

November 9th, 2018

Ms. Stacey Welsh
Senior Planner
City of Federal Way
P.O. Box 599
Federal Way, WA 98010

Re: Greenline Warehouse "A" File No: 16-102948-SE

Dear Ms. Welsh:

The Rainier Audubon has reviewed the Notice of Mitigated Determination of Nonsignificance (MDNS) prepared by the City of Federal Way. We understand that the applicant proposes construction of a 45 foot-tall, 225,950 square-foot general commodity warehouse with 287 parking spaces and associated site work, including wetland fill located on a parcel that is part of the former Weyerhaeuser Corporation headquarters campus. It is our understanding that this proposal is a re-submittal of the Preferred Freezer/Orca Bay Seafoods application to the City made in August of 2016 and to which Rainier Audubon provided comments.

We request that the MDNS for Warehouse A be rescinded and a full EIS be done that includes review of upstream and downstream impacts to the Hylebos Stream system and Hylebos basin. In IRG's Technical Information Report, under the Surface Water Design Manual (SWDM), IRG is required to respond to the 9 core requirements and 5 special requirements. In Special Requirement #1, which asks "Are there any basin plans or salmon plans that the property is on, IRG erroneously responds no to both. In fact, there are several basin plans--KC Hylebos Basin Plan, Pierce County Basin Plan and Earth Corps Hylebos Watershed Plan. As well, the Puyallup Tribes has had a Salmon Plan for the Hylebos for decades. The SWDM states if there is a conflict between the SWDM and the Basin Plan/Salmon Plan, that the Basin Plan/Salmon Plan supersede(s) the SWDM; therefore, IRG's Level 1 review of 1/4 mile downstream is inadequate, the entire Hylebos Basin Plan must be reviewed.

In response and based upon our review of the MDNS, we are providing the following comments and recommendations:

Hylebos Basin Impacts

- A. Rainier Audubon **does not** agree with the MDNS determination for this application. This determination is since the MDNS fails to require further study of possible impacts to the Hylebos stream system.
 - a. The downstream drainage is the Hylebos, one of the most sensitive drainages in the State. There are many bogs and Category I wetlands in this system.
 - b. We request that the MDNS for Warehouse A be rescinded and a full EIS be done that includes review of upstream and downstream impacts to the Hylebos Stream system and Hylebos basin. In IRG's Technical Information Report, under the Surface Water Design Manual (SWDM), IRG is required to respond to the 9 core requirements and 5

special requirements. In Special Requirement #1, which asks “Are there any basin plans or salmon plans that the property is on, IRG erroneously responds no to both. IRG’s response to “Special Requirement No. 1 Other Adopted Area-Specific Requirements”

“There are no master drainage plans, basin plans, salmon conservation plans, stormwater compliance plans, flood hazard reduction plan updates, or shared facility drainage plans for this project. Special Requirement No. 1 does not apply.”

In fact, there are several basin plans—King County Hylebos Basin Plan, Pierce County Basin Plan and Earth Corps Hylebos Watershed Plan. As well, the Puyallup Tribes has had a Salmon Plan in place for the Hylebos for decades. The SWDM states if there is a conflict between the SWDM and the Basin Plan/Salmon Plan, that the Basin Plan/Salmon Plan supersede(s) the SWDM; therefore, IRG's Level 1 review of 1/4 mile downstream is inadequate, the entire Hylebos Basin Plan must be reviewed.

- i. The Hylebos Basin Plan was approved in 1994
- ii. The Pierce County Hylebos Basin Plan is from 2006
- iii. The Earth Corps Watershed Plan is from 2016
- iv. The Puyallup Tribe Climate Change Report 2016 covers the Hylebos Basin
- v. Puyallup Tribe Salmon Restoration

