

COMMENT BINDER A

**Comments submitted during the initial Corps comment
period held from
December 19, 1997 to January 20, 1998**

**Comments made at the joint Corps/Ecology public hearing
held on April 9, 1998**

**LETTERS TO THE CORPS SUBMITTED DURING FIRST
COMMENT PERIOD
(DECEMBER 19, 1997 TO JANUARY 20, 1998)**

AR 035308



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
HABITAT PROGRAM/OLYMPIA FIELD OFFICE
510 Desmond Drive SE/Suite 103
LACEY, WASHINGTON 98503

January 15, 1998

1F-1

Colonel James M. Rigsby
District Engineer
Corps of Engineers, Seattle District
P.O. Box 3755
Seattle, WA 98124-2255

Attn: Jonathan Freedman, Project Manager

Re: 96-4-02325 Port of Seattle, Seattle-Tacoma International Airport

Dear Colonel Rigsby:

The National Marine Fisheries Service (NMFS) has reviewed the referenced public notice to construct a third runway at Seattle-Tacoma International Airport. The proposed work includes filling of wetlands and rechanneling portions of Miller Creek, drainage channels in the Miller Creek basin and portions of Des Moines Creek. Our comments are based on NMFS' responsibility to protect and enhance marine, estuarine and anadromous fishery resources and their habitats.

While there are currently no anadromous fish species listed pursuant to the Endangered Species Act (ESA) present in the project area, there could be in the near future or prior to completion of this project. If this does occur, consultation with NMFS may be necessary. NMFS' main interest during such a consultation would be impacts of the project on sedimentation, water quality and instream flows. The applicant should be required to obtain and abide by conditions of a Hydraulic Project Approval (HPA) issued by the State Department of Fish and Wildlife. It is likely the HPA will sufficiently condition activities which may be of concern to us.

Thank you for the opportunity to comment on this action. Should you require additional information, please contact Mr. Gordon Zillges at (360) 753-9090 or at the letterhead address.

Sincerely,

Steven W. Landino
Washington State Habitat Branch Chief

cc: USFWS, Nancy Brennan Dubbs,
EPA, Steve Roy
WDFW, Phil Schneider
Dept of Ecology, Tom Luster



AR 035309



United States Department of the Interior

FISH AND WILDLIFE SERVICE

North Pacific Coast Ecoregion

Western Washington Office

510 Desmond Drive SE, Suite 102

Lacey, Washington 98503

Phone: (360) 753-9440 Fax: (360) 753-9008

January 22, 1998

Colonel James M. Rigsby
District Engineer
Corps of Engineers, Seattle District
P. O. Box 3755
Seattle, Washington 98124-2255
Attention: Jonathan Freedman, Project Manager

Re: 96-4-02325, Port of Seattle

Dear Colonel Rigsby:

The U. S. Fish and Wildlife Service (Service) has reviewed the above referenced public notice to construct a runway, two runway safety areas, south aviation support area (SASA), and borrow site at the Seattle-Tacoma Airport, King County, Washington. Nancy Brennan-Dubbs, of my staff, conducted a site visit on August 12, 1997.

The proposed project, including the associated mitigation site, will result in total direct impacts to approximately 14.56 acres of waters of the United States, including wetlands. Approximately 11.87 acres of waters of the United States, including wetlands, will be impacted due to the proposed airport development. Wetland impacts total 11.42 acres including: 5.46 acres for the runway; 2.34 acres for the runway safety areas; 1.70 acres for the SASA; and 1.92 acres for the borrow site. Impacts to other waters include the filling and rechanneling of approximately 980 feet (0.25 acres) of Miller Creek, 2,280 feet (0.15 acres) of drainage channels in the Miller Creek basin, and 2,200 feet (0.5 acres) of Des Moines Creek. In addition to these impacts, the proposed mitigation will result in additional impacts to approximately 2.69 acres of wetlands due to construction access, regrading, and channel creation.

Due to the diversity of habitat within the proposed project site, a variety of wildlife likely utilize the site for foraging and reproduction. Wetland habitat types to be directly impacted by the proposed project include forested, scrub-shrub, and emergent wetlands. Avian species likely to be impacted by the loss of these habitats include passerine birds, waterfowl, and raptors, including accipiters and northern harrier. Other

wildlife likely to be impacted include small mammals and amphibians. The airport is currently subjected to loud noise and other human disturbance, which likely restricts wildlife use to those individuals and species which are more adaptable and/or have become habituated to these circumstances. However, as there is limited access to the wetlands due to airport security, wildlife do not encounter significant direct human encounters, and are provided increased protection.

Mitigation for the proposed project would be both on-site and off-site. The off-site mitigation is within a different watershed from the project impacts. Off-site mitigation is proposed, as Federal Aviation Administration guidance states that wildlife attractions, e.g., wetlands, within 10,000 feet of the edge of an active runway are not recommended, and wildlife control activities in wetlands near the airport would conflict with wetland habitat.

To mitigate for the proposed impacts, the applicant proposes the following on-site mitigation within the Miller Creek watershed:

1. Relocate Miller Creek around the footprint of the proposed project.
2. Enhance fisheries habitat in relocated sections of Miller Creek
3. Establish native woody vegetation buffers along Miller Creek.
4. Excavate a new floodplain to compensate for floodplain areas filled.

The proposed off-site mitigation is within the city of Auburn, adjacent to the Green River. The proposed mitigation site is primarily upland. However, 2.69 acres of wetlands would be impacted due to temporary road construction, regrading, and channel construction. The proposed mitigation site is an abandoned agricultural field, vegetated predominantly with nonnative and native herbaceous species. The proposed mitigation includes approximately 3 acres of upland forest buffer, and the creation of approximately 14.68 acres of forested wetlands, 2.0 acres of shrub wetlands, and 4.32 acres of emergent wetlands.

The public notice and mitigation plan are inconsistent regarding the acreage and number of wetland impacts from the proposed project. Page 1 of the public notice states that 11.42 acres of wetlands would be impacted. However, Sheet 2 of 29 of the public notice and the mitigation plan state that 12.23 acres of wetlands would be impacted. The number of wetlands impacted also varies between 34 (mitigation plan) and 35 (public notice). These discrepancies need to be explained or corrected.

The Service has previously raised concerns regarding the location and inadequacy of the proposed mitigation. Enclosed are copies of Department of the Interior comments regarding the Draft Supplemental EIS and Final Supplemental EIS (Enclosures). These concerns are still valid. Mitigation located outside the watershed would not benefit wildlife directly impacted by the project. Although the EIS documents state that on-site and off-site mitigation opportunities within the watershed are limited, mitigation sites closer to the impact site should be considered further. The creation or restoration of wetlands within 10,000 feet of the active runway would not increase wildlife attractions over existing levels but would simply replace part of the habitat which has been destroyed by the project.

4 The Service believes that portions of the proposed project are not the least environmentally damaging alternative. Although we concur with the selection of the on-site alternative for constructing a third runway, we believe that additional wetland impacts may be avoided by the elimination or downsizing of other project features. For example, the borrow site could be located off-site. A combination of on-site and off-site sources of material is proposed for use. However, no off-site sources have been identified at this time. The elimination of the on-site borrow pits would reduce the wetland impacts by approximately 1.9 acres, of which 1.62 acres are forested wetlands and 0.22 acres are scrub/shrub wetlands. The applicant should identify off-site sources and/or reconfigure on-site borrow sites to avoid impacts to aquatic resources, including wetlands.

5 The proposed mitigation does not adequately compensate for the direct and indirect impacts of the proposed project. The mitigation does not fully account for the time delay in reestablishing the wetland values and the closer proximity of human use and disturbance. To recreate wetland functions, especially those provided by forested and scrub-shrub communities, requires many years. The proposed development will also increase human use near wetlands, likely reducing the wildlife use of these habitats. The applicant needs to provide additional mitigation to compensate for these impacts.

6 The Service is also concerned that the proposed mitigation site may require artificial, experimental methods to create the necessary conditions for achieving wetland hydrology. The Final EIS stated that the proposed mitigation site would require the use of bentonite if sufficient low permeability materials were not available on-site. Should artificial means be required to provide the appropriate conditions to establish wetland hydrology, we recommend that additional mitigation or an alternative site be required due to this increased risk of maintaining wetland hydrology in perpetuity.

7 The mitigation plan was missing Table 3.3-2. Therefore, we are unable to evaluate the adequacy of the performance standards at this time. We have requested a copy of this missing information and will provide any additional comments in the near future following its receipt.

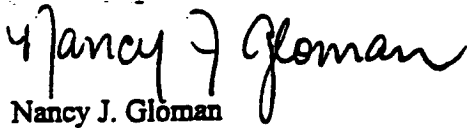
8 Based on the information contained in the public notice, the Service believes that a permit should not be issued for the proposed project at this time. The applicant should evaluate off-and on-site alternatives to the borrow sites, and identify mitigation sites within the same watersheds as the proposed impacts. We would be pleased to meet with the applicant to discuss these issues. Should the Corps decide to issue a permit at this time, the Service requests that additional mitigation for wildlife impacts be provided.

These comments have been prepared under the authority of and in accordance with the provisions of the Fish and Wildlife Coordination Act (48 STAT. 401, as amended, 16 U.S.C. *et seq.*), and other authorities mandating Department of the Interior concern for environmental values. They are also consistent with the National Environmental Policy Act.

Thank you for the opportunity to comment on this matter. If a permit is eventually issued for the above proposed project, we would appreciate a copy of the decision document. Should you require

additional information, please contact Nancy Brennan-Dubbs, of my staff, at (360) 753-5835 or at the letterhead address.

Sincerely,



Nancy J. Gloman
Acting Supervisor

nbd/jmc

Permits/96-4-02325/King County

Enclosures

c: EPA, Seattle (Roy)

NMFS, Lacey (Carlson)

WDFW, Region 4

WDE, Lacey (Luster)

WDE, Bellevue (Stockdale)

Applicant

permits/seatac



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

ER 97/85

JUL 16 1997

RECEIVED

SEP 16 1997

Dennis Ossenkop
ANM-611, Federal Aviation Administration
Northwest Mountain Region, Room 450
1601 Lind Avenue, S.W.
Renton, Washington 98055-4056

US FISH & WILDLIFE SERVICE
9901 NW BOSTON AND

File
me

Dear Mr. Ossenkop:

The Department of the Interior has reviewed the Final Supplemental Environmental Impact Statement (FSEIS) for the Proposed Master Plan Update Development Actions at the Seattle-Tacoma International Airport, Washington. The following comments are provided for your information and use when preparing the Record of Decision (ROD) on the proposed project.

The FSEIS does not adequately address the Department's April 8, 1997, comments on the DSEIS. The only response to our General Comments is under issue 9-M on pages F-127-8 in Appendix F of the FSEIS. It states airport safety requirements prevent replacement of wetlands within the immediate airport vicinity. However, the Federal Aviation Administration Advisory Circular for "Hazardous Wildlife Attractants on or Near Airports" (AC No. 150/5200-33) states the siting criteria are recommendations and guidance. The ROD should use this guidance with site specific information on wildlife hazards and substantiated safety risk for the Seattle-Tacoma Airport when considering the replacement of wetlands.

All of our comments on the DSEIS should be fully addressed in the ROD for this project. Depending on the adequacy of these responses, our Fish and Wildlife Service (FWS) may provide additional comments on the proposed project to the U.S. Army Corps of Engineers through the section 404 permit process of the Clean Water Act. These comments may include a request that the proposed permit be conditioned or denied if the proposed project has not fully minimized and otherwise mitigated impacts to waters of the United States, including wetlands, and the associated fish and wildlife resources.

The concerns expressed in our April 8, 1997, comment letter which have not been adequately addressed are provided in the following summary:

- 1) The proposed mitigation is inadequate. The impacts resulting from increased human activities and smaller size of partially avoided wetlands need to be adequately mitigated;
- 2) Wildlife mitigation options should be provided close to the impact site;
- 3) Justification should be provided for reduced mitigation ratios;

AR 035314

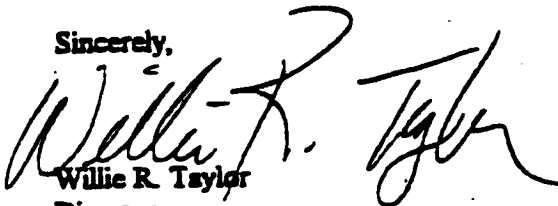
Dennis Orsenkop, Federal Aviation Administration

4) Additional mitigation should be included to compensate for values lost due to time delays in achieving wildlife values and the experimental nature of the proposed mitigation; and

5) Adequate maintenance at a high level needs to be provided at the created wetland to ward off the potential reed canary grass invasion.

We regret that our April 8, 1997, comments, provided on pages G744-5 in Volume 3-Appendix G of the FSEIS, contain two oversights. In the third paragraph under Environmental Statement Comments, the third sentence should read: "We recognize the potential risk..." and not "We do not recognize...." Additionally, our comment letter should have stated the mitigation ratio is not sufficient for compensating for wetland values lost due to time delays.

Sincerely,



Willie R. Taylor
Director

Office of Environmental Policy
and Compliance

AR 035315

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Pub. 11-10000-10000

Centers for Disease Control
and Prevention (CDC)
Atlanta GA 30333
March 31, 1997



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

REC'D ANM-1

APR 14 '97

ANM-1/3

ACTION: *GD*

INFO: _____

ANN-610
M. R. CAPER
4/1997

ER-97/05

APR 8 1997

REC'D ANM-610
PLAN, PCAL & CII JR

APR 15 1997

ANM-610

Mr. Frederick M. Isaac
Director, Northwest Mountain Region
Federal Aviation Administration
Room 450
1601 Lind Avenue, S.W.
Renton, Washington 98055-4056

Dear Mr. Isaac:

This is in response to the request for the Department of the Interior's comments on the Draft Supplemental Environmental Impact Statement (DSEIS)/Section 4(f) Evaluation for the proposed Master Plan Update Development Actions at the Seattle-Tacoma International Airport, Washington.

Section 4(f) Evaluation Comments

We concur that there is no feasible and prudent alternative to the proposed project, if project objectives are to be met. We also concur with the proposed measures to minimize harm to Section 4(f) resources which may be affected by the proposed project.

Environmental Statement Comments

Our comments focus primarily on the proposed mitigation of the wetland fill not associated with Miller Creek. However, this focus should not be construed to mean the proposed project has fully minimized impacts to waters of the United States, including wetlands, and the associated fish and wildlife resources. The proposed project mitigation is off-site and within a different watershed. The 47-acre mitigation site is part of a larger 69-acre parcel within the City of Auburn, and includes approximately 4.3 acres of a reed-canary grass-dominated wetland as part of the 47-acre portion. The remaining 27 acres at the site are to be reserved for future use according to the Final Environmental Impact Statement (FEIS). Because the proposed project would likely require a permit under section 404 of the Clean Water Act, the U.S. Fish and Wildlife Service may provide additional comments when the permit application is reviewed.

The DSEIS does not propose adequate mitigation for wetlands and associated fish and wildlife resources. The project as currently proposed would result in the direct fill of 12.22 acres. This wetland loss is an increase from the 10.35 acres stated in the FEIS for the proposed project even though some wetlands would only be partially filled. The wetland vegetation types to be impacted consist of 7.34 acres of forested wetland, 2.00 acres of shrub-scrub, and 2.88 acres of emergent marsh. Although filling would result in the loss of 12.22 acres, additional impacts would occur as a result of the smaller size and closer proximity to human activities following project construction. The FEIS needs to include mitigation for these wetland impacts.

The DSEIS states on-site mitigation or mitigation within the airport is not feasible as most lands surrounding the airport are developed and not enough available land exists for creating compensatory mitigation. In addition, the FAA has indicated "wildlife attractions" within 10,000 feet of the edge of an active runway are not recommended and wildlife control activities in wetlands near the airport would conflict with wetland habitat mitigation goals. We do not

Final Environmental Impact Statement
Development Actions at Seattle-Tacoma
International Airport
U.S. Public Health Service.

Comments generally addressed in this draft
are currently under review at this time. The adverse
impacts of the project have been presented and
are being considered.

On this DSEIS. We would appreciate
environmental impact statements which may
be submitted under the National Environmental Policy

HCT
M.S.E.H
Group (F29)
Environmental Health



AR 035316

recognize the potential risk of wildlife and human injury resulting from collisions between avian fauna and aircraft. However, creation or restoration of wetlands within 10,000 feet of the active runway would not increase "wildlife attractions" over existing levels but would replace the habitat destroyed by the proposed project within the same general area. Mitigation located outside the watershed would not benefit wildlife directly impacted by the project except for those species with large foraging areas and territories, such as bald eagles and waterfowl. Although on-site and off-site mitigation within the watershed may be limited and some mitigation may need to occur within another watershed, the FSEIS should provide mitigation options close to the impact site.

The compensation ratios stated in the FSEIS are: 3.0:1 for forested wetland; 1.0:1 for shrub wetland; and 1.5:1 for emergent marsh. The total compensation acreage is approximately 31 acres. However, the FSEIS identifies a higher mitigation acreage (27.32 acres) for a project with fewer impacts than that currently proposed to compensate for higher mitigation ratios of forested and shrub-scrub wetlands. As the FSEIS does not justify the reduced mitigation ratios and acreage, this information should be provided in the FSEIS. In addition, the proposed mitigation would compensate for wetland values lost because the time delay for recovering the lost wildlife values is not sufficiently reflected in the proposed ratios and reed canary grass is dominant in the wetlands adjacent to the proposed mitigation site. Because reed canary grass is very invasive, it would likely become established in the newly created wetland and add further challenges for creating a wetland with diverse plant species and values. Thus, the FSEIS should provide for the high maintenance of the created wetland to ensure a wide range of wetland values for wildlife species.

Furthermore, the creation of wetlands at the proposed mitigation site would require experimental construction methods. The FSEIS states a low permeability layer needs to be constructed to provide a perched water table. Bentonite would be utilized if sufficient low permeability materials are not available on-site. When artificial means are employed to create a wetland system, the risk for created wetlands to maintain themselves in perpetuity increases. Because of this increased risk, the FSEIS should provide mitigation acreage beyond that currently proposed, if this site would be used for mitigating anticipated impacts.

Summary Comments

The Department of the Interior has no objection to Section 4(f) approval of this project by the Department of Transportation.

We appreciate the opportunity to provide these comments.

Sincerely,

Willie R. Taylor
 Willie R. Taylor
 Director, Office of Environmental
 Policy and Compliance

cc: Ms. Barbara Minkie
 Health, Safety and
 Environmental Management
 Port of Seattle
 Post Office Box 68727
 Seattle, Washington 98168

1F-3



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

Reply to
ATTN of: ECO-083

FEB - 3 1988

Colonel James M. Rigby
District Engineer
Seattle District, Corps of Engineers
P.O. Box C-3755
Seattle, Washington 98124-2255

ATTN: Jonathan Freedman, Project Manager

RE: Public Notice 96-4-02325, Port of Seattle, December 19, 1997

Dear Colonel Rigby:

We have completed our review of the above referenced public notice which proposes to fill 7.38 acres of wetlands for the construction of a third parallel runway at Seattle-Tacoma International Airport, including filling 5.46 acres of wetlands for the proposed third runway and 1.92 acres of wetlands fill at on-site borrow sites. Also proposed is filling 2.34 acre of wetlands to construct two new Runway Safety Areas. An additional proposed fill of 1.70 acres of wetlands to construct the South Aviation Support Area (SASA) facilities for airport support and maintenance facilities. Total wetland fill per the public notice is 11.42 acres as described in the table on sheet 6 of 29. Also on sheet 6 of 29 the foot note describes a total of approximately 12.23 acres of wetlands would be filled as a result of this project. Clarification is needed to account for the direct wetland impacts associated with this project.

The proposed work would also require filling and rechanneling approximately 980 feet of Miller Creek (0.25 of an acre), about 2,280 feet (0.15 of an acre) of drainage channels in the Miller Creek basin, and about 2,200 feet (0.5 of an acre) of Des Moines Creek.

As part of EPA's review, we read the proposed "mitigation plan" provided by the applicant and dated December 18, 1996. The direct acreage impacts to waters of the U.S. is different in this document than that included in the Public Notice.

After reviewing the above referenced public notice, the Environmental Protection Agency (EPA) has the following concerns and comments:

The public notice and "mitigation plan" fails to identify appropriate compensatory mitigation for the wetland impacts. Essentially all of the on site



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impacts are proposed to be mitigated off-site in the Green River Valley Watershed near Auburn, Washington. The proposed off-site mitigation cannot mitigate for those specific lost aquatic resources in the Des Moines Creek and Miller Creek Watersheds. EPA recognizes the need for achieving safe aircraft operations by minimizing bird strikes with aircraft, but it is EPA's position that public safety and environmental protection objectives can be maximally achieved. There are a number of wetlands within the Des Moines Creek and Miller Creek watersheds that could benefit from enhancement and restoration. We believe that incorporating mitigation in the impact basins will not create additional wildlife, but simply replace the lost habitat as a direct result of project implementation. We recommend the Corps of Engineers look for on-site (in basin) aquatic resources mitigation opportunities that would provide environmental benefits. The mitigation need not be open water but other wetland habitats that could be developed demonstrating aquatic resources benefits.

4

The proposed project includes filling 1.70 acres of wetlands for the SASA. We believe there are opportunities for further avoidance by downsizing or changing the footprint of the SASA. Also the Corps of Engineers should evaluate other off-site existing facilities such as at Paine Field for meeting the overall project purpose for the SASA and avoiding the wetland impacts. EPA recommends the Corps conduct an independent alternatives analysis for the SASA that demonstrates the SASA is the least environmentally damaging practicable alternative per the Clean Water Act Section 404(b)(1) Guidelines.

5

The applicant proposes to fill 1.92 acres of wetlands for on-site borrow sites. It is EPA's position that off-site borrow areas are available which would avoid the on-site impacts. EPA recommends the Corps of Engineers conduct an independent alternatives analysis for the on-site borrow areas and demonstrate that the borrow sites are the least environmentally damaging practicable alternative consistent with the 404(b)(1) Guidelines.

6


Based upon our concerns and comments as stated above, we can not conclude that this project complies with the Clean Water Act Section 404(b)(1) Guidelines. Accordingly, EPA recommends the permit be denied as proposed.

7

EPA is willing to meet with the applicant and Corps of Engineers to discuss and resolve the issues of identifying on-site mitigation in Des Moines Creek and Miller Creek Watersheds; avoiding the wetland fill at the SASA; and avoiding the wetland fill at the on-site borrow areas.

Should you have any questions or desire additional coordination concerning this project, please contact Steven Roy of my staff at (206) 553-6221.

Sincerely,



Fred Weismann, Acting Manager
Aquatic Resources Unit

cc: Ecology
WDF&W
NMFS
USFWS
Applicant

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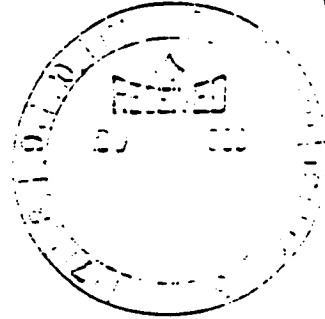


MUCKLESHOOT INDIAN TRIBE
FISHERIES DEPARTMENT



16 January 1998

Jonathan Freedman, Project Manager
 US Army Corps of Engineers
 Seattle District
 PO Box 3755
 Seattle, Washington 98124



RE: PORT OF SEATTLE 96-4-02325 (MILLER AND DES MOINES CREEK AND THE GREEN RIVER WRIA 09.0001)

Dear Mr. Freedman:

The Environmental Division of the Muckleshoot Tribe's Fisheries Department has reviewed the Public Notice of Application for Permit to fill wetlands and relocate stream channels. Though the construction project is mostly located in basins draining to Puget Sound, wetland mitigation will occur in Auburn. The wetland mitigation site is located approximately 200 feet from the Green River and therefore the possibility to integrate juvenile salmon overwintering into the wetland mitigation site should be considered.

Overwintering habitat for juvenile salmon is scarce in the Green River reaches located below Soos Creek. Levee construction for the purpose of flood control and wetland filling has destroyed most of the off-channel and wetland areas used by overwintering juvenile salmon. However, the proposed wetland mitigation site contains areas that would be used by overwintering juvenile salmon if these juveniles had access from the Green River to the proposed open water and seasonally flooded parts of the mitigation site. To gain the maximum benefit from the mitigation wetland, consideration should be given to providing passage from the Green River through the levee into the mitigation site. Providing juvenile salmon passage into the mitigation wetland would meet a Washington Department of Fish and Wildlife Wild Salmonid Policy objective that *when possible, wetlands supporting salmonids and their habitats should be increased.*

Gaining landowner permission for a feature that allows juvenile salmon movement between the wetland and the Green River may not be difficult. King County Parks has an easement over much of the area and will be constructing a trail between the Green River and the Port's wetland mitigation site. Parcel to the trail work, King County will use bioengineering to stabilize a considerable reach of river bank and incorporate juvenile salmon habitat requirements. The quality of the overwintering and high-flow refuge habitat that will be created by the County project will be immeasurably enhanced if the Port provides a fish passage feature into the wetland. As the County project will most likely require a Corps permit, the Corps is requested to encourage both the

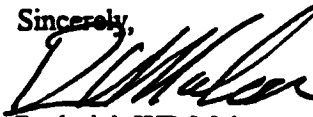
16 Jan 1998

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County and the Port to integrate their projects to the betterment of salmon.

I thank you for your attention to our concerns. If you have any questions, please feel free to call me at (253) 931-0652 extension 119.

Sincerely,



Roderick WR Malcom
Senior Habitat Biologist

cc: WDFW / Phil Schneider
King County WILLARD / Dennis Canty
King County Department of Construction and Facility Management / Mike Lozano

AR 035322



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N • Olympia, WA 98501-1091 • (360) 902-2200, TDD (360) 902-2207
Main Office Location: Natural Resources Building • 1111 Washington Street SE • Olympia, WA

January 20, 1998

Permit Coordination Unit
Department of Ecology
Post Office Box 47703
Olympia, Washington 98504-7703

*Pass one
of previous
fax.*

Dear Permit Coordination Unit:

SUBJECT: NAME: Port of Seattle NO: 96-S2325-02 WRIA: 09.0371

The Washington Department of Fish and Wildlife (WDFW) reviewed the above-referenced Public Notice and has the following comment(s):

HOLD See attached letter.

OTHER See comments below.

1. Plans seen for the channel realignment were well done and will mitigate our concerns for habitat restoration and if successful will be better than the existing condition of the old channel. We want to ensure that enough wood debris for habitat components are included in the channel and that a minimum of one large woody debris (LWD) for every channel width occurs. In addition we have requested that the new channel to be constructed to replace the three streams have fish access through at least the lower portion of the stream that enters Miller Creek. There may be opportunities to create spawning areas if there is enough flow.
2. The proposed plan to develop extended runway 34R and to construct the Southeast Aviation Support Area (SASA) will involve the relocation and the installation of a culvert in Des Moines Creek. The goal and WDFW requirements are that the new channel length will be the same as the existing channel. We understand that portions of this stream will be daylighted and 200 feet will be culverted for the runway. It would be difficult to count the culverted portion of the stream as channel length due to the diminished value of the habitat within the culverted portion of the stream. We suggest that alternatives be found so that channel length is not decreased and mitigation be provided for portions of the stream that must be culverted.

Department of Ecology
January 20, 1998
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3. Due to the size of this project and the amount of fill that will be utilized there is serious risk to water quality impacts to Des Moines and Miller Creeks, especially from erosion and sedimentation during construction. Therefore, it is extremely important that the best possible Temporary Erosion Control Plan is developed and is continually monitored throughout the construction period. The designation of an experienced Sedimentation and Erosion Control Representative (SECR) would help the proponent keep ahead of potential erosion control problems. We recommend that the SECR have water quality, biological and some engineering background. In addition there should be some preproject assessment of quality of the habitat on both Des Moines and Miller Creeks so any adverse impacts from sedimentation from this project may be quantified if a major sedimentation event occurs. This would facilitate development and implementation of appropriate remedial efforts by the project proponents to restore habitat. Timing construction activities so that they are done during the months when rainfall is at a minimum would be one excellent way to alleviate water quality impacts from sediment. This would also help to ensure that sediment from the construction site would not interfere with fish eggs incubating in the gravel. The Hydraulic Project Approval (HPA) for both Des Moines and Miller Creeks will have a work window of July 15 to October 1.
4. The wetland mitigation plan will meet WDFW requirements for wetland impacts from the runway expansion. If successful the off site mitigation area with its high water table, proximity to the Green River, and the wetland mitigation plan should enhance this area for wildlife and over time mitigate for loss of wildlife habitat at the runway site. WDFW understands the need for offsite wetland mitigation for airport safety and the lack of large land areas to construct a mitigation area, however the downstream areas of both Des Moines and Miller Creeks will be impacted from the loss of wetlands in their respective headwaters. We calculate approximately 4.96 acres which are portions of wetlands #3, 4, 5, 9, 13, 19, 23, 37, and 36 that are adjacent to and flow into Miller Creek. In Des Moines Creek a total of 2.48 acres of wetland numbers 51 and 52 that are adjacent to and flow into Des Moines Creek will be impacted by the borrow area and the SASA project. Mitigation for loss of export production should be implemented above and beyond what is proposed for the Miller Creek and Des Moines Creek relocation mitigation in downstream areas of Miller and Des Moines Creeks. Mitigation could consist of LWD placement, vegetation enhancement or other habitat projects. Base flows should not decrease as a result of loss of the wetlands. If base flows are lowered, then ways should be found to supplement base flows. In addition, concurrent to the mitigation for local impacts to wildlife from fill in wetlands and upland areas, mitigation could be done in the riparian corridor on Miller and Des Moines Creeks. Projects could include, tree planting especially conifers, riparian enhancement, wildlife enhancement, and possible cooperation with City of Des Moines and Normandy Park in the restoration of the estuaries at the mouth of Des Moines and Miller Creeks.

AR 035324

Department of Ecology
January 20, 1998
Page 3

If you have any questions concerning this response, please contact the Area Habitat Biologist, Phil Schneider, at (425) 391-4365.

Sincerely,



Gayle Kreitman
Environmental Review and Technical Assistance Division
Habitat Management Program

GK:PS:rh

Enclosure: Hold Letter (WDFW Log No. 00-C7566-01)

cc: Ted Muller, WDFW - Mill Creek
Rod Malcomb, Mukleshoot Indian Tribe

AR 035325



1C-1

King County
Water and Land Resources Division
Department of Natural Resources
700 Fifth Avenue, Suite 2200
Seattle, WA 98104-5022
(206) 296-6513
(206) 296-0192 FAX

January 20, 1998

Jonathan Freedman, Project Manager
US Army Corps of Engineers
P.O. Box 3755
Seattle, WA 98124-2255

RE: Port of Seattle Application 96-4-02325

Dear Mr. Freedman:

As the Watershed Coordinator for the Central Puget Sound Watershed Forum in King County, my responsibilities include developing effective watershed restoration and mitigation plans, and identifying opportunities for jurisdictions to work together in implementing environmental improvements in their immediate area. Mitigation for wetland fills and stream relocations associated with the Port of Seattle Master Plan activities could potentially improve stream conditions and ecological functioning of both Miller and Des Moines Creek. Unfortunately, as proposed, this plan will do neither.

One unfortunate choice in this mitigation package is the proposal to site all wetland mitigation efforts in the Green River watershed. Most current wetland and mitigation guidance and literature acknowledges the importance of locating mitigation measures in the immediate vicinity of the impacts in order to most effectively remedy the damage being caused. This is particularly important in small stream systems such as Miller and Des Moines Creek, where a few acres of wetlands amounts to a very large percentage of the overall wetland "stock" of the stream system. In urban stream systems such as Miller and Des Moines Creek, where impacts have been ongoing for many years, and where much of the stream's wetlands have already been destroyed, additional unmitigated impacts can have a serious detrimental impact on the ability of the stream system to continue supporting salmonid species.

Adding another 22 acres of created wetlands to the Green River system will have a small overall benefit to that system, particularly in light of the extensive wetland mitigation programs already underway within the Green River. The same 22 acres of wetlands located within the Miller and Des Moines stream systems could have a substantial positive impact on these small urban stream systems and the salmonid resources which are dependent on them.

AR 035326

Jonathan Freedman, Project Manager

January 20, 1998

Page 2

For the last several years, jurisdictions in the Des Moines Creek drainage have worked cooperatively on the Des Moines Creek Basin Plan to identify an overall plan for improving aquatic habitat and water quality conditions in Des Moines Creek. The recently endorsed plan calls the construction of regional surface water facilities and the improvement of stream habitat in the basin, with the expected result of increasing the anadromous salmonid populations by an order of magnitude. This plan, if implemented, could effectively counter many of the negative impacts of the proposed action and would also be located within the same basin. Projects which are part of the Des Moines Creek Basin Plan address both high flow and low flow water quantity issues, water quality issues, aquatic habitat issues, erosion and sedimentation issues, and the issue of potential bird strikes to operating aircraft. Consideration should be given to directing mitigation funding be spent in support of efforts such as the Des Moines Creek Basin Plan, rather than sending mitigation to an area which is not being directly impacted and which will have only a marginal benefit from the mitigation activity.

Recently, a Miller Creek basin planning effort was initiated by the jurisdictions within Miller Creek. This effort, modeled on the successful Des Moines Creek Basin Plan, will be looking at similar proposals to improve stream functioning and fish habitat in Miller Creek. Initial investigations indicate that there are numerous opportunities within Miller Creek to accomplish meaningful stream and wetland mitigation efforts without increasing the danger to operating aircraft.

As one example, citizen efforts are currently underway to reestablish a salt-water estuary/wetland complex at the mouth of Miller Creek. This effort is located several miles away from the runway in an area which is never over-flown by operating aircraft from SeaTac International Airport. This effort could greatly benefit from additional technical expertise and funding. A successful estuary improvement project could substantially improve rearing conditions for salmonids in Miller Creek as well as for fin-fish in Puget Sound. While it would not likely be feasible for the Port of Seattle to conduct this mitigation effort independently, several existing mechanisms exist which could assist in facilitating this type of project through cooperative interjurisdictional mechanisms. These include facilitation through the developing Miller Creek Basin Plan effort, facilitation through the Central Puget Sound Watershed Forum which includes representatives from all of the surrounding jurisdictions, or facilitation by an existing watershed volunteer group such as the Des Moines Chapter of Trout Unlimited.

It appears noteworthy that this proposal and the proposed mitigation make little mention of the salmonid resource at risk. While both Des Moines and Miller Creeks have been heavily impacted by development in the past, both continue to support small but viable runs of several salmonid species. Mitigation which could be used to help improve local stream conditions and greatly increase local salmonid populations is instead proposed to be used in the Green River, leaving local stream systems with additional unmitigated impacts. This appears particularly ironic in light of the impending proposals to list several Puget Sound salmonid species as potentially threatened or endangered. Again, numerous opportunities exist within the basin to improve habitat for these potentially

AR 035327

Jonathan Freedman, Project Manager

January 20, 1998

Page 3


1 endangered species. Mitigation should be performed within the same basin, and not in the Green River.

