

9/8/00

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W. A. A. A.
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The Third Runway Update – talking points

1. The Puget Sound Regional Council gave the go-ahead for the 3RW in 1996 without in-depth consideration of alternatives proposed in Snohomish and Pierce Counties.
2. ECY has been reviewing the runway and related STIA Master Plan Improvement proposals since '96.
3. Over this same period we have been to court regarding the validity and administration of the Port's NPDES Industrial Stormwater Waste Discharge Permit. We have prevailed over challenges to the Port's permit.
 - Note: this a.m. we received a copy of a 60 notice of intent to sue from RCAA/CASE to the Port of Seattle for numerous violations of the NPDES Permit and the CWA. A cover letter included the argument that ECY cannot consider a 401 Certification in light of the NPDES violations.
4. From the beginning, our issues/primary areas of concern have remained essentially the same:
 - Natural resource mitigation (a NRMP), primarily wetland mitigation (two sub-basins)
 - Wildlife hazard management (WLHMP) and wetland mitigation consistent with needs relating to BASH – need for agreements with the FAA
 - Water Quality – stormwater management (SWMP)
 - Consistency between the NRMP and the SWMP
 - Cumulative and indirect impacts from associated and/or nearby projects
 - Flow augmentation for Des Moines Creek
 - Clean fill criteria
 - ESA
 - CZM consistency
 - HPAs
 - Shoreline Permit Exemptions for off-site wetland mitigation in Auburn (65 acres)

Each major issue has multiple sub-issue and sub-sub-issue dimensions, some of which are considerable more serious than the totality of numerous other entire projects e.g., cumulative impacts associated with DOT SR-509 construction; flow augmentation and the need for a water right change.

5. Under great pressure we issued a 401 in 1998. Without adequate documentation, we heavily conditioned the 401 to protect our objectives and assure compliance with pertinent laws and regulations.
 - The Port first appealed, but then withdrew its application for certification.

6. ECY reconstructed its approach with Port in '98.
- Changed players and process
 - Maximum clarity regarding our environmental objectives e.g., would not allow further degradation to sub-basins require in-basin/on-site wetland mitigation; Level-II SW detention; etc. (difficulty here is function of number and complexity of issues – and the Port's adversarial nature.)

7. Capacity concerns.

- Contracted with King County (the Port's dime) for review of the Port's SWMP.

8. Problems in relationship with the Port diminished, but fundamental problems remained.

- OPX NW
- POS culture is not conducive to non-adversarial nature – environmental staff are hired to second guess ECY/regulators every step of the way (can mean big bucks e.g., \$100 plus million for DM Creek RDF)
 - Mission of the Port
 - Port has continued to underestimate:
 - ECY resolve to achieve its environmental objectives
 - What it takes to provide adequate documentation on time
 - Pressure from/and effectiveness of the opposition

9. Political pressure has only intensified from both directions (articles today in Highline News and Seattle Weekly).

- Legislators
- Mic Dinsmore and the Governor
- The Gravel Studies (and Maury Island area-wide arsenic contamination spin-off)
- ACC, RCAA, and CASE – and individual citizens, constant barrages of letters challenging proposal (meetings this week), threatening law suits. Concerns include:
 - Project has changed, need to renotece
 - Proposals inadequate (ACC has big bucks too, hired consultants to challenge every aspect of the Port's proposal [NW HG, Rachael Pascal...])

10. Current status: The Port reapplied last September, and the current 401 clock runs out at the end of the month. The issues are the same, project review related problems have not gone away. It is not yet clear if we will continue the effort to make a defensible decision by the end of September, or we will advise the Port to withdraw (again) its application.

- Meeting with King County yesterday.
- We are close – we are there on some concerns, working through remaining SW related concerns.....

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