


Memo



To: Prologis Park Tacoma SEPA File
From: Dakota Chamberlain, Port of Tacoma SEPA Responsible Official 
CC: Port of Tacoma's Agency and Interested Persons SEPA Mailing List
Date: May 27, 2016
RE: Prologis Park Tacoma SEPA MDNS Status: Final.

The SEPA Lead Agency's (Port of Tacoma's) SEPA Policy Resolution 2011-06¹ addresses the Port's SEPA commenting, Reconsideration and Appeals processes. Section 9.1 of the Port's SEPA Policy addresses Request for Reconsideration, and provides:

Request for Reconsideration. Any challenge to a SEPA threshold determination and adequacy of final environmental impact statement shall be pursued by timely filing a Request for Reconsideration with the Responsible Official or designee no later than close of business 7 calendar days following the end of the 14-day comment period for the SEPA determination. Timely submittal of a SEPA comment is a mandatory condition precedent to filing a Request for Reconsideration. The Request for Reconsideration is a mandatory condition precedent to filing an administrative or judicial appeal.

For this Proposal's SEPA determination, May 25, 2016, was the 7th calendar day following the end of the 14-day comment period. No request for reconsideration from any commenter was received by the Lead Agency by the deadline of close of business on May 25, 2016. Therefore, the MDNS dated April 29, 2016, as further conditioned by the Lead Agency's Response to Comments Letter dated May 23, 2016², is final.

Enclosures

¹ Posted on Port website at http://portoftacoma.granicus.com/MetaViewer.php?meta_id=14457

² Other applicable provisions:

Port SEPA Policy 8.2 The Port's written Response to Comments shall be an addendum pursuant to WAC 197-11-706. An "addendum" means an environmental document used to provide additional information or analysis that does not substantially change the analysis of significant impacts and alternatives in the existing environmental document." WAC 197-11-706.

Port SEPA Policy 8.3 The Port's issuance of the Response to Comments Addendum will not restart the administrative comment or appeal period(s) pursuant to WAC 197-11-706.

Port SEPA Policy 9.1. The Request for Reconsideration is a mandatory condition precedent to filing an administrative or judicial appeal.

May 23, 2016

Ann Locsin
1843 Pt Woodworth Dr NE
Tacoma, WA 98423

Citizens for a Healthy Bay
Attn: Karen Gogins, Melissa Malott
535 Dock St, Suite 213
Tacoma, WA 98402

Puyallup Tribe of Indians
Attn: Lisa A.H. Anderson
3009 East Portland Avenue
Tacoma, WA 98404

Washington Department of Ecology
Attn: WATER QUALITY: Chris Montague-Breakwell
PO Box 47775
Olympia, WA 98504-7775

City of Fife
Attn: Steven Friddle
5411 23rd Street E
Fife, WA 98424

Re: Response to Comments on Prologis Park Tacoma SEPA MDNS dated April 29, 2016

Dear Commenters,

Thank you for submitting your comments on the Prologis Park Tacoma SEPA MDNS dated April 29, 2016. The Port of Tacoma, acting as SEPA Lead Agency, has reviewed the comments and is providing this response after evaluating the comments in relation to the proposal, the MDNS, information on file, and responses from the proponent.

The Lead Agency has been coordinating conceptual planning and environmental review with the proponent and local residence and affected jurisdictions including the cities of Fife and Tacoma, Puyallup Tribe of Indians, Tacoma Fire Department, Tacoma Power, Tacoma Water, and WSDOT since 2013 to ensure the proposal incorporated design elements to avoid the proposal creating potential adverse impacts. Through this process, significant design changes and avoidance, minimization, and mitigation measures were included in the proposal, and additional mitigation was required in the MDNS to further mitigate the remaining potential adverse impacts of the proposal.

The proposal has been designed and conditioned in the MDNS to mitigate potential adverse impacts as described in the proposal, MDNS, and summarized below.