Furthermore as per King County SWM

1.3.1 SPECIAL REQUIREMENT #1: OTHER ADOPTED AREA-SPECIFIC REQUIREMENTS This manual is one of several adopted regulations in King County that apply requirements for controlling drainage on an area-specific basis. The areal clearing restrictions for RA-zoned parcels in KCC 16.82.150 (see Reference Section 3-A) is an example of zoning and land use restrictions used to reduce drainage impacts in certain areas of the County. Other adopted area-specific regulations include requirements that have a more direct bearing on the drainage design of a proposed project. These regulations include the following: • Critical Drainage Areas (CDAs): DNRP establishes CDAs in areas where flooding and/or erosion conditions present an imminent likelihood of harm to the welfare and safety of the surrounding community. The special requirements in CDAs typically include more restrictive flow control and clearing standards. Maps showing CDA boundaries are available from DNRP or DPER. • Master Drainage Plans (MDPs): MDPs are comprehensive drainage plans prepared for urban planned developments (UPDs) or other large, complex projects (described in Section 1.1.2.5). Projects covered by a MDP must meet any adopted requirements specific to that plan. • **Basin Plans (BPs):** The King County Council adopts basin plans to provide for the comprehensive assessment of resources and to accommodate growth while controlling adverse impacts to the environment. A basin plan may recommend specific land uses, regional capital projects, and special drainage requirements for future development within the basin area it covers. • **Salmon Conservation Plans (SCPs):** Salmon conservation plans are

comprehensive, ecosystem based plans intended to identify and assess the means to protect and restore salmon habitat through mechanisms such as habitat improvements, regulations, incentives, BMPs, land acquisition, and public education activities. These plans are developed in collaboration with other jurisdictions within a water resource inventory area (WRIA) designated by the state under WAC 173-500-040 and spanning several basins or subbasins. • Stormwater Compliance Plans (SWCPs): Stormwater compliance plans are a subbasin or outfall specific assessment of the quantity and/or quality of King County's municipal separate storm sewer system discharges to determine actions necessary for compliance with the National Pollutant Discharge Elimination System (NPDES) General Municipal Stormwater Permit issued by the state Department of Ecology pursuant to the federal Clean Water Act. These plans/studies may recommend capital projects, flow control standards, water quality controls, public education activities, or other actions deemed necessary for compliance with the Clean Water Act and RCW 90.48, Water Pollution Control. • Lake Management Plans (LMPs): The King County Council adopts lake management plans to provide for comprehensive assessment of resources and to accommodate growth while controlling

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...adverse impacts from nutrient loading to selected lakes. A lake management plan may recommend nutrient control through special drainage and source control requirements for proposed projects within the area it covers. • Flood Hazard Management Plan (FHMPs): The King County Flood Hazard Management Plan and related updates is a regional plan prepared in accordance with RCW 86.12.200 and is a functional element of the King County Comprehensive Plan for the purpose of reducing flood risks. It includes (1) policies to guide floodplain land use and flood risk reduction activities; (2) geographically based descriptions of hazards and associated strategic vision; (3) program and project recommendations, including capital improvement projects, maintenance, relocation and elevation of homes, flood warning improvements, and river planning activities; and (4) implementation priorities for program and project recommendations. The FHMP is updated every 5 years. • Shared Facility Drainage Plans (SFDPs): SFDPs are approved by King County to allow two or more projects to share drainage facilities required by this manual. Projects covered by a SFDP must meet any specific requirements of that plan.

Threshold Requirement

IF a proposed project is in a designated Critical Drainage Area or in an area included in an adopted master drainage plan, basin plan, salmon conservation plan, stormwater compliance plan, flood hazard management plan, lake management plan, or shared facility drainage plan . . .

THEN the proposed project shall comply with the drainage requirements of the Critical Drainage Area, master drainage plan, basin plan, salmon conservation plan, stormwater compliance plan, flood hazard management plan, lake management plan, or shared facility drainage plan, respectively.

Application of this Requirement The drainage requirements of adopted CDAs, MDPs, BPs, SCPs, SWCPs, FHMPs, LMPs, and SFDPs shall be applied in addition to the drainage requirements of this manual unless otherwise specified in the adopted regulation. **Where conflicts occur between the two, the drainage requirements of the adopted area-specific regulation shall supersede those in this manual.** Examples of drainage requirements found in other adopted area-specific regulations include the following: • More or less stringent flow control • More extensive water quality controls • Forest retention requirements • Infiltration restrictions • Groundwater recharge provisions • Discharge to a constructed regional flow control or conveyance facility.

