-Midland and South Hill Community Plans* pp. 60 – 78 (April 2019).

⁴³ *Id.* at p. 96 (April 2019).

⁴⁴ *Id.* at p. 101.

the EIS is inadequate for failing to analyze consistency with the Regional Growth Strategy and failing to disclose the results of that analysis.

The Draft EIS, on pages 77 and 78, opines “Alternatives 1 and 2 would be more consistent with regional, countywide and Comprehensive Plan policies to direct growth to centers, particularly the County’s Comprehensive Plan policy to designate Centers/Central Places and Transit-Oriented Corridors.” This is incorrect. First, as discussed above there is no analysis in the Draft EIS as to whether Alternatives 1, 2, and 3 will shift growth from regionally designated centers such as the Puyallup centers, the Tacoma Mall, Downtown Tacoma, or other regional centers.⁴⁵ Second, the only regionally designated center in the study area is the Frederickson Manufacturing/Industrial Center.⁴⁶ There are no regional growth centers in the study area.⁴⁷

Another issue with this Section is that the Draft EIS fails to analyze the consistency and compatibility of the alternatives with the Frederickson Manufacturing/Industrial Center and the county and regional policies for that center.⁴⁸ This is a major deficiency given the importance of the Frederickson Manufacturing/Industrial Center to regional and county policy and the county and regional economies.

The EIS needs to be better substantiate that the long list of transportation projects included in the traffic analysis and the other unfunded projects can be funded over the next 20 years to rely on them for transportation modeling and analysis.

The Draft EIS states that “[f]urthermore, each community plan proposes a set of transportation projects which—while currently unfunded—have been included in the traffic analysis as reasonably foreseeable in the next 20 years”⁴⁹ These projects quite extensive and will be costly.⁵⁰ Pierce County’s current transportation element has a \$151,400,000 deficit.⁵¹ Given this deficit and the many projects proposed in the community plan update, the EIS needs to substantiate that these projects can be funded. As the supreme court has written “[i]n determining whether a particular discussion of environmental factors in an EIS is adequate under the rule of reason, the reviewing court must determine whether the environmental effects of the proposed action are sufficiently disclosed, discussed, and substantiated by supportive opinion and data.”⁵² Here there is no data and no basis for the opinion that all of these projects can be funded especially in the light of the current \$151

⁴⁵ Puget Sound Regional Council, *Vision 2040 Part II: Regional Growth Strategy* p. 18 (Dec. 2009)

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ Pierce County, *Non-Project Draft Environmental Impact Statement Community Plan Updates: Frederickson, Mid-County, Parkland-Spanaway-Midland and South Hill Community Plans* pp. 60 – 78 (April 2019).

⁴⁹ *Id.* at p. 88.

⁵⁰ *Id.* at pp. 90 – 92.

⁵¹ *Comprehensive Plan Pierce County, Washington* Transportation Technical Sections pp. 12-66 – 12-67 (June 30, 2016) accessed on May 15, 2018 at: <https://www.co.pierce.wa.us/950/Comprehensive-Plan>.

⁵² *Klickitat Cty. Citizens Against Imported Waste v. Klickitat Cty.*, 122 Wn.2d 619, 644, 860 P.2d 390, 404 (1993).

million transportation element deficit. In fact, the Draft EIS does not include any analysis of revenues to fund the transportation projects. This is a significant deficiency of the EIS.

In addition, the mitigation section on page 112 states that “[f]urther, each community plan includes a list of future transportation projects that may alleviate demand that the alternatives add on the transportation system.” WAC 197-11-440(6)(c)(iii) provides “[c]learly indicate those mitigation measures (not described in the previous section as part of the proposal or alternatives), if any, that could be implemented or might be required, as well as those, if any, that agencies or applicants are committed to implement.” In which category do the community plan proposed transportation projects fit? The EIS needs to make this clear as WAC 197-11-440(6)(c)(iii) requires.

Related to this concern is what other projects will be included as mitigation. The Draft EIS on page 101 states that for Alternative 1:

New sidewalks, bicycle facilities, crosswalks, traffic signals, and other pedestrian and bicycle improvements will likely be made in the future as part of future transportation projects discussed previously. New development will provide walkways and other active transportation amenities, as appropriate. With regional transit becoming more critical to mobility for those residents commuting outside Pierce County, future growth will need to be accommodated by those services.

