



September 16, 2010

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Thomas Skjervold  
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Dear Mr. Skjervold:

This letter is in response to and comments upon the draft Environmental Assessment (EA) relative to "Camp Murray New Entry Control Point/Main Gate, Pierce County, Washington" ("Project"). The project proponent is identified as the Washington Military Department (WMD) while the EA also includes references to the Washington Army National Guard (WA ARNG).

1. **Document & Process Inadequate.** For the reasons articulated in this letter, issuance of a Finding of No Significant Impact (FONSI) is inappropriate and additional environmental review is warranted.

WMD has not prepared a management plan for NEPA analysis. A management plan can serve as a guide for the entire EA process by establishing the responsibilities, methodologies, schedules, and procedures to guide the effort. In this case, had such a plan been developed it would have avoided some of the confusion associated with this EA. A management plan would have provided important information on scoping requirements, coordination of public comments, and a description of the proposed action and alternatives which represents much of the front-end portion of any EA.

Additionally, WAC 197-11-610 allows the use of NEPA documents in order to meet SEPA requirements. However, the NEPA process does not replace either the procedural or substantive requirements of SEPA. The requirements of NEPA must be integrated "with other planning and environmental review procedures required by law or by agency practice so that all such procedures run currently rather than consecutively. (40 CFR 1500.2(c) There is still some process required under SEPA, which does not appear to have been followed.

Procedurally, the title page indicates that the date of publication was June 2010. In reality, the EA was not issued until Friday, September 3, 2010. It is unclear whether the WMD notified any of the stakeholders that the EA had been posted, despite obvious and considerable interest. Also, a signature page labeled “internal review” includes signatures dated May 2010, while a second signature page remains unsigned. It should be noted that additional information was provided to WMD after May 2010 regarding the Project’s environmental impacts.

Lastly, we note that environmental review related to the Project was severed from that for Camp Murray’s *Site Development Plan* (SDP), even though the Project itself stems from the capital improvements included in that plan. Sec. 1.1 states that the SDP was “released in February 2010.” While City staff was open to the approach of severing environmental review for the SDP and Project in discussions with WMD staff, it does not appear that any separate environmental review process for the SDP as a standalone item has concluded nor that the SDP has been “adopted.” Therefore, it is inappropriate to rely upon the SDP as directive of this Project.

2. **Need Not Established.** Sec. 1.1 states that the Project “would address concerns arising from the close proximity of pedestrians, vehicular traffic, and potential high speed trains... .” Sec 2.1 states that the project is intended to “reduce the life safety and health risks associated with the traffic congestion during peak movement hours at the main gate currently located at [Union/Berkeley], which is too close to the I-5/Berkeley Street interchange (Exit 122) and railroad line.”

However, there is not a clear nexus between the Project and the current conditions. When the understanding of the relationship between purpose and need is not properly recognized, it undermines the actions proposed by the project proponent. As we have noted in our discussions, the I-5/Berkeley interchange is “broken,” which has spin-off effects on the Union/Berkeley intersection. If the Point Defiance Bypass project proceeds, Amtrak trains would be introduced to the mix as well. While we recognize that the current situation is messy and congested, there is no data included, such as longitudinal accident rates and locations, to suggest that it is patently unsafe. Any regard for added risks posed by Amtrak presence is prospective and will to some extent relate to separate environmental review that has yet to be completed. Even if such a case were proven, the Project has not been demonstrated to address those concerns one way or the other. Sec. 5.9.2.1 maintains (p. 39) that the current interchange and mainline I-5 congestion issues will persist, which suggests that the Project will have no impact upon the very conditions that are framed as commanding it.

What the purpose and need statement does *not* say is as equally important: the primary impetus for the new main gate is convenience, so that those accessing Camp Murray can avoid congestion at the Berkeley exit by instead using Thorne Lane and cutting through the residential area along Portland Avenue.

3. **Alternatives Not Thoroughly Vetted.** Sec. 3.1 states that alternatives were considered to be “reasonable” only if they “would allow Camp Murray to improve its ability to meet its military mission...in a cost-effective manner” while meeting the following criteria: (1) providing more sustainable and environmentally-friendly surroundings; (2) meeting all applicable environmental regulations; and (3) complying with all security requirements.