2 Additionally, the proposed stream mitigation for relocation of Miller Creek appears to be potentially ineffective. The typical plan given on sheet 26 of the Public Notice indicates that the stream corridor, including the channel and bank cross section and the riparian zone on BOTH sides amount to only thirty (30) feet. Almost all stream and wetland regulations in the region now call for a 50 to 100 foot minimum buffer on each side of a stream of this type. Even given a minimum stream channel of 10 feet, this would still amount to a stream corridor of 110 to 220 feet. In this light, the proposed 30 foot riparian corridor looks inadequate to successfully perform its role of protecting water quality and habitat values in the stream corridor. This is more characteristic of a drainage channel than a natural stream system and appears to leave little room to establish effective stream meanders or large habitat structures.

3 In summary, the permit for this project should not be issued as proposed. Prior to issuance, mitigation measures should be modified to require all mitigation be accomplished completely within the Miller and/or Des Moines Creek stream basins. Mitigation should include requirements that the applicant fund stream or wetland restoration projects specifically to mitigate impacts from this proposal. Mitigation should also require that the applicant participate in and support stream and wetland rehabilitation and restoration efforts as a cooperating jurisdiction, above and beyond project funding needed as direct mitigation for impacts associated with this proposal. Finally, mitigation for stream relocations should include requirements that the applicant establish undisturbed riparian stream corridors that are a minimum of 100 feet in width.

Should you have questions regarding these comments or wish to discuss ongoing inter-jurisdictional efforts in these watersheds please feel free to contact me at (206) 296-1982.

Sincerely,



David Masters,
Watershed Coordinator



1L-1

CITY OF BURIEN

415 Southwest 150th Street
Burien, Washington 98166-1975

Phone: (206) 241-4647
Fax: (206) 248-5539

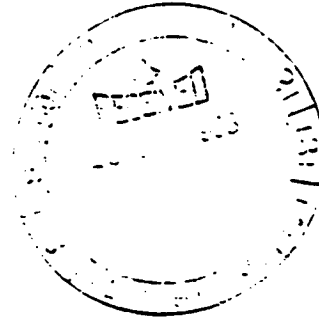
Mayor
Kitty Milne

Deputy Mayor
Shirley Basarab

Councilmembers
Larry Gilbert
Stephen Lamphear
Sally Nelson
Don Newby
Georgette Valle

January 15, 1998

Jonathan Freedman, Project Manager
U S. Army Corps of Engineers
Seattle District
Regulatory Branch
P. O. Box 3755
Seattle, WA 98124-2255



Dear Mr. Freedman:

Thank you for your notice of the pending application by the Port of Seattle for a Section 404 Permit under the Clean Water Act. As we understand this application, the Port of Seattle wishes to fill wetlands in the Miller Creek Basin in order to construct the proposed 3rd Runway to Sea-Tac International Airport. We also understand that the Port of Seattle proposes to mitigate for these wetland impacts by creating and restoring wetlands within the City of Auburn, located in the Green River Basin.

1

As you may be aware, the City of Burien is a recently incorporated city, and as such, we have just completed the City's first comprehensive plan. The comprehensive plan recognizes the very strong interests by the residents of the city of Burien in protecting and enhancing the environmental resources that supports our community's high quality of life. While the proposed fill sites are not located within the incorporated limits of the City of Burien, the fill sites, nonetheless, are an integral part of the Miller Creek Basin. The majority of the incorporated area of the City of Burien lies within this stream basin. As such the Comprehensive Plan is very concerned within protecting and enhancing all aspects of this stream basin. While this drainage basin has, over the years, received considerable adverse impacts from a wide range of development activities throughout its basin, the Comprehensive Plan recognizes that there remain substantial opportunities for improving both its habitat functions and its value as an open space amenity for the community.

2

With this in mind, we do not understand how the loss of the few remaining, and therefore even more critical, wetlands in this basin can be adequately mitigated by a mitigation proposal that lies within an entirely different watershed, which to our knowledge, has been no significant consideration of potential alternative mitigation approaches that could restore and enhance

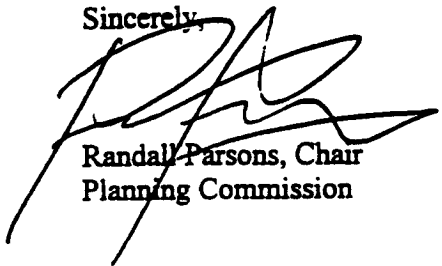
Jonathan Freedman, Project Manager
U S. Army Corps of Engineers, Seattle District
January 15, 1998
Page 2

2

important wetland values within the Miller Creek Basin. We urge the U. S. Army Corps of Engineers to reject this application as it stands. The minimum the Corps should call for is full public review of this proposal through appropriate hearings in order to fully understand the implications of the Port's proposal on this important stream basin to the Central Puget Sound Watershed.

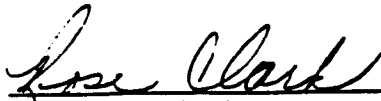
Thank you for your attention to our concerns. On behalf of the City of Burien Planning Commissioners, we look forward to further public review of this issue.

Sincerely,

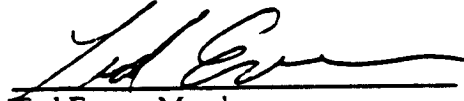


Randall Parsons, Chair
Planning Commission

AR 035330



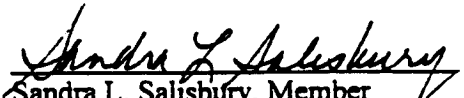
Rose Clark, Member
Planning Commission



Ted Evans, Member
Planning Commission



Joan McGilton, Member
Planning Commission



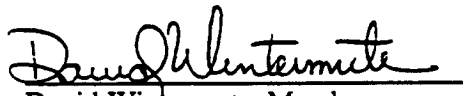
Sandra L. Salisbury, Member
Planning Commission



Steve Schmidt, Member
Planning Commission

NOT AVAILABLE

Gordon Shaw, Member
Planning Commission



David Wintermute, Member
Planning Commission



CITY OF BURIEN

415 Southwest 150th Street
Burien, Washington 98166-1973

Phone: (206) 241-4647
Fax: (206) 248-5539

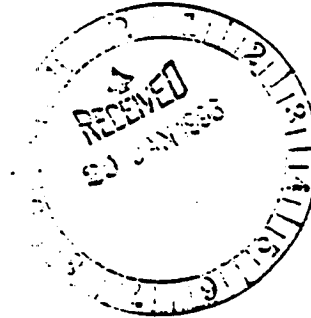
Mayor
Kitty Milne

January 15, 1998

Deputy Mayor
Shirley Basarab

U.S. Army Corps of Engineers
Attn: Jonathan Freedman
PO Box 3755
Seattle, WA 98124-2255

Councilmembers
Larry Gilbert
Stephen Lamphear
Sally Nelson
Don Newby
Georgette Valle



Dear Mr. Freedman:

The City of Burien requests that the U.S. Army Corps of Engineers conduct a public hearing on the issues of wetlands mitigation and water quality respective to the Port of Seattle's 404 permit application for wetland fill. An issue of this importance to the natural and man made environment must have an opportunity for public comment.

More specifically, the City does not understand why the Port of Seattle has not considered the mitigation of wetlands within the local watershed. The Port of Seattle should prepare alternatives with the Miller Creek watershed for the replacement of the wetlands that are to be removed. There should be identified within the local watershed and within the Burien area other wetlands or water quality that could be established or improved. These alternatives should be proposed. Mitigation should not be within a watershed outside of the Miller Creek Watershed.

Thank you for your interest. Attached to this letter is a resolution recently passed by the City Council.

Sincerely,

Kitty Milne
Mayor Kitty Milne

Shirley Basarab
Deputy Mayor Shirley Basarab

Larry Gilbert
Councilmember Larry Gilbert

Stephen Lamphear
Councilmember Stephen Lamphear

Sally Nelson
Councilmember Sally Nelson

Don Newby
Councilmember Don Newby

Georgette Valle
Councilmember Georgette Valle

**CITY OF BURIEN
WASHINGTON**

RESOLUTION NO. 093

**A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON,
REGARDING A SECTION 404 PERMIT FOR THE PORT OF SEATTLE**

WHEREAS, the Port of Seattle has applied for a Section 404 Permit from the U.S. Army Corps of Engineers to fill wetlands as a part of the Port's 3rd Runway Project;

WHEREAS, the Port of Seattle has proposed mitigation for these wetlands losses at a lower rate of compensation than normally required in Section 404 permits;

WHEREAS, the Port of Seattle has proposed that the mitigation for wetland losses occur in an entirely different watershed basin than the basin in which the impacts will occur;

WHEREAS, the Port of Seattle has used the analysis contained in their Final Supplemental Environmental Impact Statement (FSEIS) for the Proposed Master Plan Update Development Actions as the basis for their application;

WHEREAS, as noted in the comments by the City of Burien, the Airport Cities Coalition comments on the FSEIS, the Port has inadequately analyzed the potential alternative actions to the 3rd Runway Project and cannot demonstrate the required Section 404 finding that there is no alternative to the proposed filling of wetlands;

WHEREAS, the FSEIS does not address the impacts of the loss of wetlands resources on coastal systems, managed under the Federal Coast Zone Management Act;

WHEREAS, there appears to be no analysis of potential alternative mitigation proposals to determine whether the particular mitigation proposals are best for compensating for the losses proposed in the Port's application;

WHEREAS, the proposed location of the mitigation actions in an entirely different basin seems to be unprecedented in the issuance of Section 404 permits;

WHEREAS, the proposed mitigation located in another basin provides no compensation for the loss of wetlands function within the Miller Creek Basin or the associated impact on coastal resources;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES RESOLVE AS FOLLOWS:

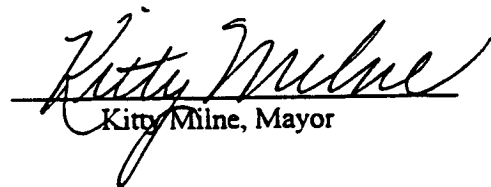
The City of Burien requests:

- Further analysis by the Corps of Engineers to address the deficiencies in the Port's application as noted in this Resolution.
- Any mitigation associated with the loss of biologic and other wetlands functions in Miller Creek be compensated for within the Miller Creek Basin.


Further, the City requests the U. S. Army Corps of Engineers hold a public hearing in the Highline area to solicit additional public comment on the Port's proposal and its potential impacts on the effected biological and human communities, and that no Section 404 Permit be issued until an adequate finding of no practical alternative can be fully demonstrated for both the proposed construction of the 3rd Runway and the proposed mitigation in another basin.

PASSED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 13th DAY OF JANUARY, 1998.

CITY OF BURIEN


Kitty Milne, Mayor

ATTEST/AUTHENTICATED:



Jan Hubbard, City Clerk

Approved as to form:



Michael Kenyon, City Attorney

Filed with the City Clerk:

Resolution Passed 1-13-98

Resolution No.093



1L-3

CITY OF BURIEN

415 Southwest 150th Street
Burien, Washington 98166-1973

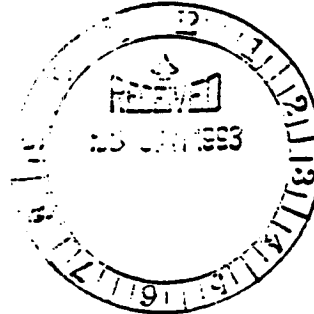
Phone: (206) 241-4647
Fax: (206) 248-5539

Mayor
Kitty Milne

Deputy Mayor
Shirley Basarab

Councilmembers
Larry Gilbert
Stephen Lamphear
Sally Nelson
Don Newby
Georgette Valle

January 16, 1998



U.S. Army Corps of Engineers
Attn: Jonathan Freedman
PO Box 3755
Seattle, WA 98124-2255

Dear Mr. Freedman:

1 Thank you for the opportunity to review the application by the Port of Seattle for a Section 404 Permit under the Clean Water Act. As I believe you will note from this letter and other comments that you receive, there are very significant public policy and environmental issues associated with this fill proposal. As such, we would strongly urge that the U. S. Corps of Engineers conduct a full review of this application with the appropriate public hearings to ensure that you have the benefit of the broad spectrum of views regarding these complex issues. If for no other reason, such public review is necessary in order to clarify with the public the basis for whatever decisions the Corps may make regarding this permit application.

2 One of the most significant issues and one that we find to be most extraordinary is the Port of Seattle proposal to mitigate for the loss of wetlands in the Miller Creek drainage basin through the restoration of wetlands in an entirely different drainage basin very removed from the project site. It also seems that the Port of Seattle is proposing compensation for the lost wetlands at a rate much below compensation that appears to have been required in other Section 404 permits. To our knowledge, the potential alternatives for providing adequate mitigation for the proposed wetlands losses has not been analyzed in any public context. There obviously is no benefit to the lost resources in the Miller Creek drainage basin by the proposed project in the Green River Basin. There certainly have been no public debate and/or discussion regarding the pros and cons associated with other ways of mitigating for these losses.

3

We are also disturbed that there has been very little discussion or analysis regarding the relationships of these fills to the Coastal Zone Management Act of the state of Washington. The only public discussion of this, to our knowledge, is in the Final Environmental Impact Statement prepared by the Port of Seattle for the 3rd Runway Project. This discussion is found on page IV.13-1 of the Final Environmental Impact Statement for Proposed Master Plan Update Development Actions. This discussion seems to equate the Coastal Zone Management Act with the state's Shoreline Management Program. This is a fundamental misunderstanding of the character of the Washington State Coast Zone Management Program. While the Shoreline Management Program is a most important component of the state's Coastal Zone Management Program, it certainly is not the entire program. The Coastal Zone Management Program addresses not only the specific jurisdiction of the Shoreline Management Act, but the drainages that flow into the state's coastal resources. As such, the entire Miller Creek Basin is subject to the Washington State Coast Zone Management Program. To our knowledge, there has been no analysis of the impacts of the proposed wetland losses on these wetland resources as coastal resources, nor has there been any analysis of related impacts, such as storm water discharge from the proposed 3rd Runway Project. Again, certainly, should there be no action by the U. S. Corps of Engineers until there is the opportunity for full public discussion of the relationship of this action on coastal resources that are managed under the Coastal Zone Management Act by the State of Washington.

4

As we understand it, the Corps of Engineers must find that there is no practical alternative to the proposed filling of the wetlands in order to issue the proposed Section 404 permit to the Port of Seattle. The Port of Seattle appears to be relying on the final environmental impact statement to meet this required finding. As we have commented in numerous other forums and as we are litigating through the Airport Communities Coalition, we believe that there are numerous potential alternatives to the construction of the 3rd Runway, which do not require the filling of wetlands as proposed. The Corps of Engineers has an independent responsibility to conclude that all practical alternatives have been evaluated and that there are no others. The Corps findings in this regard should be made available for public comment and response prior to any final decision on this action.

Mr. Jonathan Freedman
January 16, 1998
Page 3

Thank you for this opportunity to comment on this proposed project. We are looking forward to participating in further public discussions regarding this important project.

Sincerely,

CITY OF BURIEN, WASHINGTON



Frederick C. Stouder
City Manager

cc: Congressman Adam Smith
Congressman Jim McDermott
Governor Gary Locke
County Executive Ron Sims

City of Des Moines

1L-4

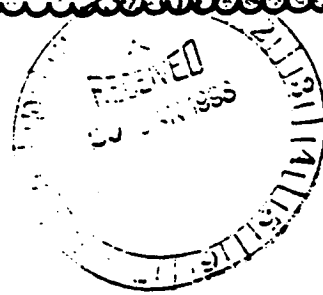


DEPARTMENT OF PUBLIC WORKS
21650 11TH AVENUE SOUTH
DES MOINES, WASHINGTON 98198-6317
(206) 870-8522 FAX: (206) 870-6506



January 16, 1998

Jonathan Freedman, Project Manager
US Army Corps of Engineers
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



RE: Comments for Public Notice Number 96-4-02325, Port of Seattle

Dear Mr. Freedman:

The City of Des Moines is very interested in the outcome of the section 404 permit for the Port of Seattle. The Port's proposed projects will dramatically affect Des Moines Creek which flows through our city within one of the city's major parks.

The upper portion of the Des Moines Creek watershed lies within highly urbanized portions of the SeaTac Airport and the City of SeaTac. Most of the lower portion of the stream channel is within a heavily wooded ravine. There has been a great deal of interest in the health of this creek over the years due to the existing fisheries (which includes coho, chum, and pink salmon, steelhead and cutthroat trout) in the lower portion of the stream (below Marine View Drive), and the possibility of expanding the usable fish habitat into the higher reaches of the watershed.

There have been a number of studies, including the recently completed "Des Moines Creek Basin Plan" which have evaluated the present conditions and suggested possible future improvements. With the usual urban water quality problems in the upper portion of the basin, these fish complexes depend to a great extent on as much treatment as possible of the urban flows to maintain spawning areas as well as summer and winter rearing areas for the fish. The many wetlands within the watershed are also part of the overall ecosystem that provide food sources for the downstream fish. Thus, we are very concerned about the proposed elimination of wetlands due to this airport project.

In addition, to the City of Des Moines, the Muckleshoot Indian Tribe, the Washington State Department of Fish and Wildlife, the King County Department of Natural Resources, Water and Land Division, and the Washington State Department of Ecology have all voiced concern about the present stream condition and have a strong interest in improving the water quality and the related fisheries of Des Moines Creek. As a result, it is imperative that a very thorough evaluation take place on this permit request.

The Waterland City

Printed on Recycled Paper

AR 035339

Upon review of the application for a section 404 permit and the given background information stated above, please consider the following comments as submitted by the City of Des Moines:

- 2
1. The application refers to 2,200 feet of Des Moines creek needing relocation as a result of construction of the South Aviation Safety Area (SASA). However, stream mitigation is not proposed at this time because construction plans for SASA have not been completed which would identify the nature and extent of the stream's relocation.

Given the lack of construction plans for SASA and an associated mitigation plan for relocating Des Moines Creek, the SASA fill should be excluded from this permit. A separate permit application should be made upon completion of the plans for SASA.

- 3
2. A substantial number of small wetlands (totaling an estimated 4.5 acres) will be eliminated from the Des Moines Creek Watershed as a result of filling for the third runway, SASA, and borrow sites 1-3. Rather than mitigating these wetlands with a single wetland located in Auburn, Washington (outside of the watershed), a study should be made to review potential sites within the Des Moines Creek Watershed itself for making the replacement. There is also the option of doing at least some of the wetland mitigation within the nearby watersheds that flow directly to Puget Sound.

- 4
3. All projects within the Des Moines Creek Watershed should be compatible with the goals and policies of the recently completed Des Moines Creek Basin Plan, of which, the Port of Seattle was a co-author.

It was the understanding of the jurisdictions involved in the preparation of this plan, that future activities within the watershed would not degrade the water quality or the habitat within the watershed. The Port's proposal to eliminate a substantial number of wetlands, though small wetlands, and not provide mitigation or replacement of the wetlands within the Des Moines Creek watershed, goes against this policy.

- 5
4. Due to the complexity and size of the project as well as the number of wetlands involved and the exception to replace the wetlands with a manmade wetland outside of the Miller Creek and Des Moines Creek watersheds, a public hearing should be held to consider the application. The comment period should also be extended to make sure that all interested parties have a chance to respond.


Jonathan Freedman, Project Manager
US Army Corps of Engineers
January 16, 1998
Page 3

6 { The City of Des Moines is very concerned about the health and well being of the watersheds within the city limits. The City has spent a great deal of time and money trying to improve the present conditions of Des Moines Creek. We would hope that the conditions placed on the Port of Seattle's section 404 permit would be consistent with our community's efforts, especially since we are downstream of some of the major construction.

These comments are supplementary to the comments submitted under separate cover from the Airport Communities Coalition, of which, the City of Des Moines is a member.

Thank you for your attention to this matter.

Sincerely,



for Robert L. Olander
City Manager

cc: Tim Heydon, Public Works Director
Loren Reinhold, Assistant City Engineer

LR:LR:lr

misc/ltr/Port-Army Permit.doc

AR 035341



CITY OF NORMANDY PARK

801 SW 174TH STREET NORMANDY PARK, WA 98166 TELEPHONE (206) 248-7603

January 15, 1997

Jonathan Freedman, Project Manager
US Army Corps of Engineers
Regulatory Branch
Post Office Box 3755
Seattle, WA 98124 -2255



RE: 96-4-02325, Port of Seattle application for a Department of the Army permit in accordance with Section 404 of the Federal Clean Water Act to an eliminate extensive amount of existing wetlands and fill and rechannel about 980 feet of Miller Creek and 2,200 feet of Des Moines Creek.

Dear Mr. Freedman:

The Normandy Park City Council unanimously passed a resolution regarding the pending Section 404 permit application referenced above. I am transmitting a copy of this resolution with this letter. The City Council requests that you extend the public comment period by 90 days, hold one or more public hearings, and deny this permit application. Please refer to the text of the enclosed resolution for further details.

Thank you for your consideration.

Sincerely,

Merlin MacReynold
City Manager

Enclosure : one

cc: City Council
 City Attorney

AR 035342

**CITY OF NORMANDY PARK
RESOLUTION NUMBER 707**

A RESOLUTION OF THE CITY OF NORMANDY PARK, WASHINGTON, TO REQUEST THAT THE U.S. ARMY CORPS OF ENGINEERS EXTEND THE PUBLIC COMMENT PERIOD BY 90 DAYS, HOLD ONE OR MORE PUBLIC HEARINGS, AND DENY THE APPLICATION FROM THE PORT OF SEATTLE FOR A DEPARTMENT OF THE ARMY PERMIT IN ACCORDANCE WITH SECTION 404 OF THE FEDERAL CLEAN WATER ACT (Reference Number 96-4-02325) FOR CONSTRUCTION OF THE PROPOSED THIRD RUNWAY AT THE SEA-TAC INTERNATIONAL AIRPORT.

WHEREAS, the third runway project is of extreme public concern and would create tremendous adverse impacts on the environment and the quality of life of surrounding communities; and

WHEREAS, the Port of Seattle proposes to extensively fill wetlands in the Des Moines Creek and Miller Creek watersheds and in the City of SeaTac as well as rechannelize large segments of Des Moines Creek and Miller Creek; and

WHEREAS, the Port of Seattle does not specify all of the wetlands which may be affected by this project but asks in their Section 404 permit application to include an indeterminate amount of wetlands that may be identified during the course of the project, thus exhibiting an unacceptable deficiency in their application; and

WHEREAS, the Port of Seattle proposes to provide all wetland mitigation at remote locations outside of the watersheds in which the wetlands would be eliminated or impacted and this is in conflict with local regulations which require wetland mitigation to occur within the same watershed; and

WHEREAS, the proposed Section 404 permit fails to coordinate with the pending NPDES permit for Sea-Tac Airport; and

WHEREAS, the proposed third runway project would require in excess of 26 million cubic yards of fill which would result in unacceptable adverse environmental impacts both on and off the project site; and

WHEREAS, on two separate occasions in 1997, the Port of Seattle was fined by the Washington State Department of Ecology for failure to properly implement temporary erosion and sedimentation control measures on their Sea-Tac Airport north employee parking lot construction project. Failure to control a relatively minor accessory project site such as this leads a reasonable person to believe that horrendous disasters would result from the proposed third runway development; and

WHEREAS, the Port of Seattle has demonstrated an inability to control their construction sites and airport facilities and properly implement environmental protection measures; and

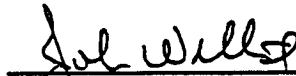
WHEREAS, a large portion of the Miller Creek basin is located within the corporate limits of the City of Normandy Park and local residents have worked very hard to preserve this valuable salmon bearing urban stream.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORMANDY PARK DOES
REBY RESOLVE AS FOLLOWS:

Section 1.

1. Direct the City Manager to send a letter expressing these concerns to the U.S. Army Corps of Engineers.

PASSED BY THE CITY COUNCIL OF THE CITY OF NORMANDY PARK THIS 13TH DAY OF
JANUARY, 1998; AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 13TH DAY OF
JANUARY, 1998.



John Wiltse, Mayor



Brenda J. Rolph, City Clerk-Treasurer

Ayes: Creighton, Wiltse, Harris, Quong-Vermeire, Drosdick, Spencer and Rankin

Nays: None

Absent: None

Excused: None

Effective:



City of Normandy Park

1L-6

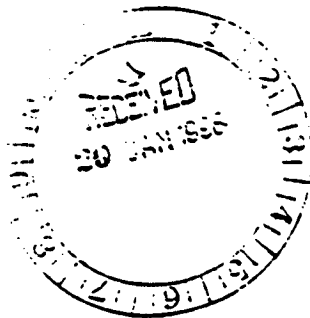
801 SW 174th Street, Normandy Park, Washington 98166-3679
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Director of Public Safety
Rick Kieller
City Clerk-Treasurer
Brenda J. Rolph
Public Works Ops Manager
Chuck Heit
City Planner
Mary Davis
Recreation Coordinator
Karen McAllister-Wagner

Council
Mayor
John Rankin
Mayor Pro-tem
Claire Drosdick
Stuart Creighton
Charlie Harris
Guy Spencer
Kathleen Vermeire
John Wiltse

January 15, 1997

Jonathan Freedman, Project Manager
US Army Corps of Engineers
Regulatory Branch
Post Office Box 3755
Seattle, WA 98124 -2255



RE: 96-4-02325, Port of Seattle application for a Department of the Army permit in accordance with Section 404 of the Federal Clean Water Act to an eliminate extensive amount of existing wetlands and fill and rechannel about 980 feet of Miller Creek and 2,200 feet of Des Moines Creek.

Dear Mr. Freedman:

I request that you extend the public comment period for this permit application and that you schedule several public hearings to properly address the complexities and extremely adverse impacts of this proposed project. While your public notice was dated December 19, 1997, I did not receive it until December 23, 1997. You are the project manager assigned to this project but you have been on vacation during the bulk of the comment period and no one at your office was available to discuss and answer questions about this project in your absence. Due to the holiday and vacation schedules this time of year and the nature and magnitude of the impacts of this proposed project, it does not seem at all adequate to close the public comment period on January 20, 1998. You cannot fail to be aware of the tremendous public interest there is in this airport expansion project and so should be very positive in your plans to schedule a series of public hearings.

Here are some preliminary comments on the Port of Seattle's application for a Department of Army permit pursuant to Section 404 of the Clean Water Act:

- The third runway project is of extreme public concern and would create tremendous adverse impacts on the environment and the quality of life of surrounding communities.
- The Port of Seattle proposes to extensively fill wetlands in the Des Moines Creek and Miller Creek watersheds and in the City of SeaTac as well as rechannelize large segments of Des Moines Creek and Miller Creek.
- The Port of Seattle does not specify all of the wetlands which may be affected by this project but asks in their Section 404 permit application to include an indeterminate amount of wetlands that may be identified during the course of the project, thus exhibiting an unacceptable deficiency in their application.
- The Port of Seattle proposes to provide all wetland mitigation at remote locations outside of the watersheds in which the wetlands would be eliminated or impacted and this is in conflict with local regulations which require wetland mitigation to occur within the same watershed.
- The proposed Section 404 permit fails to coordinate with the pending NPDES permit for Sea-Tac Airport.
- The proposed third runway project would require in excess of 26 million cubic yards of fill which would result in unacceptable adverse environmental impacts both on and off the project site.

2
3
4
5



letter to Mr. Freedman

1/15/98

page 2

- 6
- On two separate occasions in 1997, the Port of Seattle was fined by the Washington State Department of Ecology for failure to properly implement temporary erosion and sedimentation control measures on their Sea-Tac Airport north employee parking lot construction project. Failure to control a relatively minor accessory project site such as this leads a reasonable person to believe that horrendous disasters would result from the proposed third runway development.
- 7
- The Port of Seattle has demonstrated an inability to control their construction sites and airport facilities and properly implement environmental protection measures.
 - A large portion of the Miller Creek basin is located within the corporate limits of the City of Normandy Park and local residents have worked very hard to preserve this valuable salmon bearing urban stream.
- 8
- The Central Puget Sound Watershed Forum is developing a vision and list of projects for the preservation, restoration, and enhancement of water quality and habitat aspects of riparian and shoreline areas. The destruction of wetlands, rechannelization of creeks, reduction of floodplain storage capacity, increased storm drainage volumes, and potential erosion and sedimentation problems associated with the proposed airport expansion project, would conflict with the goals and vision of this multijurisdictional organization.

There are many more issues we can review and comment on if we are afforded adequate time to prepare and present information to you. This is a complex and large scale project which demands full public scrutiny and a very detailed and thorough evaluation by you and your staff.

Thank you for your consideration. I look forward to attending the public hearing on this application.

Sincerely,

Mary Davis

Mary Davis
City Planner

cc: Merlin MacReynold, City Manager
ACC
RCAA

AR 035346

1L-7

**King Conservation District**

935 Powell Ave. SW Renton, WA 98055 Phone (425) 226-4867 Fax (206) 764-6677

January 26, 1998

Jonathan Freedman
US Army Corps of Engineers
Seattle District, Regulatory Branch
PO Box 3755
Seattle, WA 98124-2255

RE: Port of Seattle Request for Clean Water Action Section 404 Permit

Dear Mr. Freedman:

The King Conservation District is a county-wide public entity charged with conserving renewable natural resources. One of the District's primary objectives is restoration and preservation of wetlands.

1 | It is the District's view that the Corps has not sufficiently examined the local opportunity to mitigate wetlands damage as a consequence of the proposed 3rd runway at Seattle Tacoma International Airport. It is always preferable to mitigate in the same drainage basin. There appear to be many opportunities to construct a series of smaller wetlands within the Miller Creek basin that together may mitigate the proposed loss.

2 | The King Conservation District is uniquely positioned to assist with an evaluation of mitigation opportunities and to oversee that relocation of wetlands. If the Port of Seattle's current proposal is allowed to go forward, Miller Creek will be so changed that downstream impacts will be detrimental to tidal ecosystems. Currently, the District is examining a request to re-construct a tidal marsh at the creek's terminus. That marsh will be devastated by tight-lining the creek.

Please contact the District's urban programs manager, Steve Heacock, to begin a discussion of the District's potential role in this matter.

Sincerely,

Stephen Lamphear, Chair
Board of Supervisors

KCD Ref: Letter #98-025

AR 035347

STATE REPRESENTATIVE
3RD DISTRICT
KAREN KEISLER

1E-1
State of
Washington
House of
Representatives

ADDITIONAL SERVICES
EDUCATION
FINANCIAL INSTITUTIONS
& INSURANCE



January 20, 1998

Jonathan Freedman, Project Manager
U.S. Army Corps of Engineers
P.O. Box 3755
Seattle, WA 98124-2255

Dear Mr. Freedman,

1 I am writing to request that the proposed permit for construction of a third runway at Sea-Tac Airport by the Port of Seattle (Section 404 permit #96-4-02325) be denied for its failure to properly assimilate all of the environmental analysis related to this project. The Corps has mistakenly relied on the out-dated EIS and fails to incorporate crucial information outlined under the *Final Supplemental Environmental Impact Statement for the Proposed Master Plan Update Development Actions at Sea-Tac Airport*. The FEIS was released in May, 1997 -- two months before the National Marine Fisheries Service listed numerous Puget Sound salmon runs under the Endangered Species Act.

2 The Water and Land Resources Division of the King County Department of Natural Resources has identified Puget Sound chinook, Puget Sound chum, and sea-run cutthroat as present in Miller Creek. The EIS of which the Corps relies on fails to incorporate this monumental factor into its permit application for this project. Failing to address this issue is erroneous and irresponsible.

3 I am further alarmed by the Corps apparent disregard for holding the Port of Seattle to the standard applied to private projects when considering project alternatives and the scope of mitigation requirements. When the state built the Emerald Downs Racetrack in Kent, it required an alternative. When the state issued a permit to construct a Weyerhaeuser project in Vancouver, it required an alternative. No where, in this application, does the Corps review alternatives. Considering that the state has a record of requiring the private sector to require this examination, it would be inexcusable to exempt such a powerful government agency as the Port of Seattle.

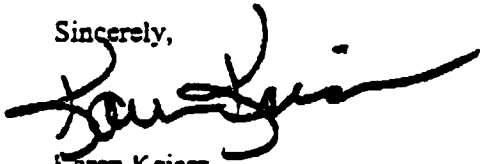
4 The proposal for off-site mitigation is ridiculous and fails to give back anything to the community. The surrounding community loses its wetlands and gains nothing. Sites for mitigation do exist within the basin. For example, the King Conservation District is working to restore the estuary at the mouth of Miller Creek. The proposal for off-site mitigation puts our

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RESIDENCE: 12000 43RD AVE
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4 | environment at risk because off-site mitigation has an historically high failure rate. The replacement ratio (1.7 to 1) in this project is too low, and presents an even increased likelihood of failure.

5 | I believe the gaps in this permit application sends the wrong message to our taxpayers. I believe we have an obligation to the public to ensure that the Corps has carefully considered the evidence before giving the nod to one of the largest construction projects in our state's history. I believe that a project of this magnitude, that impacts hundreds of families for generations to come, should receive a respectful and careful review from the Corp. On this basis, I am requesting that the Corp deny this permit application.

Sincerely,



Karen Keiser
State Representative
33rd District

KLK:se

AR 035349



Washington State Senate

Olympia Office:
405 John A. Chergery Building
PO Box 40452
Olympia, WA 98501-0482

Senator Julia Patterson
33rd Legislative District

(360) 786-7664
Toll-Free Hotline: 1-800-562-6000
TTY: 1-800-635-9993
e-mail: patterson_ju@leg.wa.gov

January 19, 1998

Jonathan Freedman, Project Manager
US Corps of Engineers
Post Office Box 3755
Seattle, Washington 98124-2255

Dear Mr. Freedman,

I am writing to provide comment on the proposed Section 404 permit #96-4-02325 (Port of Seattle). The permit application submitted by the Port of Seattle is inadequate, and the permit should be denied for the following reasons:

1 (1) The permit application relies solely on the previously completed environmental impact statement (EIS) to determine compliance under the National Environmental Policy Act. This is insufficient because there has been significant new information since the completion of the EIS. The Final Supplemental Environmental Impact Statement for the Proposed Master Plan Update Development Actions at Seattle-Tacoma International Airport was released in May, 1997. In July 1997 (two months later) the National Marine Fisheries Service announced that numerous salmon runs in the Pacific Northwest, including Puget Sound chinook, Puget Sound chum, and sea-run cutthroat, were candidates for listing under the federal Endangered Species Act. The Water and Land Resources Division of the King County Department of Natural Resources has identified Puget Sound chinook, Puget Sound chum, and sea-run cutthroat as present in Miller Creek. These potential listings had not been announced at the time the EIS was completed, and the EIS completely fails to consider the impact on these potential endangered species. Healthy salmon runs are important to our community, and it is outrageous to consider filling the headwaters of a creek bearing potentially endangered salmon.

