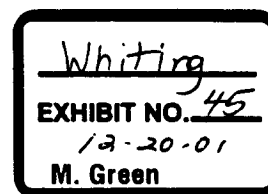


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December 18, 2001

Colonel Ralph H. Graves
Ms. Muffy Walker
Ms. Gail Terzi
U.S. Army Corps of Engineers
Seattle District
P. O. Box 3755
Seattle, WA 98124-3755

Dear Colonel Graves, Ms. Walker and Ms. Terzi:

Re: Corps Ref. No. 1996-4-02325; Port of Seattle Document Inconsistencies

As you know, Northwest Hydraulic Consultants has been retained on behalf of the Airport Communities Coalition (ACC) to provide a technical review of stormwater facilities and streamflow impacts from development activities at SeaTac airport. The purpose of this letter is to identify inconsistencies in the Port's proposals for site development and stormwater management. It supplements our prior letters and declarations in this matter, the latest of which is our November 26, 2001, letter to you.

Since our last letter, numerous additional documents relating to the airport development activities have been obtained by ACC public disclosure requests. This letter focuses on the two documents identified below.

- Port of Seattle - Commission Agenda Item No. 8a for Meeting on November 13, 2001. Memorandum dated October 16, 2001 regarding Resolution No. 3469, agreements between the Port of Seattle and the City of SeaTac for use and redevelopment of borrow areas 3 and 4 on Port property within the City. A copy of that memorandum is enclosed for reference.
- "Natural Resource Mitigation Plan, Seattle-Tacoma International Airport, Master Plan Update Improvements," November 2001, prepared by Parametrix, Inc. for Port of Seattle.

Please note that this letter does not reflect a detailed review of the project Natural Resource Mitigation Plan (NRMP). In particular, the November 2001 version of the NRMP does not adequately address or resolve our previously-expressed concerns over the water-holding capability of the relocated Miller Creek channel, or the uncertain performance of relocated

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drainage channels. This letter is instead limited to two comments which highlight inconsistencies between newly-disclosed information and core assumptions in the Port's Stormwater Management Plan (SMP) for SeaTac Airport Master Plan Update Improvements.

Comment 1. Currently-proposed future land use development at the borrow pit areas is inconsistent with the Port's justification for ignoring such future conditions in the SMP.

- Information from the Port of Seattle Commission Agenda memorandum dated October 16, 2001, which was Item No. 8a for a meeting on November 13, 2001, supports the position that the SMP Master Plan Update hydrologic modeling of the borrow pit areas should consider the future developed condition of these areas.
- The Port's prior justification for NOT doing this was, from the Port's April 30, 2001 response to 401/404 comments by NHC:

"The potential hydrologic impacts of the borrow areas were not evaluated in the Comprehensive Stormwater Management Plan because the Port believes that modifications are considered temporary and reversible, as opposed to the construction of permanent new impervious areas and airport facilities."

- Now, the Commission Agenda memorandum provides conflicting information:

The October 16, 2001 memo anticipates commercial development of the borrow areas sites within five years. Borrow Areas 3 and 4 are zoned as Aviation Commercial and/or Aviation Operations. Memo background information includes "Although there are no current plans for redevelopment, the areas will be graded to leave flat or gently sloping pads that can be redeveloped to future uses." Other statements give actions from date of agreement which we infer is probably November or December 2001. The agreement proposed by the Port specifies that "The Port will prepare and initiate within 6 months of the agreement a marketing plan to promote future redevelopment of the borrow areas after excavation." The agreement also "Provides a Port commitment to in good faith pursue having the redevelopment of the borrow areas completed within 5 years after the date the agreement is signed. . ."

- The November 2001 NRMP (Figure 1.3-1 and elsewhere) shows that Borrow Areas 1, 3, and 4 are Master Plan Update Improvement Projects. If the agreement described in the Port's October 2001 memorandum is (was) executed and the Port in good faith pursues and accomplishes site redevelopment as described, then Borrow Areas 3 and 4 will be fully redeveloped as aviation commercial and operation properties as of year 2006. That is the same year adopted in the SMP to represent future conditions for the other Master Plan Update projects.