Sections 1.2 and 3.1 discuss how alternatives were developed. A screening criteria was developed based on the following points:

- Ability of the proposal to mitigate the traffic congestion associated with the current gate location in order to reduce life safety and health risks.
- Preserve round-the-clock accessibility for Camp Murray visitors and employees in support of the WMD mission.
- Efficient use of the existing built environment to improve Camp Murray’s business functionality for all manner of agency mission-related activities.

These criteria provide a singular perspective, that being the benefits of a particular outcome to Camp Murray and the WMD; they are not structured to weigh the impacts upon the surrounding residential area. (In other words, there is no cost/benefit analysis; it is merely benefit accruing to the proponent.) The net effect is that the Preferred Alternative becomes self-fulfilling. The proposed action may be, but does not necessarily have to be, the proponent’s Preferred Alternative when a final decision is made. The lack of a weighting system to measure benefits and impacts to all stakeholders, including the neighborhood, shows a fundamental flaw in the analysis. The screening criteria should have also examined three types of effects: direct, indirect, and cumulative. While cumulative effects are discussed within the context of the entire project, they should have been included at the front end in the development of the screening criteria. As a result, the evaluation of alternatives is fundamentally flawed and arrives at a Preferred Alternative that may be invalid.

Sec. 3.3.3 concludes that the proposed Project is the “most acceptable.” However, there exist a number of other potential alternatives that were not reviewed or considered that have the potential to help access to/from Camp Murray but not negatively impact the residential neighborhood of Tillicum. Generally, when the range of reasonable alternatives is fairly broad, a lead agency should pursue an EIS rather than an EA. Viable alternatives might include:

- Improvements to Existing Gate Location. Off-site queuing during high-alert security checks can be improved by addition of lanes at the current gate and/or moving the gate infrastructure further inside Camp Murray.

➤ The intersection of Union and Berkeley and both I-5 ramp intersections are being analyzed in detail as part of the Point Defiance Bypass project. Some of these initial traffic studies showed that with the upgrade of the signal controllers, these three intersections could operate together more efficiently. Realistically, there will still be backups. The problem is that the interchange and the downstream sections of I-5 are functioning over their capacity. However, when operating more efficiently, there is a potential that Camp Murray ingress/egress can be improved. (Even if I-5 is backed up, Camp Murray vehicles could be given green light time to go straight through the intersection at Union/Berkeley and travel all the way down Union to the Thorne Lane interchange.

➤ In addition, Union could be widened to provide a two-way left turn lane to allow for a freer flow of traffic down Union. This acknowledges that Union Avenue is a heavily used commercial corridor with many driveways.

➤ Seek out greater efficiencies in the use of existing street rights of way along Union Avenue and the Union/Berkeley and Thorne/Union intersections. The City is of the opinion that this alternative is viable but needs additional analysis.

➤ Utilize the unused Boundary Road right of way as the main Camp Murray entry point. Vehicles would access from either Washington or Grant Avenue and travel along Boundary Road. Sec. 3.2.1 barely considered and immediately eliminated this option based on having to demolish existing Camp Murray structures. However, there is unimproved right of way on Boundary that could be utilized at a location offset from Washington and Grant which could avoid removal of existing structures. This option would require that Boundary be constructed at City collector arterial standards (minimum two 14-foot lanes, five-foot sidewalks on both sides, curb and gutter on both sides, storm drainage, etc.), but it would impact fewer residential properties since Boundary is less densely developed. This alternative places vehicles closer to main travel corridors, reduces traffic on Portland Avenue SW and would not impact the Eagle Point subdivision. Additionally, tying to Berkeley at Grant or Washington would provide travel patterns through commercial versus residential areas.

➤ Combine improving existing road efficiencies and installing traffic calming measures along Portland Avenue to reduce cut-through commuter traffic in residential neighborhoods.