- Numerous cultural resource assessments and an inadvertent discovery plan for onsite and offsite (street) improvements have been completed for the proposal.
- Critical areas, including floodplains, were evaluated in the proposal, during the SEPA review, and will be further evaluated during grading and building permit review, as necessary.
- All on-site and off-site (street) stormwater infrastructure will meet new development/re-development requirements including treatment.
- A densely-vegetated berm (with a mix of deciduous and evergreen shrubs and trees) at least 8'4" high from the new 12th Street E final grade, topped with an 8-foot cedar wooden fence (minimum total height of 16'4" with the berm and fence, not considering vegetation height) will be constructed along the 12th Street E frontage to mitigate noise, light, and increase aesthetics. Potential noise and light impacts are also mitigated through design, placement, and operational controls.
- Transportation and emergency services impacts were evaluated in the Transportation Impact Study (TIS) that was reviewed by the interested parties and revised numerous times to address comments that were received on the TIS. Significant transportation improvements will be conducted and/or funded to avoid potential adverse impacts on transportation and emergency services, and in some cases, will additionally improve existing conditions for transportation, pedestrians, bicyclists, and emergency services.
 - Adjusting right-of-way and city boundaries to avoid impacts to property owners along 12th St E and 8th St E.
 - Improving 12th St E to a three-lane section per City of Fife street standards with a center two-way left-turn lane, bike lanes both sides, and a sidewalk on the south side of the roadway extending across the projects frontage.
 - Providing a densely vegetated berm with a cedar fence along 12th St E frontage (as described above).
 - Improving the intersection at 12th St E and Alexander Ave E with concrete-island, curbs, and signage to physically and visually prevent trucks from entering 12th St E from Alexander Ave E.
 - Improving the intersection at 46th Ave E and 12th St E with concrete curb bulb-outs and raised/colored concrete-street features that narrow lanes, and signage to physically and visually prohibit project related semi-trucks and trailers from using 46th Ave E and 12th St E west of 46th Ave E (i.e., between 46th Ave E and Alexander Ave E).
 - Improving the pedestrian crosswalk on southbound approach at the 46th Ave E /Pacific Hwy intersection.
 - Improving bicycle and accessible pedestrian sidewalk intersection features at the 12th St E sidewalk intersections of 47th Ave E; Willow Rd, and 49th Ave E.
 - Offering to each residential property owner that abuts 12th St E a standard City of Fife street tree to be selected and planted by the Property owner.
 - Installing an at-grade sidewalk extensions between 12th St E and Pacific Hwy within existing right-of-way as a pedestrian link on Willow Rd E.
 - Improving 8th St E to the west of 54th Ave E to a three lane section per City of Fife street standards with street illumination, curb, gutter, four-foot planter, sidewalk (north side) and left turn lane and taper on westbound approach.

- Improving the 8th St E and 54th Ave E intersection by widening the curb radius and providing additional sidewalks as well as reconstruction of the existing traffic signal and mast arms and utility relocations. The traffic signal will be furnished with a CCTV camera and associated wiring, equipment and controller components to provide a video feed for remote viewing to support ITS (Intelligent Transportation System).
 - Providing “Do Not Block Intersection” signage at the 54th Ave E and 4th St E, and 54th Ave E and Taylor Way E intersections to prevent vehicles from blocking these intersections.
 - Improving the stoplight/signalization of the north and south intersections of Alexander Ave E and SR 509, or an equivalent improvement at this intersection.
 - Improving intersection of Taylor Way E and SR 509 by providing additional left-turn storage at the westbound left turn pocket on SR 509, or an equivalent improvement at this intersection.
 - Contributing pro-rata share fee for signalization and traffic flow improvements to the 54th Ave E and Pacific Hwy E intersection.
 - Paying traffic impact fees to City of Fife as calculated per the TIS dated April 19, 2016.
 - Additional on-site design, construction, and operational avoidance, minimization, and mitigation measures have been incorporated into the proposal.
- Adverse impacts to property owners along 12th Street E that have encroachments in the currently existing right-of-way will be avoided by expanding the right-of-way to the north for street improvements, instead of removing the encroachments and building the street improvements in the existing right-of-way which would have resulted in removing residential structures and constructing new street improvements within feet of existing buildings.