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- The Port's October 2001 memorandum pertains to agreements with the City of SeaTac and does not address Borrow Area 1, which is located in the City of Des Moines. We have been informed verbally by City of Des Moines staff that Borrow Area 1 is zoned for Business Park development.
- The on-site borrow areas (1, 3, and 4), which are proposed to be mined as a source of about 6.7 million cubic yards of fill material, are shown by NRMP Figures 1.3-1 and 4.1-2 to have a combined excavation and future development footprint of about 155 acres. Borrow Areas 3 and 4 alone have an excavation and development footprint of about 60 acres. NRMP Figure 2.1-1 shows that the combined footprint of the borrow areas is comparable in size to the footprint of the third runway embankment, for which detailed hydrologic impact assessments have been performed.
- In light of the above discrepancies, the current SMP and Low Flow Impact analyses are unable to assess and mitigate the full impacts of airport Master Plan Update Improvement projects at year 2006 build-out because they ignore the proposed year 2006 developed condition of the borrow site areas.

Comment 2. The current NRMP reverts to an old stormwater management development proposal which is not examined in the current SMP.

- One of the problems with the November 1999 version of the project SMP is that it relied largely on flow control benefits to result from Regional Detention Facilities (RDFs) to be constructed by others. The problem with this approach is that the SMP was unable to provide any certainty whether or when the proposed RDF facilities would be constructed. Furthermore, the SMP failed to provide any analyses or designs for contingency scenarios in which regional facilities failed to materialize. Subsequent versions of the SMP proposed and fine-tuned refined a single proposal which does not require construction of regional facilities by others. The most recent SMP (December 2000, amended July 2001) furthermore does not provide any contingency analyses or designs to describe the airport stormwater facilities which would be required under a scenario in which RDF projects are constructed by others.
- Currently-proposed Master Plan Update Projects are summarized by NRMP Table 1.3-1, Pages 1-6 through 1-10. Stormwater facilities are listed on Page 1-8 and appear consistent with the facilities for which analyses and designs are presented in the SMP. However, the NRMP summary of stormwater facilities includes a footnote which states that the Port is now anticipating construction of a RDF by others, and does not anticipate constructing the stormwater facilities identified in the SMP. The footnote from NRMP Page 1-10 reads, with emphasis added:

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"Des Moines Creek Basin Plan Committee will construct an RDF on the Tyee Golf Course to provide regional flow control. This project will eliminate the need for STIA retrofit facilities described above. As this is a cumulative action subject to future federal action, it is not a Master Plan Update improvement."

- There are two significant problems with this approach to stormwater management. First, there is no certainty that the proposed RDF will be constructed or on what schedule. Second, RDF construction does not eliminate the need for on-site stormwater control facilities, and the SMP does not provide any analyses or designs for airport stormwater facilities which would be required under an RDF scenario.

In summary, the Port's recent documents disclose that the future land use development and stormwater management facilities anticipated by the Port are inconsistent with the land use development and stormwater management facilities described in the project SMP. The current SMP and Low Flow Impact analyses are unable to assess and mitigate the full impacts of airport Master Plan Update Improvement projects at year 2006 build-out because they ignore the proposed year 2006 developed condition of the borrow site areas, and because they fail to address the other significant technical issues and uncertainties we have identified previously. Finally, the Port appears to be proposing development of an RDF-based system of stormwater controls for which no analyses or designs are presented in the project SMP.

On behalf of the ACC, we thank you for your consideration of these concerns.