➤ Given its status as the state emergency operations center, Camp Murray should have a dedicated, improved I-5 interchange access. Keeping the main gate in its present location would strengthen the WMD's position with WSDOT in terms of making demands upon reconstruction of the interchange. Ultimately, this discussion should occur at a high level among state agencies and funders.

Sec. 3.2.2 indicates that WMD opposes the use of the Joint Base Lewis-McChord (JBLM) North Fort gate as a primary entrance point because "...this would require additional Camp Murray security personnel assigned to the rear gate and consequently, additional costs. Also, since the rear gate opens onto the roadways 'North Fort' JBLM, traffic would have to pass

through the ECP/Gates of JBLM. This would both increase the burden on those service centers (an issue that would have to be negotiated with JBLM), and, if no security personnel would be assigned at the rear gate, Camp Murray would lose control of vehicles exiting through this gate. Making such a gate the sole entry point of Camp Murray would also effectively complicate the access issues confronted by the diverse customer base currently coming to Camp Murray.”

The City has some knowledge of JBLM access control issues. There already exist multiple identity management programs at JBLM for vendors and contractors, commercial businesses, and military and government operations. It is not clear that the WMD has fully explored entry options with JBLM. (The WMD has rightfully mentioned that in an emergency JBLM could cut off access to Camp Murray. This is a legitimate concern. One way of addressing this problem is to maintain the existing gate to be opened in case of emergency.)

4. **Responsibility for & Sufficiency of Mitigation Unclear.** The manner in which proposed mitigation measures is presented causes confusion. Page 2 of the Executive Summary and Sec. 3.3.2 state that the WMD “...would complete the following actions related to traffic conditions...” and then lists mitigation measures without specifying that WMD would be responsible, as the Project proponent, for providing and paying for mitigation. At the same time, page 3 of the Executive Summary states that “no WA ARNG mitigation measures will be necessary to reduce significant adverse impacts to less than significant levels.” This appears to be a contradiction. The language used in this section suggests that the WMD would fund mitigation measures. However, in the recent past, Camp Murray officials have stated that any improvements and mitigation would be the City’s responsibility. To be clear, the City would regard this as it would any other development project, in which the developer would be expected to bear responsibility (cost, construction, etc.) for any mitigation measures and to have them in place at the time the project reaches functionality. If WMD is not prepared to fully enact all of the mitigation measures in conjunction with the Project, then the Project should not proceed as environmental impacts will be left unaddressed.

Sec. 5.9.2.1 (page 40) states that “at the time of preparation of this EA, discussions between WMD and City of Lakewood on the proposed measures to be included as part of the standard design principles for the new main gate construction are on-going and no written agreement has been prepared (See MFR dated August 5, 2010).” “MFR” refers to “memorandum for the record.” On August 3, 2010, City staff received an e-mail from WMD staff listing the proposed mitigation measures and asking whether there had been a written agreement. It further said that “National Guard Bureau would like to see that signed agreement before they would approve the release of main gate EA for public review.” City staff responded that there had been no such agreement and that legal counsel’s involvement would be necessary in pursuing any such action. In a subsequent e-mail, WMD staff conveyed the following comments from Elizabeth Wade, the National Guard Bureau (NGB) reviewer:

*"Is this or is it not a mitigated EA/FONSI? That hinges on the "agreement" between WMD and City of Lakewood by which WA ARNG agreed to certain 'mitigation measures.' Where is this agreement? WMD needs to provide that to us.*

*If the traffic impacts from the new gate will be SIGNIFICANT AND ADVERSE, then mitigation measures are necessary. If not, the elements of this agreement are BMPs. THIS IS THE ESSENCE OF THIS EA! SO THIS STORY MUST BE TOLD ACCURATELY."*

City staff responded to WMD that it was premature to sign any such agreement when such measures had not been agreed upon and lacking legal review. WMD staff responded, in turn, that preparation of a MFR was being deferred "until your key staff had some discussions about it and possibly have another discussion with WMD key staff." Those subsequent discussions were not pursued, however, and no written agreement was entered into. The MFR is listed among the City-related consultation documents on page 54 of the EA (item #11) but is not among the documents included in Appendix A. To the best of the City's knowledge, no such document exists.