Comments were received from the following:

- Ann Locsin
- Citizens for a Healthy Bay
- Puyallup Tribe of Indians
- Washington Department of Ecology
- City of Fife

Based on comments received, the Lead Agency has further conditioned the MDNS as shown in the Response Table attached.

Respectfully,



Dakota Chamberlain
Port of Tacoma SEPA Responsible Official
Chief Facilities Development Officer

cc: Ian Munce (City of Tacoma)

RESPONSE TO COMMENTS – PROLOGIS PARK TACOMA SEPA MDNS DATED APRIL 29, 2016

NO.	COMMENT	RESPONSE
Commenter: Ann Locsin		
1.	Traffic should be a major concern for this site and major changes should be considered to accommodate for this. That intersection already backs up with semi-trucks and a truck pull over lane or similar should be required.	<p>Transportation and emergency services impacts were evaluated in the Transportation Impact Study (TIS). Significant transportation improvements will be conducted and/or funded to avoid potential adverse impacts on transportation and emergency services, and in some cases, will additionally improve existing conditions for transportation, pedestrians, bicyclists, and emergency services. The Lead Agency is unclear which intersection is being referenced in the comment. However, intersection improvements are proposed at 12th St E & 46th Ave E, 46th Ave E & Pacific Hwy E, Alexander Ave & 12th St E, SR509 & Alexander Ave E, SR509 & Taylor Way, Taylor Way E & 54th Ave E, 54th Ave E & 4th Ave E, 54th Ave E & 8th St E, and Pacific Hwy E & 54th Ave E. A full list of transportation improvements can be found in the MDNS Attachment B on file with the Lead Agency or at: http://portoftacoma.com/community/environment/sepa.</p> <p>In addition, the Port of Tacoma is currently designing and permitting an eight-acre truck queuing/staging area near Alexander Ave. E and SR509 that will have the capacity to stage 135 semi-truck/trailer combinations which will relieve congestion and semi-truck lines on SR-509 and other surface streets in the tideflats. Also, the Port of Tacoma is also aware of several other proposals currently in review for additional transportation improvements at SR509 and Taylor Way E, Pacific Hwy E & 54th Ave E, and the I-5 interchange at Port of Tacoma Road and Pacific Hwy E.</p>
Commenter: Citizens for a Healthy Bay (Karen Gogins, Melissa Malott)		
1.	<p>CHB's primary concern with the Prologis Park proposal is that about 90% of the land area will be converted to impervious surface material. Impervious surfaces do not allow rainfall and associated surface pollutants to infiltrate the soil, forcing water to run off paved surfaces directly into storm drains and nearby streams. This can affect local streams, both in water quality, and streamflow and flooding characteristics. Further, impervious surfaces eliminate groundwater recharge.</p> <p>CHB would like to see as many low impact development features incorporated into the project as possible to decrease the amount of impervious surfaces and thereby reduce potential harms to local water quality.</p>	<p>Acknowledged. The proponent has prepared a Stormwater Site Plan that has analyzed existing onsite and offsite conditions, flow control, water quality/treatment, conveyance system, City of Tacoma's stormwater regulations, and Ecology's minimum technical requirements for new development and re-development. The proposal will meet or exceed all City of Tacoma and Ecology/city design and technical requirements.</p> <p>The on-site and off-site improvements have considered and incorporated low impact development (LID) into the design as much as possible where feasible and practicable. The high groundwater elevation at the site limits the type and feasibility of some LID methods. Flow control and water quality/treatment have been included in the proposal as treatment vaults and ponds.</p> <p>The project will obtain and implement a Construction Stormwater General Permit (CSGP) during construction. Best management practices and a spill prevention, control, and countermeasures (SPCC) plan will also be developed and implemented to prevent and control erosion and potential contaminants from discharging to surface waters during construction. During operation, the property shall comply with the appropriate Washington State Department of Ecology stormwater permit based on the facility's operations and standard industrial classification code (SIC).</p>