Sincerely,

northwest hydraulic consultants



William A. Rozeboom, P.E.
Senior Engineer

Enclosure

cc: Peter Eglick, Helsell Fetterman LLP
Kimberly Lockard, Airport Communities Coalition

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AR 017599

**PORT OF SEATTLE
MEMORANDUM**

COMMISSION AGENDA

Item No. 8a

Date of Meeting November 13, 2001

DATE: October 16, 2001

TO: M. R. Dinsmore, Chief Executive Officer

**SECOND READING
FINAL PASSAGE**

FROM: Michael Ehl, Director, Aeronautical Line of Business
Michael Cheyne, Director, Aviation Planning *Michael*
Diane Summerhays, Manager, Airport Community Programs *DS*
Troy Brown, Senior Aviation Planner *TB*

SUBJECT: Resolution No. 3469, First Reading, Authorizing the Director, Aviation Division to: 1) Execute an Agreement between the Port of Seattle and the City of SeaTac regarding the excavation of material from borrow areas on Port property within the City and eventual redevelopment of the areas; and 2) Execute an amendment to the September 4, 1997 Interlocal Agreement between the Port of Seattle and City of SeaTac regarding allowed uses within the Aviation Commercial and Aviation Operations zones.

BACKGROUND

The Port of Seattle must transport about 14 million cubic yards of fill material to the construction site for the third runway in order to expand the airfield plateau and construct the new runway. To help expedite this effort, reduce air quality impacts, minimize construction traffic impacts on the neighboring communities, and avoid additional costs, the Port intends to obtain approximately 2.3 million cubic yards of embankment fill from sources on Port-owned property south of the Airport (e.g., "borrow areas"). The Port is proposing to include borrow areas 3 and 4 in the Phase 5 (2002) and Phase 6 (2003) runway embankment contracts.

Since February 2001, the City of SeaTac and the Port have regularly discussed land use, construction activities, maintenance, and other responsibilities associated with the excavation of borrow areas 3 and 4 and the eventual redevelopment of the areas. These discussions built upon the provisions of the 1997 Port and City Interlocal Agreement ("1997 ILA"), which contemplated the use and redevelopment of the borrow areas. The proposed Agreement is the culmination of these discussions. A map of the borrow areas is included as Attachment A to the proposed Agreement.

After excavation, the City and Port are both interested in having the areas redeveloped to airport supportive uses that foster community economic development and are attractive and high quality. Although there are no current plans for redevelopment, the areas will be graded to leave flat or gently sloping pads that can be redeveloped to future uses. Redevelopment will be subject to further planning and review in accordance with the parameters set forth in the proposed Agreement.

COMMISSION AGENDA

M. R. Dinsmore, Chief Executive Officer

October 16, 2001

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PREVIOUS COMMISSION ACTION

August 1, 1996: Port Commission adopted Resolution No. 3212 approving the Master Plan Update for Seattle-Tacoma International Airport.

May 27, 1997: Port Commission reaffirmed by Resolution No. 3245 its earlier approval of the Master Plan Update. Resolution No. 3245 authorized Port staff to begin property acquisition needed for construction of the third runway.

August 26, 1997: Port Commission adopted Resolution No. 3251 authorizing the Port Executive Director to enter into an Interlocal Agreement with the City of SeaTac.

November 14, 2000: Port Commission adopted Resolution No. 3445 authorizing the Port Executive Director to enter into an Interlocal Agreement with the City of SeaTac to transfer building and grading permit responsibilities from the City to the Port.

PROPOSED AGREEMENT

The proposed agreement addresses how the borrow areas will be excavated and provides parameters to guide their eventual redevelopment. It is designed to address community concerns during the operation of the borrow areas and to facilitate redevelopment that is beneficial to both the Port and the City. Key provisions of the proposed Agreement are as follows:

1. Best Management Practices (BMPs): Specifies the measures that the Port will follow in excavating the areas in order to reduce traffic, noise, dust, and other impacts on the community.
2. Neighborhood Open Houses: The Port will hold informational open houses before excavating each borrow area.
3. Permits and Approvals: The Port will obtain any necessary building or grading permits through the Port's permit office. The Port, or the Port's designee, will obtain any haul permits from the City of SeaTac.
4. Haul Routes: The haul route shall include at-grade crossings of S. 200th Street, 18th Ave. South, and a grade separated crossing of S. 188th Street. A segment of S. 188th Street between Starling Drive and the 188th Street Bridge may be used as a haul route. Other routes will be subject to a City of SeaTac haul permit.
5. SR 509 Crossing: The City and Port agree to jointly request that the Washington State Department of Transportation include a 2-lane crossing of the extended SR 509 for direct, secured access from the redeveloped area to the airfield.
6. Landscaping: Minimum 50-foot landscape / existing vegetation areas will buffer residences from the excavation and eventual redevelopment uses.

