

April 7, 2020

City of Sequim
152 West Cedar St.
Sequim, WA 98382

Attn: Barry Berezowsky, SEPA Responsible Official
Tim Woolett, Senior Planner

RE: Mitigated Determination of Non-Significance (MDNS)
SEPA File No. CDR 20-001

Mr. Woolett:

I reviewed the Mitigated Determination of Non-Significance (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.**

In addition to my comments on the MDNS, I also have commented in detail on the SEPA checklist. This is because I found many of the questions on the SEPA checklist inaccurate or not fully addressed, and those deficiencies were ignored by the City in their review. Based on the SEPA checklist as presented, it should not have been possible to issue a Determination of Non-Significance. And yet...

My comments are based on research and personal experience with environmental compliance as the Project Administrator and owner site-rep for a Cogeneration Power Plant in Kapolei, HI. I was responsible for all environmental contracts and compliance with State Department of Health and Federal EPA. I ask that you genuinely consider my comments to the MDNS and SEPA Environmental Checklist for the proposed Regional MAT Clinic, signed March 23, 2020, by Tim Woolett for Barry Berezowsky, SEPA Responsible Official.

Sincerely,

Gayle M. Baker

Gayle M. Baker

Comments to
Mitigated Determination of Non-Significance

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 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 to
SEPA Environmental Checklist

A. Background

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. *“This project is a standalone development, although in the future facility expansion or additional services may be added to the residual site, if the needs arise. Currently, there are no plans to expand or seek future facilities.”*

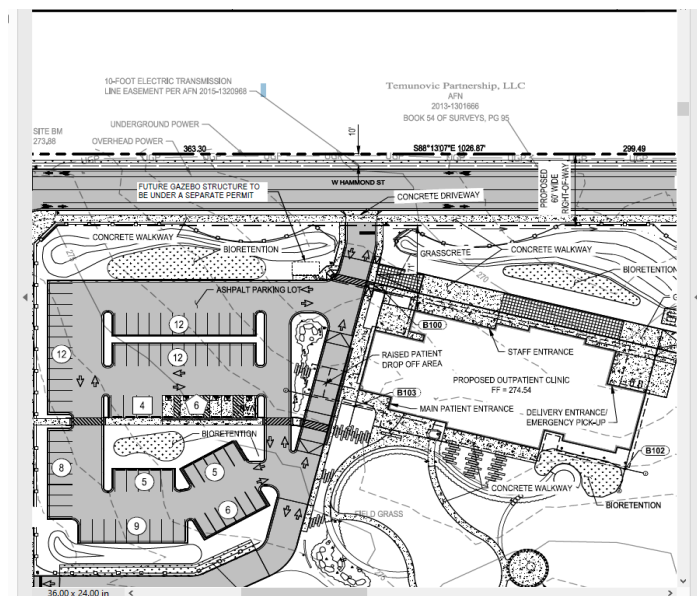
Comment to A.7:

The Applicant/Developer’s response to this question is ambiguous. First it states: *“...although in the future facility expansion or additional services **may be added**...”*. Same question, different answer: *“Currently, there **are no plans to expand or seek future facilities**.”* (emphasis mine). Additionally, in the Applicant/Developer’s “Healing Campus Fact Sheet”, which was disseminated on August 8, 2019, at the Guy Cole Event Center, it states: *“**The Tribe also plans to build a 16-bed psychiatric treatment (E&T) hospital that will open in 2022...**”* (emphasis theirs). Krazan & Associates Geotechnical Engineering Investigation, October 24, 2019) clearly shows Phase 1, Phase 2 and the 16-bed Psychiatric (E&T) unit on the Map (Figure 1) submitted with the SEPA Environmental Checklist.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. *“None known”*

Comment to A.9:

Drawing to the right shows the street running east to west as the “PROPOSED 60’ WIDE RIGHT-OF-WAY” with “W. Hammond St” identified. (Drawing C1.0 from JTSK Architect Rice Ferus Miller-SEPA Attachment)



The Hammond/Prairie Streets, Highway 101 bypass which, although not “pending” with the city, is included with this project being planned by the Applicant/Developer (see above): *“The project is planning to extend the existing 9th Ave right-of-way south to the project main entrance as shown in the preliminary site plan is provided in Figure 2. **The project will also construct a new road (West Hammond Street) along the north side of our property that will consist of two 11’ traffic lanes and a 6’ bike lane on each side.**”*