2 (2) The permit application does not include an acceptable alternatives analysis. In this area, the Corps of Engineers is unfairly holding the Port of Seattle to a much lower standard than other applicants. Consider, for example, the exhaustive alternative analysis the Corps of Engineers required for the Emerald Downs Racetrack in Kent, and the Weyerhaeuser project in Vancouver. A Corps 404 permit for a landfill in Pierce County was recently denied due to unacceptable wetlands impacts and the availability of other solid waste disposal alternatives, despite the applicant's vigorous denial of the suitability

2 { of such alternatives. The Corps of Engineers has also recently criticized the alternatives analysis conducted for the Washington State Department of Corrections facility in Grays Harbor. You must be consistent and hold the Port of Seattle to the same standards you required of the State of Washington and the private applicants. This is important because alternatives to the Port of Seattle project do exist, and were not adequately considered in the EIS. I believe the Corps of Engineers has an obligation to require an impartial and exhaustive alternatives analysis, and not rely solely on the previous EIS.

3 { (3) The proposal for off-site mitigation is unfair to the community and puts our environment at risk. It is unfair to the community because we lose our wetlands and gain nothing. Sites for mitigation do exist within the basin. For example, the King Conservation District is working to restore the estuary at the mouth of Miller Creek. The proposal for off-site mitigation puts our environment at risk because off-site mitigation has an historically high failure rate. The replacement ratio (1.7 to 1) in this project is too low, and presents an even increased likelihood of failure.

4 { Although I have only highlighted three concerns, I believe the permit application is flawed in many other ways. As the State Senator representing the area surrounding Seattle-Tacoma International Airport, I want the Corps of Engineers to understand that this project is not supported by the community. I urge you to deny the application. Thank you for your consideration.

Sincerely,

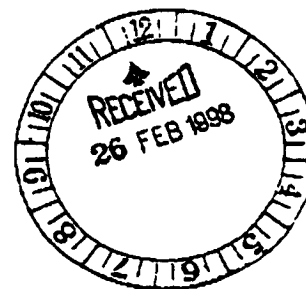


Julia Patterson
 State Senator
 33rd District

1E-3



Christopher Vance
 METROPOLITAN KING COUNTY COUNCIL
 District Thirteen



February 22, 1998

Mr. Jonathan Freedman
 Army Corps of Engineers
 PO Box 3755
 Seattle, WA 98124-2255

Re: US Army Corps of Engineer Public Notice #96-4-02325, Port of Seattle

Dear Mr. Freedman:

I understand that the Corps will be holding a public hearing on the above referenced permit. Due to the critical nature of the wetlands that are proposed to be filled in the Des Moines Creek and Miller Creek watersheds, I would encourage you to re-examine this permit.

This permit would fill in several acres of wetlands that are crucial to the continued health of Des Moines Creek. The waterway includes habitat for coho, chum, and pink salmon as well as steelhead and cutthroat trout. It is also carrying the possibility of a restoring a usable fishery in the higher reaches of the creek.

King County has continually extended its hand to restore Des Moines Creek and the surrounding habitat. Along with the State of Washington, the Muckleshoot Indian Tribe, and the City of Des Moines we have sponsored numerous studies. Each report reiterates the critical nature of the area, the fragile health of the creek and the ability to restore fish populations.

Again, I strongly urge you to reevaluate the Army Corps permit and oppose their plan to fill in these vital wetlands. At a time when all of our natural resources are in danger, we cannot, in good faith, commit to their further destruction.

Sincerely,

Chris Vance
 Councilmember, District 13

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1G-1

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Mr. Jonathan Freedman
Regulatory Branch
United States Army Corps of Engineers
Seattle District
P.O. Box 3755
Seattle, Washington 98124-2255

Re: Comments on the Port of Seattle Section 404 Permit Application
File No. 96-4-02325

Dear Mr. Freedman:

In response to the Public Notice of Application for Permit ("Notice") and the Army Corps of Engineers' ("the Corps") request for public comment, Cutler & Stanfield, L.L.P., on behalf of the cities of Burien, Des Moines, Federal Way, Normandy Park, and Tukwila, Washington, and the Highline School District, individually, and collectively as the Airport Communities Coalition ("ACC"), hereby comments on the Port of Seattle's application for a Department of the Army Permit in accordance with Section 404 of the Federal Clean Water Act ("Port Permit Application"). In addition, the ACC hereby respectfully requests that the Corps hold a public hearing to consider the Port's Permit Application.

The work covered by the Port Permit Application would implement proposed master plan update improvements at the Seattle-Tacoma International Airport ("Sea-Tac Expansion"). These

AR 035353

improvements essentially would result in construction of a new Airport at a cost of \$3.3 billion. The improvements include a new 8,500 foot runway parallel to the existing runways; the development of corresponding taxiways and runway utilities; the extension of an existing runway to 12,500 feet; the erection of a new air traffic control tower; a vast expansion of existing terminal facilities; and the addition of new terminal, parking, cargo, maintenance and support facilities. The Port anticipates this work to affect at least 12.13 acres of identified wetlands. The work also would affect drainage and groundwater recharge in up to 30% of the Des Moines Creek basin and portions of the Miller Creek basin as well as require the relocation of nearly one mile of Miller Creek and its tributaries.

These comments are not intended to provide a line-by-line critique of the inadequacies of the Port Permit Application. Instead, the ACC will focus on the issues which seriously compromise the sufficiency of the document and which merit the Corps's denial of the Port Permit. Many of the points the ACC raises in this letter, as well as others not addressed here, have been raised in detail in comments the ACC has submitted throughout the approval process for the Sea-Tac Expansion. The ACC incorporates these comments by reference as they apply to the consideration of the Port Permit Application and attaches relevant portions for the Corps's convenience. See ACC, Comments on the Draft EIS (Aug. 3, 1995) (Attachment 1); ACC, Comments on the Draft SEIS (March 31, 1997) (Attachment 2); ACC, Comments on Proposed NPDES Permit (Dec. 9, 1997) (Attachment 3).

As set out in detail below, and in accordance with its own regulations, the Corps should decline to issue a permit for this work on grounds that the Port Permit Application fails to comply with the restrictions on discharge set out in EPA regulations and the Corps own permitting requirements.

I. A Public Hearing Should Be Held to Facilitate Consideration of Material Technical and Legal Matters at Issue in the Port Permit Application and the Sea-Tac Expansion.

The Corps regulations require that requests for public hearing be granted where substantial issues are raised or valid interests will be served by a hearing. 33 C.F.R. § 327.4. In this case, the issues raised by the Port Permit Application are substantial, in fact, sufficiently substantial to justify denial of the permit. The application presents deficiencies which preclude the Corps from issuing a permit pursuant to the Corps's own regulations. In particular: (1) there is a "practicable alternative" to the Sea-Tac expansion which would have a less adverse impact on the aquatic system; (2) the expansion project does not include appropriate wetlands mitigation measures; (3) the permit would cause or contribute to a significant degradation of the waters of the United States; (4) the permit would cause or contribute to violations of applicable State water quality standards; and (5) the mitigation measures proposed by the permit are inconsistent with local regulations governing wetlands and the views of local officials.

Undeniably, valid interests would be served by a hearing. The magnitude of the project covered by the Port Permit Application is unprecedented in the United States, if not the world. Because Sea-Tac Airport is sited on a plateau rising hundreds of feet above the surrounding land, the proposed placement of the new runway would require the construction of a massive fill embankment, with a height of up to 200 feet in order create a surface which would be level with the existing airfield. See Final EIS at IV.19-1, IV.19-8 to IV.19-18 (Ex. IV.19-1). The Port estimates that this embankment would require twenty-six million cubic yards of dirt—literally a mountain of dirt. See Final EIS at IV.23-13A (Table IV.23-1) Much of this dirt would originate from on-site borrow sources in the Miller and Des Moines Creek basins and in or near 144 acres of identified wetlands.

The scope and potential impact of this project has inspired significant concern by the citizens of the jurisdictions on whose behalf these comments are submitted, as well as other

communities. This concern has been clear at every phase of the project approval and permitting process. A hearing is necessary both to assure that the public is fully informed of the effects of the Sea-Tac Expansion on aquatic resources and water quality and to assure that the public is afforded every opportunity for participation in the Corps's consideration of the Port Permit Application.

Moreover, the Corps has committed to "avoid adverse impacts and offset unavoidable impacts to existing aquatic resources" and, for wetlands, "to achieve a goal of no overall net loss of values and functions." See Memorandum of Agreement Between the Environmental Protection Agency and the Department of the Army Concerning the Determination of Mitigation Under the Clean Water Act Section 404(b)(1) Guidelines (1990) ("Mitigation MOU"). A hearing is critical to the consideration and presentation of data and technical issues involved in achieving these goals with respect to the proposed Sea-Tac Expansion. The Guidelines require the preparation of written factual determinations to be used "in making findings of compliance or non-compliance with the restrictions on discharge" set out in the Guidelines. Determining the compliance of the Port Permit Application will require, among other things:

- the careful evaluation of proposed methods of mitigation and their likelihood of success;
- evaluation of appropriate wetlands replacement ratios;
- attention to the functions in the watershed fulfilled by the particular wetlands and other waters to be affected; and
- evaluation of the risk of impacts to water quality within the aquatic system.

See generally 40 C.F.R. § 230 Subparts C, D, E, F, G. Making these determinations will be technically demanding. In addition, much of the data and other information relating to these questions will be presented for the first time during the review of the Port Permit Application. The opportunity provided by a public hearing for presentation of alternative recommendations and analysis on these technical issues, as well as for rebuttal by the Port, is critical both to

facilitate the Corps's development of factual determinations and for their careful consideration in determining the Port's compliance with the requirements of the Guidelines.

II. The Corps Must Deny the Port Permit Because There Is a "Practicable Alternative" That Would Have a Less Adverse Impact on the Aquatic System.

The Guidelines prohibit the issuance of a 404(b)(1) permit "if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant environmental consequences." 40 C.F.R. § 230.10(a). An alternative is practicable "if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes." See 40 C.F.R. § 230.10(a)(2). As the ACC has argued before, a runway considerably shorter than the Port's proposal is highly practicable and would have a less adverse impact on aquatic resources. See, e.g., ACC, Comments on the Draft EIS (Aug. 3, 1995).

A. The Port Permit Application Fails to Provide Sufficient Analysis to Consider this Alternative Under the Guidelines.

The Port Permit Application makes no attempt to address alternatives to the construction of an 8,500 foot runway. The Notice merely refers to the discussion of alternatives set out in the "Final Environmental Impact Statement for the Proposed Master Plan Update Development Actions at Seattle-Tacoma International Airport" ("Final EIS") and the "Final Supplemental Environmental Impact Statement for the Proposed Master Plan Update Development Actions at Seattle-Tacoma International Airport" ("Final SEIS"). The Guidelines dictate that where the analysis of alternatives required for NEPA documents has not "considered the alternatives in sufficient detail" to determine whether there are practicable alternatives to the proposed action, "it may be necessary to supplement these NEPA documents with this additional information." 40 C.F.R. § 230.10(a)(4). The Corps cannot rely on these Federal Aviation Administration

NEPA documents because these documents do not consider shorter runway alternatives adequately or in sufficient detail to meet the Guideline requirements.

2 Neither of these NEPA documents provides a meaningful discussion of shorter runway alternatives or the reduction in impacts on wetlands and aquatic resources a shorter runway could achieve. In its comments on the Draft EIS, the ACC argued that shorter runway lengths would meet the stated purpose and need for the project, see, e.g., ACC, Comments on the Draft EIS at 4-26 through 4-42, and would reduce or eliminate the use of wetlands associated with the construction of the third runway. Id. at 5.6-1. The record makes clear, however, that the Port never considered in detail a shorter runway designed and located *specifically* to reduce fill requirements. Instead of closely examining even a 7,000-foot runway alternative (Final EIS Option 4B), the Port merely inserted a statement in a footnote, in the smallest print used in the Final EIS, that eliminated Option 4B from any meaningful consideration. The Port stated that Option 4B "was not evaluated due to its similarity to Options 4A, 4C, and 5." Final EIS, (Table II-5) unnumbered footnote (quote in actual size used in the EIS). This analysis is hardly sufficient to determine whether a shorter runway is a practicable alternative that would have a less adverse impact on the aquatic system.

B. A Runway Considerably Shorter Than The Port's Proposal Would Feasibly Meet the Port's Stated Purpose and Need.

It is the responsibility of the Corps to "exercise independent judgment in defining the purpose and need for the project from both the applicant's and the public's perspective." NEPA Implementation Procedures for the Regulatory Program, 33 C.F.R. Part 325, Appendix B § 9(b)(4). An independent analysis by the Corps would show that a runway considerably shorter than the Port's proposal (between 6,000 and 6,700 feet long) would feasibly meet the Port's stated purpose and need as well as the public's. See Written Testimony of Dr. Stephen L.M. Hockaday submitted to the Hearing Examiner of the Port of Seattle, Case No. 96-04 ("Hockaday

Testimony”) at 2-6 (Attachment 4). In both the Final EIS and the Final SEIS, the Port stated that the proposed third runway was needed to “improve the poor weather airfield operating capability in a manner that accommodates aircraft activity with an acceptable level of aircraft delay.” Final SEIS at 2-18. Since the Port has acknowledged that “[a]rrival delay represents over 85 percent of total current delay experienced by an average flight [at Sea-Tac Airport],” a new runway would principally reduce delays for aircraft *landing* in poor weather. Final EIS at I-15; see also Final SEIS at 2-8 (Table 2-4). This admission is significant because aircraft need less distance to land than they do to take off. Hockaday Testimony at 3.

2
Based on a technical evaluation of Port data indicating the types of aircraft likely to use Sea-Tac Airport, a runway considerably shorter than 8,500 feet could still accommodate the vast majority of aircraft, and therefore meet the Port’s stated need of improved poor weather operating capability. Id. A runway as short as 4,000 feet could accommodate all current commuter, general aviation, and military operations, even in wet weather. Id. at 4. The Port’s own data also shows that, on an annual average, a 6,000-foot runway could be used by 76 to 85 percent of landing aircraft. Id. Even more significant, a 6,700-foot runway would accommodate 99 to 100 percent of landing aircraft even in wet weather.¹ Id. By accommodating such a large percentage of aircraft arriving at Sea-Tac Airport, a 6,000 or 6,700-foot runway clearly would improve poor weather operating conditions, thus reducing poor weather delay—the precise purpose of the proposed third runway.

A 6,000 or 6,700-foot runway is feasible and would significantly reduce the amount of fill dirt required for runway construction. A runway 6,000 or 6,700 feet in length could be placed in precisely the same location as the Port’s proposed 8,500-foot runway, i.e., so that the southern threshold would be at exactly the same location as the proposed 8,500-foot runway. Id.

¹ While poor weather *departure* delay constitutes only a fraction of Sea-Tac Airport’s overall delay, a 6,700-foot runway would facilitate 87 percent of all departures. Hockaday Testimony at 5.

at 6. Since the runway would be between 1,800 and 2,500 feet shorter, however, it would rest largely on the existing airfield plateau. Based on the Port's and FAA's analysis, such a placement is operationally feasible and would not unduly complicate terminal airspace management. Id. at 6.

2
In terms of fill requirements, the advantages of such a shorter runway are significant. A 6,000-foot runway would reduce project fill requirements by as much as seven and a half million cubic yards. Written Testimony of Dr. Jimmie Hinze submitted to the Hearing Examiner of the Port of Seattle, Case No. 96-04 ("Hinze Testimony") at 9, Table 1. A 6,700-foot runway would reduce fill requirements by as much as nearly five million cubic yards. Id. These reductions may even be higher, although detailed comparisons are elusive since the Port's analysis of fill requirements is so vague that it is extremely difficult, if not impossible, to identify the details and working assumptions behind the agency's conclusions. Id. at 7-9. In any event, a 6,000-foot or 6,700-foot runway would eliminate the need for fill from on-site sources significantly. See Final SEIS at C-4-5 (Table C-4-2). For purposes of the Corps consideration of the Port Permit, this reduction in on-site fill requirements could reduce or *eliminate* impacts on wetlands from the strip mining of borrow sources.

More significantly, this reduction in fill requirements could avoid a significant amount of construction-related and long-term sedimentation of Des Moines Creek. Des Moines Creek flows between Borrow Areas No. 1, 2, 3 and 4. As clearly illustrated by Figure 1.1-1 of the Revised Mitigation Plan, mining of these areas would disturb a significant area of the Des Moines Creek drainage. The Port estimates that construction would result in an increase of total suspended solids of 14 to 36% in Des Moines Creek during and immediately following construction and an overall increase of 4% compared to existing loading. A shorter runway could eliminate the need to mine most of these three borrow sources, as demonstrated below. Merely by leaving the majority of these areas unmined, the Port could avoid significant construction-related impacts to the stream and leave in place existing vegetation and wetlands to

lessen surface water flow resulting from the increased areas of impervious surface in the watershed.²

On-Site Borrow Source	Fill Available (MCY)
#1	6.60
#2	.65
#3	2.9
#4	2.2

2 As this discussion makes clear, the shorter runway alternative is practicable, has a less adverse impact on the aquatic ecosystem, and does not have other significant environmental consequences. "Decision options available to the district engineer, which embrace *all* of the applicant's alternatives, are issue the permit, issue with modifications or conditions, or deny the permit." 33 C.F.R. Part 325 Appendix B § 9(b)(5) (emphasis added). In this case, the Corps has no choice but to either deny the Port Permit, or issue the permit only on the condition that Port construct a runway considerably shorter than the Port's proposal, such as the one proposed by the ACC.

3 **III. The Corps May Not Issue the Port Permit Because Appropriate and Practicable Steps Have Not Been Taken to Minimize Potential Adverse Impacts on the Aquatic Ecosystem**

The Guidelines mandate that "[n]o discharge of dredged and fill material shall be permitted unless appropriate and practicable steps have been taken which will minimize potential

² Final SEIS at 5-5-7. It is unclear to what extent the Port intends discharges to Des Moines Creek to be covered by the Port Permit Application. The Port notes that a separate permit application will be submitted, but then states that certain impacts "can be reasonably quantified now and will be discussed here." See Port Permit Application, Appendix B. To the extent that the Port has identified adverse impacts to this stream, the Corps should consider alternatives that would reduce those impacts.

3 adverse impacts of the discharge on the aquatic ecosystem." 40 C.F.R. § 230.10(d). The Mitigation MOU provides a three-step sequence for developing appropriate mitigation measures: (1) to the extent practicable, all adverse impacts must be avoided; (2) if adverse impacts cannot practicably be avoided, adverse impacts must, to the extent practicable, be minimized; (3) if adverse impacts cannot practicably be minimized, compensatory mitigation is required. The Port has failed to provide for appropriate mitigation of wetland impacts in its Wetlands Mitigation Plan.³

A. The Port's Mitigation Plan Fails to Provide or Adequately Consider Either On-Site or Same-Watershed Compensatory Mitigation as Preferred Under the Mitigation MOU.

Under the Mitigation MOU, compensatory mitigation should be undertaken on-site when practicable. If on-site compensatory mitigation is not practicable, the Mitigation MOU advises that off-site mitigation should be undertaken, when practicable, in the same geographic area (i.e., in close proximity and, to the extent possible, in the same watershed). The Mitigation MOU also enunciates the Corps's commitment to "give full consideration the views of the resource agencies when making this determination."

Contrary to the guidance of the Mitigation MOU, the Port' plan provides no on-site or same-watershed mitigation. Instead the Port prefers the creation of approximately 21 acres of new wetlands within the City of Auburn. See Mitigation Plan, at 3-1, 3-8; Final SEIS, at 5-5-14. According to the Final SEIS, mitigation within the same watershed supposedly is not feasible because "most" of the potential sites are too small to support the compensatory mitigation on one site, which would result in two or more sites without habitat connectivity to each other or to other habitat areas; watersheds are "largely" urbanized and "most" of the potential sites are

³ According to the Final EIS, the Port would "minimize impact by using Best Management Practices (BMP) during construction and operation of the proposed improvements." Final EIS at IV.11-6. As discussed below in Part IV, BMPs are not adequate to control significant impacts to aquatic resources caused by the proposed fill activities.

fragmented by homes, roadways, or other development; and proximity to existing and proposed runways creates a potential hazard between birds and aircraft. See Final SEIS, at 5-5-13; Final EIS, at IV.11-6.

This rationale is weak. First, maintaining the functions of *existing* wetlands does not create *new* hazards. Even if it did, compensatory mitigation of these functions is unlikely to affect bird hazards noticeably. According to the Final SEIS, “[l]arge soaring birds, such as raptors, gulls and blackbirds represent the greatest hazards.” Final SEIS at 5-5-14. However, wetlands affected by the Sea-Tac Expansion do not provide a significant amount of habitat for these birds. The Revised Mitigation Plan indicates that affected emergent wetlands provide “low to moderate” habitat function for birds such as red-winged blackbirds. Revised Mitigation Plan, Table 2.2-4. Forested wetlands provide better habitat function, but the area of affected wetlands represents only about ten percent of the total forested wetlands inventoried in the study area and these wetlands “lack significant open water or standing water during the breeding season, limiting their function as waterfowl breeding habitat.” Id. Table 2.2-4, Table 2.2-5. Further, even with these wetland losses, 102 acres of wetlands, including open water habitats of Lake Reba and Lora Lake and an 18-acre palustrine open water/forested/shrub-scrub/emergent wetland complex at the south end of Tub Lake which provides good habitat for many bird species, occur within 4,000 feet of the existing runways. The Port thus cannot claim that replacement of affected wetlands would have much, if any, marginal effect in attracting birds. Further, the Port’s own stormwater management measures include relocation of Tyee Pond to provide 40-45 acre feet of storage capacity. Two of the pond’s three cells would be *densely vegetated emergent wetland cells*. Final EIS at IV.10-17. Finally, the FAA’s own response to comments was inconsistent with its position on bird hazards. In response to comments in the Final SEIS, the FAA maintained that Miller Creek mitigation would address wildlife and *bird* habitat lost by wetland fill. Final SEIS at F-126.

The Port's analysis of potential onsite mitigation areas also neglects the best candidate locations. As the ACC has argued previously, the Port's conclusion that appropriate areas to perform wetland mitigation are unavailable within the drainage of impact completely overlooks the availability of over 400 acres of undeveloped land within the project boundary. See ACC Comments on the Draft EIS at 5.6-7. The Port's EIS particularly overlooks Borrow Areas 1, 2, 3, and 4 for which reclamation plans, if they exist, are not disclosed in the Port's EIS. These areas apparently would remain as undeveloped land following removal of fill materials and would supply 190 acres of land suitable for mitigation. Use of Borrow Areas 1, 2, or 3 would place mitigation sites 6,000 to 8,000 feet away from the proposed new runway. This would be a distance factor of two to five times further away from existing and proposed runways than existing wetlands habitats. The Port's Revised Mitigation Plan repeats this oversight and by neglecting to consider these areas for compensatory mitigation.

The Port's failure to consider on-site or same-watershed mitigation also flies in the face of the comments of the resource agencies. As raised in comments on the Draft SEIS by the U.S. Department of the Interior ("DOI"), the FAA's rationale does not address cumulative wetlands impacts that would occur following project construction as a result of the smaller size and closer proximity of remaining wetlands to human activities if wetlands are not replaced on-site. DOI Comments on the Draft SEIS (April 8, 1997). Further, DOI disputed the main reason for pursuing remote mitigation sites – i.e., the potential hazard between birds and aircraft. DOI pointed out that creation or restoration of wetlands within 10,000 feet of an active runway would not increase "wildlife attractions" over existing levels but would simply replace the habitat destroyed by the proposed project within the same general area. Id. The Port's failure to give serious attention to on-site and same-watershed mitigation against the advice of a resource agency is a particularly egregious deficiency in its application which alone could merit denial of the Port Permit, particularly if the Fish & Wildlife Service ("FWS") concurs with the DOI in its

comments on the Port Permit Application.⁴ See Sierra Club v. Corps of Engineers, 701 F.2d 1011, 1032-33 (2d Cir. 1983) (overturning a permit on grounds that (among other things) the Corps "simply ignored" the views of the agencies, and "never made a serious attempt to discover, or make a decision based on, reliable fisheries information."); 33 C.F.R. § 320.4(c) (requiring the Corps to give "full consideration" to the views of FWS on fish and wildlife matters).

B. Even Proposed Off-Site Compensatory Mitigation Is Likely To Be Inadequate To Meet the Goal of "No Overall Net Loss of Values and Functions" Set Out in the Mitigation MOU.

The Mitigation MOU acknowledges the difficulty of wetland creation such as that proposed by the Port. It states:

There is continued uncertainty regarding the success of wetland creation or other habitat development. Therefore, in determining the nature and extent of habitat development of this type, careful consideration should be given to its likelihood of success. Because the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, restoration should be the first option considered.

In its comments on the Draft SEIS, DOI noted that the creation of wetlands would require experimental construction methods which pose an increased risk that the new wetlands will not be self-sustaining in perpetuity. As a result, DOI urged increasing the mitigation acreage. Notwithstanding this DOI criticism, the Revised Mitigation Plan not only fails to consider the likelihood of success of proposed wetland creation, but actually decreases the compensation ratios for replacement. While the Port's Revised Mitigation Plan provides for the creation of approximately 21 acres to mitigate for the loss of 12.23 acres of wetlands, the mitigation plan in

⁴ DOI noted in its comments that "[b]ecause the proposed project would likely require a permit under section 404 of the Clean Water Act, the U.S. Fish and Wildlife Service may provide additional comments when the permit application is reviewed."

the Final EIS provided for the creation of 27.32 acres for the projected loss of only 10.34 acres.
 (Compare Tables 1 and 2, below.²)

TABLE 1: Port's Revised Mitigation Plan

Project Impacts	Potential Acreage Provided	Compensation Ratio
Fill of 7.38 acres of forested wetland	In-kind replacement of 14.68 acres of forested wetland	2.0:1
Fill of 2.01 acres of scrub/shrub wetland	In-kind replacement of 2.01 acres of scrub/shrub wetlands	1.0:1
Fill of 2.88 acres of emergent wetlands	In-kind replacement of 4.32 acres of emergent wetland	1.5:1

TABLE 2: Port's Mitigation Plan Under the Final EIS

Project Impacts	Potential Acreage Provided	Compensation Ratio
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² These tables were compiled from the information provided in the Final SEIS, at 5-5-2, and the Final EIS, App. P, at P3-19.

Project Impacts	Potential Acreage Provided	Compensation Ratio
Fill of 7.08 acres of forested wetland	In-kind replacement of 20.87 acres of forested wetland	Minimum 2.0:1 Maximum 2.95:1
Fill of 0.39 acres of scrub/shrub wetland	In-kind replacement of 1.02 acres of scrub/shrub wetlands	Minimum 2.0:1 Maximum 2.62:1
Fill of 2.88 acres of emergent wetlands	In-kind replacement of 5.43 acres of emergent wetland	Minimum 1.5:1 Maximum 1.89:1

This reduction in mitigation ratios and acreage is not justified and seriously compromises the Port's Revised Mitigation Plan. Compensation ratios of 1.5:1, 2:1, or even 10:1 are common depending on the characteristics of the wetlands and the condition of the replacement wetlands. See, e.g., Environmental Law Institute, Wetland Mitigation Banking 92-94 (1993) ("ELI Report"). The Mitigation MOU advises that compensatory mitigation ratios should include "an adequate margin of safety to reflect the expected degree of success of the mitigation plan." Appropriate compensation ratios should reflect the uncertainty that compensation wetlands can provide adequate replacement for the natural wetlands being lost and the functional immaturity of the replacement wetlands. See ELI Report at 92-93. The ELI Report concluded, "The inability of any system to assure complete function-for-function replacement of any converted wetland leads inexorably to the conclusion that credit ratios should always be greater than 1:1." Id. at 157. Of the wetland types identified by the Corps, the only non-coastal or non-estuarine wetlands for which restoration, enhancement or creation has achieved a high level of success are midwestern palustrine emergent and open water wetlands. Id. (citing Institute for Water Resources, Summary of Experience of Restoration, Creation, and Enhancement of Wetlands in the United States (1992) (unpublished summary chart)). In this case, the Port has selected the

least favored method of compensatory mitigation—off-site and out-of-watershed wetland creation—for wetland types not conducive to successful creation. Yet, the Port proposes *at most* 1:1 to 2:1 replacement in its Revised Mitigation Plan.

Not only does the Port's Revised Mitigation Plan provide insufficient mitigation acreage, but the Port acknowledges that it also *underestimates* the acreage of affected wetlands. The Port Permit Application estimates the area of impacted wetlands as 12.13 acres and admits: "This is an estimate. Most wetlands have been delineated. However, some wetlands are on private property and have not been delineated due to lack of access." In response to comments on this issue, the Port wrote, "it is presumed that the U.S. Army Corps of Engineers will establish a process for the Port to identify and mitigate wetlands located on newly acquired property as part of the permit approval process." Final SEIS at F-131. Yet, the Notice issued by the Corps underestimates the acreage affected by the the Sea-Tac Expansion even further—at 11.42 acres.

The Port's failure to (1) give meaningful consideration to on-site or same-water shed compensatory mitigation; (2) propose mitigation ratios that reflect the uncertainty of success of its proposed wetlands creation; or (3) provide accurate estimations of affected wetland areas and functions has resulted in a mitigation plan that does not provide appropriate and practicable steps to minimize potential adverse impacts to wetland resources. For this reason, the Corps regulations prohibit issuance of the Port Permit.

4 { **IV. The Corps May Not Grant the Port Permit Because the Fill of Wetlands Authorized by the Permit Would Cause or Contribute to a Significant Degradation of the Waters of the United States.**

The Guidelines prohibit the Corps from issuing a permit where the discharge of fill material "will cause or contribute to significant degradation of the waters of the United States."

40 C.F.R. § 230.10(c).⁶ The Port Permit Application recognizes that the Sea-Tac Expansion would cause and contribute to degradation of streams and wetlands in the project site:

Potential construction impacts to streams and fisheries resources relate to short term increases in total suspended solids (TSS) from erosion and sedimentation and temporary loss of habitat due to stream relocation. Contaminants such as heavy metals and oil and grease from construction machinery tend to cling to sediments. The primary mechanism for delivery of sediment from the construction sites to the streams is in stormwater runoff as suspended solids. . . .

Operational impacts associated with the Master Plan Update Improvements are related to increased stormwater runoff due to the increase in impervious surfaces. Additional stormwater runoff will potentially increase the rate and duration of flows within the stream channels after storms. . . . minor increases in heavy metals and oil and grease are likely to reach Miller and Des Moines Creeks. Stormwater runoff may also contain glycols and urea (used as de-icers in the winter).

4
As the ACC has commented previously, because of cumulative effects of past projects, these impacts are enough to result in a significant degradation of the Miller and Des Moines Creek drainages. A high proportion of wetlands habitat that existed in the Miller and Des

⁶ A discharge will cause or contribute to significant degradation of the waters of the United States if, individually or collectively, it has significant adverse effects on:

- human health or welfare, including but not limited to effects on municipal water supplies, plankton, fish, shellfish, wildlife, and special aquatic sites (which include wetlands);
- life stages of aquatic life and other wildlife dependent on the aquatic ecosystems, including the transfer, concentration, and spread of pollutants or their byproducts outside of the disposal site through biological, physical, and chemical processes;
- aquatic system diversity, productivity, and stability, including, but not limited to, loss of fish and wildlife habitat or loss of the capacity of a wetland to assimilate nutrients, purify water, or reduce wave energy; or
- recreational, aesthetic, and economic values.

40 C.F.R. § 230.10(c)(1)-(4). To demonstrate that there is no significant degradation, the Guidelines require appropriate testing, factual determinations, and evaluations of the potential impacts on the physical, chemical, biological, and human use characteristics of the aquatic ecosystem. See id. § 230.11.

Moines watersheds 20 to 50 years ago have been filled by the Port and by commercial and residential construction. Further loss of wetlands in the Miller and Des Moines Creek drainages would only add to degradation of water quality and changes to stormwater runoff regimes. These conditions would contribute to existing downstream erosion/mass wasting problems in both drainages.

4 Further, mitigation measures noted by Port are likely to be inadequate to control potential degradation of aquatic resources from sedimentation. The Port Permit Application describes BMPs, including erosion and sediment control measures, such as mulching, silt fencing, sediment basins and check dams as measures to control sedimentation of Miller and Des Moines Creeks. Normally, however, BMPs such as these are not completely effective. Uncontrolled construction site sediment loads have been reported to be in the range of 35 to 45 tons per acre per year and may be as high as 71 tons per year, see Final EIS at IV.10-13, while BMPs are normally only 60% effective. The potential loading to these Creeks under this scenario would be well over 15,000 tons during a 2.5 year construction period.

In addition, increases in stormwater runoff duration, rates, and volumes may cause flooding, streambank erosion, and loss of habitat as well as damage to water quality. As the Port admits, heavy metals and ethylene glycol (which, in concentrations of 10% or more, has been designated a "dangerous waste" under state law) also have been detected in stormwater runoff. Not uncommonly, 40% of heavy metals in runoff will be in the dissolved form. See Final EIS at IV.10-5. These metals can evade the mitigation devices proposed by the Port, including sedimentation ponds and biofiltration swales, to enter the aquatic environment. Once there, they adversely affect aquatic life through water, plants, and other animals ingested. See id. at IV.10-4. Data in the Washington Department of Ecology's files related to glycols and fecal coliform also indicate that the Port's Stormwater Pollution Prevention Plan and BMPs have been ineffective at controlling discharges of these substances even under current runoff levels. The Final EIS acknowledges that the increase in impervious surfaces resulting from the Sea-Tac Expansion will

result in "increased loadings of organics, metals, fecal coliform, and nutrients" which will lead to acute and chronic effects on aquatic biota. See Final EIS at IV.10-14.

4 All of these impacts result in significant degradation of the type addressed by the Guidelines. In circumstances such as this where significant degradation of streams, wetlands and their associated habitats is the likely consequence, Corps may not issue the Port Permit.

V. The Corps May Not Issue the Port Permit Because the Fill of Wetlands Authorized by the Permit Would Cause or Contribute to Violations of Applicable State Water Quality Standards.

5 The Guidelines prohibit the issuance of a permit for discharge of dredged or fill material where it "[c]auses or contributes, after consideration of disposal site dilution, to violations of any applicable State water quality standard." 40 C.F.R. § 230.10(b). Washington has established water quality standards for state surface waters. Chapter 173-201 WAC (1990). These standards include an anti-degradation policy which requires that discharges into a receiving water not further degrade the existing water quality. Of the waters affected by operations at Sea-Tac, Puget Sound has been designated Class AA. WAC 173-201-085(21). Class AA is Washington's most protective classification, and it is intended to protect the highest quality waters. Although Des Moines Creek and Miller Creek are not specifically classified by the state's regulations, under Washington law they are given the water quality classification assigned to the water body into which they flow, that is, the Puget Sound. Consequently, Miller Creek and Des Moines Creek each carry the Puget Sound's classification of Class AA. Id. 173-201-070(6).

