



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

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March 26, 2001

Tom Mueller, Chief  
Department of the Army  
Corps of Engineers  
Seattle District, Regulatory Branch  
P.O. Box 3755  
Seattle, WA 98124

Elizabeth Leavitt  
Port of Seattle  
Aviation Environmental Programs  
17900 International Blvd, Suite 402  
Seatac, WA 98188

Dear Mr. Mueller and Ms. Leavitt:

Re: Status Letter for Request for Concurrence with Coastal Zone Management Act Consistency Statement of January 10, 2001 for the Port of Seattle's proposed Master Plan Update for SeaTac International Airport (1996-4-02325).

This letter provides the mid-point status of Department of Ecology's (Ecology's) Coastal Zone Management Act (CZMA) Consistency review for the above referenced project. Our review is based on the receipt of the Port of Seattle's (the Port's) CZMA Consistency Statement dated January 10, 2001, provided in conjunction with your request for water quality certification under Section 401 of the Clean Water Act.

At this time, Ecology is unable to concur with the Port's consistency statement. We have not yet determined that the proposed project meets the applicable provisions of the Washington Coastal Zone Management Program's (CZMP) enforceable policies, which include compliance with the federal Clean Water Act, the federal Clean Air Act, the state Shoreline Management Act, and the State Environmental Policy Act. The Port's request for state concurrence is therefore being held in abeyance pending resolution of a number of issues, including those described below. This letter also serves as notice of Ecology's intent not to waive its CZMA decision. We will either concur or object to the Port's consistency statement along with or before we make the decision to approve, condition, or deny the Port's request for water quality certification.

Most of the issues described below are further elaborated in comments provided to the Port by Ecology or as public comments received on the proposal. Ecology will assess the Port's response to relevant issues raised in those comments as a part of Ecology's water quality

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certification and CZMA review. We are waiting to receive the Port's response to comments. Some of the issues may be resolved or clarified through our review of the Port's response.

Issues to be resolved to ensure consistency with the state's CZMP include:

Compliance with federal Clean Water Act and with state water quality standards:

Ecology has not yet determined that the proposed project is in compliance with the applicable provisions of the Clean Water Act, the Washington State Water Quality Standards (WAC 173-201A), and other appropriate requirements of state law, per Section 401 of the Clean Water Act. We are reviewing the proposed project to determine if it adequately protects water quality and quantity, supports fish, shellfish, and wildlife use, and meets antidegradation provisions and beneficial uses, as required by the state water quality standards. Resolution of the issues below would allow the issuance of a water quality certification which would result in compliance with this element of the CZMP.

Unresolved issues related to Clean Water Act compliance include the following:

Ecology is still in the process of reviewing the Port's proposed Stormwater Management Plan for compliance with applicable provisions of Ecology's Stormwater Manual and the technical provisions of the King County Stormwater Manual.

Ecology is still in the process of reviewing the Port's Natural Resource Mitigation Plan.

Ecology is still in the process of reviewing the Port's Low Streamflow Analysis. The Port has identified possible adverse impacts to base flow support to Miller, Walker, and Des Moines Creeks and their adjacent wetlands due to construction of the embankment and the increase in impervious surface. Ecology is in the process of reviewing the Port's analysis of these impacts and the Port's proposed mitigation to offset the impacts.

Other related permits and approvals: As a condition of the water quality certification, Ecology will require the Port to obtain the necessary Hydraulic Project Approvals from the Washington Department of Fish and Wildlife prior to the commencement of construction.

Additionally, Ecology is currently processing a Major Modification of the Port of Seattle's NPDES permit under Section 402 of the Clean Water Act. The modification process needs to be completed before Ecology will be able to issue the water quality certification.

Compliance with the federal Clean Air Act: Ecology is in the process of determining compliance of the project with state air quality regulations.

Compliance with the state Shoreline Management Act: The Port has obtained a valid Shoreline Exemption from the City of Auburn for the proposed mitigation site.

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Compliance with the State Environmental Policy Act (SEPA): Ecology is reviewing the Port's various SEPA documents to ensure SEPA compliance. Mitigation measures identified through SEPA may be included as conditions on any water quality certification issued for the proposed project.

Resolution of the issues described above will allow Ecology to determine whether the proposed project is consistent with the CZMP. Ecology will continue to work with the Port, other involved agencies, and interested parties to resolve these issues. Please contact Ann Kenny of my staff at 425-649-4310 if you have any questions or would like more information.

Sincerely,



Jeannie Summerhays, Section Manager  
Shorelands and Environmental Assistance Program  
Northwest Regional Office

JS:AEK:sa

cc: Masi Okasaki, OCRM  
Muffy Walker, COE  
Phil Schneider, WDFW  
Ray Hellwig, Ecology ✓

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