Adjustments to vary from the specific drainage requirements mandated by CDAs, BPs, SCPs, SWCPs, FHMPs, and LMPs may be pursued through the adjustment process described in Section 1.4 of this manual. Copies of all adopted CDAs, basin plans, SCPs, SWCPs, FHMPs, and lake management plans are available from DNRP or DPER. Projects covered by SFDPs shall demonstrate that the shared facility will be available by the time the project is constructed and that all onsite requirements are met. Projects covered by a SFDP are still required to provide any onsite controls necessary to comply with drainage requirements not addressed by the shared facility.

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- c. There is no Technical Information Report Analysis from King County—where is this report?

- B. There are existing barriers to passage from Hylebos Creek though this has not been investigated. The Washington Department of Fish and Wildlife should require a salmonid survey for resident fish prior to issuing a Hydraulic Permit Approval (HPA) for the overall project. The TESC plan should be verified and there should be an inspector on site whenever there is work being done near a water body to be sure erosion control measures are being implemented. Especially at the southern end where the project dumps into the Hylebos system where there are salmonids.

Wetland Mitigation

- A. The property is in the King County Hylebos Basin, the Pierce County Basin plan and Earth Corps Hylebos Watershed Plan. These plans focus on key restoration sites throughout the Hylebos stream system. The chosen wetland mitigation site should be reevaluated accordingly to the most important need of the Hylebos Basin and mitigation be done there. In *King County 1990 Hylebos Creek Current and Future Conditions Report*, which is part of the Hylebos Basin Plan, the 54 acres along the western shoreline of North Lake where IRG has identified its mitigation site are already identified by King County as the “best littoral and lacustrine habitat” in King County’s Hylebos Creek system. Given that there are other areas identified in the Hylebos Basin Plan in need of restoration, the city should reconsider the wetland mitigation location with consultation with King County and Pierce County.

- B. There is no mitigation for oil control and runoff from Weyerhaeuser Way where an increase of traffic will flow untreated into the wetlands on the western shoreline of North Lake and into North Lake. It is estimated that Warehouse A will bring an additional 199 semi-trucks and 795 passenger vehicles. The city has no control over WHERE and HOW these vehicles will arrive at and leave from the Warehouse B—so 994 additional vehicles contributing to runoff along Weyerhaeuser Way must be reviewed and mitigated. In addition, the future traffic from DaVita and IRG’s two other land use proposals must be factored in.

The trip generation estimates for the proposed IRG Greenline Building A and B developments were based on methodology documented in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 9th Edition for LUC 150 (Warehousing). Table 4 summarizes the new weekday daily, AM peak hour, and PM peak hour trip generation estimates for the proposed project.

**Table 4
Trip Generation Summary**

Time Period	New Trips Generated (PASSENGER VEHICLES ONLY)			New Trips Generated (TRUCKS ONLY)			Total New Trips Generated (ALL VEHICLES)		
	In	Out	Total	In	Out	Total	In	Out	Total
Building A									
Daily	398	397	795	99	100	199	497	497	994
AM Peak Hour	81	22	103	21	5	26	102	27	129
PM Peak Hour	20	60	80	5	15	20	25	75	100
Building B									
Daily	382	381	763	95	96	191	477	477	954
AM Peak Hour	80	21	101	20	5	25	100	26	126
PM Peak Hour	19	59	78	5	14	19	24	73	97

Endangered Species Act

- A. IRG does not mention that the project is situated in a Salmon Plan—the Puyallup Tribe Salmon Plan. ESA species, including steelhead, chinook and bull trout utilize the Hylebos system and the Tribe and others have spent millions of dollars to restore over the last several decades. Preservation of base flows to the creek and quality of runoff to the creek are of paramount importance to the tribe. A full EIS to understand impacts to the ESA salmon is required.
- B. The warehouse roof material is made of zinc. After a year and sun exposure, the zinc will leach into the stormwater and zinc is a known salmon killer. Further review is needed of a better roof material that does not harm salmon or pollute the Hylebos.