Since the City has not agreed to the proposed mitigation measures, this begs the NGB's question about whether the EA is or is not a mitigation document, or whether these are intended to be best management practices.

Generally, in considering proposed mitigation measures, the City would require that design details be provided prior to approval and that all mitigation measures be fully funded by the proponent and in place prior to functionality of the project which they are intended to mitigate. At this time, the City is unable to validate the proposed mitigation measures due to lack of specificity and detailed information. If the Project proceeds, the City will require additional information and actual implementation, not deferral or funding guarantees, prior to Project implementation.

As a courtesy to WMD, we have worked up planning-level cost estimates for two mitigation measures. The first is among those proposed in the EA, while the second has not yet been broached:

➡ Portland Avenue – Boundary to W. Thorne Lane. At a minimum, would need to be widened to accommodate two 12-foot travel lanes plus one nine-foot wide parking lane on one side in order to provide parking for existing land uses. The roadway, which is newly completed in conjunction with the sewer project, would need one side widened five feet to 33 feet of pavement. The existing curb/gutter/sidewalk on one side would need to be replaced. The entire street would need to be ground out and overlaid with hot mix asphalt (HMA). The planning-level cost for design and construction is estimated at \$350,000. This can be accommodated in the existing right-of-way width and would not require an additional "take"; however, this estimate does not account for the damages to existing land uses that may result from loss of additional on-site parking.

➤ North Thorne Lane – Portland to Union Avenue. North Thorne Lane, under the proposed Project, would be subject to additional traffic. It currently consists of two 12-foot travel lanes with two- to five-foot paved shoulders. This does not meet current standards for a minor arterial roadway. This road is used by residents and students to travel to/from school and Harry Todd Park. To bring this road up to standard with curb/gutter/sidewalks on both sides as well as associated storm drainage improvements would cost an estimated \$850,000.

5. **City's Involvement & Project Relationship to Tillicum Neighborhood Plan.** The manner in which the City's involvement with the Project is characterized throughout the document tends to imply that the City is a proponent along with the WMD. The Project was actually included in the SDP, resulting from an internally focused planning effort. The City's earliest involvement in the Project was when contacted by WMD staff to explore the potential of gate relocation as the City was working on developing its *Tillicum Neighborhood Plan* (which, notably, has not yet been adopted by the City). The City's commitment was to working with WMD to fully evaluate a gate relocation concept and to remain open to the possibility of gate relocation, but at no time did the City commit to partnering in the project or assuring its fulfillment.

Sec. 1.3 states that consultation with, among others, the City was "used to shape" the EA. We note that intermediate feedback from the City is included in Appendix A. In our experience, it is extremely unusual to include formative feedback on working drafts of documents within the final product as has been done here, and this should in no way be relied upon as a measurable in terms of the City's support or the EA's sufficiency.

Both page 1 of the Executive Summary and Sec 1.1 state that the Project "was...identified" in the *Tillicum Neighborhood Plan*. Generally, it appears that the references to the potential gate relocation included in the *Tillicum Neighborhood Plan* are somehow being relied upon as directive or prescriptive. In reality, the portion of the Tillicum plan that discusses this is part of the background section, which reviews other plans and projects which have either been undertaken or are in progress relative to the area and includes reference to the Camp Murray SDP. The latest draft of the *Tillicum Neighborhood Plan* merely indicates that discussions are continuing. The Project is not included among the recommended implementation actions.

Similarly, the statement in Sec. 3.2.1 that the City "originally suggested the end of Grant Avenue SW" is misleading. This relates to Fig. 25 within the draft Tillicum plan (p. 64). These 2008 sketches provided by BCRA are accompanied by text emphasizing that the illustrations show what a gate relocation "...might mean, but it is important to note this is only at a conceptual level and has not been fully developed or funded. It remains to be seen whether or not either of these approaches will be undertaken in the future." As City staff have repeatedly explained, this was merely a concept and does not equate to a proposal on the City's part.

