

- April 8, 2020

Mr. Barry Berezowsky:

I reviewed the Mitigated Determination of Nonsignificance (MDNS) prepared by the City of Sequim for the Jamestown S’Klallam Tribe Outpatient Clinic Application (File No. CDR 20- 001). This document does not meet the Department of Ecology’s requirements to fully and accurately assess the potential adverse and positive impacts of a proposed project. I have provided (1) my overall concerns regarding the MDNS in comparison to questions presented in the Department of Ecology’s “Guide to commenting on SEPA documents” section of its SEPA Guidance web page, and (2) comments on the determinations the city reached on specific elements of the environment, particularly elements of the environment that were not accurately or adequately addressed in the SEPA checklist prepared by the applicant’s contractor.

OVERALL CONCERNS

- *Are the SEPA documents complete and accurate?*

The completed SEPA checklist includes inaccurate statements that were not corrected by the city or identified by the city and is lacking in the details needed to understand the proposed project details as they relate to potential impacts.

- *Do they provide enough information to analyze likely environmental impacts?*
Key portions of the completed SEPA checklist and the resultant MDNS are missing the level of detail needed to reasonably assess potential impacts.
- *Do they identify mitigation measures to avoid adverse impacts?*
Mitigation measures were not required for several elements of the environment that could experience significant impacts
- *Is the evaluation and Determination of Significance supported by findings and conclusions?*

The MDNS does not provide the information needed to reasonably assess the potential for adverse impacts to several elements of the environment and therefore the Determination of Significance is not supported by analysis of the information presented in the completed SEPA checklist or in the information included in the MDNS.

- *Are there alternatives that address the proposal’s purpose and need?*

In the “Lead Agency: City of Sequim” section of the MDNS, the city made the following statement:

“Comments on the MDNS for this proposal will be accepted no later than April 8, 2020 and shall be as specific as possible and may address either the adequacy of the environmental document **or the merits of the alternatives discussed** (*emphasis is mine*) or both.”

However, **the MDNS does not even mention alternatives or purpose and need**, nor does the completed SEPA checklist. There is substantial evidence that (1) the proposed project is not needed and (2) there is at least one reasonable alternative to the proposed project. Without a discussion of the purpose and need for the proposed project and without a discussion of reasonable alternatives, the MDNS does not present a full and accurate analysis of the potential impacts of the proposed project.

As a result of these shortcomings and the major issues described below, the MDNS falls short of the Department of Ecology's requirements to fully and accurately assess the potential adverse and positive impacts of the proposed project. Without an accurate description of the environment and a more detailed analysis of potential impacts, it is not possible to determine whether or not implementation of the project would result in significant adverse impacts. As a result, the city should conduct a more thorough environmental review in a draft environmental impact statement for the proposed project.

COMMENTS ON ELEMENTS OF THE ENVIRONMENT

My comments on the MDNS are presented below for specific elements of the environment which I believe require correction due to inaccuracies in the completed SPEA checklist, additional information to fully understand the potential for adverse impacts, and additional analysis to fully and accurately assess the potential adverse impacts. These comments are organized using the numbering system presented in the MDNS.

5. Animals

Comment: There are conflicting statements in the completed SEPA checklist regarding the "animals" element of the existing environment. However, the MDNS does not recognize that there are polar opposite statements in the completed checklist and simply states that "Staff concurs with the checklist description."

The city needs to resolve the issue of the following diametrically opposed statements in the completed checklist:

Section 5a of the completed checklist states the following:

"Per the DOE, Northern Spotted Owl, Winter Steelhead, Coho, and Pink Salmon Odd Year inhabit the site. However, the irrigation ditch is used for irrigation purposes and does not have fish."

Section 5c of the completed checklist states the following:

"The site is part of the migration route for the winter steelhead, coho, and pink salmon odd year."

If the site is part of migration routes of the northern spotted owl, winter steelhead, coho, and pink salmon, or if these species inhabit the site, the MDNS should address potential adverse impacts that implementation of the proposed project would have on these species in a more detailed analysis. If there are potential impacts, the city needs to require mitigation measures that would avoid or minimize impacts to those species. Impacts on the northern spotted owl, winter steelhead, coho, or pink salmon have the potential for being significant and therefore would require issuance of a draft EIS.

By having polar opposite responses regarding fish species within Section 5 of the completed checklist, the city needs to question the accuracy of the responses. More importantly, the statement in Section 5c does not address the Northern Spotted Owl, which the Department of Ecology identified as inhabiting the site. The city has not required any mitigation measures for the northern spotted owl even though this threatened and endangered species has been identified as inhabiting the site. These are major deficiencies in the environmental review.

To more accurately assess the potential impacts of implementation of the project on these species, the city would have to conduct either agency consultations to determine the presence or absence of the species or conduct research to determine which statement in the completed checklist is accurate. If those efforts determine that all or some of these species do use the site, to comply with SEPA requirements, the city would have to prepare and circulate a draft EIS to address the potential impacts. If the species do not use the site, to comply with SEPA requirements, the city would have to prepare a revised MDNS that states it has verified that none of the species use the site and that is the reason for its determination of no significant impacts to the species.

The simple statement in the MDNS that "Staff concurs with the checklist description" is wholly inadequate for a full and accurate assessment of impacts to animals.

Sincerely yours,

Margaret Anne Sigman-Bailey