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*A Limited Liability Partnership*

July 27, 2001  
~~October 26, 2001~~

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By Fax, Mail and Email

Mr. Gordon White  
Program Director  
Shorelands and Environmental Assistance Program  
Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600

Re: Sea-Tac Third Runway: Lack of Time for Agencies and Public to  
Review New Low Flow Analysis

Dear Gordon:

Late in the afternoon on July 24 Ann Kenny delivered to our offices the Port's two-volume, nine-inch thick, July 2001 *Low Flow Analysis, Flow Impact Offset Facility Proposal* together with a CD containing the flow report and other documents. Included in the documents we received that day is a memorandum dated July 18 from Tom Fitzsimmons to Governor Locke advising the Governor that Ecology expects to release its 401 decision the week of August 6. How can Ecology or King County review with any accuracy this massive report in time to issue a decision the week of August 6?

The Airport Communities Coalition is very troubled that Ecology is once again considering releasing a 401 decision following a major submission by the Port in support of its application without giving the public a meaningful opportunity to comment on the Port's latest submissions. ACC adamantly and urgently requests that Ecology provide ACC, its consultants and the public at least thirty days to comment upon the Port's latest low flow analysis. Absent sufficient time to review the Port's latest plan, the public will be denied a meaningful opportunity to participate and comment.

The parallels to the Port's efforts last year to "fix" its stormwater management plan in the eleventh hour, all the while pushing Ecology at all levels to certify the project, are inescapable. Over the past three years and three attempts to gain 401

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certification, the Port has engaged in a piecemeal analysis of the impacts of the project on water quality. This year is no different. Ecology must issue a decision on the Port's 401 application by October 29, 2001. Yet, here we are again, ten months into the review period with the Port continuing to submit major components of its analyses and mitigation plans for Ecology's review with mounting pressure for Ecology to issue the 401 now. The low stream flow analysis is a critical component of the Port's efforts to establish that its project will not violate state water quality standards. Unless Ecology gives the public a meaningful opportunity to review late submissions by the Port, the public's right to comment as required by the Clean Water Act and state law is denied.

ACC requests that the public be given a minimum of thirty days to comment on the latest report. Please advise.

Sincerely,

HELSELL FETTERMAN LLP

Kevin L. Stock  
Attorney for Airport Communities Coalition

Enclosure

cc: Mr. Ray Hellwig  
Ms. Ann Kenny

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