

# Sea-Tac Airport Third Runway 401 Permit Negotiations

## FINAL DRAFT MEETING NOTES

October 10, 2000

9:00 – 4:00

These draft meeting notes have been prepared by Kate Snider, Floyd & Snider Inc. Please reply to Kate at (206) 292-2087, fax (206) 682-7867, [kates@floyd-snider.com](mailto:kates@floyd-snider.com) with comments on the accuracy of these notes by 1pm, Thursday 10/12/00.

### ATTENDEES

Ray Hellwig, Dept. of Ecology  
Kevin Fitzpatrick, Dept. of Ecology  
Tom Luster, Dept. of Ecology  
Chung Ki Yee, Dept. of Ecology  
Michael Cheyne, Port of Seattle  
Elizabeth Leavitt, Port of Seattle  
Keith Smith, Port of Seattle  
Kelly Whiting, King County

David Masters, King County  
Paul Fendt, Parametrix  
Jim Kelley, Parametrix  
Rick Schaefer, Earth Tech  
Michael Bailey, Hart Crowser  
Michael Kenrick, Hart Crowser  
Kate Snider, Floyd & Snider Inc.  
Rachel McCrea, Floyd & Snider Inc.

### MEETING AGENDA OVERVIEW

- Documentation of negotiations: Master List of issues
- Discuss issues regarding South Access Road/Tyee Pond, HPAs, Des Moines Creek flow augmentation, Borrow Site #3
- Status of Storm Water Master Plan (SMP) issues and tasks
- Schedule and process forward

### DEFINITION OF TERMS USED IN THESE NOTES

Resolution (general): The use of variations of the term "resolution" are for the purposes of these negotiations and refer only to the work of these technical negotiations between the Port of Seattle and the Department of Ecology. The terms are not intended to imply that, through these negotiations only, any issue has reached "final" resolution. Final resolution is subject to Ecology's receipt and approval of necessary documentation, subsequent public review and comment, evaluation of public comment and the final permit decision.

Resolved: The term "resolved" is used in these notes to mean that subsequent discussion of the issue is not necessary in these negotiations. This term assumes that subsequent documentation submitted on these issues will be consistent with the meeting discussions, and be adequate for public review.

Resolution Pending Review of Additional Information: This phrase is used to indicate that a possible or likely solution to the issue was identified in the meeting. Additional information will

be submitted for review, and further discussion in these meetings will determine whether the issue is "resolved".

Action Items Defined for Further Discussion: This phrase is used to indicate that the issue was discussed, and action items defined for the production of additional information or documentation. Following submittal of such additional information, the issue requires further discussion.

## DOCUMENTATION OF NEGOTIATIONS: MASTER LIST OF ISSUES

Ecology and the Port have agreed to maintain a single "master list of issues" that is updated at each meeting during these negotiations: It has been agreed that individual participants in these negotiations will not maintain other lists of issues separate from this master list. As new or revised issues are identified, they will be presented to the group for discussion and addition to this master list as applicable. The following summary table will be used to document this master list of 401 Permit technical issues. Note that Ecology has several issues that require internal discussion before being added to this list. Definition of these issues and actions to resolve are included in meeting notes. Any comment on this master list of issues should be directed to Kate Snider at Floyd & Snider.

401 Technical Issues Requiring Resolution	RESOLVED	RESOLUTION PENDING REVIEW OF ADDITIONAL INFORMATION	ACTION ITEMS DEFINED FOR FURTHER DISCUSSION	NOT YET DISCUSSED
<b>Administrative</b>				
• Documentation, master list of issues	✓			
<b>1. Stormwater Master Plan – Detention Sizing</b>				
<b>Key Issues Discussed 10/2</b>				
• Basin Acreage Discrepancies	✓			
• Use of different Target Flow Regimes for different basins	✓			
• Permeability assumptions of Airport fill material	✓			
• Infiltration evaluation of existing pond locations	✓			
• Project effect on Base Flows			✓	
• Use and documentation of HSPF and KCRS models		✓		
• North Employees Parking Lot		✓		
• SDW2 land use conditions	✓			
• SASA facility volumes		✓		
• SASA facility compliance with KC off-site flow restrictions		✓		
• SDS-7, SDS3-A, SDS-3, SDS-2, 5, 6 collection areas		✓		
• New information for Walker Creek calibration		✓		
• IWS model input consistency with SMP	✓			