- 6. Relationship to Point Defiance Bypass Project.** The Project's relationship with the proposed Washington State Department of Transportation (WSDOT) Point Defiance Bypass project is used to justify this Project. This might imply that the Project was proposed in response to the Point Defiance Bypass project. However, at the time City staff began meeting with WMD staff to discuss the potential of gate relocation, they were not aware of the Point Defiance Bypass project; only recently has the WMD staff been in consultation with WSDOT staff. The use of the Point Defiance Bypass project as a justification for the current Project is inappropriate at this point.

The Point Defiance Bypass project is not a *fait accompli*. The EA also variously refers to 10, 14, and 20 round trips per day. It is clear that little real evaluation has occurred in relation of the bypass proposal to the current entry operation and functionality, even though that is being used as a lynchpin element in relocating the gate. The Project cannot be rationalized on the basis of the Point Defiance Bypass project. WSDOT's Rail Division is in the process of preparing an EA related to the Point Defiance Bypass project; additional circulation and transportation studies are currently underway. The WSDOT EA is not expected to be released until early fall of 2011.

- 7. Impacts Upon Land Use.** The description of surrounding land use included in Sec. 4.2.2 is supported by Fig. 4-2, which shows surrounding land use *only* upon the installation itself. This obfuscates the fact that the primary driving route to the new gate would pass through residential area in Lakewood. The Project location at Portland Avenue is accessed through a residential neighborhood. Camp Murray traffic would simply cut through the residential area using Portland Avenue, and the mind set and driving behaviors of cut-through travelers is different than those who live, commune, and recreate in a neighborhood. Sec. 5.1.1, which is supposed to evaluate the anticipated impacts upon land use, contains absolutely no recognition of the relationship to the Tillicum residential neighborhood, much less any evaluation of the impact upon the neighborhood.

Camp Murray functions as a commercial development with employees, visitors, and vendors. The current access location at Union and Berkeley is appropriate to this land use. The Project is incompatible not just with current but also future land use designated under the *City of Lakewood Comprehensive Plan*. Future land use at the north end is designated as high density residential. With the installation of sewers, this can become a reality and would only intensify the conflict between residential uses and Camp Murray traffic.

The examination of environmental consequences is flawed and insufficient. At minimum, this evaluation should explore impacts of relocated traffic upon neighborhood viability, livability, and character, as well as property values.

- 8. Impacts Upon Air Quality.** The description of air quality issues in Sec. 4.3 relates to the entire Puget Sound region, not Camp Murray's immediate environs. It appears that the accompanying analysis of anticipated impacts in Sec. 5.2.1 considered only construction emissions, disregarding tailpipe emissions because lane capacity is not expanded. However,



traffic relocation does occur in conjunction with and as an outcome of the Project, which creates traffic corridor-level air quality impacts that currently do not exist upon Portland Avenue. The analysis is therefore insufficient; it should evaluate localized impacts of tailpipe emissions. Of special concern would be the addition of an all-way stop at the Portland/Boundary intersection.

9. **Environmental Justice & Impacts Upon Children & the Socio-Economic Environment.** Discussion of environmental justice is combined with and evidently limited to impacts upon children within the EA (Sec. 4.10 & 5.8.1), while socio-economic analysis is addressed separately (Sec. 4.9 & 5.7). Yet under Executive Order 12898, socio-economic impacts are tied to environmental justice. This analysis bears amplification.

According to the Office of the Superintendent of Public Instruction's 2009 data, fully two-thirds of children attending Tillicum Elementary School are children of color. About 15 percent are classified as "transitional bilingual" (May 2010). The free and reduced-price meal rate has gone up in the last year, from 93.1 percent (2009) to 93.4 percent (2010). At the same time, the EA cites only citywide socio-economic data rather than focusing on the affected area; this tends to skew the data away from the probable racial and economic demographics in Tillicum, likely to reflect more ethnic diversity and lower income. The identification of anticipated impacts in Sec. 5.7.1 is thoroughly insufficient in that it focuses on the installation itself and not the affected area, the Tillicum neighborhood through which traffic would be redirected. At minimum, this evaluation should explore disproportionate impacts of relocated traffic associated with the Project upon minority and low-income populations *within Tillicum*. Additionally, please keep in mind that Census data is more than a decade old and is, at this point, stale in terms of its reliability for such analysis. Appropriate alternate data sources should be considered.