(emphasis mine) (Transportation Engineering Northwest-Traffic Impact Analysis, 1/10/2020). Who will pay for the construction? Who will own and maintain the streets constructed for the purpose of accessing the MAT clinic? There are unverified reports that a 9th Ave exit/entrance direct to Hwy 101 from the project property is the end goal. Who pays for that? None of the construction nor maintenance of future streets used for this project's purpose should be at taxpayer expense in building and maintenance nor, however, should the Applicant/Developer be able to pick and choose which streets are built to further their project.

10. List any government approvals or permits that will be needed for your proposal, if known. *"City of Sequim Design Review, City of Sequim Building Permits, City of Sequim Public Works Permits."*

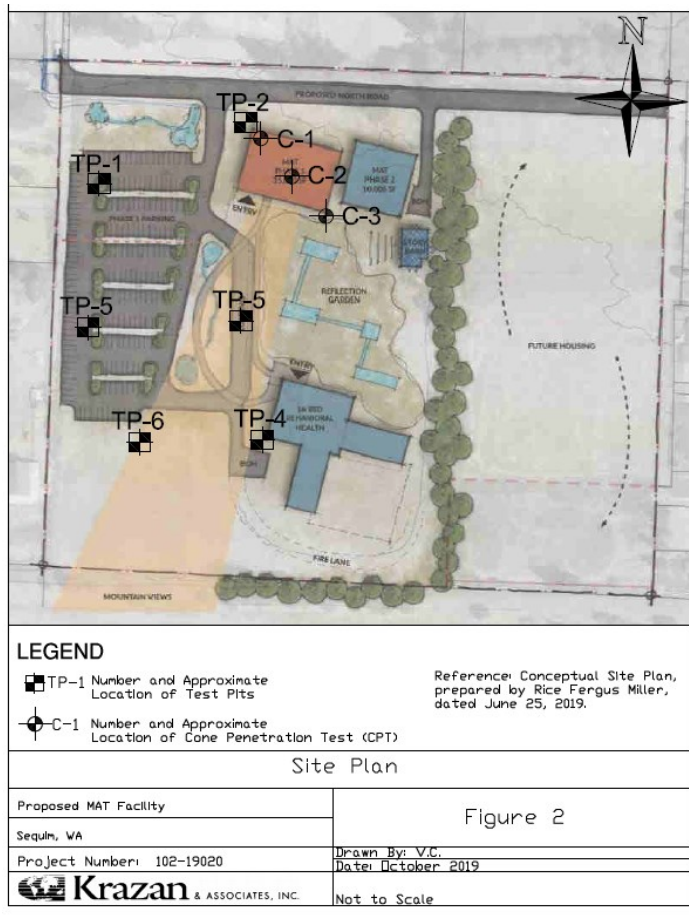
Comment to A 10:

- The Applicant/Developer cites childcare as a service at the proposed clinic. Is a permit required? Does this move the application to a C2 process?
- The Applicant/Developer includes the 9th Ave and Hammond Streets' bypasses in the application documents. Who owns the land where the bypasses will be installed? Is this public land or private? Is the Developer/Applicant planning on using right of ways to develop roads for its project?
- Is a permit or approval from the Sequim Prairie Tri-Irrigation Association required to withdraw water from the irrigation ditch located on the property? ([www.clallam.net › W18d1_Appendix1-C-WUA-RulesRegulations](http://www.clallam.net/W18d1_Appendix1-C-WUA-RulesRegulations))
- Will the Applicant/Developer be using well water? If so, WAC 173-518 applies. (<http://www.clallam.net/permits/WaterRule.html>)

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. *"The project includes the construction of a 16,720 SF medical clinic that will be made up of medication assisted treatment program which offers FDA approved dosing, primary care services, consulting services, dental health services and childcare services while clients are seen."*

Comment to A. 11:

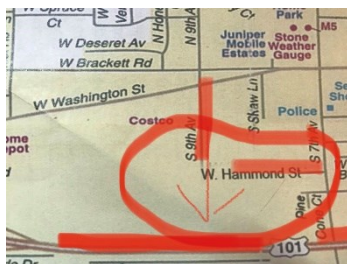
- The proposed use includes childcare, however, no mention of permit or licensing for childcare is included in the Application.
- The Applicant/Developer previously cites Phase 1 and Phase 2 plans, **"The Tribe also plans to build a 16-bed psychiatric treatment (E&T) hospital that will open in 2022..."** (emphasis theirs). The Applicant/Developer has since denied that Phase 2 is part of this application. The \$7.2 million grant includes infrastructure for phase 2. The map below (Krazan & Associates Geotechnical Engineering Investigation, October 24, 2019, Figure 2) clearly shows the 16-bed Psychiatric (E&T) unit as part and parcel to Phase 2. Also included with these plans in this document, but not addressed in this application: housing. Shown as "FUTURE HOUSING" (Figure 2, below).



- PHASE 1
- PHASE 2
- 16 BED BEHAVIORAL HEALTH (psych)
- Housing

12. Give enough information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. *The site is located between South 7th Avenue and South 9th Avenue, immediately east of the **proposed South 9th Avenue extension in Sequim, Washington.*** (Emphasis added.) *“...the ditch is regulated by the Sequim Prairie Tri-Irrigation District.”*

Comment to A.12:



The South 9th Ave/Hammond extension to Hwy 101 should not be for the benefit of the Applicant/Developer at taxpayer expense. That the Applicant/Developer continues to mention this in the application and has drawings supporting their supposition (see comment to A.9), gives the public the assumption that they intend for it go from “proposed” to “pending” to approved. *“The project is planning to extend the existing 9th Ave right-of-way south to the project main entrance as shown in the preliminary site plan is provided in Figure 2. The project will also construct*

a new road (West Hammond Street) along the north side of our property that will consist of two 11’ traffic lanes and a 6’ bike lane on each side.” (Transportation Engineering Northwest-Traffic Impact Analysis, 1/10/2020).

It should be noted that in the same study, TENW cites the following: **“Based on a review of the current Sequim 2020-2025 Transportation Improvement Program, there are no planned improvements identified at the study intersections or roadways adjacent to the site.”** (emphasis mine) If the Applicant/Developer is proposing to make adjustments and additions to city streets as part of this current

Phase 1 and Phase 2 project and applicable to their future plans for housing at this site, that pushes it into a C2 review.

B. Environmental Elements

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. *“Excessive emissions are not anticipated during the operation and maintenance of the project in the long term.”*

Comment to B.2.a:

By dictionary definition “excessive” means: **More than necessary, normal or desirable**. Construction on such a large project during the dry months will invariably stir up **more than normal or desirable** dust from the dirt and grasses disturbed, and **more than normal** air pollution from emissions—diesel and gasoline.

Following construction into operation, 370 trips to and from **daily** are anything but normal for an area already overburdened with traffic, and **more than normal or desirable** at the roundabouts by Costco and Walmart. This is a small town with small town infrastructure. This is not the right location for such a large facility.

3. Water

a. Surface Water

- 1) **Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.** *“There is a small irrigation ditch on the site. This ditch eventually flows into the Dungeness River after meandering through the City of Sequim.”*

Comment to B.3.a. (1):

What will the Applicant/Developer do to mitigate incursion into the irrigation ditch (downstream and off property) from the piping to be installed, of sediment and waste materials (sand, gravel, oils, solvents, etc.) during construction?

b. Ground Water

- 1) **Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.** *“MP rotator type irrigation will be used. Irrigation quantities will be approximately 420,000 gallons from April-October, assuming medium water use plants.”*

Comment to B.3. b (1):

The Applicant/Developer is proposing to draw 420,000 gallons of water from somewhere. We don’t know from what resource (city, well, or irrigation ditch) because the question isn’t answered. Applicant should answer the question in detail. To clarify, it is my understanding that the following rules apply for:

- ✓ **Groundwater:** The Applicant/Developer does not list on this application a permit submission to Clallam County under the Dungeness Water Rule WAC 173-518. Specifically for metering and reporting water use (WAC 173-518-060) (<http://www.clallam.net/permits/WaterRule.html>) for the use of groundwater for irrigation purposes:

“The Dungeness water management rule was adopted in late 2012 to protect flows in a critical basin for endangered fish. Elements of the [Dungeness water management](#) rule include:

- *Setting instream flow levels for the Dungeness River mainstream, tributaries, and independent drainages.*
- *Requiring mitigation for any new groundwater withdrawals, including permit-exempt wells, and providing for a water exchange to facilitate mitigation.*
- *Closing streams year-round or seasonally.*
- *Establishing reserves for in-house domestic uses.”*
(<http://www.clallam.net/permits/WaterRule.html>)

Will the Applicant/Developer qualify for a well-water permit under the new Water Rules (<http://www.clallam.net/permits/WaterRule.html>)? What would the well water be used for, other than landscaping?

- ✓ **Irrigation Water:** If the Applicant/Developer is instead depending on drawing water from the irrigation ditch traversing the property, the Applicant/Developer must secure irrigation rights from the Sequim Prairie Tri-Irrigation District, as so noted in A.12 by the Applicant/Developer: *“The ditch is regulated by the Sequim Prairie Tri-Irrigation District.”* Irrigation Rules further restrict the possibility of the Applicant/Developer drawing from the irrigation ditch. The following rules apply:

- *Do not allow for water to be drawn without approval from the applicable Irrigation District*
- *The irrigation season runs from April 15-September 15*
- *Quantity shall be limited to .02 c.f.s (8.98 gallons per minute)*
- *“Water may only be put to “beneficial use” and shall not be wasted.”*

([Appendix 1-C: Sequim-Dungeness Valley Agricultural Water Users Association Rules and Regulations.](#))

“The water rights were for irrigation, not to take water from the river and put it in the ground,” Holtrop said. “Now we’re getting back to how things were naturally.” Peninsula Daily News, May 11, 2014. (<https://www.peninsuladailynews.com/news/irrigation-central-to-growth-of-dungeness-valley-now-changing-for-farms-with-recent-water-rule/>)

Even if the Applicant were to obtain irrigation water rights, the gallons they propose to use and the months when they propose to use the water are not in alliance with the rules as noted above. In addition, there is no record on Clallam county tax records that water has been drawn from this site for the previous year, so water rights may not be “grandfathered” and available without review.

- ✓ **Discharge Water:** Applicant/Developer fails to answer the question: **Will water be discharged to groundwater?** Using irrigation or well-water would negatively affect an already depleted river system (by removing, but not recharging Dungeness river water). This must be made clear in the application. If the Applicant/Developer is intending to use irrigation water for “medium water use plants” then that water will be discharged into the ground and not to the river by way of the irrigation ditch. This should be addressed.

One can hope that as stewards of the land, and as a Water Conservation Partner, the Applicant/Developer would not impose such a load on an already stressed river system, in light that irrigation water is intended to be for “beneficial use.” One would also hope that this Applicant/Developer will not take advantage of their position of trust in the community, nor their partnership with the following water trustees, to use water resources which they otherwise would not be entitled to use—regardless of their tribal status.

Water Conservation Partners

- Washington Department of Ecology
- Clallam Conservation District
- Clallam County PUD
- Clallam County Built Green
- City of Port Angeles
- City of Sequim
- Jamestown S’Klallam Tribe
- Lower Elwha Klallam Tribe
- WSH Extension-Clallam County Extension
- North Olympic Peninsula RC&D
- North Olympic Land Trust
- Dungeness River Audubon Center
- Dry Creek Water Association
- Sunland Water District

c. Water Runoff

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. *“Bioswales, filter strips, and onsite infiltration will be used to collect and dispose of runoff. Runoff will be treated on site and will not flow offsite. The downstream irrigation ditch will only be used for runoff in the event of an emergency overflow, in which case the water will eventually flow into the Dungeness River.”*

Comment to B.3.c (1):

What constitutes an “emergency overflow”? What practices and equipment are to be put into place to prevent an overflow?

- d.** Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: *“Proposed measures to reduce surface, ground, and runoff water, and drainage pattern impacts are the use of bioswales and filter strips.”*

Comment to B.3.d:

What type of filters? What other practices are to be implemented to mitigate impact to the Dungeness River?

