

Om -/3/99 I called John [unclear] & [unclear] a meeting. is the area where we would take the 60,000 cu uplands? Also ask him if many other folks would be using this as a disposal site.

Cooke, Paul W NWS

From: Nelson, Siri C NWS
Sent: Sunday, May 02, 1999 8:01 PM
To: Freedman, Jonathan R NWS; Gentry, Wanda F NWS; Cooke, Paul W NWS
Cc: Soule, Lester E NWS; Amrine, W Brett NWS; Cagney, Patrick T NWS; Garton, David A NWS; Duncan, Joseph C NWS
Subject: RE: Turn Basin #3 project, taking material to 3rd runway Port site

ask Port

Can we presume that the material is going upland? When does the work occur? Siri

-----Original Message-----

From: Freedman, Jonathan R NWS
Sent: Friday, April 30, 1999 04:15
To: Gentry, Wanda F NWS; Cooke, Paul W NWS
Cc: Soule, Lester E NWS; Amrine, W Brett NWS; Cagney, Patrick T NWS; Garton, David A NWS; Nelson, Siri C NWS; Duncan, Joseph C NWS
Subject: RE: Turn Basin #3 project, taking material to 3rd runway Port site

-----Original Message-----

From: Gentry, Wanda F NWS
Sent: Friday, April 30, 1999 1:04 PM
To: Cooke, Paul W NWS
Cc: Soule, Lester E NWS; Amrine, W Brett NWS; Cagney, Patrick T NWS; Garton, David A NWS; Freedman, Jonathan R NWS; Nelson, Siri C NWS; Duncan, Joseph C NWS
Subject: RE: Turn Basin #3 project, taking material to 3rd runway Port site

Paul: I've talked with Siri and Tom Mueller about this. My initial thoughts were that we need to maintain our objectivity at all costs and that it might be seen that issuance of a permit in order to get an advantageous disposal site might somehow compromise that. This permit decision is receiving almost unprecedented public scrutiny, and it might not "look good", but that is admittedly more of an appearance thing. The fact that it isn't "very much" doesn't matter - because if they place even a little material in wetlands, we have threatened to suspend processing the permit given their past violations out there.

However, they key points are really the following: 1) since the disposal will likely take place before we make a decision, which would be fall of '99 at the earliest, it must take place on uplands. We have no jurisdiction over uplands, and the Port would be doing this at their own risk, just as they've done for the last year.

2) It is King County's responsibility to find a site for the material, correct? Siri said that if so, we don't have a lot to say about what they decide to do with the material. If it is clearly King County's responsibility, we can't really tell them anything either way. Siri's opinion is, it would be worse to ask them not to take it to the airport than say nothing at all.

So, this does not appear to be something that compromises the DE's decisions.

Jonathan

Paul:

From a Real Estate Division standpoint the Port will need to convey to King County a temporary disposal easement to cover the period of time from the County's certifying all the LER available to the COE until completion of construction. The deed will need to contain a legal description of the area the Port is providing, accompanied by an exhibit map delineating the area being made available. The exhibit map would also need to be attached to the County's certification of lands document.

Suggest you reach a decision soon on what course of action you will be taking regarding the disposal site, so I can work the real estate issues with the County.

Wanda

-----Original Message-----

From: Cooke, Paul W NWS
Sent: Friday, April 30, 1999 10:18 AM
To: Freedman, Jonathan R NWS; Nelson, Siri C NWS; Gentry, Wanda F NWS

Call John R. [unclear] this [unclear] make [unclear] sense?

Cc: Soule, Lester E NWS; Amrine, W Brett NWS; Cagney, Patrick T NWS
Subject: Turn Basin #3 project, taking material to 3rd runway Port site

Dear folks: This summer we will be building a Section 1135 habitat restoration project called Duwamish River, Turning Basin #3. It involves building a new creek channel for Hamm Creek, a little creek that flows into the left bank of the Duwamish River just a few miles from our office. Our sponsor is King County, and the project has much support from the agencies and no known opposition. In the process of creating the new, improved channel, we will need to find a disposal area for about 60,000 cubic yards of material. Today Brett and I had a meeting with Port officials that have responsibility for building the 3rd runway project and they appear to really want the material. (They will test some material on their own, but it should be okay for them.) We talked a little about schedules, trucks per hour, haul routes, etc, and there seems to be no significant problems. This is a natural collaboration for the Corps and the Port. The Corps has material that it wants to dispose of and the Port has a need for it. If this works out, then disposing the material on Port land should lower the cost of the Section 1135 project by maybe \$200,000, and possibly much more. We would have a short haul distance and no disposal fees.

Out of our conversation this morning two questions came up. Here they are:

Question #1. Our Regulatory Branch is presently wrestling with the question of whether or not to issue a permit for the construction of the 3rd Runway Project. If we use a 3rd Runway site for disposal of material, would we be compromising our ability to issue an unprejudiced decision on the permit? I would think that we would not for the following reasons: 1) it's on land that the Port controls now, 2) the Port had material hauled to this site last year, and 3) even 60,000 cubic yards is a mere drop in the bucket for what the Port needs (less than 0.5%). This seems like a question that Jonathan and Siri need to answer.

Question #2. Assuming that it is okay to collaborate with the Port and use their disposal site, then what very simple agreement could we use with the Port to make this happen. Could we just use a memorandum of agreement or understanding that the Port and Corps could sign? Do we have a model for something like this? This seems like a question that Wanda and Siri need to answer.

Hope we can make this happen and save the project big bucks.

Paul