



City of Tacoma
Office of the City Attorney

July 21, 2017

Noah Davis
In Pacta PLLC
The Norton Building
801 2nd Ave, Ste 800
Seattle, WA 98104

Re: FEIS - SEP2014-40000230810

Dear Counsel,

I am legal advisor to the City of Tacoma's Planning and Development Services Department. I reviewed your letter dated July 6, 2017, regarding FEIS - SEP2014-40000230810 with my clients and provide the following response.

As a threshold matter, your letter questions the City of Tacoma's notice process. The City's notification for this EIS process fully conformed to all applicable City ordinances and State law. Regarding your discussion of a supplemental EIS, the applicable legal standards guiding a responsible agency's decision regarding whether to require a supplemental EIS are found in Washington Administrative Code (WAC) 197-11-600, and WAC 197-11-620, as follows:

WAC 197-11-600 (3)(b) For DNSs and EISs, preparation of a new threshold determination or supplemental EIS is required if there are:

(i) Substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts (or lack of significant adverse impacts, if a DS is being withdrawn); or

(ii) New information indicating a proposal's probable significant adverse environmental impacts. (This includes discovery of misrepresentation or lack of material disclosure.) A new threshold determination or SEIS is not required if probable significant adverse environmental impacts are covered by the range of

alternatives and impacts analyzed in the existing environmental documents.
(Emphasis added).

WAC 197-11-620 (1) An SEIS shall be prepared in the same way as a draft and final EIS (WAC 197-11-400 to 197-11-600), except that scoping is optional. The SEIS should not include analysis of actions, alternatives, or impacts that is in the previously prepared EIS.

There have been no substantial changes to the proposal since the date of the FEIS, and the probable environmental impacts discussed in your letter are already analyzed within the scope of the previously prepared FEIS. Finally, I note that you raise questions regarding an alternatives analysis. An alternatives analysis in an EIS is required only for governmental proposals. The proposal reviewed under FEIS - SEP2014-40000230810 is a private proposal. I hope you find this information helpful.

Please contact me should you have any questions or concerns. I can be reached at (253) 591-5638. Thank you.

Sincerely,



Steve Victor
Deputy City Attorney