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. *“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.”*

Comment to B. 5.a:

Northern Spotted Owl and Coho salmon are protected. The Applicant/Developer listed both species as being present, and the City signed off that this is accurate information and issued a **“DETERMINATION OF NON-SIGNIFICANCE.”** If there are Northern Spotted Owls present, then that is significant and requires further review through the C2 process to determine if they are present on this property.

- b. List any threatened and endangered species known to be on or near the site. *“Northern Spotted Owl, Coho”*

Comment to B. 5.b:

If either of these species are present on the site, then the site needs to be mitigated to determine if this project can proceed without harming an endangered species. If the Applicant/Developer listed these species even though they are not present on this property, the application needs to be corrected.

- c. Is the site part of a migration route? If so, explain. *The site is part of the migration route for the winter steelhead, coho, and pink salmon odd year.*

Comment to B. 5.c:

The City was remiss in approving the SEPA Checklist without first editing it for errors and omissions. At one point in the checklist the site has no fish and at another point they are part of a migration route. It appears the Applicant/Developer and City anticipated the application to slide through without review.

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. *“A propane powered backup generator will be used. It will be powered by an underground propane unit.”*

Comment to B. 6.a:

Question is not answered. What will be used as the main source of energy? What is it to be used for?

7. Environmental Health

a. Environmental Health Hazards

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. *“There will be a medical storage room sized at approximately 23 square feet containing medical gas tanks. For dental use, there will be three Nitro Size J tanks and four Oxygen Size J tanks. Two of each tank type will be hooked up, and the rest will serve as backups. For medical use, it is anticipated that there will be one to two mobile oxygen 10-liter bottles and one small Nitro bottle less than ten liters.”*

Comment to B. 7.a. 3):

Toxic & Hazardous Chemicals that are not listed, but should be:

biohazard blood & urine
medical waste
dental waste
used needles & syringes
class II & III drugs and
any other medication prescribed

4) Describe special emergency services that might be required. *“None.”*

Comment to B. 7. a. 4):

One of the biggest issues for those citizens of Sequim who are opposed to the MAT clinic, is the lack of services in Sequim to address the needs that a 250-patient clinic and a sixteen bed psych facility will bring to such a small town. The Applicant/Developer describes state-of-the-art measures taking place INSIDE the clinic, but there is nothing they or anyone else can do once the patients walk off the clinic property. The problem(s) then become the city’s to deal with: homelessness, mental illness, drug addiction, drug dealers, panhandling, garbage, human waste, needles, thefts, etc.

5) Proposed measures to reduce or control environmental health hazards, if any: *“None known.”*

Comment to B. 7. a. 5):

There appears to be no concern on the part of the Applicant/Developer for the consequences of homeless addicts on the streets of Sequim. We citizens of Sequim, whether for MAT or against, are well aware of the plastic bags of human waste left outside the post office and next to or behind businesses in the downtown area. We are all aware of the needles found in parks, under bridges and along the roads of Sequim. The past summer citizens complained about the large number of panhandlers hanging around the shopping centers of Sequim. The Applicant/Developer may be able to control what happens on their property, but they can’t and won’t control what happens outside their property. They won’t be picking up the human waste, the needles or the garbage. Stating “none known” is not correct.

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? *“No adverse noise is anticipated as a result of this project.”*

Comment to B. 7. b. 1):

Why is this question on the application? At this point one should not be concerned with any noise that may affect the Applicant/Developer’s project. We care how their project will affect the neighbors. The answer should have been: Not Applicable.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. *“No adverse noise is anticipated in the long term. Noise common for construction can be anticipated in the short term with hours of construction Sequim requirements as determined during the preconstruction meeting.”*

Comment to B. 7. b. 2):

There will be an increase in traffic, noise and pollution and gridlock at the roundabouts: *“Based on information provided by the applicant, the proposed Jamestown Clinic is estimated to generate a total of 370 daily trips with 29 trips occurring during the AM peak hour (8:30–9:30 a.m.), and 22 trips occurring during the Midday peak hour (12:30-1:30 p.m.). During Afternoon peak hour from 2:00–3:00 p.m. the project is estimated to generate 48 trips.” All traffic generated by the project will use 9th Ave and the existing roundabout intersection at Washington Street, and is estimated have a split of 60% to/from the West and 40% to/from the East. (Transportation Engineering Northwest, 1/10/2020)*