Wildlife Study is incomplete and Mitigation insufficient

- A. The wildlife comments by Talasaea do not show any report of methodology and the report is more an incidental description of seeing wildlife while doing other assessments. A proper grounds truthing methodology is required. Our Rainier Audubon has documented WDFW and USDFW species of concern on the Warehouse A property and campus that IRG fails to identify and fails to include in its mitigation plan. Proper mitigation for these species is required—not

just IRG's mention of 'we will put up bird nesting boxes and bat boxes" which is insufficient mitigation. The city has erred in not requiring better mitigation for the species of concern— Pileated Woodpecker, Olive-sided Flycatcher, Willow Flycatcher, Rufous Hummingbird, Purple Finch and others.

Arsenic Study Missing

- A. The Weyerhaeuser Campus, like much of Federal Way is in the arsenic fallout zone of the Asarco Plant. How is it that further study is not required to understand if during construction and during clearing of the mitigation site that arsenic will be disturbed and enter the North Lake. How will that affect water quality? This is an environmental impact that warrants greater study. Currently, UW Limnologist is studying Arsenic levels in North Lake and has found levels higher than anticipated.

Cultural Assessments—Tribal review, Historical Review

- A. Impacts to Tribal fishery, habitat, treaty fishing grounds and practices, as well as the hydrology and hydrologic function, water quality, cultural resources, and forest practices have not been reviewed. An EIS review is needed to fully understand how the proposed development will impact the tribe's fishery, habitat and treaty fishing grounds and practices. IRG has failed to include this in the SEPA. The Puyallup Tribe has submitted comment to the city of Federal Way, yet the city has failed to require IRG do an in-depth study of these impacts. The city must re-evaluate.
- B. The DAHP has submitted comment requesting that the campus be surveyed and recorded by professionals with expertise in architectural history as well as cultural resources to document historic and cultural resources on the entire campus. As well, the building is eligible for listing on the National Register of Historic Places, so the impacts of the warehouse on the historic preservation should be reviewed.

Traffic

- A. Traffic Impacts to King County Unincorporated roads, Washington State Highways—I-5 and Highway 18 must be included in the review. A full EIS with an expanded scope of its Traffic Impact Analysis for these traffic studies are needed and, also cumulative traffic impacts of all 3 IRG warehouse applications as this is an incremental project.

Technical Information Report missing completed items

- A. Oil Control, conveyance system and calculations, erosion and sediment control plan, operations and maintenance plan have all been ignored in the TIR. These critical items must be reviewed. The city has erred in issuing a SEPA determination before this information is complete.
- B. IRG must submit an erosion and sediment control plan that includes the Hylebos Basin.

Wetland Discrepancy

- A. Discharge no longer occurs at natural location as the total ground water infiltration and surface area flows are being drastically altered and channeled down the Hylebos. There should be zero net loss. Review is required.

Cumulative Review of all 3 of IRG's Phased Projects

- a. The three IRG vested applications—Warehouse A, Warehouse B and Greenline Business Park—are connected as they are part of a **phased project** as defined under SEPA regulation:

“Because of the background of the 3 land use proposals (Warehouse A, B and Greenline Business Park), the City is required to conduct consolidated land use and environmental review of the pending applications, not segmenting or bifurcating review. This is based on the following.

- A. ONE OWNER: The entire 426-acre Weyerhaeuser Campus was purchased in 2016 by IRG, a California developer of warehouses and business parks.
- B. THREE CURRENTLY PENDING APPLICATIONS: IRG has filed applications for use of significant portions of the Weyerhaeuser Campus, including the Greenline Business Park, Warehouse A and Warehouse B, which have been deemed complete by the City. These three applications will be referenced herein as the “IRG Applications.”
- C. SAME ZONE FOR ALL PARCELS: The IRG Applications are all in the CP-1 zone. That zone is only applicable to the Weyerhaeuser Campus parcels and not to any other properties in the city.
- D. UNDER SEPA, THE THREE PENDING APPLICATIONS MUST BE CONSIDERED IN A SINGLE ENVIRONMENTAL DOCUMENT: The City of Federal Way has adopted most of the Washington State SEPA Rules, WAC Chapter 197-11 into Federal Way's code including WAC 197-11-060 Subsection (b). This section provides as follows:

(b.) Proposals or parts of proposals that are related to each other closely enough to be, in effect, a single course of action shall be evaluated in the same environmental document (Phased review is allowed under subsection (5).). Proposals or parts of proposals are closely related, and they shall be discussed in the same environmental document, if they:

(i) Cannot or will not proceed unless the other proposals (or parts of proposals) are implemented simultaneously with them; or

(ii) Are interdependent parts of a larger proposal and depend on the larger proposal as their justification or for their implementation.