COMMISSION AGENDA

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7. **Public Access:** The Port will provide public access from the redeveloped borrow areas to adjacent recreational uses, subject to certain conditions.
8. **Potential Residential Acquisition:** The Port will consider offering voluntary acquisition to a number of residences adjacent to the borrow areas.
9. **Marketing:** The Port will prepare and initiate within 6 months of the agreement a marketing plan to promote future redevelopment of the borrow areas after excavation.
10. **Allowed Uses for Redevelopment:** Specifies a subset of uses from the 1997 ILA that the Port can redevelop on the borrow areas after excavation.
11. **Timing for Redevelopment:** Provides a Port commitment to in good faith pursue having the redevelopment of the borrow areas completed within 5 years after the date the agreement is signed, subject to SR 509 construction, market conditions, and environmental review.

AMENDMENT TO 1997 ILA

On September 4, 1997, the Port and the City of SeaTac entered into an Interlocal Agreement ("1997 ILA") regarding their respective jurisdiction. Sections of the agreement stipulate that:

- The Port shall appropriately mitigate borrow areas and reclaim and consider economic development of the areas
- Borrow area 3 is zoned as Aviation Commercial (AVC)
- Borrow area 4 is zoned as AVC to the west and Aviation Operations (AVO) to the east of the Washington State Department of Transportation right-of-way, which bisects the site
- Permitted land uses for properties zoned as AVC and AVO are listed in Attachment A-2 of the ILA

In order to clarify the intent of the 1997 ILA regarding use of the borrow areas and to implement the proposed Agreement, the City and Port have determined that an amendment is needed to the 1997 ILA. The proposed amendment is to specify that borrow areas are an allowed use within the Aviation Operations (AVO) and Aviation Commercial Zones (AVC).

BUSINESS PLAN MISSION

The third runway supports the Aeronautical Line of Business mission to provide a safe, secure, technologically advanced, and efficient air transportation system to facilitate the movement of aircraft and passengers to accommodate increasing demands.

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COMMISSION AGENDA

M. R. Dinsmore, Chief Executive Officer
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FINANCIAL IMPLICATIONS

The borrow site excavation is included within the overall third runway project budget of \$773,362,000. One of the assumptions in developing the budget for the third runway was that a portion of the fill material would be obtained from borrow Areas 3 and 4. Should utilization of the borrow areas not occur, the impact to the CIP budget would be approximately \$20 million.

Capital costs for future redevelopment of the areas will be subject to further site planning, business planning, and environmental review.

COMMUNITY/CUSTOMER/ORGANIZATION IMPACTS

Utilization of borrow Areas 3 and 4 will provide benefit to the surrounding communities by reducing the amount of truck traffic on City of SeaTac streets and regional roads, reducing air emissions, and expediting completion of the third runway project. The ILA specifies the best management practices that the Port will follow in excavating the areas in order to reduce traffic, noise, dust, and other impacts on the community.

Redevelopment of the areas after excavation will benefit the community by fostering economic development and providing uses that are attractive and high quality.

PROJECT SCHEDULE

- Advertise for Phase 5 Embankment November 2001
- Start Phase 5 Construction March/April 2002
- Complete Phase 5 Embankment March 2003
- Start Phase 6 Construction March/April 2003
- Complete Phase 6 Embankment March 2004
- Complete Final Embankment Project Fall 2006

REQUESTED ACTION

Resolution No. 3469, First Reading, Authorizing the Director, Aviation Division to: 1) Execute an Agreement between the Port of Seattle and the City of SeaTac regarding the excavation of material from borrow areas on Port property within the City and eventual redevelopment of the areas; and 2) Execute an amendment to the September 4, 1997 Interlocal Agreement between the Port of Seattle and City of SeaTac regarding allowed uses within the Aviation Commercial and Aviation Operations zones.

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