NO.	COMMENT	RESPONSE
Commenter: Puyallup Tribe of Indians (Lisa A. H. Anderson)		
1.	<p>It should be noted that the Port, the City of Tacoma, and the City of Fife are all parties to the Land Claims Settlement, codified as Federal Law. Technical Document 7 of the Land Claims Settlement, section (B)(2), sets out factors to consider when parties to the Land Claims Settlement are considering land use actions and decisions. Included in those considerations are "[t]he protection of established or planned residential areas from uses or developments which would adversely affect such residential areas " Also included is the "protection of the health, safety, and welfare of the community." Even more clearly, the Land Claims Settlement calls for "[a]voidance of adverse effects on existing and planned development and uses on adjacent lands and within surrounding neighborhoods."</p>	<p>The Lead Agency appreciates the Tribe's reference to Technical Document 7 of the Land Claims Settlement, in particular section (B)(2) which provides "Guidelines for Evaluating Land Use Decisions".</p> <p>In addition to the selective factors noted in the Tribe's comment letter, the Lead Agency is mindful of the following additional and relevant Section (B)(2) land use decision guidelines to be considered:</p> <ul style="list-style-type: none"> • "g. Opportunity for economic growth and diversity, consistent with other factors set forth herein...." and • "h. Provisions for providing public facilities and services necessary to support development, such as utilities, roads, public transportation, parks, recreation facilities, and schools...." <p>Section (B)(2) also expressly provides that (1) decisions affecting property "will be made only after consideration of community interest, both Indian and non-Indian", (2) that the land use factors contained in that section "shall not superseded or otherwise replace the provisions of such [each local jurisdiction's] plans or regulations," and "each party reserves the right to use its land use plans and regulations" when applying the section (B)(2) guidelines to a proposal.</p> <p>The Lead Agency has reviewed the Tribe's comments, and believes a good faith effort has been made to accommodate the Tribe's concerns by both the project proponent and as conditioned by the Lead Agency. The Tribe's comment letter acknowledges that the Proposal includes associated utilities, parking, driveways, and landscaping. In addition, the existing Tacoma/Fife city limit line will be adjusted northward to avoid potential adverse impacts to the existing residences and business. The Project will connect to the existing Fife municipal sewer system. The Project will include enhanced electrical utility service and enhanced fire suppression facilities. Further, the proponent also must abide by a fifteen-part, separate scheme of transportation, pedestrian and emergency service improvements.</p> <p>The Lead Agency responds more fully to the Tribe's Technical comments in this Response Table. Should the Tribe continue to have concerns, we look forward to Tribe representatives meeting with the Port, per the Land Claims Settlement, Technical Document 7 at Section C(3): "The Tribe and local government will make available appropriate representatives to discuss and concerns or questions raised by the other entity".</p>
Comments on Attachment A, Mitigation Measures		
2.	<p>Preserve Cultural Resources: The inadvertent discovery plan, while commendable on a basic level, is not enough given the likelihood of cultural resources particularly under rights of way where cultural resource assessments are lacking or insufficient. The likelihood of cultural resources is significant due to known usage of the area by the Puyallup Tribe for time immemorial. At the very least, an archaeologist should be on site during all excavation work. Furthermore, the Tribe requests notice of all excavation and the opportunity to have its own archaeologist on site as well as the proponent's archaeologist.</p>	<p>The Lead Agency appreciates the comments received on the Inadvertent Discovery Plan (IDP) that was submitted for the Puyallup Tribe's review. The Lead Agency agrees that additional more cautious treatments is prudent for the road development areas that were previously disturbed prior to the development of cultural resources assessment criteria. The inadvertent discovery plan shall be updated to require a proponent archaeologist to monitor all excavation work in such areas, notice of all such work shall be given to the Puyallup Tribe archaeologist prior to such work, and the Puyallup Tribe's archaeologist shall have access to such work.</p>