Similar statements are made for Alternatives 2 and 3.⁵³ These projects are used to support conclusions that these alternatives will not result significant adverse impacts on transit and active transportation.⁵⁴ These projects are mentioned in the mitigation section on page 112. But again, it is unclear which category of mitigation identified in WAC 197-11-440(6)(c)(iii) these projects fit in. This needs to be clarified for the decision makers. We do appreciate that the Draft EIS is clear that additional transit service, including High Capacity Transit, is the could be implemented category.⁵⁵

Given the lack of funding for the transportation projects proposed in the community plan updates which are used in the transportation modeling, the contingent nature of the active transportation and transit projects and services, the transportation element deficit, and the lack of analysis of potential funding, the Draft EIS conclusion, on page 113, that “[n]o significant unavoidable transportation impacts are anticipated under any Alternative” is not substantiated by supportive opinion and data as SEPA requires.⁵⁶ The Draft EIS is inadequate.

⁵³ Pierce County, *Non-Project Draft Environmental Impact Statement Community Plan Updates: Frederickson, Mid-County, Parkland-Spanaway-Midland and South Hill Community Plans* pp. 106 – 07 (April 2019).

⁵⁴ *Id.* at p. 101, p. 106, p. 107.

⁵⁵ *Id.* at p. 113.

⁵⁶ *Klickitat Cty. Citizens Against Imported Waste v. Klickitat Cty.*, 122 Wn.2d 619, 644, 860 P.2d 390, 404 (1993).

The lack of Funding for Public Services and Utilities, including Sheriff Services, mean the conclusion that “[n]o significant unavoidable transportation impacts are anticipated under any Alternative” is not substantiated.

The Draft EIS concludes that additional funding is needed for Fire Services, Parks and Recreation, Pierce County Sheriff services, and school facilities and services. But the Draft EIS lacks an analysis of funding plans. This means that the Draft EIS conclusions that “[n]o significant unavoidable ... impacts are anticipated under any Alternative” are not substantiated by supportive opinion and data as SEPA requires.⁵⁷

The EIS must analyze the greenhouse gas pollution to be generated by the alternatives.

Futurewise commented on the scope of the EIS and requested that the greenhouse gas pollution generated by the alternatives be analyzed. SEPA EISs are required to analyze greenhouse gas pollution. As the Shorelines Hearings Board concluded, “because it failed to fully analyze the impacts of greenhouse gas emissions from the Project and to consider whether additional mitigation is required, the Final EIS is remanded to Cowlitz County and the Port for further SEPA analysis consistent with this opinion.”⁵⁸

Unfortunately, the Draft EIS only analyzed the impacts on the criteria pollutants, not other air pollutants including greenhouse gas pollutants.⁵⁹ Because of the failure to analyze greenhouse gas emissions, the Draft EIS not adequate.⁶⁰

The analysis and mitigation in Section 3.6 Groundwater and Surface Water, Shorelines, Wetlands, and Flooding is inadequate.

As was documented in the comments on Section 3.1, because of the Moderate-Density Single-Family (MSF) upzones, Alternatives 1 and 2 do not effectively concentrate growth. So, the claim

⁵⁷ *Klickitat Cty. Citizens Against Imported Waste v. Klickitat Cty.*, 122 Wn.2d 619, 644, 860 P.2d 390, 404 (1993).

⁵⁸ *Columbia Riverkeeper, Sierra Club, and Center For Biological Diversity v. Cowlitz County, Port of Kalama, Northwest Innovation Works-Kalama, LLC, and State of Washington, Department of Ecology*, Shorelines Hearings Board (SHB) No. 17-010c, Order on Motions for Partial Summary Judgment (Sept. 15, 2017), at 18, 2017 WL 10573749, at *9.

⁵⁹ Pierce County, *Non-Project Draft Environmental Impact Statement Community Plan Updates: Frederickson, Mid-County, Parkland-Spanaway-Midland and South Hill Community Plans* pp. 153 – 61 (April 2019).