As discussed above, the Port acknowledges that both construction and operational impacts to these surface waters would result from fill activities as part of the Sea-Tac Expansion due to "increased impervious surface in the watershed and wetland fill." In fact, these impacts would almost certainly result in violations of state water quality standards. The Port admits that "minor increases in heavy metals and oil and grease are likely to reach Miller and Des Moines

5
Creeks. Stormwater runoff may also contain glycols and urea." It also notes that total suspended solids are "expected to increase from 11 to 27 percent in Miller Creek and 14 to 36 percent in Des Moines Creek during and immediately after construction. . . . Following construction, overall increase of sediment inputs into both Miller and Des Moines Creek will increase [sic] up to 4 percent per compared to existing loading." Under the State's anti-degradation policy any discharge such as these which degrades existing water quality would violate the state's anti-degradation policy. The Final EIS acknowledges that, in addition, "increases in loading to these creeks would contribute to violations of Class AA water quality standards for dissolved oxygen, copper, lead, zinc, and ammonia" and would result in acute and chronic affects on aquatic biota. Final EIS at IV.10-14. The State already has determined that the stormwater discharges covered under the Port's recent NPDES application, in particular, show "reasonable potential to violate the state water quality criteria for copper, lead, and zinc." Fact Sheet for NPDES Permit WA-002465-1 at 27; see also ACC's Comments on Proposed NPDES Permit at 24.

In short, there is a substantial likelihood that the fill activities authorized under the Port Permit would cause or contribute to the violation of these and possibly other state water quality standards.²⁷ This potential for violation of state water quality standards provides one more reason that, under to the Guidelines, the Corps must deny the Port Permit.

6
VI. The Corps May Not Issue a Permit for the Sea-Tac Expansion Until It Complies With "Other Federal, State, or Local Requirements."

The Corps regulations provide that: (1) where a required federal, state, and/or local authorization and/or certification has been denied for activities which also require a wetlands permit, the Corps cannot grant the permit; and (2) even where such authorization or certification

²⁷ Concurrent with the Corps's Notice of the Port Permit Application, the Washington Department of Ecology ("DOE") issued notice of the Port's application for water quality certification. The ACC has copied its comments on the Port Permit Application to the DOE for consideration during the DOE's water quality certification for the Sea-Tac Expansion. The comments presented in this Part V apply with particular force to that determination by DOE.

is not required, the Corps must give "due consideration" to the "official views" of appropriate state and local officials as "a reflection of local factors of the public interest." See 33 C.F.R. § 320.4(j)(1). The Port's Revised Mitigation Plan makes no attempt to comply with local wetlands mitigation ordinances and utterly disregards the views of local officials.

6
As the ACC previously has commented, City ordinances in the neighboring municipalities of Burien, Des Moines, Normandy Park, Tukwila and Sea-Tac all require mitigation either in the same watershed, subwatershed, basin, subbasin or drainage, and some set specific replacement ratios. See ACC, Comments on the Draft EIS at 5.6-4 to -5. In comments on the Draft SEIS, the City of Sea-Tac also pointed out that its city ordinance requires that the location of wetland mitigation/relocation be within the same sub-drainage basin. Sea Tac requested that the SEIS assessment of wetland impacts and mitigation plan be revised to conform with the City requirements. As discussed above, the Port's Revised Mitigation Plan nevertheless has failed to give meaningful consideration to on-site or same-water shed compensatory mitigation. Further, in response to comments on this issue, the Port dismisses local ordinances with the following circular response: "it will not be possible to replace filled wetlands in the same sub-basin as the wetlands to be filled due to sitting [sic] criterion." Final SEIS at F-127.

In considering the Port Permit Application, the Corps's own regulations require that the Corps deny a permit for activities which are not authorized under existing local regulations and give "due consideration" to the views of local officials. Accordingly, the Corps must deny the Port Permit as contrary to the public interest unless these requirements are addressed.

In conclusion, for the reasons set out above, the ACC respectfully asserts that pursuant to its own regulations, the Corps should decline to issue the Port Permit on grounds that the Port Permit Application fails to comply with (1) the restrictions on discharge set out in the EPA Guidelines and (2) the Corps's own permitting requirements.

Sincerely,



Peter J. Kirsch

cc: John Rankin, Chairman, ACC Executive Committee
Kristin Hanson
Permit Coordination Unit, Washington Department of Ecology
Washington Department of Fish and Wildlife

ATTACHMENT 1

AR 035375

5.5 THE DEIS FAILS TO ANALYZE ADEQUATELY THE IMPACTS OF MASTER PLAN UPDATE DEVELOPMENT ACTIONS ON WATER QUALITY AND HYDROLOGY IN THE PUGET SOUND REGION

5.5.1 The Requirements of the Federal Clean Water Act Must be Addressed in the DEIS

NEPA and SEPA regulations mandate consideration in the DEIS of the water quality impacts of the proposed expansion of Sea-Tac.^{1/} Moreover, the DEIS must examine the water quality impacts of the Master Plan Update development actions in the context of the substantive requirements of the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 ("Clean Water Act").^{2/}

The proposed Master Plan Update development actions would result in the release of pollutants from various sources into Miller Creek, Des Moines Creek, their tributaries, and Puget Sound.^{3/} Releases of pollutants into these water bodies are comprehensively regulated by the Clean Water Act. Washington also has adopted several comparable statutes for the protection of surface water bodies.^{4/}

The goal of the Clean Water Act is to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters."^{5/} The ultimate objective of the statute is to eliminate completely the discharge of pollutants into navigable waters.^{6/} In light of the Clean Water Act's

^{1/} See Order 5050.4A § 85f; WAC 197-11-444(1)(c).

^{2/} 33 U.S.C.A. §§ 1251-1387 (West 1986 & Supp. 1995).

^{3/} DEIS at IV.10-1, IV.10-7 through IV.10-10.

^{4/} See, e.g., Chapter 90.48 RCW (Water Pollution Control Act); Chapter 35.67 RCW (Sewage Systems); Chapter 90.70 RCW (Puget Sound Water Quality Authority); Chapter 35.88 RCW (Protection from Water Pollution); RCW 36.70A.060 (Protection of Critical Areas).

^{5/} 33 U.S.C.A. § 1251(a).

^{6/} See American Paper Inst. v. Train, 543 F.2d 328, 333 (D.C. Cir. 1976), cert. dismissed, 429 U.S. 967 (1976). See also Quarles Petroleum Co. v. United States, 551 F.2d 1201, 1206 (Ct. Cl. 1977); Quivira Mining Co.

remedial nature, the courts uniformly have given it a broad interpretation.¹⁷

The Clean Water Act uses two principal devices to establish and enforce standards to abate and control water pollution. First, through the National Pollutant Discharge Elimination System ("NPDES") permit program, the Clean Water Act attempts to quantify maximum "effluent limitations" on the discharge of "pollutant[s]"¹⁸ into the "navigable waters"¹⁹ from point sources²⁰ and from stormwater runoff.²¹ Essentially, the Clean Water Act places a limit on the quantity of each pollutant that a pollution source may generate during a period of time. Each

v. EPA, 765 F.2d 126, 129 (10th Cir. 1985), cert. denied, 474 U.S. 1055 (1986).

¹⁷ See Kennecott Copper Corp. v. EPA, 612 F.2d 1232, 1236 (10th Cir. 1979) ("[I]n construing the [Clean Water Act], 'the guiding star is the intent of Congress to improve and preserve the quality of the Nation's waters. All issues must be viewed in the light of that intent.'" (quoting American Petroleum Inst. v. EPA, 540 F.2d 1023 (10th Cir. 1976), cert. denied, 430 U.S. 922 (1977))).

¹⁸ The Clean Water Act defines the term "pollutant" to mean:

dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

33 U.S.C.A. § 1362(6).

¹⁹ The Clean Water Act defines the term "navigable waters" to mean "the waters of the United States." 33 U.S.C.A. § 1362(7). The term has been very liberally construed by the courts to include, for example, rivers, streams, lakes, man-made canals or ditches, dry arroyos, wetlands, swamps, marshes, and sloughs. See, e.g., Avovelles Sportsmen's League, Inc. v. Marsh, 715 F.2d 897, 923 (5th Cir. 1983); National Wildlife Fed'n v. Gorsuch, 693 F.2d 156 (D.C.Cir. 1982).

²⁰ The Clean Water Act defines the term "point source" to mean:

any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, runnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

33 U.S.C.A. § 1362(14).

²¹ EPA regulations define "stormwater" as "storm water runoff, snow melt runoff, and surface runoff and drainage." 40 C.F.R. § 122.26(b)(13) (1994).

discharger's performance must be measured against strict technology-based "effluent limitations" to which it must conform.¹⁷ It is unlawful for any "person"¹⁸ to "discharge"¹⁹ any "pollutant" without a NPDES permit.²⁰

The second means of regulating discharges is the water quality standards program. Under Sections 402 and 301 of the Clean Water Act, the NPDES permitting agency must include in each permit "any more stringent" effluent limitations "necessary" or "required" to meet applicable state-adopted water quality standards.²¹ These limitations are in addition to the required technology-based effluent limitations prescribed by the NPDES program. Water quality standards are developed by state governments pursuant to Section 303 of the Clean Water Act.²² Those standards must protect public health and welfare, enhance the quality of water and "serve the purposes" of the Clean Water Act.²³

Washington has established water quality standards for state surface waters.²⁴ Of the

¹⁷ 33 U.S.C.A. § 1311.

¹⁸ The term "person" means "an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body." Id. § 1362(5).

¹⁹ The term "discharge of a pollutant" is defined, in relevant part, to mean "any addition of any pollutant to navigable waters from any point source." Id. § 1362(12)(A).

²⁰ Id. § 1311(a).

²¹ Id. §§ 1342(a), 1311(b)(1)(C).

²² Id. § 1313(a).

²³ 33 U.S.C.A. § 1313(c)(2); 40 C.F.R. § 131.2. To "serve the purposes" of the Clean Water Act

water quality standards should, wherever attainable, provide water quality for the protection and propagation of fish, shellfish and wildlife and for recreation in and on the water and take into consideration their use and value of public water supplies, propagation of fish, shellfish, and wildlife, recreation in and on the water, and agricultural, industrial, and other purposes including navigation.

40 C.F.R. § 131.2.

²⁴ Chapter 173-201 WAC (1990).

waters affected by operations at Sea-Tac, Puget Sound has been designated Class AA.¹⁷ Class AA is Washington's most protective classification, and it is intended to protect the highest quality waters. Although Des Moines Creek and Miller Creek are not specifically classified by the state's regulations, under Washington law they are given the water quality classification assigned to the water body into which they flow, that is, the Puget Sound. Consequently, Miller Creek and Des Moines Creek each carry the Puget Sound's classification of Class AA.¹⁷

Section 402 of the Clean Water Act makes the EPA the NPDES permit-issuing authority unless the state has applied for, and received, authority from EPA to administer its own NPDES permit program.¹⁷ Washington, acting through its Department of Ecology ("WDOE"), operates an EPA-approved NPDES permit program,¹⁷ and thus, regulates discharges for Port facilities at Sea-Tac into state water bodies.

The Clean Water Act and EPA regulations also require facilities to apply for stormwater discharge permits for runoff associated with industrial activity.¹⁷ In addition to the Port's stormwater permit for normal Airport operations, the Port also would have to comply with the stormwater permitting requirements for the construction activities involved in the implementation of the Master Plan Update development actions, including the development of comprehensive management practices designed to protect against excessive sedimentation and erosion during construction.¹⁷

5.5.2 The DEIS Fails to Describe Adequately Water Quality Issues

²⁰ WAC 173-201-085(21).

²¹ Id. 173-201-070(6).

²² 33 U.S.C.A. § 1342(a), (b).

²³ See Chapter 90.48 RCW; Chapter 172-220 WAC.

²⁴ 40 C.F.R. § 122.26(b)(14)(x).

²⁵ Id. § 122.26(c)(1)(ii).

Associated With Existing Operations at Sea-Tac

The DEIS's description of the existing conditions, construction impacts and future conditions of operations at Sea-Tac is inadequate to make an informed decision on the true impacts of the proposal on water quality.

The existing conditions discussion fails to identify the current fragile condition of Des Moines Creek and Miller Creek. Both creeks suffer from urbanization which has destroyed valuable habitat and degraded water quality. Any development in the watersheds will contribute to the future degradation of the creeks by: 1) reducing low flows; 2) increasing total runoff volume; and 3) providing for an efficient means for pollutants to enter the creek systems.

Much of the water quality mitigation relies on an existing Industrial Waste System (IWS) treatment plant, and perhaps more specifically, the capacity of the existing plant outfall pipe. The capacity of this outfall pipe is already under question and is an integral part of the SASA project proposal mitigation. The DEIS inadequately describes the capacity of the IWS to accept all proposed flow.

Analysis of water quality implications of construction activities is inadequate in the DEIS. Major projects of this nature need project-specific analysis to determine impacts and the effectiveness of the proposed mitigation. The DEIS is grossly deficient in this area. For example, borrow site construction impacts on water quality are not identified. Major excavation from borrow sites could destroy shallow aquifers and impact low flows in the creek systems, and could contribute to erosion and sediment loading in the receiving bodies of water. The sediment loading on the creeks by the dependent third runway proposal could be 15,000 tons or more with the currently proposed mitigation. This type of loading could destroy habitat and may increase the likelihood of additional washouts by altering the course of the streams.

The discussion of construction impacts mitigation also is deficient. To imply that Best Management Practices would be adequate^{1/} is not acceptable. The scale of the proposal warrants the issuance of a project-specific NPDES. A project-specific NPDES would allow for effluent discharge standards to be set and enforcement capabilities to be put in place.

The DEIS fails to demonstrate that the Airport expansion project's negative impacts would be substantially mitigated. Proper analysis would show the cumulative impacts of the construction and implementation of the Airport expansion could irreparably damage the Miller Creek and Des Moines Creek habitats by adding runoff volume and increasing pollutant loadings. There is no clear analysis of the proposed mitigation of impacts to surface water and ground water in the DEIS. What mitigation is proposed in the DEIS is too generic, and severely understates the potential damage to the environment.

Proper analysis would show the need for a longer construction period, project-specific erosion control which may include surface water treatment, permanent surface water treatment to reduce dissolved pollutants, and a major expansion to the IWS plant, including a new outfall.

^{1/} DEIS at IV.10-11.

5.6 THE DEIS FAILS ADEQUATELY TO EXAMINE IMPACTS TO WETLANDS AND PRESCRIBES INADEQUATE MITIGATION

5.6.1 The FAA Must Comply With Federal Requirements for the Protection of Wetlands

Every federal agency is obligated "to minimize the destruction loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities for . . . providing Federally undertaken, financed, or assisted construction and improvements."^{1/} Federal agencies, including the FAA, are prohibited from providing funding or other assistance for the construction of projects in wetlands unless they find "(1) that there is no practicable alternative to such construction, and (2) that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use."^{1/} Each of the Master Plan Update "With Project" proposed alternatives identified in the DEIS would affect existing wetlands.^{1/} "Impacts on these wetlands would include: placement of fill material, dredging, removal of existing vegetation, and changes in hydrologic regimes as a result of increase impervious surface area and stormwater management system restructuring."^{1/}

Section 404 of the Clean Water Act requires that anyone proposing to discharge dredged or fill material into navigable waters must first obtain a permit from the U.S. Army Corps of Engineers ("Corps").^{1/} "Navigable waters" are defined as "waters of the United States,"^{1/} which have been interpreted by the Corps to include "wetlands."^{1/}

^{1/} Exec. Order No. 11,990 § 1(a)(2), 42 Fed. Reg. 26, 961 (1977), amended by Exec. Order No. 12,608, 52 Fed. Reg. 34,617 (1987), reprinted in, 42 U.S.C.A. § 4321 (West 1995).

^{2/} Id.

^{2/} DEIS at IV.11-1.

^{4/} Id.

^{2/} 33 U.S.C.A. § 1344(a).

^{4/} Id. § 1362(7).

^{2/} This interpretation was upheld by the Supreme Court as consistent with the broad statutory grant of authority to the Corps to regulate "waters of the United States." United States v. Riverside Bayview Homes, Inc., 476 U.S. 121, 131 (1985). See also United States v. Akers, 785 F.2d 814, 818 (9th Cir.), cert. denied, 479 U.S. 828 (1986).

Since construction of the proposed third runway and associated Master Plan Update development actions would affect wetlands, these projects could not be undertaken unless the FAA has affirmatively determined

- that there is no practicable alternative to such construction; and
- that the proposed action includes all practicable measures to minimize harm to wetlands which may result.^{1/}

The DEIS is required to contain a discussion of the basis for any such findings, along with a discussion of the various alternatives which have been considered.^{1/} As discussed in detail elsewhere in these Comments,^{1/} the DEIS fails to consider a reasonable range of alternatives which would satisfy the Port's purpose and need for the proposed Airport expansion project. The DEIS, therefore, cannot legally serve as the basis for a determination that there is no practicable alternative to the use of wetlands. In particular, the failure to consider alternatives which would reduce or eliminate the use of fill would prevent the FAA from making a legally sufficient finding.

If a legally sufficient finding were to be made, the Port would then be required to obtain a permit pursuant to Section 404 of the Clean Water Act^{2/} in order to dredge or fill the affected wetlands.^{1/} Corps regulations state that "a permit will be granted unless the district engineer determines that it would be contrary to the public interest."^{1/} The public interest review requires the Corps' District Engineer to evaluate all probable impacts of the proposed activity, including cumulative impacts. The factors to be considered include:

conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs

^{1/} Order 5050.4A §§ 47e(11)(b)2, 83e.

^{2/} Id. § 85.

^{10/} See supra § 4.1.

^{11/} 33 U.S.C.A. § 1344.

^{12/} Id.

^{12/} 33 C.F.R. § 320.4(a)(1) (1994).

and welfare of the people.^{14/}

Other factors to be considered include the need for the project, the practicability of using other alternatives and the extent of permanent damage to the environment from the project.^{15/}

In addition to complying with Corps regulations, the District Engineer must apply EPA standards for issuance of a wetlands permit.^{16/} Notwithstanding Corps administrative control over the application process, EPA may veto any permit approved by the Corps if the project "will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas."^{17/}

EPA's veto authority particularly is important in the context of its ability to demand an evaluation of alternatives to the issuance of a wetlands permit. EPA regulations prohibit the issuance of a wetlands permit if there exists a "practicable" alternative to the proposal.^{18/} "An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes."^{19/} EPA Guidelines^{20/} also require that where non-water dependent activities are involved (e.g., an airport) the Corps must determine whether a "practicable" alternative site exists which would cause less environmental harm to wetlands.^{21/} The Guidelines further provide that, if a project is not water dependent, practicable alternatives are 1) "presumed to be available;" and 2) "presumed to have less adverse impact on the aquatic ecosystem."^{22/}

5.6.2 The Port Must Comply With State and Local Wetlands Protection Measures

^{14/} Id.

^{15/} Id.

^{16/} 40 C.F.R. § 230.10

^{17/} 33 U.S.C.A. § 1344(c).

^{18/} 40 C.F.R. § 230.10(a).

^{19/} Id. § 230.10(a)(2).

^{20/} Id. pt. 230 (Guidelines for Specification of Disposal Sites for Dredged or Fill Material).

^{21/} Id. § 230.10(a).

^{22/} Id. § 230.10(a)(3) (emphasis added).

In addition to complying with federal permitting requirements, the Port also will have to obtain a wetlands permit from the Washington State Department of Ecology ("WDOE") and the Washington Department of Fisheries and Wildlife. GMA provides supplemental protection to wetlands by requiring cities and counties to designate critical areas – including wetlands – and to issue development regulations to protect these designated areas.¹⁷ The GMA requires cities and counties to exercise control over changes in land uses, new activities, or development that potentially could adversely affect critical areas. The GMA also requires cities and counties to prohibit clearly inappropriate activities, and restrict, allow or condition other activities, as appropriate.¹⁸

The cities of Normandy Park and Des Moines have adopted ordinances dealing with environmentally sensitive areas which regulate and restrict development activities.¹⁹ Each of these ordinances includes wetlands in the definition of environmentally sensitive areas.²⁰ Both cities restrict development in areas where "significant and important wetlands and their buffers" are located.²¹ The cities also require that where development is allowed, buffers of 100 feet and 35 feet must be maintained for significant and important wetlands, respectively.²² The cities also regulate wetlands mitigation activities, specifying the replacement ratio and the replacement location.²³ A similar regulatory regime is found in Tukwila's Sensitive Areas Overlay Zone.²⁴

TABLE 5.6-1 sets forth the requirements adopted by the ACC cities and the City of

¹⁷ RCW 36.70A.170, .060(1); WAC 365-190-040.

¹⁸ WAC 365-190-020.

¹⁹ See Normandy Park, Wash., Mun. Code ("NPMC") ch. 13.16; Des Moines, Wash., Mun. Code ("DMMC") ch. 18.86.

²⁰ NPMC 13.16.030(14); DMMC 18.86.252.

²¹ NPMC 13.16.060(a)(1); DMMC 18.86.060(a). Significant and important wetlands are defined in the NPMC 13.16.030(52)(A), (B) and in the DMMC 1.04.663(1), (2).

²² NPMC 13.16.070(a)(2)(A), (B); DMMC 18.86.070(2)(A), (B).

²³ For example, Des Moines adopted a goal of no net loss of wetlands within a particular drainage basin and requires 1:1 replacement or enhancement/restoration. DMMC § 18.86.107. Normandy Park adopted a goal of no net loss of wetlands within a particular drainage basin. NPMC § 13.16.120.10.(B).(ii). The City of SeaTac has adopted a goal of no net loss of wetlands within a sub-basin and requires a 2:1 replacement ratio for Class 1 and 2 wetlands and a 1:1 replacement ratio for Class 3 wetlands. City of SeaTac, WA., Mun. Code § 15.30.320F.

²⁴ Tukwila, WA., Mun. Code Chapter § 18.45.089(c)(2)(ii).

SeaTac with which the Port will have to comply.

TABLE 5.6-1

Requirements for Wetlands Mitigation

City	Wetlands Types	Buffers (Feet)	Required Location of Mitigation
Burien	Class 1,2,3	100, 50, 25	Section 480F. "...that the off site location is in the same drainage sub-basin as the original wetland..."
Des Moines	Significant, Important	100, 35	18.86.107 "...if the compensation project is within the same subwatershed as the wetlands or stream to be altered..."
Normandy Park	Significant, Important	100, 35	13.16.120.10.(B).(ii) "...if the compensation project is in the same sub-watershed within Normandy Park city limits as the wetlands to be altered."
Tukwila	Type 1, 2, 3	100, 50, 25	18.45.089(c)(2)(ii) "Off-site compensation shall occur within the same watershed where the wetlands loss occurred."
SeaTac	Class I, II, III	100, 50, 35	15.30.320F. "...that the off-site location is in the same drainage sub-basin as the original wetland..."

Because the local wetlands requirements would affect the Port's proposed Airport expansion plans, the DEIS must discuss how the Port proposes to address those wetlands requirements.

5.6.3 The DEIS Fails Adequately to Examine Impacts on Wetlands and to Prescribe Appropriate Mitigation

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The biological components sections of the DEIS contain insufficient analyses to support assumptions relative to either wetlands mitigation or potential impacts to federal and state-listed wildlife species. The wetlands section provides data that is inconsistent with original wetlands delineation reports and lacks any discussion of why the initial premise of the FAA Draft Advisory Circular 150/5200, Wildlife Attractants on or Near Airports ("Advisory Circular 150/5200") was bypassed. Without additional studies and more accurate data, the analyses provided in the DEIS cannot be relied on by a responsible official evaluating the proposed Airport expansion project.

The DEIS does not explain the rationale behind assumptions and decisions made relative to Advisory Circular 150/5200. Wetlands are considered major attractants to wildlife species that are assumed to be safety hazards to airport operations. The DEIS does not discuss how the existing wetlands habitat conditions effect past, ongoing or future Airport operations. There are currently 102 acres of wetlands habitat, including open water, that will remain within 4,000 feet or less of existing runways and the proposed third runway location. Strict adherence to the Draft Advisory Circular would preclude development of additional facilities at any location within 10,000 feet of existing wildlife attractants.

Ordinances enacted by Des Moines and the City of SeaTac regulating wetlands habitat modification require there be no net loss within the drainage basin of impact.¹¹ In place of the DEIS's proposed 26.5-acre wetlands mitigation in the Kent Valley, creation of 19.2 acres of palustrine forested, scrub/shrub and emergent wetlands would be required if mitigation was performed under affected city jurisdictions. The assumption that insufficient land to perform wetlands mitigation is available within the drainage of impact completely overlooks availability of over 400 acres of undeveloped land within the project boundary. The DEIS particularly overlooks Borrow Areas 1, 2, 3 and 5 for which reclamation plans, if they exist, are not disclosed in the DEIS. Use of Borrow Areas 1, 2 or 3 for wetlands mitigation would place mitigation sites 6,000 to 8,000 feet away from the planned new runway. This would be a distance factor of two to five times further away than existing wetlands habitats.

A second unsupported assumption is that wetlands mitigation in the drainage or subbasin of impact cannot be accomplished without creating additional wildlife hazards. The FAA already has approved a SASA at Sea-Tac which includes on-site mitigation.¹² The DEIS fails even to

¹¹ See supra § 5.6.2.

¹² See Fed., Aviation Admin., U.S. Dep't of Transp. Northwest Mountain Region, Record of Decision for the

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acknowledge the FAA's Record of Decision for the SASA project. The approved SASA mitigation plan commits to relocate Des Moines Creek and create forested and scrub/shrub wetlands within 1,000 feet of Runway 34R.¹⁷

The discussion of wetlands in the DEIS is a tangled mass of inconsistent statements:

- > The total acreage values presented do not agree with summation values provided for the 54 wetlands in the Table IV.11-1 in the DEIS.¹⁸ The DEIS states that 9.7 acres of wetlands would be lost,¹⁹ but data presented in DEIS tables and appendices and original wetlands delineation reports indicate this value is closer to 10.7 acres.²⁰

South Aviation Support Area, Sea-Tac International Airport at 8-9 (Sept. 13, 1994)

¹⁷ Id. at 11.

¹⁸ DEIS at IV.11-6A, Table IV.11-1.

¹⁹ See id. at IV.11-1. See also Port of Seattle, South Aviation Support Area ("SASA") Final Environmental Impact Statement at 4-152.

²⁰ Id. at IV.11-6A, Table IV.11-1. See generally id., app. H.

- Acreage on 19 of 32 wetlands described by the Port's consultant as delineated wetlands have different values presented in the DEIS²⁷ than are provided in the individual descriptions found in the Jurisdictional Wetlands Delineation Report.²⁸
- One map in the DEIS shows that there would be no impact to Wetland 3 in Borrow Area 8 but that Wetland 27 would be filled,²⁹ while a table indicates that Wetland 3 is to be filled and Wetland 27 would be unaffected.³⁰

In addition to contradictory data, the intermediate-level wetlands delineations of Wetlands 1 to 32 prepared by consultants to the Port,³¹ do not appear to comply with directions in the Corps' manual.³² Specifically, paired-plot wetlands versus upland analysis was performed at each site. Also, because of a lack of formal land survey, there appears to be no basis for assuming that the wetlands acreage provided in the DEIS are more than rough estimates.

The wetlands mitigation and stream location plans provided as appendices to the DEIS are conceptual in nature.³³ The detail provided in them is inadequate to assess the ability of the plans to mitigate for impacts of the proposed project. Stream relocation and mitigation plans should have explored the removal of downstream barriers to anadromous fish. Monitoring plans outlined for these projects are inadequate to assure successful creation of habitats as complex and long-lived as forested wetlands and riparian zones.

The DEIS's cumulative effects analysis for all wetlands impacts is inadequate pursuant to the requirements of NEPA. There was no analysis of past or foreseeable future impacts to wetlands or threatened and endangered wildlife habitats in a cumulative effects area larger than the proposed project site. At a minimum, the analyses should have evaluated past, present and future expected impacts within the total watershed for both Miller Creek and Des Moines Creek.

²⁷ Id. at IV.11-6A, Table IV.11-1.

²⁸ Id., app. H.

²⁹ DEIS at IV.11-6E, Exhibit IV.11-2.

³⁰ Id. at IV.11-6A, Table IV.11-1.

³¹ See id., app. H.

³² See Federal Interagency Comm. for Wetland Delineation, Federal Manual for Identifying and Delineating Jurisdictional Wetlands, at 35-39 (1989).

³³ See DEIS, apps. P-A, P-B.

An analysis of wetlands impacts that would satisfy the requirements of NEPA and SEPA would have found that:

- The project violates the FAA Draft Advisory Circular that recommends new facilities not be located in the vicinity of existing wetlands or other wildlife attractants.
- Sufficient land is available such that wetlands mitigation could be located in the drainage of impact as required by local ordinances.
- Wetlands mitigation could be designed that does not create an undue wildlife hazard to airport operations. The lack of a prior history of wildlife hazard problems at Sea-Tac would indicate that existing wildlife habitats do not attract species hazardous to flight operations.
- Due to cumulative effects of past projects, a high proportion of wetlands habitat that existed in the two watersheds 20 to 50 years ago have been filled by Port and by commercial and residential construction. Further loss of wetlands in the Miller and Des Moines Creek drainage basins will add to degradation of water quality and changes to stormwater runoff regimes. These conditions would contribute to existing downstream erosion/mass wasting problems in both drainages.
- An alternative that would have no impacts on wetlands exists, and legally it must be selected pursuant to section 404^{1/} and EPA regulations.^{1/}

^{1/} 33 U.S.C.A. § 1344(a).

^{1/} 40 C.F.R. § 230.10(a).

City	Wetland Types	Buffers (Feet)	Required Location of Mitigation
Burien	Class 1,2,3	100, 50, 25	Section 480F. "...that the off site location is in the same drainage sub-basin as the original wetland..."
Des Moines	Significant, Important	100, 35	18.86.107 "...if the compensation project is within the same subwatershed as the wetland or stream to be altered..."
Normandy Park	Significant, Important	100, 35	13.16.120 9.A.(ii) "...if the compensation project is in the same sub-watershed within Normandy Park city limits as the wetland to be altered."
Tukwila	Type 1, 2, 3	100, 50, 25	18.45.089(c)(2)(ii) "Off-site compensation shall occur within the same watershed where the wetland loss occurred."
SeaTac	Class I, II, III	100, 50, 35	15.30.320F. "...that the off-site location is in the same drainage sub-basin as the original wetland..."

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there is only a cursory discussion of these impacts. There has been no examination of the time-above noise levels to which these schools would be subjected, and no commitment to mitigate the effects of Airport noise, beyond what the Port has already committed to do to mitigate the effects of the second runway.

4.4 THE PROPOSED MITIGATION OF WETLANDS IMPACTS REMAINS INADEQUATE

The DSEIS identifies an additional two acres of wetland impacts, resulting in "unavoidable" impacts to a total of 12.23 acres of wetlands under the Preferred Alternative.⁴⁶ The DSEIS also notes that additional wetlands may be identified when access is made available to all of the property in the acquisition area.⁴⁷ The Port and the FAA recognize the need to mitigate the loss of these wetlands, but continue to ignore any mitigation options which would create replacement wetlands within the same drainage basin as those which will be destroyed.⁴⁸

The DSEIS states that "[a]ll undeveloped, non-forested, non-wetland sites with average slopes less than 5% were identified" in both the Miller Creek and Des Moines Creek basins.⁴⁹ The DSEIS presents no explanation for why these limiting conditions were imposed. There is no substantiation for the assertion that only non-forested sites

⁴⁶ DSEIS at 1-11.

⁴⁷ DSEIS at 5-5-2, n.1.

⁴⁸ DSEIS at 1-11, 5-5-13. In Washington, the first choice for wetland replacement is on-site; the secondary preference is off-site, but within the same watershed. DSEIS at 5-5-12. Likewise, ordinances adopted by the cities of SeaTac, Burien, Des Moines, Federal Way, Normandy Park and Tukwila all require wetlands mitigation within the same watershed or drainage basin. See DEIS Comments, Table 5.6-1.

⁴⁹ DSEIS at 5-5-13.

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would be suitable for replacement wetlands – indeed, many of the wetlands which would be destroyed by this project are forested.²⁰ The DSEIS does not define what is meant by “undeveloped,” but if this condition were applied to areas with low-density development, the search may have excluded many potentially suitable sites. Similarly, defining eligible sites as those with average slopes less than 5 percent appears to be an unjustified restriction.

The Port apparently confined its in-depth consideration of suitable in-basin mitigation sites to areas within the 10,000-foot radius of concern for wildlife hazards to aircraft,²¹ conveniently allowing it to dismiss each of the 19 potential sites identified in its search as infeasible for “safety” reasons.²² The DSEIS’ assertion that “[w]etland mitigation... within the watersheds where the impacts may occur, is not feasible” remains unsupported by evidence in the record.

4.5 CONSTRUCTION IMPACTS CONTINUE TO BE UNDERESTIMATED

The Port has revised its estimates of construction impacts since issuing the FEIS, without managing to provide any better understanding of how more than 26.4 million

²⁰ DSEIS, Table 5-5-1 at 5-5-4.

²¹ DSEIS at 5-5-13. The FAA discourages airports from creating areas which might attract birds, which in turn can create hazards for aircraft using the airport. DSEIS at 5-5-16. In furtherance of this policy, the FAA “has indicated that ‘wildlife attractions’ within 10,000 feet of the edge of any active runway is not recommended.” DSEIS at 1-11.

²² DSEIS, Table 5-5-3 at 5-5-25 to 5-5-28.

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plans or to make the Port's Master Plan Update consistent with those comprehensive plans.⁸⁶

4.9 THE DRAFT SEIS DISREGARDS IMPACTS ON SURFACE AND GROUNDWATER RESOURCES

The DSEIS concedes that implementation of the development actions included in the Master Plan Update would increase the amount of impervious surfaces, increase stormwater runoff flow rates and volumes and increase pollutant loading.⁸⁷

Notwithstanding their serious nature, the document includes no more than a cursory mention of these impacts and includes only a vague reference to mitigation which it is alleged "would prevent significant pollution or degradation of surface and groundwater resources."⁸⁸ The entire subject is covered in only three brief paragraphs.

State government agencies and the public frequently have expressed concern about contamination of public drinking water wells and Miller and Des Moines Creeks due to Airport operations. Recently, the Washington Department of Ecology required the Port to undertake a major study of groundwater impacts of the proposed Airport expansion.⁸⁹ Nowhere in the DSEIS is there any mention of this study or of any plans for mitigating problems which the study might bring to light. The DSEIS also neglects to consider the impact of an increased number of aircraft operations on potential contamination of runoff with jet fuel, and de-icing fluids and other hazardous substances.

⁸⁶ See WAC 197-11-444(2)(b), 365-195-340(2)(B)(iv), -770(2).

⁸⁷ DSEIS at 5-7-4.

⁸⁸ DSEIS at 5-7-4.

⁸⁹ Port OKs \$1.1M for Water Study, Des Moines News, Mar. 19, 1997 at A2.