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401 Technical Issues Requiring Resolution	RESOLVED	RESOLUTION PENDING REVIEW OF ADDITIONAL INFORMATION	ACTION ITEMS DEFINED FOR FURTHER DISCUSSION	NOT YET DISCUSSED
• SDE-3 conditions	✓			
<b>Add'l Issues Discussed 10/6</b>				
• IWS Pump station overflow modeling		✓		
• IWS Pump station land use values	✓			
• IWS Pump station routing of water quality design storm		✓		
• IWS Lagoon capacities	✓			
• Modeling of potential IWS Lagoon overflow			✓	
• Filter Strip BMPs	✓			
• IWS treatment performance			✓	
• SDN1-OFF	✓			
• SDN-6 Cargo	✓			
• SDW1B impacts to Wetland 39B		✓		
• Des Moines Creek Basin Plan consistency			✓	
• All items in the 9/14/00 King County comment letter not specifically listed above	✓			
<b>2. Flow augmentation for Des Moines Creek</b>		✓		
<b>3. Potential South Access Road impacts to Tye Pond</b>		✓		
<b>4. Borrow Site #3 hydrology</b>		✓		
<b>5. HPA / 401 issuance relationship</b>		✓		
<b>Add'l Issues Raised by Ecology on 10/10</b>				
• Potential impacts of SR 509 Interchange		✓		
• Potential aquitard breaches in Miller and Walker Creek basins		✓		
• De-icing/First Flush study			✓	
• Compliance with Kludt settlement	✓			
• Contaminated soil stockpile facility	✓			
• Structural feasibility of proposed big vaults	✓			
• NEPA /SEPA revision timing	✓			
<b>Natural Resources Mitigation Plan (specific NRMP issues to be defined, see discussion below)</b>			✓	

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**NATURAL RESOURCES MITIGATION PLAN**

ACTION ITEMS DEFINED FOR FURTHER DISCUSSION: The final application to Ecology for the 401 permit will include four documents: Stormwater Master Plan (SMP), Wetland Functional Assessment & Impact Analysis, Wildlife Hazard Plan, and Natural Resource Mitigation Plan (NRMP). It is acknowledged by both the Port and Ecology that following resolution of SMP technical issues, the NRMP and Wetland Functional Assessment & Impact Analysis must be reviewed and revised as necessary to ensure consistency with the SMP.

At the 10/10 meeting, Ecology provided a memo authored by Erik Stockdale (NRMP Ecology reviewer) that lists issues related to the NRMP requiring resolution. A cursory review by the Port identified the need to review the list directly with Mr. Stockdale to determine whether previous Port submittals have adequately addressed many of the issues included on the list, and to clarify any remaining issues. Ecology will request Mr. Stockdale's attendance at the 10/13 meeting, at which issues related to the NRMP can be reviewed, and an agreed to list of remaining issues developed. Tom Luster will call Jim Kelley to provide several other wetland-related issues for the Port's review and response.

Prior to the 10/13 meeting, Parametrix will review the list of issues submitted by Ecology, identify documents already submitted to Ecology that may address the issues, and add any further issues to the list that warrant discussion with the Ecology reviewer. Ecology participants at the 10/10 meeting additionally raised the following issues (that may already be on the Stockdale list) to be included in an NRMP issues discussion:

- SDW1B potential impacts to Wetland 39B (included in SMP issues)
- Potential indirect impacts to Wetlands 18 and 37
- Potential wetland impacts from Lagoon #3 expansion
- Cumulative wetland impacts at the south end of airport

Ecology requested an independent consultant be engaged to assist Ecology with the review and tracking resolution of the NRMP, similar to the assistance that King County provides to review the SMP. Ecology will provide information to the Port regarding procedural contracting constraints. It was agreed that if Herrera has staff availability appropriate for this task, the existing Port contract with Herrera for third party independent review could be amended to include this scope.

**ADDITIONS TO THE MASTER LIST OF ISSUES / SUB ISSUES**

Ecology requested that the following issues be added to the master list of issues to be tracked for technical resolution.

**Issue: Potential wetland impacts of the proposed SR 509 Interchange**

RESOLUTION PENDING REVIEW: The Port has provided the Corps with the revised design of the SR 509 interchange that avoids impacts to the nearby wetland. King County requested a copy of the revised design, along with any revised hydrology report and changes to the erosion control plan. The Port will provide a copy of this report to Ecology and King County. The redesign of interchange alignment avoids direct wetland impact, and does not result in new information relative to indirect impacts to wetlands.

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**Issue: Potential aquitard breaches in Miller and Walker Creek basins**

RESOLUTION PENDING REVIEW: Earth Tech will review PGG documentation of issue. Use of a detention vault may negate the issue in Miller Creek basin.

**Issue: De-icing / First Flush study**

ACTION ITEMS DEFINED FOR FURTHER DISCUSSION: Ecology will internally discuss consistency between the 401 and 402 processes, and propose specific language for a 401 condition, or additional action items relative to this issue.

**Issue: Compliance with Kludt settlement**

RESOLVED: In the SMP, the Port will document that discharge conditions from the Lake Reba control structure are unchanged post-project. Additionally, the SMP will document compliance with the King County Manual regarding control of 100-year peak flow frequencies in areas of potential severe flooding.

**Issue: Contaminated soil stockpile facility**

RESOLVED: Ecology asked about the Decant/Chemical Accumulation Area described in a recently-submitted SWPPP and how those project elements fit in with the fill being brought to the airfield. The Port stated that these facilities were constructed to handle demolition material being removed from the airfield and that the facilities are not part of the expansion project.