In addition, WAC 197-11-060(c) provides as follows:

(c) (Optional) Agencies may wish to analyze “similar actions” in a single environmental document.

(i) Proposals are similar if, when viewed with other reasonable foreseeable actions, they have common aspects that provide a basis for evaluating their environmental consequences together, such as common

timing, types of impacts, alternatives, or geography. This section does not require agencies or applicants to analyze similar actions in a single environmental document or require applicants to prepare environmental documents on proposals other than their own.

(ii) When preparing environmental documents on similar actions, agencies may find it useful to define the proposals in one of the following ways: (A) Geographically, which may include actions occurring in the same general location, such as a body of water, region, or metropolitan area; or (B) generically, which may include actions which have relevant similarities, such as common timing, impacts, alternatives, methods of implementation, environmental media or subject matter.

The IRG Applications have a *common owner* (IRG), *common timing* (all have complete pending applications), *common geography* (all on the Weyerhaeuser Campus), *common impacts* and *common zoning* (CP-1, applicable only to this property). The projects, individually and cumulatively, will impact downstream water resources, including the Hylebos Stream, Milton's East Hylebos Ravine, Fife's Lower Hylebos Nature Park, Puyallup Tribal Water, the Hylebos Waterway and associated wetlands and habitat. The Business Park proposal alone will total 1,441,000 square feet of impervious surface and Warehouses A & B will total over 500,000 square feet of impervious surface. There appears to be little question that a proposal with more than 2,000,000 square feet of structure and other impervious surfaces will have a significant impact on the environment and accordingly requires an environmental impact statement (EIS).

- b. In addition, the three development proposals are included within the "Corporate Park 1" or "CP-1" zone, which was adopted by the City in Ordinance 94-219 as a part of the annexation of this and other nearby property in 1994. The CP-1 zone only applies to the former Weyerhaeuser Campus. Ordinance 94-210 also reached certain "Conclusions of Law," beginning at page 4; these Conclusions applied to the entire annexation area, including the property where IRG's three pending proposals are located. Conclusion B states that the property, as a whole, has "unusual environmental features" and that the ordinance is the "means to preserve and protect these natural features," again referencing to the entire annexation area. Conclusion C states that "any development in the corporate headquarters area is low density characterized by large expanses of open space." The 1994 City of Federal Way/Weyerhaeuser Concomitant Agreement (CA) controls development on the Weyerhaeuser Campus, in that the CA requires that the entire site be considered when development proposals are made.

The Corporate Park Zone (CP-1) found at Exhibit C to the CA also stresses that the entire site is to be considered together in review and analysis. The CP-1 zone states its Purpose and Objectives, saying that the properties in the zone:

...are characterized by large contiguous sites with landscape, open space amenities, and buildings of superior quality. The property appropriate for such uses is unique, and demands for such uses are rare. Consequently, special land uses and site regulations are appropriate for such properties.

It is wholly inconsistent with the CP-1 zoning, and the background of the CA and Ordinance 94-219, to separately consider individual projects when the City of Federal Way recognizes that the proposals are located on a unique property. This is especially true when IRG, the property owner, has three complete and pending applications to use substantially all of the CP-1 zoned area. IRG should submit an environmental checklist which considers the cumulative impact of the three pending proposals.

- c. Declaring that Warehouse A, Warehouse B and Greenline Business Park are unrelated developments is a classic case of piecemealing--something the US Army Corps of Engineers and WA State Department of Ecology do not allow. The MDNS must be rescinded and a full cumulative SEPA review of all 3 projects is required.

Thank you for the opportunity to review and comment. If you have any questions, please feel free to contact me, on behalf of Rainier Audubon.

Sincerely,

Cindy Flanagan
Rainier Audubon Board Member
253-315-0799
camcalcin@hotmail.com

Rainier Audubon Board

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