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Although the ACC and other citizen groups previously have raised questions about the effect that the creation of a substantially larger impervious area would have on both water quantity and water quality in Miller and Des Moines Creeks,¹⁰⁰ the Port continues to give only general and insubstantial responses and provides no detailed plans for safeguarding the water resources in the region. Given the Port's past failure to adequately maintain its Industrial Wastewater System,¹⁰¹ it is incumbent upon the Port - and its partner in the environmental review process, the FAA - to undertake a *bona fide* examination of the impacts of airport expansion on ground and surface water resources, to disclose the results of such an investigation and to provide a detailed plan of how it intends to mitigate the unavoidable negative effects.

¹⁰⁰ DEIS Comments at 5.5-5 to 5.5-6.

¹⁰¹ The Port recently settled a lawsuit with a local citizens' group by admitting that it had not lived up to the requirements of the federal Clean Water Act and had failed to adequately monitor the discharge of polluted water into streams that empty into the Puget Sound.

ATTACHMENT 3

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December 9, 1997

VIA OVERNIGHT MAIL

Ms. Carla Skog
Water Quality Permit Coordinator
Department of Ecology
Northwest Regional Office
3190 160th Ave. S.E.
Bellevue, Washington 98008-5452

Re: Comments on Proposed NPDES Permit

Dear Ms. Skog:

On behalf of our clients, the cities of Burien, Des Moines, Federal Way, Normandy Park, and Tukwila, Washington, and the Highline School District, individually, and collectively as the Airport Communities Coalition, we submit these comments concerning the draft National Pollutant Discharge Elimination System ("NPDES") Waste Discharge Permit No. WA-002465-1, to expire June 30, 2002 (the "Draft Permit"), which the Washington Department of Ecology ("Ecology") has proposed for issuance to the Port of Seattle (the "Port") in connection with certain discharges and activities associated with the operation of the Seattle-Tacoma International Airport (the "Airport"), and concerning the accompanying Fact Sheet for NPDES Permit WA-002465-1 (the "Fact Sheet"). Ecology proposes to issue the Draft Permit as authorized by the Federal Water Pollution Control Act (the "Clean Water Act" or "CWA"), 33 U.S.C. §§ 1251 - 1387, and the Washington Water Pollution Control Law ("WPCL"), Chapter 90.48 Revised Code of Washington.

The Draft Permit and Fact Sheet are replete with serious deficiencies, as discussed below, which individually and collectively mandate that Ecology revise and reissue both documents in draft for public comment, in compliance with the Clean Water Act and WPCL. As Ecology is aware, the Airport for years has been plagued with significant Clean Water Act/WPCL compliance issues, issues that have been subject to a seemingly interminable series of studies by the Port, but never resolved. If the Draft Permit were issued in its current form, Ecology would

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perpetuate the past practice of addressing these issues in a piecemeal manner, often without the benefit of public scrutiny and comment. The issuance of the Draft Permit as currently written is unacceptable under the Clean Water Act and WPCL.

The citizens of the jurisdictions on whose behalf these comments are submitted are adversely affected by discharges of hazardous substances, pollutants, and contaminants from the Airport into the environment. Pursuant to the Clean Water Act and WPCL, we request that Ecology revise the Draft Permit and Fact Sheet to address the deficiencies identified below, and reissue both documents in draft for public comment.

COMMENTS

SPECIAL CONDITIONS

A. Discharge Limitations.

1. S1A and 1B – Interim and Final Effluent Limitations for Industrial Wastewater

Special Conditions 1A and 1B of the Draft Permit establish interim and final effluent limitations for industrial wastewater discharged from the Port's Industrial Wastewater System ("IWS"). "Industrial wastewater" is defined as follows:

Industrial wastewater is water or liquid-carried waste from industrial or commercial processes, as distinct from domestic wastewater, non-contact cooling water, or stormwater that is not commingled with process wastewater. Industrial wastewater may result from any process or activity of industry, manufacture, trade or business, and includes, but is not limited to: water used for industrial processes such as pipe integrity pressure testing and vehicle and aircraft wash water; stormwater contaminated with fuel, oil, fire foam, cleaning agents and deicing/anti-icing agents; contaminated construction dewatering waters; excess water from ground water well construction and monitoring; and leachate from solid waste facilities. *Industrial wastewater does not include stormwater runoff that contains minor amounts of deicing/anti-icing agents that shear from aircraft.*

Draft Permit at 8 (emphasis added).

Thus, although the above definition states that industrial water *includes* "stormwater contaminated with . . . deicing/anti-icing agents," it exempts from this classification, without explanation, stormwater runoff that contains "minor amounts of deicing/anti-icing agents that shear from aircraft." The application of deicing/anti-icing agents is an industrial activity conducted at the Airport with regular, seasonal frequency. Such agents that shear from aircraft constitute industrial process waste or wastewater. When such waste comes in contact with

waters of the State, industrial wastewater unquestionably has been discharged. The exclusion of this category of contaminated stormwater from industrial wastewater is unsupported by any explanation, either in the Draft Permit or in the Fact Sheet. The Fact Sheet uses the same definition of "industrial wastewater" on page 6.

Moreover, the Port's existing NPDES waste discharge permit (the "Existing Permit") defines industrial wastewater as "water or liquid-carried waste from industrial or commercial processes, as distinct from domestic wastewater. These wastes may result from any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations such as feed lots, poultry houses, or dairies. *The term includes contaminated storm water and, also, leachate from solid waste facilities.*" Existing Permit at 10 (emphasis added). The Existing Permit includes *all* contaminated stormwater in industrial wastewater. Accordingly, the definition of industrial wastewater in the Draft Permit appears to constitute backsliding – a practice expressly prohibited under the Clean Water Act and WPCL.

Further, nowhere in the Draft Permit or Fact sheet does Ecology explain the basis for its determination that the amount of deicing/anti-icing agents that shear from aircraft is "minor." Similarly, no data, analysis, or explanation is provided concerning how that amount is expected to change over the proposed permit term in the event that the number of flight operations at the Airport changes. All documents, data, and analyses relied upon by Ecology in making these determinations must be made available to the public as part of the administrative record.

The Draft Permit fails to include glycol among the pollutants for which interim and final effluent limitations are established, nor does the Draft Permit require elimination of the discharge of glycols. The Fact Sheet provides an explanation in this regard that is wholly unsatisfactory. The Fact Sheet states on page 10 that waste containing more than ten percent ethylene glycol is generally considered a "dangerous waste" in Washington State, but that Ecology "has certified that waste aircraft deicing fluids containing ethylene glycol generated at [the] Airport are not dangerous wastes." The Fact Sheet does not explain the basis for this certification, nor does it provide a clear, understandable explanation for why the effluent limitations include Biochemical Oxygen Demand ("BOD₅") rather than limiting glycol concentration directly.

Ecology must modify the Draft Permit to provide complete, detailed explanations for the basis for its certification concerning deicing fluids at the Airport, and for its decision to regulate BOD₅ rather than glycol.

Footnote e to Special Condition 1B states that Ecology will establish final effluent limitations after approval of the engineering report required in Special Condition 4, which is intended to provide the information necessary to finally determine All Known, Available, and Reasonable Methods of Prevention and Treatment ("AKART") for the IWS. We object strongly to Ecology's failure to establish AKART in a timely fashion for the IWS.

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2. S1C – Mixing Zone

Special Condition 1C states that “[t]he boundaries of the mixing zone for Outfall 001 shall be defined by [Ecology] through a major permit modification after the AKART determination . . .” This statement implies that the Port *will* be allowed to use a mixing zone in connection with Outfall 001, although under state law, a mixing zone may not be authorized unless the facility is operating under technology-based controls that satisfy AKART. See Chapter 173-201 WAC. The Fact Sheet states on page 26 that the Port has conducted a mixing zone study and proposed dilution factors have been determined, to be recalculated if necessary when AKART is fully determined.

Ecology must explain the basis for its decision to make a determination *before* AKART is determined for the IWS, and thus well before the Port is *operating* under controls that satisfy AKART, that a mixing zone is appropriate for the IWS. In addition, Ecology must address the status of current discharges from Outfall 001 during the period in which a mixing zone is not legally authorized. Ecology must modify the Draft Permit to ensure that as long as the Port is not meeting the requirements to qualify for a mixing zone, all discharges from Outfall 001 must satisfy water quality criteria applicable to Puget Sound *without* a mixing zone.

This condition also states that the size of the mixing zone will be established through a major permit modification. It is unclear from the terms of the Draft Permit and the corresponding discussion in the Fact Sheet whether permitted discharge limitations that necessarily can be derived only once the mixing zone is defined (e.g., dilution factors) also will be subject to public scrutiny and comment via a major permit modification. This issue should be addressed expressly in all relevant sections of the Draft Permit and Fact Sheet.

Ecology also must modify the Draft Permit to clarify how Ecology intends to address the mixed discharge from the Port and the Midway Sewer District if a mixing zone is established.

3. S1E – Stormwater Drainage System

The first sentence of this condition states that discharge of industrial wastewater to the stormwater drainage system is prohibited. The last sentence, however, exempts overflows from the IWS system attributable to stormwater flows in excess of the design criteria. Under this provision, if stormwater flows exceed the design criteria for any reason, including those which are the fault of the permittee, the discharge is an authorized bypass and therefore exempt from the treatment requirement normally associated with industrial wastewater. This exemption sharply reduces the Port's incentive to minimize releases and make every possible effort to reduce discharges. The provision also fails to implement what we understand to be AKART for the IWS lagoons, which would include covering the lagoons to prevent uncontaminated stormwater intrusion. Moreover, the Existing Permit does not include this exemption. As a result, the exemption provided in this condition constitutes backsliding, as well as a violation of Washington State's anti-degradation policy.

Ecology must modify the Draft Permit to enforce appropriate controls on the discharge of industrial wastewater to the stormwater drainage system.

4. S1F – Ground Water Discharges

The ground water discharge-related provisions of the Draft Permit and Fact Sheet are wholly deficient and must be revised and reissued for public comment. The Draft Permit "prohibit[s]" the "[i]ntentional discharge of industrial wastewater to ground water . . ." By contrast, the Draft Permit expressly provides that "[d]ischarge of stormwater to ground water is permitted." Thus, it appears that while the Draft Permit purports to authorize certain discharges to ground water, nowhere is the Draft Permit properly denominated a state waste discharge permit, subject to the standards and public participation requirements associated therewith.

Further, while the Draft Permit expressly prohibits the discharge of industrial wastewater to ground water, the Draft Permit and Fact Sheet elsewhere concede that industrial wastewater from the IWS conveyance system and contaminated stormwater discharge to Lagoon 3. Lagoon 3 has by far the largest capacity of the three lagoons located at the industrial wastewater treatment plant ("IWTTP") (20.2 million gallons as compared to 1.6 million and 3.3 million gallons respectively). Incredibly, the Fact Sheet blithely observes that "Lagoon 3 has not yet been lined, but will be lined in the next few years." Fact Sheet at Page 31.

The Ground Water Quality Standards set forth at Chapter 173-200 WAC (the "Ground Water Quality Standards") regulate all activities that have a *potential* to degrade ground water quality, including both point source and nonpoint source activities. Whether or not the person or entity with control over such an activity *intends* to affect ground water quality is irrelevant. A discharging facility under the Ground Water Quality Standards is one that cannot contain completely all the wastewater generated by its operation. The Fact Sheet concedes that "[t]here are two systems that could potentially contaminate ground water . . . (1) the IWS collection and treatment system, and (2) the underground fuel storage tanks (USTs) and fuel distribution systems." Fact Sheet at Page 31. With respect to NPDES permits, Ecology has noted that "[i]f there is also a discharge that impacts ground water, then the requirements of a state waste discharge permit must also be incorporated into the NPDES permit." Ecology, "Implementation Guidance for the Ground Water Quality Standards" (April 1996) at Page 4. Clearly, the Airport contains numerous facilities/activities which have the potential to degrade ground water quality as defined by the Ground Water Quality Standards.

It is imperative that Ecology revise and reissue the Draft Permit properly denominated also as a state waste discharge permit, as well as comprehensively revise both the Draft Permit and the Fact Sheet to address fundamental ground water quality-related issues of concern to the public:

- Specifically, what activities/facilities at the Airport have the potential to degrade ground water quality?

- Is the Draft Permit a state waste discharge permit? If not, why not (with reference to the specific activities/facilities at the Airport that have the potential to degrade ground water quality as defined by the Ground Water Quality Standards)?
- Precisely what is the regulatory/permitting status of each such activity/facility with reference to the applicability of the Ground Water Quality Standards and associated permitting requirements?
- If a particular activity/facility at the Airport is exempt from application of the Ground Water Quality Standards and associated permitting requirements, explain the scope of such exemption. Specifically, what ground water discharge monitoring and effluent limits (including schedule) are applicable to such activity/facility in light of such exemption?
- What ground water resources are affected by activities/facilities at the Airport?
- What is the ambient ground water quality of such ground water resources?
- What existing and future beneficial uses are applicable to such ground water resources?
- Specifically, what monitoring and enforcement limits are applicable to each such activity/facility to protect such beneficial uses and comply with the State's antidegradation policy?

In sum, the ground water-related provisions of the Draft Permit and Fact Sheet are woefully inadequate in numerous fundamental respects. Ecology must revise these provisions in a comprehensive and expeditious manner to ensure compliance with the WPCL.

5. SIG – Construction Related Discharges

Ecology must modify this section to state that the Draft Permit authorizes only those discharges that are in full compliance with the Stormwater Pollution Prevent Plan ("SWPPP") adopted for construction related activities.

B. Monitoring Requirements

6. S2A – Industrial Wastewater

Special Condition 2A of the Draft Permit provides that BOD₅ is to be monitored only when glycol is monitored, i.e., once per month upon notification that aircraft deicing or anti-icing has taken place. This is not appropriate, as there are many other sources of BOD₅, in particular, food handling and food waste operations. BOD₅ should be monitored concurrently in those months that deicing or anti-icing occurs and as part of standard sampling in those months deicing or anti-icing does not occur.

Furthermore, this section lacks a provision for monitoring fecal coliform. Fecal coliform should be monitored and there should be a requirement to analyze the fecal coliform to determine its source. We understand that data of this kind, specific to Des Moines Creek, has been

developed by the King County Water and Land Resource Division. This additional testing requirement is necessary to resolve heretofore unsubstantiated claims by the Port that fecal coliform found at the Airport is the result of bird droppings.

Ecology must modify the Draft Permit to require consistent monthly monitoring of BOD₅, and to add a monitoring requirement and a source analysis testing requirement for fecal coliform.

7. S2B – Stormwater

The State is required under Section 303(d) of the Clean Water Act to prepare a list every two years containing water body segments not expected to meet state surface water quality standards after implementation of technology-based controls. The list contains the "water quality limited segment(s)" defined in 40 CFR 130.2(j). The State is required to establish a total maximum daily load ("TMDL") for all water body segments on the list. Once a TMDL has been established for a water body segment or watershed and appropriate source loads developed in accordance with CWA requirements, point and nonpoint source controls must be implemented to meet waste load allocations and load allocations, then implemented through the NPDES permitting process.

Nowhere does the Draft Permit or the Fact Sheet adequately address the implications of this issue. Ecology's Draft 1998 303(d) List indicates, for example, that the Puget Sound Receiving Water Segment (ID Number WA-PS-0270) will be listed for ammonia-N and fecal coliform, and that a TMDL is needed. Further, the Draft 1998 303(d) List indicates that the Des Moines Creek Receiving Water Segment was listed in the 1996 303(d) List for fecal coliform, and also requires a TMDL. Finally, the Draft 1998 303(d) List indicates that the ultimate Receiving Water Segment for the City of Sea-Tac Storm Sewer, namely, the Green River (ID Number WA-09-1020), will be listed for dissolved oxygen, fecal coliform, temperature, and mercury, and that a TMDL is needed for each such water quality criterion.

The Draft Permit and the Fact Sheet should be revised to address the CWA 303(d) listing and TMDL development and implementation processes as applicable to discharges from the Airport.

The Draft Permit contains inadequate requirements for the monitoring of stormwater outfalls. The State listed Des Moines Creek in 1996, pursuant to Section 303(d) of the CWA, as water quality limited for fecal coliform. As a result, Ecology must protect Des Moines Creek from fecal coliform contamination. Information on file with Ecology indicates that the Port currently is discharging fecal coliform to Des Moines creek at a level far in excess of the water quality criteria. In this circumstance, quarterly sampling is not protective of waters of the State, because data on fecal coliform would be generated at a rate that would not allow pinpointing and correcting fecal coliform discharges.

For example, the Port's November Discharge Monitoring Reports indicate fecal coliform in the chronically contaminated Outfall 002 (basin SDE-4) at >1600 organisms/100 mL. We

understand that no samples have been taken from this outfall in at least the last three months, therefore it is impossible to determine whether the sample reported reflects a short term or long term problem. Because there are no effluent limits for this outfall for fecal coliform, the Port did not and was not required to resample. Outfall 002 will not be sampled again for another three or more months, making it impossible to determine if the fecal coliform source is intermittent or ongoing, or if any attempted corrective action has reduced or eliminated the fecal coliform source in the discharge.

We understand that to date, the only fecal coliform discharges that have been positively identified relate to industrial discharges from the Airport. Accordingly, effluent limits for fecal coliform should be established in the Draft Permit and enforced for discharges to surface waters. While Ecology historically has prescribed Best Management Practices ("BMPs") to address fecal coliform discharges, information in Ecology's files shows that fecal coliform discharges exceeding surface water quality criteria have continued. This indicates that the actions taken by the Port and Ecology have been ineffective. The reduced sampling frequency provided for in the Draft Permit would increase the probability of discharge of fecal coliform levels that violate surface water quality criteria without detection or corrective action.

In the Sea-Tac Airport Responsiveness Summary, prepared by Ecology on August 22, 1996, Ecology responded to a question about stormwater monitoring: "Routine stormwater sampling is meant to assess the need for and the effectiveness of Best Management Practices to prevent the contamination of stormwater by ongoing industrial activities." Responsiveness Summary at Page 8. BMPs to prevent the discharge of glycols into stormwater were implemented at the Airport this summer. We understand that the highest levels of glycol discharge monitored in stormwater at the Airport were monitored last winter. Thus, the last available relevant data shows the highest levels of glycol monitored in the Airport's history, and the BMPs intended to correct this problem were initiated in July, after the last period of relevant data collection. We understand that there is a similar profile for fecal coliform discharges, in that discharges far in excess of water quality criteria have been detected regularly, as indicated in the last available set of Discharge Monitoring Reports. In particular, information in Ecology's files indicates that the outfall that has had chronic fecal coliform discharges known to be caused by Airport industrial activity, Outfall 002 in the SDE-4 drainage basin, has discharged in excess of 1600 organisms/100 milliliters (mL). The applicable criterion defined in Chapter 173-201A WAC, for comparison, is 50 organisms/100mL.

No data is yet available to determine the effectiveness of the BMPs recently implemented, or to show that corrective actions have improved stormwater discharge quality. Under these conditions, it is inappropriate to reduce the frequency of stormwater sampling or require only quarterly sampling. We believe that quarterly samples taken at the Port's discretion will not be adequate to provide the data that Ecology, the public, and the Port need to assess the effectiveness of the recently initiated BMPs.

The Draft Permit would continue to allow degradation of waters of the State with fecal coliform at levels violating the WAC Chapter 173-201A surface water quality criteria for fecal

coliform. The Draft Permit must be modified to require more frequent monitoring at outfalls that have shown glycol or excessive fecal coliform discharges. Such monitoring must be required at a minimum frequency of every month for at least one year or until data demonstrates that the BMPs and corrective actions taken to eliminate fecal coliform, as well as glycols and other pollutants, from stormwater have been effective.

8. S2B(2) – Monitoring Outfalls 004, 010, 014, and 015

The Draft Permit specifies that the outfalls listed above are to be monitored annually. We understand that there have been and continue to be waste disposal activities in most of these basins, therefore this provision is inadequate. The Draft Permit must be modified to require monitoring of these outfalls on at least a quarterly basis.

9. S2C – Construction Stormwater/Dewatering Monitoring

The Draft Permit requires the Port to submit a monitoring plan for stormwater and construction dewatering discharges at least 30 days before the start of construction for any construction project that is required under Special Condition S13 to have a SWPPP. A small construction project currently underway at the Airport has resulted in at least two instances of sedimentation in Miller Creek due to inadequate erosion control at the site, demonstrating the need for rigorous controls. Central to the protection of Miller Creek and Des Moines Creek, construction monitoring plans should be available for public review and comment. The Draft Permit must be modified to provide for full public participation in connection with the approval of such plans.

10. S2D – Glycols Usage

The Draft Permit requires that all deicing and anti-icing activities for aircraft or runways be reported no later than June 1 of each year, including the volumes and the type of materials used each day by each airline. We believe that this requirement does not provide for adequate reporting. We understand that historically, the quality of information supplied with regard to glycols usage has varied depending on which airline or contractor generated the baseline data. The Draft Permit must be modified to require uniform methods of generating the relevant data, which will form the basis for useful, understandable reporting.

11. S2E – Annual Stormwater Monitoring Summary Report

The Draft Permit requires the Port to submit a report by October 1 of each year, summarizing stormwater monitoring results for the previous 12 months. The Draft Permit must be modified to require that this report include the data points from the outfalls in graph form so the public can easily assess when data was collected and what it indicates. Furthermore, the Port must be required to include more detail in the section of the report describing what the Port has learned from the data -- the Port should be required to be more specific and to assess how

measures instituted under the SWPPP have or have not affected the data on pollutants entering waters of the State through stormwater flows.

12. S2G – Flow Measurement

This section of the Draft Permit addresses flow measurement devices and methods. The section does not, however, provide sufficient information to assess reasonably its provisions. The Draft Permit fails to clarify (i) whether the permit would require the Port to install flow monitoring devices to measure stormwater-related discharge; (ii) if so, the prescribed schedule for installation; and (iii) if not, the basis for the decision not to impose such a requirement.

The Draft Permit must be modified to require the installation of approved flow monitoring devices to monitor the volume of discharge, within 120 days of the issuance of a new permit.

C. Reporting and Recordkeeping Requirements

13. S3C – Records Retention

The Draft Permit requires the Port to retain monitoring records for at least three years, and prescribes additional related requirements. The Draft Permit should be modified to require that this data be maintained on file at a location such as a public library, where the public can easily access and review the data. This modification would assist both Ecology and the Port in meeting their legal obligations to make monitoring information available to the public, and would decrease the expenditure of public funds associated with processing requests for such data from members of the public.

14. S3E – Additional Monitoring by the Permittee

This section addresses any monitoring that the Port may perform in addition to that required by the Draft Permit. The Draft Permit should be modified to specify that if the Port performs monitoring using methods and/or locations other than those specified in Special Condition S2, the Port must include in the relevant Discharge Monitoring Report notice of same during the month or quarter in which it takes place, and must provide the data upon request.

15. S3F(2) – Noncompliance Notification

The Draft Permit requires repeat sampling and analysis of any violation of the terms of the permit and submission of the results to Ecology within 30 days following the Port's becoming aware of the violation. This provision does not adequately address parameters for which monthly monitoring is already required; in effect, it requires resampling only for parameters that normally are monitored only on a quarterly or annual basis. This would fail to serve the purpose of demonstrating whether the violation was an aberration or represented an ongoing noncompliant

discharge.

The Draft Permit should be modified to require resampling of *all* discharges that show a lack of compliance with the permit terms.

16. S3F(3) – Noncompliance Notification

The Draft Permit requires the Port to notify Ecology of any failure to comply with permit terms within 24 hours, except spill events "that are contained by the IWS." These need not be reported. This provision is unacceptable, because it removes any incentive to find and eliminate the *cause* of spills. Many substances used at the Airport are not susceptible to treatment or removal by the IWS. Accordingly, we believe that this provision increases the potential for the discharge of toxic substances into Puget Sound without notification to Ecology or the public. The provision also eliminates an important check on the effectiveness of BMPs and SWPPP implementation.

The Draft Permit should be modified to require the Port to report *all* spills to Ecology, particularly when substances that the IWS cannot treat are involved.

D. Compliance Schedule

17. S4 – Compliance Schedule

This section discusses one of the most troubling inadequacies of the Draft Permit.

The Draft Permit requires the Port to submit an updated Industrial Wastewater Treatment AKART Engineer Report (the "Engineering Report") for Ecology's review and approval within one month following the permit issuance date. As described on page 8 of the Fact Sheet, the purpose of the Engineering Report is to provide a means for Ecology to determine what level of industrial wastewater treatment should be provided to satisfy the requirements of AKART. That decision, in turn, will be used to establish final effluent limitations to be incorporated into the permit through a major permit modification subject to public notice.

The Draft Permit also requires the Port to submit a preliminary design report and plans for approval, and allows the Port five years from the date of the approval of the Engineering Report to implement the AKART determination using "all available and reasonable means."

Clearly, it cannot be debated that the development and submittal by the Port of an adequate Engineering Report is critical to the development and imposition by Ecology of adequate effluent limitations to control discharges from the IWS. The Port submitted a draft Engineering Report in December 1995 in accordance with the requirements of its existing NPDES permit. The draft Engineering Report failed, however, to provide the information necessary for Ecology to make an AKART determination. Instead, the report focused primarily on interim improvements to the IWTP.

The issue of controlling the surface water and ground water discharge of pollutants from the IWS has been unresolved for years. This is unacceptable. The notion that in the late 1990s, for example, a 20.2 million gallon-capacity lagoon (Lagoon 3) associated with an industrial wastewater treatment facility would remain unlined for the "next few years" defies basic principles of environmental protection.

It is wholly unacceptable to defer the imposition of appropriate final effluent limitations on discharges from the IWTP until beyond the proposed permit renewal period of four and one-half years, as contemplated in the Draft Permit. (The Draft Permit provides that the Port will implement Ecology's AKART determination not later than five years *after* Ecology's approval of an *approvable* Engineering Report, thus extending far beyond the Draft Permit term, no doubt.) Indeed, many of the improvements made to the IWS and IWTP referenced in the Fact Sheet were made only in settlement of a recent CWA citizens' suit. Further, it is deeply troubling that Ecology proposes to defer addressing the Port's ongoing violation of its existing NPDES permit, namely, its failure to submit an adequate and approvable Engineering Report, into the next permit cycle. The Port's violation of its existing NPDES Permit should be addressed *immediately* by Ecology through an action to enforce the existing NPDES permit. The Draft Permit concedes that this Engineering Report submittal issue could be resolved promptly, insofar as it provides for submittal of the document within one month of the permit issuance date. This issue must not be rolled into the next permit cycle.

Ecology also must provide in the Draft Permit for a more appropriate schedule for implementation of the AKART determination. A five-year implementation period is far too long. Further, the Port must be required to demonstrate specified progress by specified dates, to assure that adequate treatment is put in place as soon as possible.

E. Operation and Maintenance

18. S5A -- IWS Operations and Maintenance Manual

This section addresses the Port's mandatory IWS Operations and Maintenance Manual, including required contents and annual review. The Draft Permit must be modified to add a requirement that this manual specify proper handling of solids or wastewaters removed or disturbed during maintenance activities. Also, due to the number of changes in the IWS system through the summer of 1997, the Port must be required to update the manual sooner than the proposed year from the date of issuance of a new permit.

19. S5B -- Bypass Procedures

This section requires the Port to notify Ecology immediately of any spill, overflow, or bypass from the IWS. The Draft Permit specifies three circumstances in which the bypass of wastes from the IWS to surface water is permitted, including an overflow of untreated industrial wastewater from the IWS collection system or lagoons due to stormwater flows in exceedance of the design criteria. As discussed in our comment concerning Special Condition S2E, allowing

overflows of the IWS due to stormwater flows in exceedance of design criteria constitutes backsliding, as well as a violation of Washington State's anti-degradation policy. Ecology must modify the Draft Permit to enforce appropriate controls on the discharge of industrial wastewater to surface water into the stormwater drainage system. In addition, the Draft Permit must be modified to define "stormwater flows in exceedance of the design criteria," as the majority of the public is unlikely to know what this language means.

F. Solid Waste Handling

20. S6B – Leachate

This condition prohibits the Port from allowing leachate from its solid waste material to enter surface waters without providing all known, available and reasonable methods of prevention and treatment, and from allowing such leachate to violate the state Surface Water Quality Standards, Chapter 173-201 WAC, or the Ground Water Quality Standards. The condition further requires the Port to apply for a permit or permit modification "as may be required for such discharges to state ground or surface waters." We understand that Ecology has knowledge that leachate from the Port's solid wastes is discharging to ground water. Accordingly, the Port already should have obtained or applied for a state waste discharge permit for discharge to ground water. Ecology's failure to require the Port to submit an immediate application for a permit to discharge into ground water must be rectified.

G. Spill Plan

21. S7 – Spill Plan

This section addresses the Port's mandatory Spill Control Plan. The Draft Permit must be modified to require that this plan include a description of all hazardous waste storage areas including facilities and measures which prevent, contain, or treat spills of hazardous wastes.

H Acute Toxicity – Industrial Wastewater

22. S8A – Effluent Characterization

This condition prescribes requirements for acute toxicity testing of the IWS final effluent to determine the presence and amount of acute toxicity. Among other elements, the condition lists the species and protocols that the Port must use to conduct such testing. The Draft Permit should be modified to add to the list of species oyster larvae and mussels, with appropriate test protocols. The Draft Permit also must include Ecology's determination that the range of test organisms reflects the range of potentially exposed organisms in the receiving waters and protects the beneficial uses of those waters.

23. S8B – Effluent Limit for Acute Toxicity

This condition states that an effluent limit for acute toxicity will be added to the permit if certain effects are shown in testing. Accordingly, the Draft Permit must be modified to list an effluent for acute toxicity in the "Final Effluent Limitations" condition as one of the limits to be determined. This comment applies with equal force to the potential establishment of an effluent limit for chronic toxicity discussed in Special Condition S9B of the Draft Permit.

This condition also states that if an effluent limit is required, the limit will be "no acute toxicity" detected in a test concentration representing the acute critical effluent concentration ("ACEC"). The Draft Permit states that the ACEC means the maximum concentration of effluent during critical conditions at the boundary of the "zone of acute criteria exceedance" assigned pursuant to 173-201A-100 WAC and "authorized" in Special Condition S1C of the Draft Permit. The ACEC is to be defined by Ecology upon approval of the Engineering Report. This provision requires clarification. The Draft Permit must be modified to state that a "zone of acute criteria exceedance" is the same thing as a mixing zone, to avoid unnecessary complication and confusion. Furthermore, the Draft Permit states that the size of the mixing zone will be established in a major permit modification with public participation, but it makes no similar assurance with respect to the establishment of the ACEC. The Draft Permit must be modified to assure that the establishment of the ACEC will be accomplished in a procedure that includes full public participation. This comment applies with equal force to the determination of the chronic critical effluent concentration ("CCEC") discussed in Special Condition S9B of the Draft Permit.

Linking the establishment of an effluent limitation for acute toxicity to the anticipated mixing zone creates the potential for serious delays in addressing this vital issue. As discussed elsewhere in these comments, a mixing zone cannot legally be authorized until the IWS is operating consistently with AKART. The Engineering Report is not due for submission until one month after a new permit is issued, then Ecology must approve the Engineering Report, which is likely to take some months, and the Port has five years from approval to implement AKART. Under the Draft Permit, toxicity monitoring is to begin within 60 days *after* this implementation, and to continue for one year. A written report is due three months later, which will require review by Ecology and, if an effluent limit is to be set, a major permit modification with public participation. As a result, *no effluent limit for acute toxicity of industrial wastewater is likely to be established for two more permit cycles.* This creates an unacceptably long delay in addressing the toxicity of effluent discharges from the IWS. The Draft Permit must be modified to ensure that the need for an acute toxicity effluent limit is determined no later than the end of the next permit cycle. This comment applies with equal force to the establishment of an effluent limit for chronic toxicity of industrial wastewater and for acute toxicity of stormwater addressed in Special Conditions S9 and S10, respectively.

Further, this condition fails to require adequate testing methodology. Ecology must revise the Draft Permit to require that toxicity testing examine representative and worst-case scenarios. This requirement applies with equal force to the testing requirements for chronic

toxicity of industrial wastewater and acute toxicity of stormwater addressed in Special Conditions S9 and S10, respectively.

I. Acute Toxicity – Stormwater

24. S10A – Effluent Characterization

This condition requires the Port to conduct acute toxicity testing on stormwater twice at each of the following outfalls: Outfalls 002, 003, 005, 006, and 007. The deadline set for completing this testing is January 1, 2001. This provision has at least three deficiencies. First, the Draft Permit must be modified to add Outfall 008 to this list or explain why it is not included. Second, the Draft Permit must be modified to require that this testing be completed within a shorter time period, or to explain why a three-year period is necessary to perform only two tests at each outfall. Third, we believe that the Draft Permit must be modified to require that samples are timed to catch the early part of any release where the majority of the toxicity to surface waters would be expected.

J. Sediment Monitoring (Marine)

25. S11A – Sediment Sampling and Analysis Plan

This condition requires the Port to submit a Sediment Sampling and Analysis Plan for Ecology approval within one year following the issuance of a new permit, to "recharacterize sediment quality in the vicinity of Outfall 001." Ecology must modify the Draft Permit to ensure that adequate data is available concerning the toxicity of sediments in the vicinity of Outfall 001. We believe that the gathering of such data must include a survey for life forms by divers inspecting the outfall, as this information could influence decisions related to the nature and extent of the anticipated mixing zone for Outfall 001.

26. S11B – Sediment Data Report

This condition requires the Port to submit a report concerning the Sediment Sampling and Analysis Plan within three years after the issuance of a new permit. Ecology must modify the Draft Permit either to require this report within a significantly shorter period of time, or to explain fully why such a long period of time is necessary.

K Stormwater Pollution Prevention Plan (SWPPP) for Airport Operations

27. SWPPP

This condition requires the Port to continue to maintain its existing SWPPP, and describes objectives and requirements for the SWPPP. While the concept of having a SWPPP in place is laudable, it needs to be noted that in spite of having a SWPPP in place for some time at the Airport, we understand that some of the highest pollutant levels discharged to Miller Creek

and Des Moines Creek have occurred recently. In particular, data in Ecology's files related to glycols and fecal coliform are reason for concern and show the limitations of using a SWPPP and BMPs to control industrial discharges from the Airport to local creeks. While there are some technical concerns related to how to treat dissolved copper and zinc being discharged to the creeks, those concerns do not apply to fecal coliform and glycols. For both these parameters, there are available means of treatment and control that would protect waters of the State. It is not acceptable for the Port to continue discharging these pollutants in large amounts to the creeks. Ecology must modify the Draft Permit to require that the Port control levels of glycols and fecal coliform in stormwater through more effective means than the SWPPP and BMPs that have been used to date.

28. S12A – Objective 1

The first stated objective is to eliminate the discharges of unpermitted industrial wastewater, domestic wastewater, noncontact cooling water, or other illicit discharges to the storm drain system. Ecology must modify the Draft Permit to specify the activities and measures that will be implemented if such discharges are not eliminated from the stormwater, and the schedule for such elimination.