With regard to child safety, discussion focuses solely on the location of Tillicum Elementary School. As was pointed out in the community meeting of August 10, 2010, the Tillicum Youth and Family Center (YFC) is located at 14511 West Thorne Lane SW. Portland Avenue is in between the elementary school and the YFC, which sees heavy afterschool use. In order to access the YFC, children would need to cross the main ingress/egress thoroughfare to the new gate (Portland Avenue) during pm peak hours. There is no examination of hazards associated with these known movements nor with the introduction of approximately four large tractor-trailers, nine large vans, and nine smaller commercial vehicles onto the Portland corridor each weekday (based on commercial usage cited within the EA).

It is within the proposed mitigation measures in Sec. 5.8.1 that the WMD proposes "directional signage to direct Camp Murray traffic away from residential areas." It is impossible to reach the new entry without going through at least some residential area, and this will not deter impacts upon children or lessen environmental justice considerations.

## 10. Impacts Upon Transportation.

Cost/Benefit. In considering the overall Tillicum traffic system, the Project poses an increase of the length of travel and greenhouse gas emissions by moving the gate further away from I-5. The Project will increase the delay for users of the Thorne Lane interchange, yet would only result in minimal improvement at the Berkeley interchange. The Project would render Portland/Boundary an all-way stop intersection, thereby increasing delay for users. Delays at the Portland/Berkeley intersection would also be increased. In addition, traffic would adversely impact a residential neighborhood that was not planned to have commercial vehicle traffic. Overall, the Project does not appear to bear benefits outweighing the costs.

Pavement Management. Thorne Lane and Portland Avenue were not designed for traffic volumes and traffic types posed by the Project. Analysis should be done of the proportionate pavement structure needed for the additional traffic. As noted above, the EA anticipates the introduction of approximately four large tractor-trailers, nine large vans, and nine smaller commercial vehicles onto the Portland corridor each weekday, as well as approximately 1,000 personal vehicle trips associated with the Project. However, it does not explore pavement management aspects. The added volume of passenger and heavy vehicles would serve to deteriorate local roadways sooner than would be the case if the additional volume was not present. Portland Avenue was just repaved in conjunction with the sewer project at a thickness standard which is intended to serve residential traffic and was not meant to accommodate consistent use by heavier vehicles. Redirection of Camp Murray traffic to Portland Avenue would thus pose future capital impacts to the City of Lakewood in terms of pavement management costs.

Pedestrian Safety. Page 14 of Appendix D states that “the gate relocation is anticipated to add approximately 1,000 daily trips along [Portland Avenue], increasing the chances for pedestrian and vehicle conflicts. These additional vehicles will be using the corridor as a through route to access I-5, rather than taking the precautions that are typical of drives on a residential street. Therefore, pedestrian safety is a concern that should be addressed to create more awareness of the residential nature of the corridor.” Traffic calming as recommended in Transpo’s traffic analysis mitigation bullet 5 was not incorporated in the EA or FONSI.

Road Standard. The newly reconstructed roadway cross section on Portland Avenue between Boundary and West Thorne Lane was not designed to accommodate commercial traffic. In working with limited right of way, the roadway section includes: 1) pavement width totaling 28 feet wide with no bicycle lane; 2) placement of sidewalks directly behind the curb with no landscape buffer; and 3) on-street parking on only one side (west). This results in two ten-foot wide travel lanes and one eight-foot wide parking lane. Due to existing residential land use with little or no on-site parking, residents and visitors persist in parking in a manner which impedes traffic. Appendix D proposes eliminating even more parking to accommodate commercial truck turning movements. A commercial roadway section should have, at minimum, 12-foot travel lanes which cannot be accommodated within the existing road section. The EA did not address the inadequacy of this roadway to accommodate the

new and different type of traffic and provides no mitigation related to this roadway section. Mitigation measures on page 15 of Appendix D were not incorporated in the EA or FONSI.

