



September 28, 2000

Mr. M.R. (Mic) Dinsmore, Executive Director  
Port of Seattle  
Post Office Box 1209  
2711 Alaskan Way (Pier 69)  
Seattle, WA 98111

Dear Mr. Dinsmore:

I am writing in response to the Port of Seattle's (Port) withdrawal of its application for a Clean Water Act § 401 Water Quality Certification for the Third Runway project. I appreciate the significance of this decision and your commitment to completely address the few remaining issues related to the permit.

As you know, the Port's runway project proposals are substantial and complicated. There simply was not adequate time to properly review and assess all of the remaining project related issues prior to the end of the current § 401 Certification decision timeframe. We do greatly appreciate the efforts Port staff and consultants have made to provide necessary information for agency review and we assure you that your decision to withdraw will not affect Ecology's commitment to continue to providing a thorough and fair review of Port proposals in the future.

It is our responsibility to ensure compliance with pertinent environmental laws and regulations. Consistent with this responsibility, our environmental objectives for the Port's runway and related projects have remained unchanged. We will only approve the Port's project if we have reasonable assurance that the natural resource and stormwater management plans prevent further degradation to water quality and aquatic resources in the sub-basins surrounding SeaTac International Airport.

While Ecology's review was not completed within the present § 401 Certification timeframe, Ecology staff are confident that the Port's project may be permitted provided the Port submits appropriate adjustments to stormwater management plans and those adjustments are integrated without negative effect on the current the natural resource management plan.

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With this in mind, we anticipate that the Port will be able to adequately address remaining issues and we believe that it will be possible to issue a § 401 Certification consistent with the following:

1. Ecology will meet with the Port to identify very specifically the remaining issues and requirements necessary for approval of a subsequent § 401 Certification after the Port reapplies for the § 401 Certification and § 404 Permit; and any necessary public comment period is completed.
2. Some project mitigation and plan elements proposed by the Port are adequate now and others may require only minor adjustments. Other elements require imposition of 401 conditions by Ecology, and/or significant submittal of information to Ecology by the Port.
3. With some minor supplemental information submitted by the Port, Ecology believes that it is possible, in the near term, to craft appropriate conditions with respect to flow augmentation for Des Moines Creek, protection of Tyee Pond, excavation of Borrow Site #3 and acquisition of necessary Hydraulic Project Approvals from the Department of Fish and Wildlife.
4. The King County review of the revised Stormwater Management Plan (SMP) identified several deficiencies in the plan that Ecology believes need to be addressed. The corrections that need to be made include, but are not limited to, the provision of a consistent level of flow control to the receiving waters of Miller, Walker and Des Moines Creeks that will be sufficient to prevent continued or future degradation of these streams resulting from the Port's stormwater impacts. The revised SMP will need to address errors, inconsistencies and omissions which were brought to light in the county's review. The revised SMP will also need to ensure and demonstrate that it is consistent with the mitigation requirements of the Port's most recent Natural Resources Mitigation Plan (NRMP) and that all revisions to the SMP will not result in any additional adverse impacts to wetlands and the wetlands' hydrology which are not presently mitigated for in the NRMP.

Once the Port has reapplied for a § 401 Certification and submitted to Ecology any necessary information related to the issues and requirements which Ecology will specify, Ecology commits to complete its review and make a decision on the § 401 Certification within sixty days. If during Ecology's review, it is determined that additional information or analysis is required from the Port, the review clock will pause giving the Port an opportunity to provide Ecology with additional information or analysis sufficient for review to continue.

Again, I appreciate the Port's decision to withdraw its application for a Clean Water Act § 401 Water Quality Certification for the Third Runway project. I reiterate Ecology's commitment to working through relevant issues with you and your staff.

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**If you have any questions during the coming weeks please feel free to contact me at (360)-407-7001 or Ray Hellwig at (425)-649-7010.**

**Sincerely,**

**Tom Fitzsimmons**  
**Director**

**Cc: Governor Gary Locke**

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