29. S12A – Objective 2

The second stated objective is to implement and maintain BMPs. As noted above, to date the effectiveness of BMPs has been questionable at best.

30. S12A – Objective 3

The third stated objective is to prevent violations of water quality, ground water quality, or sediment management standards. Ecology must modify the Draft Permit to make this a requirement, not an objective.

31. S12A – Objective 4

The fourth stated objective is to prevent adverse water quality impacts on beneficial uses of the receiving water by controlling peak rates and volumes of stormwater runoff. We understand that currently the Port has little or no control over peak rates and volumes of stormwater for most of the outfalls. Ecology must modify the Draft Permit to include permit requirements to meet this objective, and to specify a schedule for completing those steps.

32. S12B(1) – General Requirements, Submission and Retention

This condition requires the Port to submit an updated SWPPP to Ecology at least twice during the permit term, and to keep a copy on site. Ecology should modify the Draft Permit to state that a copy of the SWPPP must be available at a public repository to facilitate public access.

33. SB3

This condition allows the Port to incorporate portions of plans prepared for other purposes into the SWPPP. Ecology must modify the Draft Permit to require that such additional documents be incorporated into the SWPPP physically rather than by reference.

34. SB4

This condition prescribes the methodology for preparation of the SWPPP and is deficient in certain respects. Ecology must modify the Draft Permit (i) to require description of *all* source-control BMPs in the SWPPP, not just "selected" ones, and (ii) to describe all treatment BMP, without the "when necessary" qualifier.

L. Stormwater Pollution Prevention Plan (SWPPP) for Construction Activities

35. S13 – SWPPP for Construction Activities

This condition requires the Port to prepare and implement a SWPPP for construction activity that disturbs five or more acres of land. We believe that more attention needs to be paid to construction activities related to the SWPPP than was evidenced in the last permit cycle. There were substantial discharges to Des Moines Creek from construction activity related to the runway safety area at the south end of the Airport. We understand, in addition, that at the north end of the Airport, a contractor placed a soil stockpile almost on top of a storm drainage monitoring location, so close that the automatic sampler was knocked over and filled with soil, making it impossible to sample that location. We understand, in addition, that the Port may have used coverage under a general permit for construction to justify a lesser level of oversight and prevention than what would have been required under the construction requirements of its existing NPDES permit. Ecology must revise the Draft Permit to require that all construction projects are subject to the pollution prevention controls of the NPDES permit.

We understand that Ecology has represented to members of the public that certain changes are being implemented in the approach to monitoring and enforcement related to Airport construction activities. Ecology must modify the Draft Permit to explain and reflect these changes.

36. S13B(4)

This condition requires the Port to retain the SWPPP on site or within reasonable access to the site, and to make it available upon request to Ecology and local government agencies with jurisdiction. Ecology must modify the Draft Permit to make the SWPPP for each current construction activity available to the public at a public repository.

37. S13B(5)

- This condition requires the Port to retain the SWPPP and copies of inspection reports and all other reports required by the Draft Permit for at least three years after stabilization of each construction site. Ecology must modify the Draft Permit to provide that the public may obtain copies of these documents from Ecology upon request.

38. S13B(6)

This condition requires the Port to include in its records reports on incidents such as spills and other noncompliance notifications. Ecology must modify the Draft Permit to ensure that the public has access to such reports.

39. S13B(7)

This condition addresses modification of construction activity SWPPPs. Ecology must modify the Draft Permit (i) to provide for notification to the public of any non-compliance and any modifications to a SWPPP; (ii) to make enforcement of the environmental standards listed in 7c a mandatory duty for Ecology, rather than a discretionary decision; (iii) to require modification of the SWPPP to reflect *any* changes in design, construction, operation, or maintenance of a BMP, regardless of whether the Port considers the change to make the SWPPP less effective in preventing pollution; and (iv) to clearly define, in non-subjective terms, the meaning of "actual discharge of or potential to discharge a significant amount of any pollutant."

40. S13B(9)

This condition addresses the use of experimental BMPs. We believe that the use of experimental BMPs is appropriate, but certain controls are necessary. Ecology must modify the Draft Permit to require that any experimental BMP be at least as effective as the standard BMP being replaced, and to require the Port to state in each request related to an experimental BMP how its use would improve the Port's ability to satisfy environmental statutes and regulations.

41. S13C(1) – Contents and Requirements: An Erosion and Sediment Control Plan

This condition prescribes the contents of a required Erosion and Sediment Control Plan. We believe that these requirements must be more stringent. We understand that the Airport was operating under these same requirements when substantial discharges of sediment into Miller Creek occurred in September and October of this year, and that Ecology has assured members of the local community that a stronger preventative approach is planned. This should be reflected in the Draft Permit. At a minimum, Ecology must modify the Draft Permit (i) to require inspections more frequently than weekly; and (ii) to require pre-storm inspections prior to forecasted large storm events.

42. S13C(4) – Construction Stormwater/Dewatering Monitoring

This condition requires the SWPPP to include a monitoring plan for stormwater and construction dewatering discharges. Ecology must modify the Draft Permit to allow public review and comment on this monitoring plan before its approval.

M. Stormwater Drainage Report

43. S14 – Stormwater Drainage Report

This condition requires amendment of the Port's existing Stormwater Drainage Report prior to any planned action that would adversely affect the hydrology of either Miller Creek or Des Moines Creek. Ecology must modify the Draft Permit to allow public review and comment on this amendment before its approval.

N. IWS Hydrogeologic Study

44. S15 – IWS Hydrogeologic Study

This condition requires the Port to perform a hydrogeologic study to evaluate the potential for the IWS to impact ground water quality, but fails to explain a context for the study or to provide for the imposition of substantive discharge limitations upon the conclusion of the study. We believe that legitimate concerns exist related to impacts of the IWS on ground water, including the collection system and transmission system, not just the IWTP building and lagoon structures. We understand that past studies have confirmed releases from IWS collection structures to subsurface soils and to ground water. To date, no monitoring system has been implemented to determine if and where leaks are located.

Ecology must modify the Draft Permit to provide for the imposition of substantive requirements based on the results of this study. As stated elsewhere in these comments, Ecology also must modify the Draft Permit in several respects to ensure, as required under WAC 173-200-100, that the permit does not allow any activity that would violate the state Ground Water Quality Standards.

COMMENTS ON FACT SHEET

As the Fact Sheet is provided as a companion document to the Draft Permit, the following comments apply with equal strength to the conditions of the Draft Permit. They are articulated here for ease of reference.

O. Description of the Facility

45. Industrial Wastewater System, page 6

The Draft Permit states that Lagoons 1 and 2 have been lined, but that a schedule for installation of a liner in Lagoon 3 will not be established until the Engineering Report is completed. Lagoon 3 provides approximately 80% of the combined capacity of the IWS lagoons. Ecology must modify the Draft Permit to require that Lagoon 3 be lined by a date certain within a reasonable time period.

The likelihood of wastewater discharging into the ground water from an unlined wastewater storage lagoon is very great. The Washington State Waste Discharge Program prohibits the discharge of any waste into waters of the State, including ground water, except pursuant to a permit issued by Ecology. WAC 173-216-040. The Draft Permit does not appear to authorize the Port to discharge waste into the ground water from Lagoon 3, nor does the Draft Permit require the Port to obtain a state waste discharge permit in connection with such discharge. Ecology must modify the Draft Permit to rectify this deficiency.

The Fact Sheet also describes the IWS conveyance system. Information in Ecology's files indicates that the IWS conveyance system as well as the IWTP, has been identified as a discharge source to subsurface soils and ground water.¹ Based on the evidence available, including the age of the system, disturbance due to construction, aircraft and vehicle activity and other factors, the operation of the IWS has the potential to degrade ground water within the meaning of the Ground Water Quality Standards. Ecology must modify the Draft Permit to properly address the discharge of waste to ground water from the IWS conveyance system.

The Fact Sheet states that the efficiency of the IWTP, which is responsible for the actual treatment of waste routed through the IWS, "declines significantly" at temperatures below 35 degrees Fahrenheit. The regulatory implications of this assertion are not explained. Ecology must modify the Draft Permit to explain what causes this drop in efficiency, what the environmental implications are, and the basis for Ecology's implicit determination that this efficiency reduction does not require specific measures to be implemented under the Draft Permit to safeguard waters of the State.

46. Deicing/Anti-Icing, page 9

The discussion in the Fact Sheet makes clear that the application of deicing/anti-icing agents to runways and aircraft is one of the *primary* industrial activities conducted at the Airport. This discussion lends emphasis to our comments on the Draft Permit related to the treatment of deicing/anti-icing agents and their components and degradation constituents.

¹ Ecology files related to Olympic Pipe Line and United Airlines, 1993.

The Fact Sheet's discussion of the toxicity of glycols appears to assume that glycols used at the Airport are pure, laboratory grade glycol formulations. We believe that this is highly unlikely, and that in fact the glycol agents used at the Airport almost certainly contain additives and inerts. Ecology must revise the Fact Sheet to ensure that its analysis of deicing/anti-icing agents is based on the actual products used, not just their primary active ingredients. Conditions prescribed in the Draft Permit must be modified accordingly.

P. Summary of Compliance with the Previous Permit

47. Summary of Compliance with the Previous Permit, page 14

In the first bullet, it appears that Outfall 010 is misidentified. We understand that the location of the August 16, 1995 spill was at Outfall 015, as shown on the Comprehensive Storm Drainage System Plan and Design Drainage Basins map included in the Draft Permit. Outfall 015 is immediately below (south/southwest) the IWS lagoons 1 and 2. Outfall 010 is the furthest west of the southern Airport outfalls, located near Des Moines Memorial Drive. We understand that contrary to the implication in the incident report for the above spill, there were frequent discharges of polluted, foaming water with a petroleum odor and evident sheen. Ecology must revise the Fact Sheet to reflect this information.

Q. Proposed Permit Limitations

48. Proposed Permit Limitations, page 19

In the second paragraph, the Fact Sheet lists the reasons that Ecology may rely on in determining to not develop an effluent limit for a pollutant known to be in a discharge. One of the reasons included is if pollutants "...are not controllable at the source." This assertion is unacceptably vague. Ecology must revise the Fact Sheet to clarify the meaning of this phrase and the basis for Ecology's determination that this exclusion is environmentally appropriate and consistent with Ecology's duties under state and federal law.

49. Interim Effluent Limitations, Oil and Grease, page 19

The Fact Sheet discusses an existing and a proposed substituted analytic methodology for oil and grease, which are to be evaluated concurrently. The Fact Sheet states that if a statistical difference appears, Ecology will establish new interim effluent limitations based on the new methodology. Ecology must revise the Fact Sheet to state whether these new limitations will be established through a major or minor permit modification.

50. Final Limitations, page 21

The first paragraph of this section states that "[t]otal ammonia, PAHs, BTEX, total recoverable phenolics and priority pollutant metals have been removed from the list of final effluent limit parameters because monitoring data has shown that these parameters are not

present at levels of concern in the IWTP effluent." This statement is provided with no explanation whatsoever. The substances in this list typically are associated with discharges from airport facilities throughout the Nation. The removal of these parameters from the list of final effluent parameters constitutes backsliding, which is prohibited under the Clean Water Act. Ecology must revise the Fact Sheet to explain the specific basis for the proposed deletion of these parameters from the list of final effluent parameters, with reference to (1) the particular monitoring data relied upon by Ecology, and (2) the anti-backsliding provisions of the CWA and WPCL.

51. Surface Water Quality-Based Effluent Limitations, page 21

This section discusses protection of existing water quality and preservation of the designated beneficial uses of surface waters, but it fails to consider adequately critical conditions related to Airport discharges to such waters. As noted elsewhere in these comments, Ecology has listed Des Moines Creek, pursuant to Section 303(d) of the Clean Water Act, as water quality limited for fecal coliform. We understand, further, that the King County Water and Land Resource Division has also determined that fecal coliform in Des Moines Creek is a critical condition. Ecology's failure to address fecal coliform discharges into surface water from the Airport in this Draft Permit is unacceptable. Ecology must modify the Fact Sheet and the Draft Permit to establish water quality-based effluent limits to encourage and enforce the elimination of fecal coliform (and related pathogenic) discharges to surface waters from the Airport.

52. Anti-degradation, page 22

This section of the Fact Sheet discusses Washington State's Anti-degradation Policy, which requires that discharges into a receiving water not further degrade the existing water quality. As stated in the Fact Sheet, applicable water quality criteria are determined according to the natural conditions of a receiving water if those conditions are either of higher or lower quality than the criteria assigned by regulation. The Fact Sheet further states that Ecology is "unable to determine if ambient water quality is either higher or lower than the designated classification criteria given in Chapter 173-200 WAC; therefore, [Ecology] will use the designated classification criteria . . ." As a threshold matter, the Fact Sheet fails to specify for which body of water Ecology has been unable to make this determination, therefore we assume this is the case for all the water bodies that receive discharge from the Airport. Moreover, the indifference to enforcement of the State's anti-degradation policy implicit in Ecology's casual observation that it is "unable to determine if ambient water quality is either higher or lower than the designated classification criteria," and therefore will not concern itself with determining the facts, is extremely troubling. Further, the bland assurance that the "discharges authorized by this proposed permit should not cause a loss of beneficial uses" is wholly conclusory.

Ecology must revise the Draft Permit to require the collection of data necessary to determine the natural conditions of the receiving waters and to provide for the imposition of effluent limitations as necessary to comply with the State's anti-degradation policy.

53. Description of the Receiving Water, Puget Sound, page 23

The Fact Sheet makes passing reference to EPA's designation of Puget Sound as an estuary of national significance under the National Estuary Program established by Section 320 of the CWA. Since 1986, federal, state and local governmental activities to maintain and enhance water quality in Puget Sound have been coordinated through the Puget Sound Water Quality Management Plan ("Puget Sound Management Plan"). In 1991, EPA accepted the Puget Sound Management Plan as the Comprehensive Conservation and Management Plan for Puget Sound under the National Estuary Program. Further, in accordance with the Puget Sound Water Quality Protection Act enacted by the Washington Legislature in 1996, it is the "policy of the State of Washington" to "protect and restore the biological health and diversity of Puget Sound."

The Draft Permit and Fact Sheet must be consistent with the requirements of the Puget Sound Management Plan and the ongoing activities, plans and program requirements of the Puget Sound Water Quality Action Team. Both documents should be revised to provide for, and explain to the public, such consistency. In addition, in light of the requirements imposed in the Draft Permit related to outfall monitoring and sediment monitoring, Ecology must revise the Fact Sheet to include discussion of what data exists concerning water and sediment quality in the vicinity of the Airport's outfall into Puget Sound, and to identify where the public may obtain such information.

54. Miller Creek, page 23

We believe that Lake Reba requires dredging to restore adequate capacity to mitigate damage from peak flows. Ecology must revise the Fact Sheet to discuss the capacity of Lake Reba and the advisability of dredging under specific conditions, and must revise the Draft Permit to prescribe a dredging schedule and associated requirements.

55. Des Moines Creek, page 24

Like the discussion of Miller Creek, the Fact Sheet's discussion of Des Moines Creek gives no indication as to the adequacy of detention facilities to protect the receiving water's beneficial uses. Similarly, the Draft Permit imposes no requirements related to the maintenance of existing detention capacity or the need for and schedule for developing additional capacity. Ecology must modify the Fact Sheet and the Draft Permit to correct these deficiencies.

Ecology also must modify this section to discuss the State's listing of Des Moines Creek under CWA section 303(d), and the regulatory implications of that listing.

56. Surface Water Quality Criteria, page 25

This section sets forth state surface water criteria for aquatic biota, but it fails to assess the Port's compliance with these criteria. Ecology must revise the Fact Sheet to assess the Port compliance with these criteria, in particular fecal coliform, and to explain how the Draft Permit

assures such compliance. Ecology must revise the Draft Permit accordingly to assure such compliance.

57. Consideration of Surface Water Quality-Based Limits for Numeric Criteria, Industrial Wastewater, page 26

This section discusses a mixing zone study performed by the Port. It addresses specifically the impacts of dissolved oxygen deficiency and pH, and notes that "[n]o other water quality criteria pollutants are present in the IWTP discharge at levels of concern." Ecology must revise the Fact Sheet to explain the basis for its determination that dissolved oxygen deficiency and pH are the *only* water quality criteria pollutants that should be addressed in connection with the Port's industrial wastewater discharge.

58. Stormwater, page 27

The Fact Sheet states that stormwater discharges from the Airport show "reasonable potential to violate the water quality criteria for copper, lead, and zinc." The Draft Permit does not, however, prescribe any measures designed to protect the waters of the State from such discharges. Ecology must revise the Draft Permit to include specific effluent limitations applicable to the presence of copper, lead, and zinc in discharges from the Airport, including stormwater discharges.

59. Whole Effluent Toxicity, page 29

This section of the Fact Sheet discusses methodology for the whole effluent toxicity testing required under Special Conditions S8, S9 and S10 of the Draft Permit. As discussed briefly in our comment concerning Special Condition S8, the timing and nature of this testing is not adequately addressed in the Draft Permit. We believe that data collection should start as soon as possible, and be designed to require sampling of the early part of each episode of stormwater discharge. In addition, controls must be instituted to prevent the Port from using data that excludes the highest values from consideration. Ecology must modify the Fact Sheet and the Draft Permit to correct these deficiencies. In addition, to avoid confusion, Ecology must revise the Fact Sheet at least to cross-reference the discussion of whole effluent toxicity testing in the section on industrial wastewater, since such testing applies to industrial wastewater as well as stormwater.

60. Human Health, page 31

This section identifies numeric health-based criteria that must be considered in NPDES permits, then makes the unexplained assertion that the Port's discharges "do not contain chemicals of concern based on existing data." This unexplained assertion is unacceptable. Ecology must revise the Fact Sheet to identify the data on which it relied in making this determination and explain fully the basis for this determination.

61. Ground Water Quality Limitations, page 31

This section acknowledges Ecology's obligations under the Ground Water Quality Standards, but fails to explain adequately how these obligations are met. As discussed in comments to the Draft Permit, Ecology must correct its apparent determination that only *intentional* discharges of waste to ground water are regulated under the Ground Water Quality Standards.

The Fact Sheet discusses the impact of fuel spills and states that all sites that have been affected by such spills have been or are being remediated under the Model Toxics Control Act. These generalized assertions are inadequate. In particular, the Fact Sheet refers to activities called for under an agreed order between the Port and Ecology. It is our understanding that this agreed order is still under review and has not been signed. Accordingly, any assertions based on its provisions are inappropriate. Ecology must revise the Fact Sheet (i) to identify specifically each site that has been affected by a fuel spill or spills; (ii) to explain how after-the-fact remediation under the Model Toxics Control Act is related to Ecology's and the Port's obligations under state law to *prevent* the ongoing discharge of pollutants to ground water; and (iii) to fully address compliance with the Ground Water Quality Standards.

R. Other Permit Conditions

62. Operation and Maintenance, page 33

The Port's required Operations and Maintenance Manual must include specific requirements related to stormwater detention facilities. Ecology must modify the Draft Permit to include such a requirement, and must revise the Fact Sheet accordingly.

S. General Comment on References to Task Completion Dates

63. Task Completion

The Fact Sheet contains several assertions that various improvements to the Port's waste control systems were to have been completed by dates that are now past or soon will be. These include the following:

- Additional pump stations to divert snow melt water from snow storage areas to the IWS, have been completed by November 1, 1997.
- New snow storage facilities draining to the IWS, have been completed by November 1, 1997.
- Two new DAF units in the IWTP, to be completed in December 1997.
- Improvements to drainage on the south side of the IWTP building, to be completed in December 1997
- Installation of a new influent sampler, to be completed in December 1997.

Comments on NPDES Permit
December 9, 1997
Page 26

In conclusion, for the reasons set forth above we respectfully assert that the terms of the CWA, the WPCL, State of Washington laws governing discharges to ground water and Puget Sound, the regulations and applicable policy documents promulgated or issued respectively thereunder, the administrative record compiled in this matter to date (all of the foregoing is hereby incorporated by reference as if fully set forth herein), and the exercise of sound judgment to protect human health and the environment, mandate that Ecology revise and reissue the Draft Permit and Fact Sheet for public comment.

Sincerely,



Peter J. Kirsch

cc: John Rankin, Chairman, ACC Executive Committee
Kristin Hanson

AR 035423

ATTACHMENT 4

AR 035424

**BEFORE THE HEARING EXAMINER
OF THE PORT OF SEATTLE**

CITY OF DES MOINES, et al.,)	
)	
Petitioners,)	HEARING EXAMINER
)	CASE NO. 96-04
v.)	
)	TESTIMONY OF DR. STEPHEN
THE PORT OF SEATTLE, et al.)	L.M. HOCKADAY ON BEHALF
)	OF PETITIONER AIRPORT
Respondents.)	COMMUNITIES COALITION
)	
)	
_____)	

1.0 INTRODUCTION

My name is Stephen Hockaday. Currently, I am on leave from my position as a Professor of Civil and Environmental Engineering at California Polytechnic State University. I received my Ph.D. in Air Transportation from the University of California at Berkeley, with a dissertation on the separation of landing aircraft in instrument weather conditions. I am a registered professional civil engineer, environmental engineer and traffic engineer. I have been active in airport planning and air traffic control for more than twenty-five years. During that time, I have worked on projects for the Federal Aviation Administration ("FAA"), numerous airport proprietors – including the Port of Seattle ("Port") – and regional planning organizations, such as the Puget Sound Regional Council ("PSRC"). I also have presented numerous technical papers and am the author of many published articles on a wide range of topics related to airport layout design and aircraft traffic control procedures. A copy of my résumé is attached to this testimony as Exhibit 1.

TESTIMONY OF DR. STEPHEN L.M. HOCKADAY
ON BEHALF OF PETITIONER AIRPORT COMMUNITIES
COALITION - I

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AR 035425

I have been studying the proposed expansion of Seattle-Tacoma International Airport ("Sea-Tac Airport" or the "Airport") for approximately 6 years. In 1991, I was among a group of consultants retained by the PSRC during the Flight Plan study, ("Flight Plan" was the name given to the programmatic, non-project environmental study and environmental impact statement sponsored by the PSRC and the Port to consider approaches to increasing air transportation capacity in the Puget Sound region), to evaluate the airspace impacts of various proposals for the expansion of regional air traffic capacity. See PSRC and Port, *Flight Plan Project Final Environmental Impact Statement* ("Flight Plan EIS") (October 1992).

Based upon my review of documents and reports developed by the FAA and the Port, including the February 1996 Final Environmental Impact Statement ("Original EIS") and the May 1997 Supplemental Environmental Impact Statement ("Supplemental EIS"), it is my expert opinion that there are feasible alternatives to the Port's plan to add an 8,500-foot runway 2,000 feet west of the existing Runway 16L/34R which would satisfy the Port's stated need to "improve the poor weather airfield operating capability in a manner that accommodates aircraft activity with an acceptable level of aircraft delay." *Supplemental EIS at 2-18.*

2.0 DISCUSSION

2.1 The Port's Environmental Impact Statements Arbitrarily Dismiss Alternative Runway Lengths and Placements

According to the Original EIS and the Supplemental EIS (collectively, the "EISs"), the purpose and need for the development of a new 8,500-foot runway at Sea-Tac Airport is to "improve the poor weather airfield operating capability in a manner that accommodates aircraft activity with an acceptable level of aircraft delay." *Original EIS at 1-12; Supplemental EIS at 2-*

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18. The EISs did not give serious consideration to alternatives which could achieve substantially the same end at considerably less cost and with less impact on the surrounding communities.

According to the EISs, a new runway is needed to reduce delays for arrival aircraft in poor weather. *Original EIS at I-17; Supplemental EIS at 2-18.* As noted in the EISs, "[a]rrival delay represents over 85 percent of total current delay experienced by an average flight." *Original EIS at I-15; Supplemental EIS at 2-8 (Table 2-4).* Consequently, the asserted need for additional poor weather capacity could be accommodated by a new runway designed only or primarily for arrivals. Based on FAA standards, a runway designed to accommodate arrivals will be shorter than one required for departures. *See P&D Aviation, Airport Master Plan Update for Seattle-Tacoma International Airport, Technical Report No. 6: Airside Options Evaluation (Sept. 19, 1994) ("Technical Report No. 6") at 2-19, 2-20 (Tables 2-8 and 2-9).* In fact, at Sea-Tac Airport, a runway considerably shorter than 8,500 feet could meet the Port's stated need for improved poor weather airfield operating capability to accommodate aircraft activity with an acceptable level of aircraft delay.

Consultants retained by the Port performed an analysis of runway landing lengths during the preparation of the Sea-Tac Airport Master Plan Update. *See id.* As part of that exercise, landing length requirements were established for aircraft based on landing weights that are 90 percent of maximum landing weight. Since a landing aircraft typically has a decreased load of fuel, these runway length values are conservative.

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Runway length requirements are also available from the FAA. Review of this data for the B737, B747, and B757 aircraft appear to confirm the Port data. *FAA Advisory Circular AC 150/5325-4A, Runway Length Requirements for Airport Design (Jan. 29, 1990).*

According to the Port's consultant, landing-length requirements for commuter, general aviation and military aircraft at Sea-Tac Airport are 3,300 feet if the runway is dry and 3,800 feet if the runway is wet. *Technical Report No. 6 at 2-20 (Table 2-9).* Therefore, a runway as short as 4,000 feet (which is less than half the length proposed by the Port), could accommodate all current commuter, general aviation and military operations occurring at Sea-Tac Airport.

Table 1, based on Port data, shows the number and percentage of aircraft operations that could land on and take off from a 6,000 or 6,700 foot runway compared with a 8,500 foot runway. The Port's data shows that, averaged over a year, a 6,000-foot runway could accommodate 76 to 85 percent of all arrivals in 2010, with the exception of the largest aircraft (e.g., A340-200/400, B⁻ MD11/12, A330, B777) which comprise only 2 percent of the aircraft mix. *See Technical Report No. 6 at 2-19, 2-20 (Tables 2-8 and 2-9).* A 6,700 foot runway can be used by 99 to 100 percent of the landing aircraft. Increasing the length of a new runway from 6,700 feet to 8,500 feet would provide only a minimal increase in the percentage of aircraft that could land on a wet runway and still would not permit use by all aircraft. *See Table 1 (attached hereto) and sources cited therein.* The Port recognizes that an 8,500 foot runway would not accommodate all aircraft. *See Supplemental EIS at 3-7.*

Although the primary purpose of a new third runway is to reduce poor weather arrival delay, the Port may use the proposed runway for takeoffs in some peak departure periods. *Original*

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EIS at II-12; Technical Report No. 6 at 2-14, 2-18. Table 4 (attached hereto), based on Port data, shows the percentage of aircraft operations that could depart from a new runway either 6,000 or 6,700 feet long. The Port data show that, averaged over the year, a 6,000 foot runway could be used by 33% of the departing aircraft and that a 6,700 foot runway could be used by 87% of the departing aircraft.

The Port data demonstrate that a 6,700 foot runway has most of the capability of an 8,500 foot runway in terms of the ability of aircraft to take off, and has essentially the same capability as a 8,500 foot runway in terms of the ability of aircraft to land. The data also demonstrate that a 6,000 foot runway has most of the capability of an 8,500 foot runway in terms of the ability of aircraft to land. The data are summarized in Table 1.

It should be noted that the percent of aircraft that could use a 6,000 or 6,700 foot runway during the peak arrival hours and months is higher than the average annual values shown above. The Supplemental EIS shows that the weather is much better in the peak months of the year and in the peak arrival hours of the day than the average annual weather, and therefore, that the percent use of a new 6,000 or 6,700 foot runway would be greater than shown in the above average annual values. *Supplemental EIS at F-27, F-31.*

In 1995, the FAA issued a report which documents its investigation of the benefit to be obtained by increasing the length of the proposed runway in order to accommodate all heavy aircraft, (heavy aircraft would represent 15.5 percent of the mix in 2000 and 28.1 percent in 2020) and demonstrated that allowing all heavy jets to use a new runway achieved a 3.5 percent decrease in delays (from 3.95 minutes to 3.82 minutes per aircraft). *See FAA, Airport Capacity*

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Enhancement Plan for Seattle-Tacoma International Airport, Data Package No. 11 (Apr. 1995)
("Data Package No. 11") at 48. The development of an 8,500-foot runway rather than a 6,700-foot runway would result in only a marginal improvement in delay.

A 6,000 or 6,700 foot runway could be located with its southern threshold at the location of the southern threshold of the proposed 8,500-foot runway described in the Supplemental EIS. *Supplemental EIS at 3-1 through 3-6.* Based on the Port's and FAA's analysis, such a placement is operationally feasible and would not unduly complicate terminal airspace management.

The analysis of the foregoing data provided by the Port and the FAA clearly demonstrates that alternatives with runway lengths of less than 8,500 feet meet the stated purpose and need for the proposed Airport expansion. Notwithstanding the fact that construction of a shorter runway would, in fact, be a reasonable alternative, the Port summarily dismissed these alternatives without devoting sufficiently detailed analysis to each so as to permit a comparison, or the environment: impact of all reasonable alternatives which meet the stated purpose and need.

2.2 The Port's Environmental Impact Statements Fail to Adequately Consider the Potential Effects of Implementing Localizer Directional Aid Technology

Based upon its faulty analysis of airfield capability, the Port dismissed the advantages of the Localizer Directional Aid ("LDA") approaches already in place at other U.S. airports today. The use of an LDA in conjunction with an Instrument Landing System approach ("ILS") on adjacent, closely-spaced runways increases the percentage of the year that two simultaneous approaches would be permitted on parallel runways during poor weather (i.e., Instrument Flight Rules, "IFR") conditions when the distance between those runways would otherwise be below the 3,000-foot minimum required for simultaneous arrivals in IFR conditions. It involves the use

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of a LDA approach to one parallel runway and an ILS approach to the adjacent parallel runway. This entire procedure generally is referred to as "LDA."

One aircraft is aligned with the ILS approach to one runway while the other aircraft is aligned with a localizer positioned off to the side of another runway until approximately 3 miles from the landing threshold when the aircraft aligns itself with the centerline of the runway. These approaches are conducted simultaneously and utilize the procedures and some of the equipment associated with simultaneous parallel approaches to runways separated by at least 3,000 feet.

An LDA system currently being used at Lambert-St. Louis International Airport allows simultaneous arrivals on runways separated by 1,300 feet when the ceiling is 1,200 feet and visibility is 4 miles. A similar system has been adopted at San Francisco International Airport on runways that are separated by 750 feet.

The use of LDA approaches at Sea-Tac Airport under similar weather conditions, when combined with a 6,000 or 6,700-foot runway, could reduce the amount of time that the Airport is limited to a single arrival stream from the 44 percent stated in the EISs to approximately 8 percent of the year (or approximately 3 percent of the time during peak periods). Thus, the development of an LDA system at Sea-Tac Airport would increase the capacity of the existing Airport and result in a significant decrease in delays in most poor weather conditions.

The use of LDA is mentioned in the EISs. *See Original EIS at II-16 through II-17; Supplemental EIS at 3-6.* The Port and the FAA, however, made the erroneous assumption that LDA would not operate below the 2,500 ceiling and 3-mile visibility and did not examine the use

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of an LDA in conjunction with runway lengths of less than 8,500 feet. See, e.g., S. Dalton, FAA, Delay Benefit Calculation for an LDA Procedure at Seattle-Tacoma International Airport (L... 21, 1995) at 2; Evaluation of "Implementation of an LDA/DME Approach to Runway 16R in Lieu of a Third Runway at Sea-Tac Airport" (Dec. 20, 1995), at 3. The full benefits that LDA technology would bring to the Airport, therefore, were not considered in the EISs.

2.3 The Port's Evaluation of Alternatives Failed to Consider the Potential for Airspace Conflicts Between Boeing Field and Sea-Tac Airport

The examination of alternatives in the EISs does not evaluate the effects of a new 8,500-foot runway at Sea-Tac Airport on air traffic using Boeing Field (also known as King County Airport). Conflicts with aircraft using Boeing Field would reduce the benefits of any new runway at Sea-Tac Airport. A report prepared for the FAA documents the fact that aircraft using the proposed 8,500-foot third runway at Sea-Tac Airport would conflict with aircraft using Boeing Field, and, thereby reduce the effectiveness of the runway at Sea-Tac Airport. See generally Aviation Simulations Int'l, Inc., Impact of Boeing Field Interactions on the Benefits of a Proposed New Runway at Seattle-Tacoma International Airport ("Impact of Boeing Field Interactions"), Prepared for the FAA., Northwest Mountain Region (July 1992). These interactions would occur in three situations.

- North Flow Instrument Meteorological Conditions (Instrument Meteorological Conditions require the use of Instrument Flight Rules (IFR)) - Sea-Tac Airport would not accommodate traffic even with a new runway;
- South Flow Instrument Meteorological Conditions - Sea-Tac Airport capacity gains from a new runway would be small and would reduce Boeing Field capacity; and

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- South Flow Visual Meteorological Conditions (Visual Meteorological Conditions allow the use of Visual Flight Rules (VFR))- Sea-Tac Airport capacity gains from a new runway are not assured.

When problems caused by airspace conflicts between Sea-Tac Airport and Boeing Field are taken into consideration, the total poor weather arrival capacity of Sea-Tac Airport with the proposed new 8,500-foot runway would be considerably lower than projected in the EISs. In fact, there might even be a loss of capacity at Sea-Tac Airport when compared with the existing runway layout (from -10 percent to +12 percent). *See Impact of Boeing Field Interactions at 23.*

A single arrival to Boeing Field stops the arrival flow onto the proposed third runway at Sea-Tac Airport for a significant period. *Id. at 20.* For typical approach speeds (120 to 150 knots), the 10 nautical miles separation required between arrivals to the new runway is equivalent to 4 to 5 minutes, limiting the capacity of the new runway to 12 to 15 arrivals per hour when aircraft are using Boeing Field. There will be five hours each day with 10 or more arrivals per hour at Boeing Field. *Data Package No. 11 at 18.* As a result, disruptions to the capacity of the new runway will be essentially continuous during these hours. Consequently, the report prepared for the FAA demonstrates that the proposed 8,500-foot third parallel runway at Sea-Tac Airport will not provide any significant capacity gains due to airspace interactions with Boeing Field. *See Impact of Boeing Field Interactions at 18, 20, 23.*

The lack of consideration in the EISs of the effects of airspace conflicts with Boeing Field is a serious omission which further undermines the analysis of alternatives in the EISs.

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TABLE 1

Aircraft that could use a new runway of different lengths in 2010				
Numbers and percentages of annual aircraft operations				
<u>Operation Type</u> <u>Runway</u>	<u>2010 Forecast</u>	<u>6,000' Runway</u>	<u>6,700' Runway</u>	<u>8,500'</u>
Landing	237,000 (100%)	179,200-201,200 (76-85%)	233,700-237,000 (99-100%)	234,600 (99%)
Take Off	237,000 (100%)	78,200 (33%)	206,200 (87%)	213,300 (90%)
Total	474,000 (100%)	257,400-279,400 (54-58%)	439,900-443,200 (93-94%)	447,900 (94%)

Sources: Supplemental EIS, Table 1-2; Original EIS, Table II-3 and Page II-12; P&D Aviation, Working Paper 1, Unconstrained Aviation Forecast Update (revised Jan. 2, 1997); P&D Aviation, Airport Master Plan Update for Seattle-Tacoma International Airport, Technical Report No. 6: Airside Options Evaluation (Sept. 19, 1994), Tables 2-3 and 2-9, Figure 2-1, and Pages 2-6 and 2-18.