Traffic Flow. Table 3 in Appendix D shows that the gate relocation diverts traffic to North Thorne Lane interchange and away from the Berkeley interchange. Delays at Berkeley are overall minimally improved (reduction of 0 to 2.3 seconds per vehicle). However, delays are increased at North Thorne Lane (1.1 to 12.4 seconds per vehicle). In addition, the signalized intersection of SB I-5 ramps at North Thorne is degraded to almost LOS E, which is below acceptable standards.

Vehicle Stacking/Queuing. Sec. 3.3.2, in describing the preferred alternative, states that it “allows for better stacking of vehicles attempting to enter” Camp Murray. There is no analysis of queuing/stacking issues either in relation to the current entry or the Project, although Sec. 4.1.1 references “insufficient vehicle stacking distances” associated with the current entry. WMD staff has made verbal representations at recent public meetings that all stacking will be accommodated within the installation’s boundaries under the proposed design, but no evidence is provided of typical peak queuing nor the ability to accommodate stacking internally. Page 13 of Appendix D, discusses removal of “*most of the off-site queuing caused when security is at high alert.*” (emphasis added) It is therefore not clear that vehicles will not stack onto public streets outside the new gate. If the current entry is experiencing stacking difficulties, it should be possible to develop related data and apply it to evaluate the sufficiency of the proposed design. However, there is no analysis of before or after queuing to support this. Any City right-of-way permit would be conditioned to disallow off-site queuing at any time.

11. **Required City Permit.** Page 2 of the Executive Summary states that the WMD will obtain permits required from the City of Lakewood prior to initiation of work. Sec. 2.4 states that “approval would be obtained from the City of Lakewood for all construction activities or development associated with the project that would affect the adjacent Tillicum community or City of Lakewood roads.” This is reiterated in Sec. 3.2.1.

The proposed relocated gate is situated in unincorporated Pierce County, so construction permitting is under Pierce County’s purview. However, the connection to City streets would require that WMD obtain a City street right-of-way permit. (Chapter 12A.04 LMC) Application materials for the required right-of-way permit were submitted to the City on Wednesday, September 8.

Review of and decisions on this type of permit are among the City’s routine administrative functions. Following review, the City could approve, conditionally approve, or deny the permit and reserves the right to consider the full range of potential actions in response to the application.

If WMD or any “aggrieved party” is dissatisfied with the City’s action, an appeal process exists. (LMC 12A.02.080) Any appeal would be reviewed by the City’s hearing examiner,

who would thereafter render a decision. A party still dissatisfied with the outcome could file an appeal in superior court.

Sec. 2.2 states that WMD will initiate work later this month, and we are aware that funding issues compel this schedule on the WMD's part. However, the City cannot guarantee that a right-of-way permit will be issued in order to accommodate the desired timeframe. Sec. 3.3.2 states that "the WMD would obtain any permits required from the City of Lakewood prior to initiation of work." We understand this to mean that no work on the new gate will occur until a City right-of-way permit is acquired. Although the City will follow a good faith process in terms of permit review, we would again caution you that this may not accommodate WMD's desired timing, particularly if appeal(s) ensue.

Thank you for considering these comments as part of your Project. Please place me on the mailing list for any subsequent notices related to this Project. If you have any questions or need additional information, please contact Senior Planner Deborah Johnson at 253.983.7770 or e-mail <djohnson@cityoflakewood.us>.

Sincerely,



M. David Bugher  
Assistant City Manager for Development/  
Community Development Director

cc: Andrew E. Neiditz, City Manager  
Lakewood City Council  
Don Wickstrom, Public Works Director  
Major General Timothy J. Lowenberg  
Ron Pate, ARRA Cascades Program Management (WSDOT)  
John Nisbet, Assistant Region Administrator for Maintenance & Operations (WSDOT)  
Jim Taylor, Tillicum/Woodbrook Neighborhood Association