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3 **PORT OF SEATTLE**
4 **ORDER NO. 2024-12 (SUB)**

5
6 **AN ORDER OF THE PORT OF SEATTLE COMMISSION**

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8 ... to prepare documentation and establish a timeline for
9 Commission action with the goal of permanently
10 designating North SeaTac Park for recreational uses, as
11 outlined in the 2024 Federal Aviation Administration
12 Reauthorization Act.

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14 **PROPOSED**
15 **OCTOBER 8, 2024**

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17 **INTRODUCTION**

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19 The Port of Seattle is deeply committed to ensuring the long-term sustainability of the lands,
20 waters, and wildlife in the Puget Sound region as well as the quality of life for local residents. In
21 particular, the Port Commission sees North SeaTac Park as an important natural asset for the
22 environment, for recreation, and for community use.

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24 To that end, the Port partnered with the Washington Congressional delegation to successfully
25 advocate for the inclusion of language in the 2024 Federal Aviation Administration (FAA)
26 Reauthorization Act to allow for “community use of airport land.” Section 706 of the legislation
27 specifically allows the Port to “permanently restrict the use of airport property to compatible
28 recreational and public park use” provided that it meets certain criteria.

29
30 To utilize the flexibility provided by this new federal legislation, the airport must provide the FAA
31 with written certification that the property meets the requirements laid out in the legislation. As
32 such, the Commission directs the Executive Director to undertake the process described in
33 Section 706 with the goal of ensuring [~~retaining~~] North SeaTac Park remains a [~~as~~] community
34 asset [~~permanently~~].

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36 **TEXT OF THE ORDER**

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38 The Port Commission hereby directs the Executive Director to undertake the Port activities
39 necessary to meet the requirements described in Section 706 of the FAA Reauthorization Act of
40 2024, entitled “Community Use of Airport Land”, in order to meet all requirements of the
41 legislative provision necessary to “permanently restrict the use of airport property to compatible
42 recreational and public park use” with respect to, at minimum, the, [~~any or all of the~~] 55 acres of
43 North SeaTac Park property owned by the Port of Seattle. These activities shall be completed no
44 later than the end of Q1 2025.

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46 The Executive Director shall develop legally binding frameworks to codify the permanent
47 restriction of North SeaTac Park’s use as public parkland. The framework should include legally
48 enforceable mechanisms to ensure that the use of the park for recreational and public purposes
49 are permanent. The legal framework should provide for continued oversight to ensure any future
50 modifications or developments within the park are compatible with FAA regulations and safe
51 operations of the airport. The legally binding frameworks should contemplate various disposition
52 outcomes for NSTP including the sale, lease, or Port of Seattle ownership or other changes in
53 status for NSTP that achieve the goal of permanent protection. The Executive Director shall
54 report to Commission on this framework, with a preferred methodology for the goal of
55 permanently protecting the park, no later than Q2 2025. The Commission shall consider action
56 on the Executive’s recommendation before the end of Q3 2025.

57
58 The Executive Director shall include no less than \$150,000 in the Port’s 2025 budget for
59 improvements to North SeaTac Park, in partnership with the City of SeaTac. This funding shall be
60 considered for projects such as the creation of an educational area that highlights the history of
61 the park, cultural landmarks, and/or the natural environment, with the goal of enhancing the
62 park’s value and fostering environmental awareness within the community. The Executive
63 Director shall also consider supporting additional environmental restoration work in the park.

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66 **STATEMENT IN SUPPORT OF THE ORDER**

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68 The Port and its neighbors are committed to a shared vision of a sustainable, equitable and
69 prosperous region. As part of that commitment, the Port and the surrounding communities both
70 acknowledge the essential importance of parks and open space – as a key ingredient to provide
71 clean air, to protect against climate change, and to allow for recreational and community uses
72 that contribute to human health and quality of life. North SeaTac Park, property owned by the
73 Port of Seattle, is a core part of that effort.

74
75 To that end, the 2024 Federal Aviation Administration Reauthorization Act contains a provision
76 that allows for the Port to preserve North SeaTac Park for such uses. In particular, Section 706 –
77 “Community Use of Airport Land” – states that “the sponsor of a public-use airport shall not be
78 considered to be...in violation of a grant assurance...or under any other provision of law...solely
79 because the sponsor has—

- 80
81 (A) entered into an agreement, including a revised agreement, with a local government
82 providing for the use of airport property for an interim compatible recreational purpose
83 at below fair market value; or
84 (B) permanently restricted the use of airport property to compatible recreational and
85 public park use without paying or otherwise obtaining payment of fair market value for
86 the property.

- 89 To qualify under this provision, the airport property must meet certain criteria, including that:
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- 91 • The airport property was purchased using funds from a federal grant for acquiring land
92 issued prior to January 1, 1989;
 - 93 • The airport property has been continuously leased or licensed through a written
94 agreement with a governmental entity or non-profit entity for recreational or public park
95 uses since July 1, 2003;
 - 96 • The airport sponsor has provided a written statement to the Administrator that the
97 property restricted for a recreational use is not currently needed and is not expected to
98 be needed for any aeronautical use in the future;
 - 99 • The recreational purpose will not impact the aeronautical use of the airport;
 - 100 • The airport sponsor provides a certification that the sponsor is not responsible for
101 preparation, startup, operations, maintenance, or any other costs associated with the
102 recreational purpose; and
 - 103 • The recreational purpose is consistent with Federal land use compatibility criteria related
104 to airport operations.

105 In addition, under Section 706, the property must be leased to a local government entity or non-
106 profit entity to operate and maintain the property at no cost to the airport sponsor; or be sold to
107 a local government entity subject to a permanent deed restriction ensuring compatible airport
108 use. Beyond the Port meeting the criteria of Section 706, restriction of the property for
109 recreational or park use does not require the review or approval of the FAA or the U.S. Secretary
110 of Transportation.

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112 As the work directed by this Order continues, the Port Commission looks forward to further
113 conversations about future use of North SeaTac Park as part of its ongoing discussions with Port
114 leadership, the City of SeaTac, and community stakeholders. We seek to determine the most
115 beneficial way to secure permanent protection of North SeaTac Park as a community recreational
116 and ecological asset.
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