NO.	COMMENT	RESPONSE
3.	Critical Areas: While the conditions require appropriate critical areas analysis for the floodplain critical area, this is postponing identification, accurate description, and evaluation that should be completed before an MDNS is issued on the site. Such analysis should be done to evaluate whether impacts exist that require a determination that an EIS is required.	The proposal has evaluated critical areas, including floodplains, as documented in the SEPA, the Stormwater Site Plan, and other information on file with the Lead Agency. All potential critical areas have been reviewed by City of Tacoma and the applicant, and the only critical areas identified under this proposal are floodplains associated with the Drainage District 23/Fife ditch. Floodplains have been evaluated and no potential adverse impacts to the floodplains have been identified and flood capacity will not be decreased. The proposal actually increases the flood storage capacity and conveyance ability of the 12 th Street E ditch, 8 th Street E ditch, and the Drainage District 23/Fife ditch system.
Comments on Attachment B, Transportation, Pedestrian, and Emergency Service Improvements		
4.	Alexander Avenue Improvement: To prevent truck traffic from attempting to reach the facility from Alexander Avenue via 12th Street E, additional measures such as islands and curbing should be installed to render it impossible for trucks to travel from Alexander Avenue along 12th Street E.	The current proposal includes raised concrete curbs and islands on 12 th Street E at the intersection of Alexander Ave E as described in the SEPA Checklist, the TENW Sheet 6 (12 th /Alexander Intersection Improvements), and MDNS Condition 21 ("21. As required and approved by the PWDs, applicant shall install a concrete-island, curbs, and signage within the existing right-of-way on 12th St E at the intersection of Alexander Ave E."). The condition will be revised to specifically require this improvement as follows: "21. Applicant shall install a concrete-island, curbs, and signage within the existing right-of-way on 12th St E at the intersection of Alexander Ave E as approved by the PWDs."
5.	46th Ave E and 12th St E Intersection: While the Tribe appreciates what measures are proposed for this intersection and looks forward to working to reach a final agreed upon design, the Tribe remains concerned that absent a physical bar to truck traffic entering 12th Street to reach Alexander Avenue, drivers of trucks will continue to attempt to make such a route a regular routine.	Acknowledged. Based on discussions with the cities of Fife and Tacoma, and the Tribe, the current design for the 12 th Street E intersections at 46 th Ave E and at Alexander Ave E includes numerous raised concrete islands and curbs, and truck-limiting intersection/turn radius geometry to physically bar trucks from utilizing 12 th Street E between 46 th Ave E and Alexander Ave E. In addition, surface striping/painting, and signage will also direct traffic to the appropriate locations. The current design of these intersections are detailed on the TENW plan sheets 1 and 6 dated 03/04/2016. The Port of Tacoma and cities of Fife and Tacoma welcome the Tribe's continued involvement in the technical discussions to finalize the design of these intersections.
Commenter: Washington Department of Ecology (Water Quality – Chris Montague-Breakwell)		
1.	<p>Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.</p> <p>The following construction activities require coverage under the Construction Stormwater General Permit:</p> <ol style="list-style-type: none"> 1. Clearing, grading and/or excavation that results in the disturbance of one or more acres and discharges stormwater to surface waters of the State; and 2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more and discharge stormwater to surface waters of the State. <ol style="list-style-type: none"> a) This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, and discharge to surface waters of the State; and 	Acknowledged. The project will obtain and implement a Construction Stormwater General Permit (CSGP) during construction. Best management practices and a spill prevention, control, and countermeasures (SPCC) plan will also be developed and implemented to prevent and control erosion and potential contaminants from discharging to surface waters.

NO.	COMMENT	RESPONSE
	<p>3. Any size construction activity discharging stormwater to waters of the State that Ecology:</p> <p>a) Determines to be a significant contributor of pollutants to waters of the State of Washington.</p> <p>b) Reasonably expects to cause a violation of any water quality standard.</p> <p>If there are known soil/ground water contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted.</p> <p>You may apply online or obtain an application from Ecology's website at: http://www.ecy.wa.gov/programs/wq/stormwater/construction/ - Application. Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.</p>	
Commenter: City of Fife (Steven Friddle)		
1.	A letter was received from the City of Fife that acknowledged the inter-jurisdictional cooperation on this project that has occurred and that will continue to occur going forward.	There are no specific comments to respond to in the letter.