TABLE 2

Aircraft Classification in 2010

<u>Aircraft Category</u>	<u>Number Of Seats</u>	<u>Approach Category</u>	<u>Airplane Desn Gp</u>	<u>Average Daily Operations (2010)</u>
Air Taxi/Commuter	0- 60			
Small	0- 10	A-B	I-II	24.8
J31, Metro	11- 20	B	I-II	103.4
S360, DHC8, J41, ATR42	21- 60	B	II-III	285.5
Total AT/Commuter	Avg 39			413.7 (31.9%)
Smaller Air Carrier Passenger	61-170			
F-28, ATR72, RJ70	61- 90	B-C	II-III	47.2
B737-1/2/500, F100	91-120	C	III	39.3
B727, B737-3/400	121-170	C	III	448.3
MD80/90 A319/320				
Total Smaller Air Carrier	Avg 137			534.8 (41.2%)
Larger Air Carrier Passenger	171 +			
B757-200, 767-200, A310/321	171-240	C	IV	141.6
A300, B767-300, L101, DC10, A340-200	241-350	C-D	IV-V	96.7
B747/777, MD11/12, A330/340-400	350+	D	V	13.3
Total Larger Air Carrier	Avg 242			251.6 (19.3%)
Cargo	-	A-D	I-V	68.5 (5.3%)
General Aviation	-	A-B	I-II	28.4 (2.2%)
Military	-	A-C	I-III	1.7 (0.1%)
Airport Total	Avg 125			1,298.6 (100%)

Source: P&D Aviation, Working Paper 1, Unconstrained Aviation Forecast Update (revised Jun. 2, 1997) Tables 3-14 & 3-15.

TABLE 3

Percent of Total Landing Operations Accommodated by 6000' and 6,700' Runways

Aircraft Type	6,000' Runway			6,700' Runway		
	% in Mix	% Use Dry Rwy	% Use Wet Rwy	% in Mix	% Use Dry Rwy	% Use Wet Rwy
Air Taxi/ Commuter	31.9%	31.9%	31.9%	31.9%	31.9%	31.9%
Smaller Air Carrier (to C-III)	41.2%	41.2%	41.2%	41.2%	41.2%	41.2%
Larger Air Carrier (C-IV +)	19.3%	8.2%	0.0%	19.3%	19.3%	18.6%
Cargo	5.3%	1.9%	1.3%	5.3%	5.3%	4.6%
GA / Mil	2.3%	1.6%	1.1%	2.3%	2.3%	2.3%
Total	100.0%	84.9%	75.6%	100.0%	100.0%	98.6%

Sources: P&D Aviation, Working Paper 1, Unconstrained Aviation Forecast Update (revised Jan. 2, 1997); P&D Aviation, Airport Master Plan Update for Seattle-Tacoma International Airport, Technical Report No. 6: Airside Options Evaluation (Sept. 19, 1994).

TABLE 4

Percent of Total Take Off Operations Accommodated by 6000' and 6,700' Runways

<u>Aircraft Type</u>	<u>6,000' Runway</u>		<u>6,700' Runway</u>	
	<u>% in Mix</u>	<u>% Use</u>	<u>% in Mix</u>	<u>% Use</u>
Air Taxi/ Commuter	31.9%	31.9%	31.9%	31.9%
Smaller Air Carrier (to C-III)	41.2%	0.0%	41.2%	41.2%
Larger Air Carrier (C-IV +)	19.3%	0.0%	19.3%	10.9%
Cargo	5.3%	0.0%	5.3%	1.3%
GA / Mil	2.3%	1.1%	2.3%	1.7%
Total	100.0%	33.0%	100.0%	87.0%

Sources: P&D Aviation, Working Paper 1, Unconstrained Aviation Forecast Update (revised Jan. 2, 1997); P&D Aviation, Airport Master Plan Update for Seattle-Tacoma International Airport, Technical Report No. 6: Airside Options Evaluation (Sept. 19, 1994), Table 2-3..

Note that these runway lengths are based on a full passenger load, zero winds, and 84 degrees temperature.

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Reference: 96-4-02325
Port of Seattle

Attention: Jonathan Freedman, Project Manager

Dear Mr. Freedman:

The Citizens Against Sea-Tac Expansion (CASE) is a grass roots organization concerned with the Port of Seattle's Airport expansion plans. Our mission is to educate Puget Sound citizens, as well as governmental agencies, that expanding the current airport is shortsighted and excessively expensive.

The following are initial comments concerning the recent public notice of application of permit related to watersheds and wetlands located in the Miller Creek and Des Moines Creek basin (aforementioned reference) issued December 19, 1997 by the U.S. Army Corps of Engineers. The permit application concerns proposed actions related to the facilities operation by the Port of Seattle (POS) at Seattle-Tacoma (Sea-Tac) Airport. The following comments will be supplemented with additional comments from our organization prior to close of the public comment period.

Background

The scope and magnitude of the proposed project demand much more extensive public involvement. The proposed Section 404 permit for the Sea-Tac Airport Master Plan contemplates a project larger than the largest earth moving operation ever conducted in Washington State, (construction of Grand Coulee Dam). According to the Port of Seattle's Supplemental Environmental Impact Statement (EIS) the amount of fill dirt required for the project is estimated at 26.4 million cubic yards. Despite the fact that this figure is in dispute since the Port's EIS failed to provide a geo-technical study of the proposed fill site to estimate the amount of unsuitable soils which would need to be removed from the project site for the proposed 3rd runway. In addition, the fill estimate in the Port's EIS has failed to consider the "swell" and "shrinkage" factors associated with the transportation of fill dirt by haul trucks resulting in an underestimation of the amount

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2 { of fill required by an amount exceeding 6 percent.¹ The proposed rechannelization of 980 feet of Miller Creek, 2,280 feet of drainage channels in the Miller Creek Basin, and 2,200 feet in the Des Moines Creek basin, will have profound effects upon local residents, and municipalities, most notably the Cities of Burien, Des Moines, Normandy Park, and Sea-Tac.

3 { The proposed permit does not provide notice of a public hearing. Page 4 of the application states that "any person may request, in writing, within the comment period . . . that a public hearing be held to consider this application" and that "[r]equests for public hearings shall state, with particularity, the reasons for holding a public hearing."

The Corps needs to make provisions for better public participation. All data related to the permit should be available at a location in the community so the public can readily access the data as opposed to filing a Public Disclosure Requests with the Corps, POS or Department of Ecology.

Key Problems With The Proposed Permit

4 { • The proposed permit fails to define the scope of the proposed actions, including the size of the affected wetlands, and required mitigation measures.

5 { • The proposed permit fails to satisfy the public involvement requirements of the Clean Water Act.

6 { • The proposed permit is missing information and contains misleading and erroneous information.

7 { • Many issues concerning the proposed Section 404 permit are currently in litigation. Additionally, elements in dispute concerning the proposed NPDES permit affect provisions in the proposed Section 404 permit. Until these issues are resolved a Section 404 permit should not be issued.

8 { • The proposed permit fails to consider the replacement of wetlands in the same basin system. The permit proposes that the Corps reverse its previous policy requiring replacement of wetlands in the same basin system for proposed facilities in the South Aviation Support Area (SASA).

9 { • The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

10 { • Page one (1) of the proposed permit states that "[t]he quantity of wetlands to be filled is based on the best information available at this time. It is possible that some

¹ Comments on the Analysis of Construction Impacts in the Draft SEIS for Seattle-Tacoma International Airport, prepared by Jimmie Hintze, PE and Christopher Brown & Associates, March 28, 1997

10 additional wetland areas and acreage could be identified when access is available to all wetlands in the project area." If the Corps doesn't know how many acres of wetlands are affected then the public cannot comment intelligently upon the proposed actions. Further, the public cannot assess the mitigation required to replace affected wetlands.

- 11
- The section of the permit pertaining to relocation of wetlands associated with the South Aviation Support Area (SASA) proposes to relocate affected wetlands to the Green River Basin. This is not consistent with previous Corps direction concerning the proposed SASA facility. In 1992 the Corps reviewed the EIS for the proposed SASA facility and established that replacement wetlands should be retained in the Des Moines Creek (same) basin.

12 It is CASE's view that the Corps cannot issue a Section 404 permit without providing the public a complete and accurate permit application. We believe the proposed permit submitted for public comment is grossly defective. The Clean Water Act contains clear requirements for information that is required in the permit application. The Clean Water Act indicates if required information is not provided the agency shall find it to be incomplete and require the additional information be provided.

Pending Litigation

Provisions in the proposed Section 404 permit are implicated by current litigation and proposed permits related to the Section 404 permit which are currently in dispute. For example:

- 13
- There is currently a dispute concerning the interpretation and application of Washington State's ground water law. (RCW 90.48.035 and WAC 173-200) to the proposed NPDES permit.
 - There is a dispute concerning whether a State issued waste discharge permit is required in conjunction with this NPDES permit.
 - There is a disagreement over the establishment of effluent limitations from Port outfalls, for glycol, and dissolved metals, as well as levels of fecal coliform, etc., and at what time these limitations should be imposed.
 - There are objections to establishing a five (5) year moratorium on effluent limitations which would not come into effect until after the permit expires.
 - There are a number of technical issues related to the policies or best management practices (BMPs) proposed in the proposed NPDES permit.

14 There are issues concerning additional provisions which should be incorporated into the permit including, for example, recommendations from recent studies. All of these controversies implicate the issuance of the proposed Section 404 permit.

15 { The proposed permit includes a "Notice of Availability for Water Quality Certification" (p.38). The proposed issuance of such a certification is premature and in error. Concurrent actions are presently undergoing at DOE related to Water Quality certification. Citizen comments related to the proposed Agreed Order between the POS and DOE should be incorporated and harmonized in the issuance of Water Quality Certification by DOE. Shortly after the May 21 public hearing concerning the proposed Agreed Order DOE reported that its "Responsiveness Summary" to public comments would be forthcoming in August. As of this date, there has been no resolution.

16 { The proposed permit also includes a "Certification of Consistency with the Washington Coastal Zone Management Program" (p.38). The proposed issuance of such a certification is premature and in error.

17 { Section 404 of the Clean Water Act requires that anyone proposing to discharge dredged or fill material into navigable waters must first obtain a permit from the U.S. Army Corps of Engineers. "Navigable waters" are defined as "waters of the United States," which have been interpreted by the Corps to include "wetlands."

Since construction of the proposed third runway and associated Master Plan Update development actions would affect wetlands, these projects could not be undertaken unless the FAA has affirmatively determined

- a. that there is no practicable alternative to such construction; and
- b. that the proposed action includes all practicable measures to minimize harm to wetlands which may result. "

The public interest review requires the Corps' District Engineer to evaluate all probable impacts of the proposed activity, including cumulative impacts. The factors to be considered include:

conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. "

Other factors to be considered include the need for the project, the practicability of using other alternatives and the extent of permanent damage to the environment from the project. "

18 { In addition to complying with federal permitting requirements, the Port also will have to obtain a wetlands permit from the Washington State Department of Ecology (DOE) and the Washington Department of Fisheries and Wildlife. The Washington Growth Management Act (GMA) provides supplemental protection to wetlands by requiring cities

18 and counties to designate critical areas — including wetlands — and to issue development regulations to protect these designated areas.^{vi} The GMA requires cities and counties to exercise control over changes in land uses, new activities, or development that potentially could adversely affect critical areas. The GMA also requires cities and counties to prohibit clearly inappropriate activities, and restrict, allow or condition other activities, as appropriate.^{vii}

19 The cities of Normandy Park and Des Moines have adopted ordinances dealing with environmentally sensitive areas that regulate and restrict development activities.^{viii} Each of these ordinances includes wetlands in the definition of environmentally sensitive areas.^{ix} Both cities restrict development in areas where “significant and important wetlands and their buffers” are located.^x The cities also require that where development is allowed, buffers of 100 feet and 35 feet must be maintained for significant and important wetlands, respectively.^{xi} The cities also regulate wetlands mitigation activities, specifying the replacement ratio and the replacement location.^{xii} A similar regulatory regime is found in Tukwila's Sensitive Areas Overlay Zone.^{xiii}

20 The biological components sections of the Port's EIS contain insufficient analyses to support assumptions relative to either wetlands mitigation or potential impacts to federal and state-listed wildlife species. The wetlands section provides data that is inconsistent with original wetlands delineation reports and lacks any discussion of why the initial premise of the FAA Draft Advisory Circular was bypassed. Without additional studies and more accurate data the analyses provided in the Port's EIS cannot be relied on by a responsible official evaluating the proposed Airport expansion project.

21 The Port's EIS does not explain the rationale behind assumptions and decisions made relative to FAA Draft Advisory Circular 150/5200, Wildlife Attractants on or Near Airports. Wetlands are considered major attractants to wildlife species that are assumed to be safety hazards to airport operations. The Port's EIS does not discuss how the existing wetlands habitat conditions impact past, ongoing or future Airport operations. There are currently 102 acres of wetlands habitat including open-water that will remain within 4,000 feet or less of existing runways and the proposed third runway location. Strict adherence to the Draft Advisory Circular would preclude development of additional facilities at any location within 10,000 feet of existing wildlife attractants.

22 Ordinances enacted by Des Moines and the City of SeaTac regulating wetlands habitat modification require there be no net loss within the drainage basin of impact.^{xiv} In place of the Port's EIS's proposed 26.5-acre wetlands mitigation in the Kent Valley, creation of 19.2 acres of palustrine forested, scrub/shrub and emergent wetlands would be required if mitigation was performed under affected city jurisdictions. The assumption that insufficient land to perform wetlands mitigation is available within the drainage of impact completely overlooks availability of over 400 acres of undeveloped land within the project boundary. The Port's EIS particularly overlooks Borrow Areas 1, 2, 3 and 5 for which reclamation plans, if they exist, are not disclosed in the Port's EIS. Use of Borrow Areas 1, 2 or 3 for wetlands mitigation would place mitigation sites 6,000 to 8,000 feet away

22 from the planned new runway. This would be a distance factor of two to five times further away than existing wetlands habitats.

23 A second unsupported assumption is that wetlands mitigation in the drainage or subbasin of impact cannot be accomplished without creating additional wildlife hazards. The Port's EIS fails to acknowledge the Record of Decision agreed to by the Airport and FAA officials that provides onsite wetlands mitigation plans for the SASA project. The approved SASA mitigation plan proposes to relocate Des Moines Creek and create forested and scrub/shrub wetlands within 1,000 feet of Runway 34R.

24 The discussion of wetlands in the Port's EIS states that 9.7 acres of wetlands would be lost,^{xxx} but data presented in Port's EIS tables and appendices and original wetlands delineation reports indicate this value is closer to 10.7 acres. The Comprehensive/Intermediate-level wetlands delineation's (Wetlands #1-#32), prepared by consultants to the Port, appear to have been conducted in a manner that is inconsistent with Corps manual directions. Specifically, paired-plot wetlands versus upland analysis was performed at each site. Also, due to a lack of formal land survey, there appears to be no basis for assuming that much of the wetlands acreage provided in the Port's EIS are more than rough estimates.

25 The wetlands mitigation and stream location plans provided as appendices to the Port's EIS are conceptual in nature.^{xxx} The detail provided in them is inadequate to assess the ability of the plans to mitigate for impacts of the proposed project. Stream relocation and mitigation plans should have explored the removal of downstream barriers to anadromous fish. Monitoring plans outlined for these projects are inadequate to assure successful creation of habitats as complex and long-lived as forested wetlands and riparian zones.

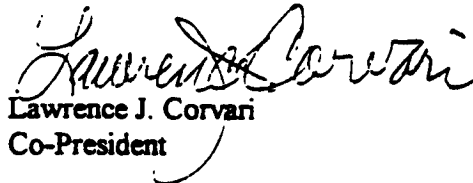
26 The Port's EIS cumulative effects analysis for all environmental components is inadequate pursuant to the requirements of NEPA. There was no analysis of past or foreseeable future impacts to wetlands or threatened and endangered wildlife habitats in a cumulative effects area larger than the proposed project site. At a minimum the analyses should have evaluated past, present and future expected impacts within the total watershed for both Miller Creek and Des Moines Creek.

27 In conclusion, CASE believes that these initial comments alone, demonstrate the inadequacy of the permit application and that the POS should be denied a permit.

Sincerely,



Candice L. Corvari
Co-President
Citizens Against Sea-Tac Expansion



Lawrence J. Corvari
Co-President

- i 33 U.S.C.A. § 1344(a) (West 1995).
- ii Id. § 1362(7).
- iii This interpretation was upheld by the Supreme Court as consistent with the broad statutory grant of authority to the Corps to regulate "waters of the United States." United States v. Riverside Bayview Homes, Inc., 476 U.S. 121, 131 (1985). See also United States v. Akers, 785 F.2d 814, 818 (9th Cir.), cert. denied, 479 U.S. 828 (1986).
- iv Order 5050.4A 11 47e(1)(b)2, 83e.
- v Id.
- vi Id.
- vii RCW 36.70A.170.060(1); WAC 365-190-040.
- viii WAC 365-190-020
- ix See Normandy Park, Wash., Mun. Code ("NPMC") ch. 13.16; Des Moines, Wash., Mun. Code ("DMMC") ch. 18.86
- x NPMC 13.16.030(14); DMMC 18.86.252.
- xi NPMC 13.16.060(a)(1); DMMC 18.86.060(a). Significant and important wetlands are defined in the NPMC 13.16.030(52)(A), (E) and in the DMMC 1.04.663(1), (2).
- xii NPMC 13.16.070(a)(2)(A), (B); DMMC 18.86.070(2)(A), (B).
- xiii For example, Des Moines adopted a goal of no net loss of wetlands within a particular drainage basin and requires 1:1 replacement or enhancement/restoration. DMMC § 18.86.107. Normandy Park adopted a goal of no net loss of wetlands within a particular drainage basin. NPMC § 13.16.120.9.(a).(ii). The City of SeaTac has adopted a goal of no net loss of wetlands within a sub-basin and requires a 2:1 replacement ratio for Class 1 and 2 wetlands and a 1:1 replacement ratio for Class 3 wetlands. City of SeaTac. WA Mun. Code § 15.30.320F.
- xiv Tukwila, WA., Mun. Code Chapter §18.45.089(c)(2)(ii)
- xv See supra § 5.9.2.
- xvi DEIS at V.11-i.
- xvii See id., vol. 3, app. P-A, P-B.

cc: Governor Gary Locke

Lt. Governor Brad Owen
 State Senator Julia Patterson
 State Representative Karen Keiser
 State Representative Jim McCune
 King County Executive Ron Sims
 King County Council Member Peter von Reichbauer
 King County Council Member Greg Nickels
 King County Council Member Kent Pullen
 King County Council Member Chris Vance
 King County Council Member Brian Derdowski
 King County Council Member Rob McKenna
 King County Council Member Larry Phillips
 City of Normandy Park
 City of Burien
 City of Des Moines
 City of Seatac
 City of Tukwila
 City of Federal Way
 Port of Seattle

U.S. Senator Patty Murray
U.S. Senator Slade Gordon
U.S. Representative Adam Smith
- Frank D. Ellis, Engineering Inspector General
Environmental Protection Agency
State Department of Ecology
Airport Cities Coalition
Regional Commission on Airport Affairs
Miller Creek Coalition
Puget Sound Water Coalition
Trouts Unlimited
Sierra Club

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

The Citizens Against Sea-Tac Expansion (CASE) is a grass roots organization concerned with the Port of Seattle's Airport expansion plans. Our mission is to educate Puget Sound citizens, as well as governmental agencies, that expanding the current airport is shortsighted and excessively expensive.

We are requesting that a hearing be held to allow for public education and comment concerning the aforementioned permit. In addition, we are requesting an extension of the comment period due to:

1. the Corps notification occurring during the holiday period
2. the Corps Project Manager unavailable due to vacation

CASE is providing the following comments concerning the proposed permit. These comments will be supplemented with additional comments from our organization prior to close of the public comment period.

- The permit notice was apparently timed for release during a period intended to minimize the distribution of information to the general public and elicit informed public comment on the provisions of the proposed permit
- The scope and magnitude of the proposed project demand much more extensive public involvement. This proposed Section 404 permit for the Sea-Tac Airport Master Plan contemplates a project larger than the largest earth moving operation ever conducted in Washington State, namely the construction of Grand Coulee Dam.

- 2 { • The proposed permit provides no notice of a public hearing. Page 4, of the application states that “any person may request, in writing, within the comment period . . . that a public hearing be held to consider this application” and that “[r]equests for public hearings shall state, with particularity, the reasons for holding a public hearing.”
- 3 { • The Corps needs to make provisions for better public participation. The permit language should be modified to include this element of public participation. All data related to the permit should be available at a location in the community so the public can readily access the data rather than having to file Public Disclosure Requests with the Corps, Port of Seattle or Washington State Department Ecology.
- 4 { • The proposed permit fails to define the scope of the proposed actions, including the size of the affected wetlands, and mitigation measures required.
- 5 { • The proposed permit fails to satisfy the public involvement requirements of the Clean Water Act.
- 6 { • The proposed permit is missing information and appears to contain misleading and erroneous information.
- 7 { • There are many issues concerning the proposed Section 404 permit which are currently in litigation. Additionally, elements in dispute concerning the proposed NPDES permit affect provisions in the proposed Section 404 permit. Until these issues are resolved a Section 404 permit should not be issued.
- 8 { • The proposed permit fails to consider the replacement of wetlands in the same basin system. In addition, the permit proposes that the Corps reverse its previous policy requiring replacement of wetlands in the same basin system for proposed facilities in the South Aviation Support Area (SASA).
- 9 { • The proposed permit fails to consider available options which will eliminate the need for the proposed actions.

9 { It is in this context, that CASE believe that a open hearing is required to provide a forum for the public to comment on the process. CASE welcomes the opportunity to work with the Army Corps of Engineers to resolve these issues. Please feel free to contact the signers.

1G-4



League of Women Voters of King County South • PO Box 66037, Seattle, WA 98166 • (206) 243-7161

January 19, 1998

Serving the

cities of U.S. Army Corps of Engineers Regulatory Branch
Algona, P.O. Box 3255
Auburn, Seattle, WA 98124

Black Diamond, Gentlemen:

Burien, Subject: Relocation of Wetlands From Sea-Tac Airport to Auburn
Covington,

Des Moines, Reference: Proposal 96-4-02325

Enumac, The reference proposal does not meet the Leagues of Women Voters of King County's standards for
Federal Way, protection of a watershed, protection of aquifer recharge areas and protection of in-stream flows.

Kent, We support wetlands mitigation if it can be on-site. The wetlands around Sea-Tac airport are
Maple Valley natural and they are there for a reason. The origin of Miller Creek's headwaters and its
Milton, relationship to the Highline Aquifer needs to be understood. Moving wetlands may not be as simple
Normandy Park as it sounds.

Pacific, Presently, the Port is the up-stream user and they have an obligation to protect down-stream
Burien, users and to maintain hydraulic continuity to Puget Sound.

SeaTac, and We are very concerned about the management of waste water from the Port of Seattle. In the area
of the wetlands, the Port of Seattle has already demonstrated a poor understanding of the
management of this type of water. They, to this date, have not solved the problem of run-off from
and the their north employee parking lot. This will greatly affect Miller Creek's ability to continue as a
unincorporated salmon-bearing stream.
areas of

South, Moving wetlands to avoid birds around an airport is a rationale which has not been consistently
King County, applied around the United States. Tub Lake, Lake Reba and Lora Lake are not the source of
quantities of birds. The wetlands around the lakes are what need to be preserved.

5 In addition, the League objects to the short comment period established for the reference permit.
We strongly support adequate opportunities for citizen input. Limiting the comment period to 30
days during the holiday season makes the Army Corps of Engineers appear to be less than
committed to citizen participation.

The presidents of the Leagues of Women Voters of King County are available to answer questions
about our statement.

Sincerely yours,

Peggy Saari
President
LWV of Seattle
206 329-4848

Elizabeth Davis
President
LWV of Lake Washington East
425 643-7210

Becky Cox
President
LWV of King County South
206 243-7161

LWV is a nonpartisan organization that encourages active participation by citizens in their government. LWV supports action and legislation on public policy issues reflecting League's positions based on consensus reached through study and discussion.

AR 035448

Sincerely,



Candice L. Corvari
Co-President



Lawrence J. Corvari
Co-President

cc: Governor Gary Locke
Lt. Governor Brad Owen
State Senator Julia Patterson
State Representative Karen Keiser
State Representative Jim McCune
King County Executive Ron Sims
King County Council Member Peter von Reichbauer
King County Council Member Greg Nickels
King County Council Member Kent Pullen
King County Council Member Chris Vance
King County Council Member Brian Derdowski
King County Council Member Rob McKenna
King County Council Member Larry Phillips
City of Normandy Park
City of Burien
City of Des Moines
City of Seatac
City of Tukwila
City of Federal Way
Port of Seattle
U.S. Senator Patty Murray
U.S. Senator Slade Gordon
U.S. Representative Adam Smith
Frank D. Ellis, Engineering Inspector General
Environmental Protection Agency
State Department of Ecology
Airport Communities Coalition
Regional Commission on Airport Affairs
Miller Creek Coalition
Puget Sound Water Coalition
Trouts Unlimited
Sierra Club

PARKS, ARTS, AND RECREATION COUNCIL
P.O. Box 277 - Burien Washington 98062

Mr. Jonathan Freedman
US Army Corp of Engineers
Regulatory Branch
PO Box 3755
Seattle, WA 98124-2255



Re: File Reference: Port of Seattle 96-4-02325

Dear Mr. Freedman,


We are a five year old community group dedicated to the promotion and development of parks, arts and recreation within the City of Burien. Our membership is exclusively from the City of Burien and we number about 100. I have been requested by PARC to write this letter opposing the Port of Seattle's proposed wetland mitigation associated with the construction of the 3rd runway at Seattle - Tacoma International Airport.

The mitigation proposal to enhance wetlands in the Green River Drainage Basin is not an acceptable solution to PARC. We believe the mitigation measures should occur within the impacted drainage basin. If mitigation needs to occur outside the impacted area, then it should occur in nearby drainage systems such as Miller Creek, Salmon Creek, or Walker Creek.

We are confident there are opportunities for wetland restoration/enhancement within nearby communities such as Burien, Normandy Park, or Des Moines. We understand that King Conservation District is presently funding restoration work at the mouth of Miller Creek. This project could be enlarged by directing some or all of the Port's proposed wetland mitigation funds into that project. There may be other opportunities to direct mitigation measures into the communities that are most impacted by the Port's enlargement plans. We encourage you to contact Art Meronek - Director of Public Works/Burien for additional projects.

We hope you agree with our assessment that diverting wetland mitigation measures far from the impacted area is not appropriate, particularly when there are nearby opportunities. Please deny the Port of Seattle's proposal to spend their mitigation dollars on Auburn's wetlands.

Sincerely,


Gloria Gould-Wessen
President of PARC

1G-6



19900 4th Ave SW
 Normandy Park, WA 98166
 (206) 824-3120
 FAX (206) 824-3451

CERTIFIED NO. P163 756 490
RETURN RECEIPT REQUESTED

January 18, 1998

U.S. Army Corps of Engineers
 Seattle District
 Regulatory Branch
 P.O. Box 3755
 Seattle, WA 98124-2255

Reference: 96-4-02325
 Port of Seattle

Attention: Jonathan Freedman, Project Manager

Dear Mr. Freedman:

The Regional Commission on Airport Affairs ("RCAA") is a non-profit organization concerned with regional transportation issues affecting Puget Sound area residents. RCAA's mission statement includes the goals of finding sound, environmentally sensible solutions to our region's growing transportation needs.

The following comments concern the recent public notice of application of permit related to watersheds and wetlands located in the Miller Creek and Des Moines Creek basin (Reference No. 96-4-02325) issued December 19, 1997 by the U.S. Army Corps of Engineers (the "Corps"). The permit application concerns proposed actions related to the facilities operation by the Port of Seattle ("POS" or the "Port") at Seattle-Tacoma ("SeaTac") Airport.

REQUEST FOR EXTENSION OF PUBLIC COMMENT PERIOD

The permit notice was apparently timed for release during a period intended to minimize the distribution of information to the general public and elicit informed public comment on the provisions of the proposed permit. With no apparent consultation with local cities, community organizations or citizens in local communities the Corps established a permit public notice date of December 19. The Corps subsequently failed to immediately mail these notices to members of the public. Public notices began arriving in the mailboxes of local residents on December 23 and 24, arriving on Hanukkah (December 24), and one to two days before Christmas (December 25). Many members of the public are involved with vacations, travelling, and family activities during this time of the year. Further, this 30 day period for public comment is punctuated by yet two (2) additional public holidays, namely New Years (January 1) and a National holiday (Martin Luther King - January 19).

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As an initial matter, it is reprehensible for an agency of the federal government to carry out its duties in manner undertaken during the issuance of this draft permit. While it is tolerated for lawyers to file legal papers upon opposing counsel at 5:00 PM on Friday immediately preceding a legal holiday, so as to deny opposing counsel sufficient time to respond, it is clearly not defensible or acceptable for a federal agency to engage in such behavior.

One of the express duties of the Corps of Engineers (the "Corps") under the Clean Water Act is to facilitate public comment. Both the language of the Act and the conference notes concerning the creation of the Act make it clear that public comment and participation in the consideration of proposed permits is fundamental and crucial. In mailing out a notice for public comment less than one week before the Christmas and Jewish holidays, and beginning the public comment period the following day (December 20) the Corps had to be aware that would likely be delays in delivery of mail to citizens receiving notification of the draft permit. The Corps also had to be aware that many people, who would otherwise be able to provide public comments on the proposed permit, would instead be involved with their families during the holiday season. The Corps' handling of the public participation process has thus far resulted in the elimination of perhaps half of the public comment period designated in the permit.

Public comment concerning this proposed permit has been extremely significant. The recent NPDES permit process involved a public information meeting followed by a public hearing at the Burien Library, which is located in the affected community. The proposed Section 404 permit is no less significant in its impacts on the affected citizens and should afford similar if not greater opportunities for public information and comment.

There have been numerous inquiries to the Corps advising of the serious public concerns about the proposed issuance of this permit. Yet the Corps provided no notification of its schedule for issuance of the proposed permit for public comment. In this context, citizens may justifiably perceive the current process as a deliberate attempt to sabotage the public process for public comment mandated by law.

The scope and magnitude of the proposed project demand much more extensive public involvement. This proposed Section 404 permit for the Sea-Tac Airport Master Plan contemplates a project reminiscent of the largest earth moving operation ever conducted in Washington State, namely the construction of Grand Coulee Dam.

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2 { According to the Port of Seattle's Supplemental Environmental Impact Statement (SEIS) the amount of fill dirt required for the project is estimated at 26.4 million cubic yards (not the 20.4 million yard figure cited in the proposed permit). However, even this figure is in dispute since the Port's EIS failed to provide a geo-technical study of the proposed fill site to estimate the amount of unsuitable soils which would need to be removed from the project site for the proposed 3rd runway. Additionally, the fill estimate in the Port's EIS has failed to consider the "swell" and "shrinkage" factors associated with the transportation of fill dirt by haul trucks resulting in an underestimation of the amount of fill required by an amount exceeding 6 percent.¹ The proposed rechannelization of 980 feet of Miller Creek, 2,280 feet of drainage channels in the Miller Creek Basin, and 2,200 feet in the Des Moines Creek basin, will have profound effects upon local residents, and municipalities, most notably the Cities of Burien, Des Moines, Normandy Park, and Sea-Tac.

REQUEST FOR PUBLIC HEARING

4 { We request that the public comment period be extended to at least a 60 day public comment period. Page 4 of the application states that "any person may request, in writing, within the comment period ... that a public hearing be held to consider this application" and that "[r]equests for public hearings shall state, with particularity, the reasons for holding a public hearing."

5 { One of the reasons that the Corps needs to hold a public hearing is to allow public input and information into a process which has been up to this point largely controlled by the Port. Because more than 2 acres of wetlands fill are proposed the Corps is required to make a legal presumption that there are alternatives to construction of a third runway at Sea-Tac airport. Alternatives which have been previously submitted to the Port in response to its EIS but which the Port has failed to consider as alternatives in its permit application. Examples of these alternatives include the use of FAA designated reliever airports. Enclosed is a copy of July 11, 1996 letter² from Frederick M. Issac, Regional Administrator of the Northwest Mountain Region of the Federal Aviation Administration ("FAA") acknowledging that Snohomish County Airport ("Paine Field") is "designated a reliever airport in the FAA's National Plan of Integrated Airport Systems (NPIAS)." Mr. Issac's letter goes on to point out that Paine Field's designation does not prohibit commercial operations, and further that the County's recent Master Plan Update encourages general aviation and commercial operations. It is also important that the proposed permit has filed to consider that King County International Airport, Renton Airport, and Auburn City Airport are also currently FAA designated reliever airports in the NPIAS system.

¹ Comments on the Analysis of Construction Impacts in the Draft SEIS for Seattle-Tacoma International Airport, prepared by Jimmie Hintze, PE and Christopher Brown & Associates, March 28, 1997

² July 11, 1996 letter from Frederick M. Issac, Regional Administrator of the Northwest Mountain Region of the Federal Aviation Administration ("FAA") to Allan M. Furney

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6 Another example of alternatives which has been recommended in response to the Port's EIS yet have not been considered in the permit as an alternative to filling wetlands is the implementation of existing technologies in use and currently being utilized to allow full use of Sea-Tac airports existing runway in low visibility weather conditions. The *raison d'être* for the runway project according to the EIS is reduced runway capacity experienced when Instrument Flight Rule (IFR) low visibility weather conditions occur at Sea-Tac. In a 1995 study,³ an aviation planning expert determined that implementation of existing navigational technology called Localizer Directional Array (LDA) at Sea-Tac will eliminate the need for a 3rd runway. The Port has admitted that this technology is feasible. In an August 1995 article⁴ published in the *Seattle PI* Port of Seattle planner Burr Stewart, speaking concerning implementation of LDA at Sea-Tac, is quoted stating "It will work".

7 Another alternative which the Port has admitted is feasible at Sea-Tac airport yet which the Port's application has failed to recognize will obviate the need for the filling of wetlands is implementation of Global Positioning Satellite (GPS) Technology in conjunction with paired approaches to closely spaced parallel runways.⁵ A copy of a recent study of this technology is enclosed. The Port, in its response to public comments on the Supplemental Environmental Impact Statement for the proposed 3rd runway project admitted the viability of GPS and related technologies to increase the capacity of Sea-Tac's existing runways. The enclosed study discloses use of a paired approach procedure at San Francisco International Airport which has parallel runways spaced 750 apart, comparable to the 800 foot separation of Sea-Tac airports existing runways.