⁶⁰ *Columbia Riverkeeper, Sierra Club, and Center For Biological Diversity v. Cowlitz County, Port of Kalama, Northwest Innovation Works-Kalama, LLC, and State of Washington, Department of Ecology*, Shorelines Hearings Board (SHB) No. 17-010c, Order on Motions for Partial Summary Judgment (Sept. 15, 2017), at 18, 2017 WL 10573749, at 10.

that the alternatives will concentrate growth that is will mitigate storm water impacts is not substantiated.⁶¹

We do appreciate the Draft EIS identifies the impacts of the Residential Resource (RR) and Single Family (SF) to Moderate-Density Single Family (MSF) rezones have the potential to adversely affect streams and wetlands.⁶² The increase in impervious surfaces and reduction in native vegetation, however, will increase adverse impacts on streams and wetlands so we disagree that there will be no adverse impacts.

We are particularly concerned about impacts on the Puyallup River and its tributaries. A 2018 analysis by the National Oceanic and Atmospheric Administration and the State of Washington Department of Fish and Wildlife ranked the fall Chinook stocks that originate in the Puyallup River highest in importance as food sources for the southern resident killer whales.⁶³ The Southern resident orcas, or killer whales, are threatened by (1) an inadequate availability of prey, the Chinook salmon, “(2) legacy and new toxic contaminants, and (3) disturbance from noise and vessel traffic.”⁶⁴ “Recent scientific studies indicate that reduced Chinook salmon runs undermine the potential for the southern resident population to successfully reproduce and recover.”⁶⁵

Orcas, the salmon, and Puget Sound continue to be adversely impacted by storm water and the adverse impacts of new development. A recent peer-reviewed article concluded that:

Chinook salmon were less likely to occur and were less abundant in estuaries with greater pollution stress. They were also less abundant in estuaries with greater flow stress, although this relationship was marginally insignificant. English sole were less abundant in estuaries with greater land cover stress. Together, we provide new empirical evidence that effects of stressors on two fish species culminate in detectable trends along the northeast Pacific coast, elevating the need for protection from pollution, land cover, and flow stressors to their habitats.⁶⁶

Urbanization results in pollution stress, flow stress, and land cover stress. In Futurewise’s scoping comments we identified impacts on the Chinook and orcas as impacts that need to be analyzed in the EIS. No such analysis was included. This is a significant deficiency in the Draft EIS.

⁶¹ Pierce County, *Non-Project Draft Environmental Impact Statement Community Plan Updates: Frederickson, Mid-County, Parkland-Spanaway-Midland and South Hill Community Plans* p. 167 (April 2019).

⁶² *Id.* at p. 176.

⁶³ National Oceanic and Atmospheric Administration and the State of Washington Department of Fish and Wildlife, *Southern Resident Killer Whale Priority Chinook Stocks* p. 6 (June 22, 2018) accessed on May 17, 2018 at: <https://www.documentcloud.org/documents/4615304-SRKW-Priority-Chinook-Stocks.html> and enclosed with this letter.

⁶⁴ State of Washington Office of the Governor, Executive Order 18-02 Southern Resident Killer Whale Recovery and Task Force p. 1 (March 14, 2018) last accessed on May 13, 2019 at: https://www.governor.wa.gov/sites/default/files/execute_order/eo_18-02_1.pdf.

⁶⁵ *Id.*

⁶⁶ Jason D. Toft, Stuart H. Munsch, Jeffery R. Cordell, Kiira Siitari, Van C. Hare, Brett M. Holycross, Lisa A. DeBruyckere, Corraigh M. Greene, Brent B. Hughes, *Impact of multiple stressors on juvenile fish in estuaries of the northeast Pacific* 24 GLOB CHANGE BIOL. 2008, p. 2008 (DOI: 10.1111/gcb.14055: 2018) accessed on May 17, 2019 at: <https://onlinelibrary.wiley.com/doi/abs/10.1111/gcb.14055>.

Mr. Jeffrey D. Mann RE: Comments on the DEIS for the Community Plan Updates
May 20, 2019
Page 11

In sum, our analysis of the Draft EIS is that it is inadequate as a matter of law. It is also my opinion as a professional planner who has contributed to National Environmental Policy Act (NEPA) and SEPA EISs and who has taught college level classes on SEPA and NEPA. We recommend that it be redone.

Thank you for considering our comments. If you require additional information, please contact me at telephone 206-343-0681 Ext. 102 and email: tim@futurewise.org.

Very Truly Yours,

A handwritten signature in blue ink, consisting of two large, stylized, overlapping loops that resemble the letters 'S' and 'S'.

Tim Trohimovich, AICP
Director of Planning & Law

Enclosures