**Issue: Structural feasibility of proposed big vaults**

RESOLVED: The Port will provide documentation regarding structural feasibility of vault construction.

**Issue: If NEPA changes are required by Corps or FAA, then SEPA must be revised and adopted for 401 approval**

RESOLVED: The Port acknowledged the statement and suggested no NEPA changes are required.

**SOUTH ACCESS ROAD / TYEE POND**

**Potential 401 condition: Tyee Pond will be protected in Third Runway project. If a subsequent project were to propose impact to Tyee Pond, appropriate permitting and mitigation would be required.**

RESOLUTION PENDING REVIEW: Ecology proposed a buffer around Tyee Pond and the East branch of Des Moines Creek be considered for implementation as a Restrictive Covenant. If a future project were to impact this buffer, the permit process and mitigation would be required. The Port will evaluate the logistics of a buffer for further discussion.

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**DES MOINES CREEK FLOW AUGMENTATION**

**Potential 401 condition:** No construction of runway pavement or SASA impervious surfaces would be allowed until a flow augmentation plan with an identified source of water is approved.

RESOLUTION PENDING REVIEW: The Port has asked Ecology to consider using the Hillis Rule to prioritize approval of the Port well or SPU water as the source of flow augmentation. Port is also initiating search for additional water rights in the basin with potential for change in use applications. Flow augmentation plan has received initial Ecology review, and is being finalized. Tom Luster will call Keith Smith with additional comments. The plan focuses on SPU water as the primary source alternative and the Port well as the secondary alternative. Suggestion made by King County that Port and Des Moines Basin Plan Committee consider a joint application for use authorization of golf course well. Ecology will hold additional internal discussions about this potential 401 condition to determine if it provides reasonable assurance.

**HPAs**

**Potential 401 condition:** Projects will not be constructed without required HPAs.

RESOLUTION PENDING REVIEW: Ecology will confirm with Fisheries what is needed relative to the SMP / 401 Permit in order to issue the HPAs. Reportedly, Fisheries is prepared to issue the required HPAs pending completion of the SMP. If HPAs are not acquired before 401 Permit issuance, proposed HPA conditions would be reflected in the 401 conditions.

**BORROW SITE #3**

**Potential 401 condition:** Port would not excavate Borrow Site #3 until Ecology received and approved a plan addressing potential hydraulic impact on nearby wetlands.

RESOLUTION PENDING REVIEW: Port consultants from Hart Crowser presented design concepts for a potential swale to be built on the cut slope to collect and route seepage to the higher elevations of the upper wetland. Volumes discharged would be controlled by a weir and lower wetlands would be maintained through existing hydraulic mechanisms. Port will provide Ecology and Corps with a concept design report and engineering feasibility analysis for the proposed swale mitigation measure. Ecology will hold additional internal discussions about this potential 401 condition to determine if it provides reasonable assurance.

**CONCLUSIONS AND NEXT STEPS**

Procedurally, Port and Ecology agreed that 4 copies of deliverables from these negotiations will be provided to Ecology (Luster: 3, Fitzpatrick: 1) to expedite review and receipt of comments. For submittals requiring King County review, King County will receive a copy at the same time. Hard copy submittals will be accompanied by email transmittals.

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**Schedule for Deliverables related to SMP issue resolution:**

Port will submit packages to Ecology and King County for review by close of business on the following target schedule:

- 10/11 SR 509 redesign report
- 10/13 Des Moines Watershed revised Appendix A package
- 10/13 Other SMP deliverables not in Appendix A
- 10/13 IWS Lagoon overtopping analysis
- 10/16 Walker Watershed revised calibration appendix
- 10/16 Walker Watershed revised Appendix A package
- 10/18 Miller Watershed revised Appendix A package (10/18 submittal is goal, pending resolution of KCRTS/HSPF model discrepancies identified by King County and Parametrix during the last week)
- 10/20 Base flow deliverables

Based on the schedule above for submittals, the King County reviewer will prioritize review and feedback with the goal of reaching resolution (per definition of "resolved") of all SMP technical issues by 10/31. The Port and Ecology agreed to support a review schedule that would allow the King County Reviewer to maintain vacation plans for 11/1 – 11/15.

**Schedule Goals for 401 Permit Technical Negotiations**

The following schedule goals were discussed, based on current understanding of Corps proposal for joint 404/401 public hearing dates in early January.

10/31	SMP issues resolved to allow production of Final Draft SMP and corresponding NRMP update and review
11/15	Final Draft SMP submitted to Ecology/King County
11/15	All documents in final form to be produced for public comment
11/15 – 12/4	King County review of Final Draft SMP
12/4	King County final comment letter to Ecology
Early December	All documents released for public comment
12/15	All 401 issues resolved between Port and Ecology, pending public comment
1/5 & 1/6	Public hearing dates identified by Corps

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