These are examples of alternatives which should be considered by the Corps in making the determination whether there are alternatives to the proposed action of filling wetlands.

At least one public hearing should be held, preferably two, at a convenient location for affected community residents (not in Downtown Seattle), during the evening hours (not during rush hour). The Corps provide a court reporter to provide a transcript of the public testimony and the public hearing should be advertised at least three weeks in advance.

³ Implementation of an LDA/DME Approach to Runway 16R in Lieu of a Third Runway at SeaTac Airport prepared by G.Bogan & Associates Inc. June 26, 1995

⁴ "Third-runway foes say Port pushed foggy statistics", Seattle Post Intelligencer, August 3, 1995, p.B1

⁵ Proceedings of the NASA Workshop on Flight Deck Centered Parallel Runway Approaches in Instrument Meteorological Conditions, NASA Conference Publication 10191, December 1996

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ADDITIONAL PUBLIC PARTICIPATION

The Corps needs to make provisions for better public participation. The permit language should be modified to include this element of public participation. All data related to the permit should be available at a location in the community so the public can readily access the data, rather than having to file Public Disclosure Requests with the Corps, POS or Ecology.

The public input process in conjunction with this permit has up to this point been poorly implemented. Mr. Jonathan Freedman, the alleged Project Manager for this permit has been essentially unavailable since notice of the permit was issued. On Monday January 2, the first day after public notice of the permit was issued, many members of the public attempted to contact Mr. Freedman. They were informed that Mr. Freedman was on vacation and would not be available until January 12. On January 12 Mr. Freedman was not available. A voicemail message on his telephone line (Telephone no. 764-3495) informed callers that a Ms. Carol McCormick should be contacted at 764-5529 concerning questions regarding the proposed Sea-Tac Section 404 permit. Attempts to contact Ms. McCormick were unsuccessful since she was not available at this telephone number.

REVIEW OF ADDITIONAL PROBLEMS WITH PERMIT

There are a number of major concerns related to the currently proposed permit:

The Proposed Permit Completely Falls to Define the Scope of the Proposed Actions, Including Identifying All the Affected Wetlands, and the Mitigation Prescribed

8 Page one (1) of the proposed permit states that "[t]he quantity of wetlands to be filled is based on the best information available at this time. . . . It is possible that some additional wetland areas and acreage could be identified when access is available to all wetlands in the project area." If the Corps doesn't know how many acres of wetlands are affected how can the public comment intelligently upon the proposed actions? Further, how can the public assess the mitigation required to replace affected wetlands?

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The Proposed Permit is Missing Information and Contains False, Erroneous and Misleading Information

9 It is our view that the Corps can not properly issue a Section 404 permit without providing the public a complete and accurate permit application. We believe the proposed permit submitted for public comment is grossly defective. The Clean Water Act contains clear requirements for information which is required to be provided in the permit application. The Clean Water Act indicates if required information is not provided the agency shall find it to be incomplete and require the additional information be provided.

The Proposed Permit Fails to Consider the Implications Which Pendant Litigation May Have on the Proposed Permit

10 Proposed provisions in the proposed Section 404 permit are implicated by current litigation and proposed permits related to the Section 404 permit which are currently in dispute. For example, there is currently a dispute concerning the interpretation and application of Washington State's ground water law. (RCW 90.48.035 and WAC 173200) to the proposed NPDES permit. There is a dispute concerning whether a State issued waste discharge permit is required in conjunction with this NPDES permit. There is also a disagreement over the establishment of effluent limitations from Port outfalls, for glycol, and dissolved metals, as well as levels of fecal coliform, etc., and at what time these limitations should be imposed. There are objections to establishing a [five (5) year] moratorium on effluent limitations which would not come into effect until after the permit expires. There are a multitude of technical issues related to the policies or best management practices (BMP's) proposed in the proposed NPDES permit.

The Proposed Permit Proposes Relocation of Wetlands for a Project Which the Corps has Previously Required Wetlands Relocation in the Same Basin System

11 A section of the permit pertaining to relocation of wetlands associated with the South Aviation Support Area (SASA) proposes to relocate affected wetlands to the Green River Basin. This is not consistent with previous Corps direction concerning the proposed SASA facility. In 1992 the Corps reviewed the EIS for the proposed SASA facility and established that replacement wetlands should be retained in the Des Moines Creek (same) basin.

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The Proposed Permit Fails to Consider Recent Information Which has been provided concerning the Impact of Wetlands on Preserving Water Quality in the Surrounding Region.

12 There are issues concerning additional provisions which should be incorporated into the permit including, for example, recommendations from recent studies. All of these controversies implicate the issuance of the proposed Section 404 permit. Enclosed is a copy of the comments recently submitted by our organization in conjunction with the public comment on the proposed NPDES permit.⁶ Also enclosed are additional comments on the proposed NPDES permit dated December 10, 1997 which include 39 pages of additional comments, and Attachments A through G.^{7 8 9 10 11 12 13}

The Proposed Permit Fails to Consider Federal Requirements to minimize the destruction, loss or Degradation of Wetlands and to Take all Practicable Measures to Minimize Harm to Wetlands

13 Every federal agency is obligated "to minimize the destruction loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities for ... providing Federally undertaken, financed, or assisted construction and improvements."¹⁴

⁶ RCAA letter dated December 9, 1997 to Washington State Department of Ecology (11 pages)

⁷ Sea-Tac Airport NPDES permit application comments (Final) dated July 9, 1997 (42 pages)

⁸ Breaking the Ice, Aircraft Technology Engineering & Maintenance, Dec-Jan. 1997, pp. 16-21 (5 pages)

⁹ Letter dated April 17, 1997 to Dr. Donald H. Stuhling from Rob Kent, Head, Water Quality and Assessments Guidelines Division, Environment Canada (2 pages)

¹⁰ Consent Decree, *Waste Action Project v. Port of Seattle*, United States District Court, No. CC95-125 IR (17 pages)

¹¹ The Polluted Waters Report, Final Report of the Polluted Waters Mapping Project Green-Duwamish Watershed and Lower Puget Sound Drainage, King County Washington, prepared by Puget Sound Keeper Alliance, 1997 (26 pages)

¹² Toxicity of Aircraft De-Icer Solutions on Aquatic Organisms, prepared by S. Ian Hartwell, David M. Jordahl, Eric B. May, Chesapeake Bay Research and Monitoring Division, State of Maryland Department of Natural Resources, May 1993 (44 pages)

¹³ Port of Seattle letter dated November 11, 1997 to Ms. Lisa Zimmer, PE, Washington State Department of Ecology (2 pages)

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Federal agencies, including the FAA, are prohibited from providing funding or other assistance for the construction of projects in wetlands unless they find "(1) that there is no practicable alternative to such construction, and (2) that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use." " Each of the Master Plan Update "With Project" proposed alternatives would affect existing wetlands. " Impacts on these wetlands would include: placement of fill material, dredging, removal of existing vegetation, and changes in hydrologic regimes as a result of increase impervious surface area and stormwater management system restructuring. " "

13 Section 404 of the Clean Water Act requires that anyone proposing to discharge dredged or fill material into navigable waters must first obtain a permit from the U.S. Army Corps of Engineers ('Corps'). " Navigable waters" are defined as "waters of the United States," " which have been interpreted by the Corps to include "wetlands." " Since construction of the proposed third runway and associated Master Plan Update development actions would affect wetlands, these projects could not be undertaken unless the FAA has affirmatively determined

- a. that there is no practicable alternative to such construction; and
- b. that the proposed action includes all practicable measures to minimize harm to wetlands which may result. "iii

The Port's EIS is required to contain a discussion of the basis for any such findings, along with a discussion of the various alternatives which have been considered. " As discussed in detail elsewhere in these Comments, " the Port's EIS as well as the application for a proposed Section 404 Corps of Engineers Permit fails to consider a reasonable range of alternatives which would satisfy the Port's purpose and need for the proposed Airport expansion project. The Port's EIS, therefore, cannot legally serve as the basis for a determination that there is no practicable alternative to the use of wetlands. In particular, the failure to consider alternatives which would reduce or eliminate the use of fill would prevent the FAA from making a legally-sufficient finding.

If a legally-sufficient finding were to be made, the Port would then be required to obtain a permit pursuant to Section 404 of the Clean Water Act " in order to dredge or fill the affected wetlands. "ii Corps regulations state that "a permit will be granted unless the district engineer determines that it would be contrary to the public interest." "iii

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The public interest review requires the Corps' District Engineer to evaluate all probable impacts of the proposed activity, including cumulative impacts. The factors to be considered include:

conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. ²²⁷

Other factors to be considered include the need for the project, the practicability of using other alternatives and the extent of permanent damage to the environment from the project. ²²⁸

The Corps Must Apply EPA Standards concerning Issuance of a Wetlands Permit

In addition to complying with Corps regulations, the District Engineer must apply EPA standards for issuance of a wetlands permit. ²²⁹ Notwithstanding Corps administrative control over the application process, EPA may veto any permit approved by the Corps if the project "will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas." ²³⁰

14 EPA's veto authority is particularly important in the context of its ability to demand an evaluation of alternatives to the issuance of a wetlands permit. EPA regulations prohibit the issuance of a wetlands permit if there exists a "practicable" alternative to the proposal. ²³¹ "An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes," ²³² EPA Guidelines also require that where non-water dependent activities are involved (e.g., an airport) the Corps must determine whether a 'practicable' alternative site exists which would cause less environmental harm to wetlands. ²³³ The Guidelines further provide that, if a project is not water dependent, practicable alternatives are (1) "presumed to be available;" and (2) "presumed to have less adverse impact on the aquatic ecosystem." ²³⁴

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The Proposed Permit Fails to Comply With Wetlands Protection Measures Adopted by State and Local Municipalities

15 In addition to complying with federal permitting requirements, the Port also will have to obtain a wetlands permit from the Washington State Department of Ecology ("DOE") and the Washington Department of Fisheries and Wildlife. The Washington Growth Management Act ("GMA") provides supplemental protection to wetlands by requiring cities and counties to designate critical areas -- including wetlands -- and to issue development regulations to protect these designated areas. ^{xxxiii} The GMA requires cities and counties to exercise control over changes in land uses, new activities, or development that potentially could adversely affect critical areas. The GMA also requires cities and counties to prohibit clearly inappropriate activities, and restrict, allow or condition other activities, as appropriate. ^{xxxiii}

The cities of Normandy Park and Des Moines have adopted ordinances dealing with environmentally sensitive areas which regulate and restrict development activities. ^{xxxiv} Each of these ordinances includes wetlands in the definition of environmentally sensitive areas. ^{xxxv} Both cities restrict development in areas where "significant and important wetlands and their buffers" are located. ^{xxxvi} The cities also require that where development is allowed, buffers of 100 feet and 35 feet must be maintained for significant and important wetlands, respectively. ^{xxxvi} The cities also regulate wetlands mitigation activities, specifying the replacement ratio and the replacement location. ^{xxxvii} A similar regulatory regime is found in Tukwila's Sensitive Areas Overlay Zone. ^{xxxviii}

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The following table sets forth the requirements adopted by the ACC cities and the City of SeaTac with which the Port will have to comply.

City	Wetland Classification	Acres	Requirements
Burien	Class 1,2,3	100, 50, 25	Section 480F. "...that the off site location is in the same drainage sub-basin as the original wetland..."
Des Moines	Significant, Important	100, 35	18.86.107 "...if the compensation project is within the same subwatershed as the wetlands or stream to be altered..."
Normandy Park	Significant, Important	100, 35	13.16.120.9.A.(ii) "...if the compensation project is in the same sub-watershed within Normandy Park city limits as the wetlands to be altered..."
Tukwila	Type 1, 2, 3	100, 50, 25	18.45.089(c)(2)(ii) "Off-site compensation shall occur within the same watershed where the wetlands loss occurred."
SeaTac	Class I, II, III	100,50,35	15.30.320F. "...that the offsite location is in the same drainage sub-basin as the original wetland..."

Because the local wetlands requirements would affect the Port's proposed Airport expansion plans, the permit application must discuss how the Port proposes to address those wetlands requirements.

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The Proposed Permit Falls Adequately to Examine Impacts on Wetlands and to Prescribe Appropriate Mitigation

16 The biological components sections of the Port's EIS contain insufficient analyses to support assumptions relative to either wetlands mitigation or potential impacts to federal and state-listed wildlife species. The wetlands section provides data that is inconsistent with original wetlands delineation reports and lacks any discussion of why the initial premise of the FAA Draft Advisory Circular was bypassed. Without additional studies and more accurate data the analyses provided in the permit application cannot be relied on by a responsible official evaluating the proposed Airport expansion projects.

The permit application does not explain the rationale behind assumptions and decisions made relative to FAA Draft Advisory Circular 150/5200, Wildlife Attractants on or Near Airports. Wetlands are considered major attractants to wildlife species that are assumed to be safety hazards to airport operations. The permit application does not discuss how the existing wetlands habitat conditions impact past, ongoing or future Airport operations. There are currently 102 acres of wetlands habitat including open-water that will remain within 4,000 feet or less of existing runways and the proposed third runway location. Strict adherence to the Draft Advisory Circular would preclude development of additional facilities at any location within 10,000 feet of existing wildlife attractants.

17 Ordinances enacted by Des Moines and the City of SeaTac regulating wetlands habitat modification require there be no net loss within the drainage basin of impact.¹⁴ In place of the permit's proposed 24-acre wetlands mitigation in the Kent Valley¹⁴, creation of 19.2 acres of palustrine forested, scrub/shrub and emergent wetlands would be required if mitigation was performed under affected city jurisdictions. The assumption that insufficient land to perform wetlands mitigation is available within the drainage of impact completely overlooks availability of over 400 acres of undeveloped land within the project boundary. The permit application particularly overlooks Borrow Areas 1, 2, 3 and 5 for which reclamation plans, if they exist, are not disclosed in the Port's EIS for the proposed projects. Use of Borrow Areas 1, 2 or 3 for wetlands mitigation would place mitigation sites 6,000 to 8,000 feet away from the planned new runway. This would be a distance factor of two to five times further away than existing wetlands habitats.

¹⁴ Permit Application, pp.2-3

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18 { A second unsupported assumption is that wetlands mitigation in the drainage or subbasin of impact cannot be accomplished without creating additional wildlife hazards. The permit application fails to acknowledge the Record of Decision agreed to by the Airport and FAA officials that provides onsite wetlands mitigation plans for the SASA project. The approved SASA mitigation plan proposes to relocate Des Moines Creek and create forested and scrub/shrub wetlands within 1,000 feet of Runway 34R.

19 { The discussion of wetlands in the Port's project EIS states that 9.7 acres of wetlands would be lost,^{xxxx} but data presented in EIS tables and appendices and original wetlands delineation reports indicate this value is closer to 10.7 acres. The Comprehensive/Intermediate-level wetlands delineations (Wetlands #1-#32), prepared by consultants to the Port, appear to have been conducted in a manner that is inconsistent with Corps manual directions. Specifically, paired-plot wetlands versus upland analysis was performed at each site. Also, due to a lack of formal land survey, there appears to be no basis for assuming that much of the wetlands acreage provided in the DEIS are more than rough estimates.

20 { The wetlands mitigation and stream location plans provided as appendices to the Port's EIS are conceptual in nature.^{xxxxii} The detail provided in them is inadequate to assess the ability of the plans to mitigate for impacts of the proposed project. Stream relocation and mitigation plans should have explored the removal of downstream barriers to anadromous fish. Monitoring plans outlined for these projects are inadequate to assure successful creation of habitats as complex and long-lived as forested wetlands and riparian zones.

21 { The cumulative effects analysis in the Port's EIS for all environmental components is inadequate pursuant to the requirements of NEPA. There was no analysis of past or foreseeable future impacts to wetlands or threatened and endangered wildlife habitats in a cumulative effects area larger than the proposed project site. At a minimum the analyses should have evaluated past, present and future expected impacts within the total watershed for both Miller Creek and Des Moines Creek.

AR 035463

U.S. Army Corps of Engineers
Seattle District
January 18, 1998
Page 14

Conclusion

An analysis of wetlands impacts associated with this permit that would satisfy the requirements of the Clean Water Act, as well as other Federal and State laws will lead the Army Corps of Engineers to conclude:

The project violates the FAA Draft Advisory Circular that recommends new facilities not be located in the vicinity of existing wetlands or other wildlife attractants.

Sufficient land is available such that wetlands mitigation could be located in the drainage of impact as required by local ordinances.

22 *Wetlands mitigation could be designed that does not create an undue wildlife hazard to airport operations. The lack of a prior history of wildlife hazard problems at Sea-Tac would indicate that existing wildlife habitats do not attract species hazardous to flight operations.*

Due to cumulative effects of past projects, a high proportion of wetlands habitat that existed in the two watersheds 20 to 50 years ago have been filled by Port and by commercial and residential construction. Further loss of wetlands in the Miller and Des Moines Creek drainages will add to degradation of water quality and changes to stormwater runoff regimes. These conditions would contribute to existing downstream erosion/mass wasting problems in both drainages.

The permit application has failed to consider feasible and reasonable alternatives to the proposed filling of wetlands

Therefore the permit application should be rejected by the Army Corps of Engineers.

If you have any questions please contact me.

Sincerely,


Allan M. Furney
President
Regional Commission on Airport Affairs

AR 035464

U.S. Army Corps of Engineers
Seattle District
January 18, 1998
Page 15

Enclosures:

Letter dated July 11, 1996 from Frederick M. Isaac, Regional Administrator of the Northwest Mountain Region of the Federal Aviation Administration (1 page)

Implementation of an LDA/DME Approach to Runway 16R in Lieu of a Third Runway at SeaTac Airport prepared by G. Bogan & Associates Inc. June 26, 1995

Third-runway focus says Port pushed foggy statistics", Seattle Post Intelligencer, August 3, 1995, p.B1

Proceedings of the NASA Workshop on Flight Deck Centered Parallel Runway Approaches in Instrument Meteorological Conditions, NASA Conference Publication 10191, December 1996 (5 pages)

RCAA letter dated December 9, 1997 to Washington State Department of Ecology (11 pages)

Sea-Tac Airport NPDES permit application comments (Final) dated July 9, 1997 (42 pages)

Breaking the Ice, Aircraft Technology Engineering & Maintenance, Dec-Jan. 1997, pp. 16-21 (5 pages)

Letter dated April 17, 1997 to Dr. Donald H. Stuhling from Rob Kent, Head, Water Quality and Assessments Guidelines Division, Environment Canada (2 pages)

Consent Decree, *Waste Action Project v. Port of Seattle*, United States District Court, No. CC95-125 IR (17 pages)

The Polluted Waters Report, Final Report of the Polluted Waters Mapping Project Green-Duwamish Watershed and Lower Puget Sound Drainage, King County Washington, prepared by Puget Sound Keeper Alliance, 1997 (26 pages)

Toxicity of Aircraft De-Icer Solutions on Aquatic Organisms, prepared by S. Ian Hartwell, David M. Jordahl, Eric B. May, Chesapeake Bay Research and Monitoring Division, State of Maryland Department of Natural Resources. May 1993 (44 pages)

Port of Seattle letter dated November 11, 1997 to Ms. Lisa Zinner, PE, Washington State Department of Ecology (2 pages)

cc:

U.S. Environmental Protection Agency, Region X
U.S. Congressman Adam Smith
Office of the Inspector General - Environmental Protection Agency
Office of the Inspector General - Army Corps of Engineers
Washington State Department of Ecology
Airport Communities Coalition
Miller Creek Management Coalition
Normandy Park Community Club
Sierra Club
Trout Unlimited
Puget Sound Water Quality Authority

AR 035465

1 Exec. Order No. 11,990 § 1(a)(2), 42 Fed. Reg. 26, 961 (1977), amended by Exec. Order No. 12,608, 52 Fed. Reg. 34,617 (1987), reprinted in, 42 U.S.C.A. § 4321 (West 1995).

2 Id.
3 DEIS, vol. I at IV.11-1.

4 Id.
5 33 U.S.C.A. § 1344(a) (West 1995).

6 Id. § 1362(7).
7 This interpretation was upheld by the Supreme Court as consistent with the broad statutory grant of authority to the Corps to regulate "waters of the United States." United States v. Riverside Bayview Homes, Inc., 476 U.S. 121, 131 (1985). See also United States v. Akers, 785 F.2d 814, 818 (9th Cir.), cert. denied, 479 U.S. 828 (1986).

8 Order 5050.4A 11 47e(1)(b)2, 83a.
9 Id. Para. 85.

10 See supra § 4. 1.
11 33 U.S.C.A. § 1344

12 Id.
13 33 C.F.R. § 320.4(a)(1) (1994).

14 Id.
15 Id.

16 40 C.F.R. § 230.10
17 33 U.S.C. § 1344(c).

18 40 C.F.R. 230.10(a)
19 Id. § 230.10(a)(2).

20 Id. § 230.10(a)
21 Id. § 230.10(a)(3) (emphasis added).
22 RCW 36.70A. 170,.060(1); WAC 365-190-040.

23 WAC 365-190-020
24 See Normandy Park, Wash., Mun. Code ("NPMC") ch. 13.16; Des Moines, Wash., Mun. Code ("DMMC") ch. 18.86

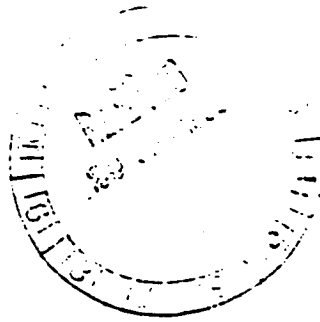
25 NPMC 13.16.030(14); DMMC 18.86.252.
26 NPMC 13.16.060(a)(1); DMMC 18.86.060(a). Significant and important wetlands are defined in the NPMC 13.16.030(52)(A), (E) and in the DMMC 1.04.663(1), (2).

27 NPMC 13.16.070(a)(2)(A), (B); DMMC 18.86.070(2)(A), (B).
28 For example, Des Moines adopted a goal of no net loss of wetlands within a particular drainage basin and requires 1:1 replacement or enhancement/restoration. DMMC § 18.86.107. Normandy Park adopted a goal of no net loss of wetlands within a particular drainage basin. NPMC § 13.16.120.9.(a).(ii). The City of SeaTac has adopted a goal of no net loss of wetlands within a sub-basin and requires a 2:1 replacement ratio for Class 1 and 2 wetlands and a 1:1 replacement ratio for Class 3 wetlands. City of SeaTac, WA Mun. Code § 15.30.320F.

29 Tukwila, WA., Mun. Code Chapter §18.45.089(c)(2)(ii)
30 See supra § 5.9.2.

31 DEIS at V.11-i.
32 See id., vol. 3, app. P-A, P-B.

December 13, 1998



U.S. Army Corps of Engineers
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124

Gentlemen:

This is to comment on the Port of Seattle plan to "relocate" the wetlands ~~located~~ located on the southwest edge of the airport. These are locally called Miller Creek and Des Moines Creek. To call this a "relocation" is inappropriate. The Port wants to destroy these completely for our area.

It would not be appropriate for the port to tamper with these areas. They are and have been an integral part of the locality. These wetlands are a protected part of the environment and it is not possible for them to be "relocated" for the benefit of the Port Authority.

I am asking that you turn them down on this proposition. If they do begin to alter this part of our world, they will never stop, they never have.

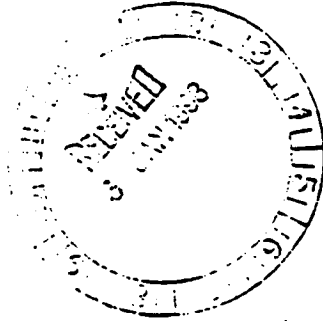
Sincerely,

A handwritten signature in cursive script that reads "Patricia M. Miller".

Patricia M. Miller
221 S.W. 153rd #184
Seattle, WA 98166
Phone 206-244-7962

AR 035467

1P-2



January 3, 1998

U.S. CORPS OF ENGINEERS
4735 E. Marginal Way S.
Seattle, WA. 98134

RE: 3rd Runway Sea-Tac Airport

I request that the Corps of Engineers hold public hearings concerning the requested 404 permit by the Port of Seattle for the 3rd runway at Sea-Tac.

1 It is very important to the residents in this impact zone to know the Port of Seattle will be held to same standards as other applicants. I would like to sight the very carefully and complete way that the Corps handled the Emerald Downs request for the 404 permit, as an example of the way we hope to see this Sea-Tac expansion handled. In the application to the Corps, the Port states that it "is possible that some additional wetland areas and acreage could be identified when access is available to all wetland in the project area" This statement is not the kind that has been acceptable to the Corps in the past when other applicants have applied for 404 permit, and we trust that the Port will not be permitted to get away with it now.

2 The Port of Seattle and City of Seattle have manipulated the whole process of Airport expansion from the very beginning. There is a very sad history of the Port of Seattle not keeping its word concerning mitigation from the SECOND RUNWAY. Highline School District being one glaring example, and there are still many homes not yet insulated, so please keep in mind that the Port can not be relied upon to keep its word. In contrast to the Ports' reputation, the Corps of Engineers has a good reputation and great credibility. We hope you maintain your good reputation and hold the Port of Seattle to the strict standards that every other applicant for the 404 Permit has complied with.

Thank you for your attention.

Sincerely,

Shirle M. Falk

Shirle M. Falk
601 227th St. S. #305S
DesMoines, WA. 98198

AR 035468

Green man

12119 - 25 Ave. S.W.
 Burien, WA 98146
 January 3, 1998

Army Corps of Engineers
 P.O. Box 3755
 Seattle WA 98124-225

Gentlemen:

I am writing in regard to the Port of Seattle's request for the 404 permit to fill wetlands in order to construct a third runway at the SeaTac Airport.

1 { In the first place, the public notice was sent out by the Corps of Engineers on December 19, 1997, and the public has only until January 20th to comment on the proposal. This is the first I have heard of it. Where was the public notice sent? With only a couple of weeks to respond the public has very little chance to do what it needs to do. I respectfully request that the final date for comment be extended at least one month.

2 { My next request is to ask that the Corps of Engineers hold a public hearing, in the city of Burien regarding this matter. Our city would be severely impacted by the extension of the airport, and our citizens have a right to be heard. The notice for the hearing should be clearly announced in the Highline News and the Seattle Times..

3 { I understand that there is a glaring problem on the application wherein the Port states that "it is possible that some additional wetland areas and acreage could be identified when access is available to all wetlands in the project area." and that this makes the application for the 404 unacceptable.

4 { And finally, most frustrating, the Port is seeking to mitigate the wetland fill OUTSIDE OF THE WATERSHED, and put it in the Green River Valley. What a travesty! I attended a hearing on the Emerald Downs Racetrack and the Corps listened carefully to the citizens at that time. The SeaTac Airport affects many more people than the racetrack, and the Corps of Engineers should give these people a chance to state their case as well.

5 { We are not willing to let the Port of Seattle run rough-shod over this area. We demand that the Corps hold the Port to the same standard it has held other applicants for the 404 permit.

Respectfully,

Warren R. Pugh
Imogene L. Pugh

Imogene L. Pugh
 Warren R. Pugh

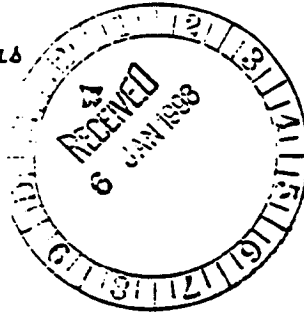
AR 035469

January 4, 1998

1122 S. W. Normandy Terr.

Seattle, WA. 98166

U.S. Army Corp of Engineers
 Seattle District Office
 4735 E. Marginal Way So.
 Seattle, WA. 98134



Dear Sirs:

I am writing regarding the application by the Port of Seattle for a 404 permit to construct a third runway at Sea Tac airport.

1 { It is imperative that the Port of Seattle be compliant with all of the strict standards required to obtain a 404 permit. No preferential treatment should be given to the port by the Corp of Engineers, such as has happened with other Government agencies in the past.

2 { An alternative analysis should be provided by the Port showing that the currently planned site for the airport is the most practicable alternative, the most economically viable and the least environmentally harmful alternative. The analysis should include investigation of all existing and new potential airport sites in Western Washington.

3 { The application must include all wetlands on the site that are affected by airport construction without the loophole suggested by the Port concerning the possibility of "additional wetland areas" not yet identified.

4 { The Port of Seattle should not be allowed to mitigate the wetland fill by using wetlands outside the watershed it is destroying, such as wetlands miles away from the immediate airport area, which they are currently planning.

AR 035470

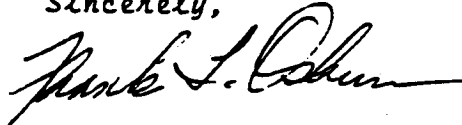
5

It is also my understanding that there exists a U. S. presidential executive order which prohibits land fills in flood plain areas. The Port of Seattle appears to be planning a violation of this executive order.

6

It is my hope that the Corp of Engineers will not show preferential treatment in its investigation of the Port's application for a 404 permit. I suggest that a public hearing be held on the subject so the public can observe first-hand the Port's deficiencies in their application.

Sincerely,



Frank L. Osbun

AR 035471

January 5, 1998

1P-5

U.S. Army Corps of Engineers
District Regulatory Branch
1 J. Box 3755
Seattle, WA. 98124-2255



Reference: 96-4-02325- Port of Seattle

Attention: Jonathon Freedman, Project Manager

The purpose of this letter is a two-fold request:

- 1) That the Corps of Engineers hold a public hearing on the referenced permit application for public discussion and comments by the many thousands of citizens impacted by this action. Reasons for the hearing are too numerous to fully cover by this letter but include challenges to the completeness and accuracy of the application, contradictions by the Corps of their own previous comments that wetlands should be replaced within the same water basin and the fact that the overall third runway project is not the more practical alternative for solving the future air transportation needs. This is being challenged in court. Has the Corps blindly accepted all design and environmental data supplied by the Port as correct and without challenge by the neighboring communities? Even the need for the airport expansion and the alternatives should be open to discussion with the people impacted! The date for the Public Hearing should be late January or February so that a minimum of two weeks can be had to notify the public.
- 2) That the Corps of engineers extend the comment period. The Application was released on 12-19-97, making it available to the public 12-24-97 (Christmas Eve). With the Christmas and New Year holiday activities, it is not reasonable to reduce the effective response time from the impacted parties. Copies of the documents were not made available to the public libraries as is the normal case. Comments should be taken for a period of 30-days after the Public Hearing or 60-days after the decision is made against a Public Hearing. It will be much more difficult for the public to respond without a hearing.

Several on-going activities at the present time should be considered by the Corps before granting this permit. These include two Department of Ecology (DOE) actions in dispute affecting provisions for the Clean Water Act and the very important legal actions against the Port of Seattle, the FAA and the PSRC. A reasonable action for the Corps would be to delay any permits until the total planning and mitigation costs are complete and determined to be legal.

Thank you for your consideration.

3

Sincerely,

James M. Bartlemay
P. O. Box 98732
Des Moines, WA. 98198

cc: Rep. Adam Smith, U.S. Congress House of Representatives, Washington D.C.
Frank D. Ellis, Engineering Inspector General, Corps Of Engineers, Alexandria, Virginia. Fax:703-428-7389
Senator Julia Patterson, State of Washington, P.O. Box 40482, Olympia Washington, 98504
Rep. Karen Keiser, State of Washington, P.O. Box 40600, Olympia, Washington, 98504
Rep. Jim McCune, State of Washington, P.O. Box 40600, Olympia, Washington, 98504

AR 035472

U.S. Army Corps of Engineers (Seattle District)
Regulatory Branch
P.O. Box 3755
Seattle, WA 981124-2255

January 9 1998

1P-9

Dear Mr. Freedman, Project Manager

I request a formal public hearing regarding the Port of Seattle application #96-4-0235 regarding the Sea-Tac Master Plan Update. It is my understanding, that there is an enormous amount of data which is absent from the permit. Readily available pertinent information should be investigated and included in your final consideration. A public hearing will provide you an opportunity to gather relevant data (which you do not have at the present time) to make a truly informed decision.

I also request this public hearing for taking comments to be extended 60 days past the present January 20th deadline because of the following reasons:

- Time is needed to review the P.O.S. #96-4-0235 application by interested parties
- The public notice of the hearing first appeared in the news papers on December 24th. The holiday season mail backlog delayed delivery of the permit by one week if not longer.
- Reasonable time is needed to incorporate the public hearing comments into a written response.
- The proposed permit provides no notice of a public hearing????
Page 4 of the application states: " *any person may request, in writing, within the comment period... that a public hearing be held to consider this application*" and that "[r]equests for public hearing shall state, ...the reasons for holding a public hearing"
- Once again, you need the additional information to conduct a complete survey to guide the final permit process.

Sincerely,

Patricia Emerson

Patricia B. Emerson
18403 2nd Ave. So.
Seattle, WA 98148

AR 035473

U.S. Army Corps of Engineers (Seattle District)
Regulatory Branch
P.O. Box 3755
Seattle, WA 981124-2255

January 9, 1998

1P-10

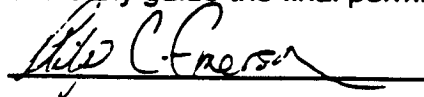
Dear Mr. Freedman, Project Manager

I request a formal public hearing regarding the Port of Seattle application #96-4-0235 regarding the Sea-Tac Master Plan Update. It is my understanding, that there is an enormous amount of data which is absent from the permit. Readily available pertinent information should be investigated and included in your final consideration. A public hearing will provide you an opportunity to gather relevant data (which you do not have at the present time) to make a truly informed decision.

I also request this public hearing for taking comments to be extended 60 days past the present January 20th deadline because of the following reasons:

- Time is needed to review the P.O.S. #96-4-0235 application by interested parties
- The public notice of the hearing first appeared in the news papers on December 24th. The holiday season mail backlog delayed delivery of the permit by one week if not longer.
- Reasonable time is needed to incorporate the public hearing comments into a written response.
- The proposed permit provides no notice of a public hearing?!
Page 4 of the application states: " *any person may request, in writing, within the comment period... that a public hearing be held to consider this application*" and that "*[r]equests for public hearing shall state, ...the reasons for holding a public hearing*"
- Once again, you need the additional information to conduct a complete survey to accurately guide the final permit process.

Sincerely,



Philip C. Emerson
18403 2nd Ave. So.
Seattle, WA 98148

AR 035474

Freedman

18503 38th Ave. So.
SeaTac, WA 98188
January 10, 1998

US Army Corps of Engineers, Regulatory Branch
PO Box 3755
Seattle, WA 98124
reference number 96-4-02325

1 { According to an article in today's Highline News, you are considering allowing the Port of Seattle to fill all the wetlands around Sea-Tac Airport, including portions of Miller and Des Moines creeks. The article further states that there will be no public hearing on this matter, other than one held by the Port at their Seattle office on a weekday afternoon, and that any complaints must be presented in writing by January 20. Why is a governmental agency that is supposed to be protecting our streams and wetlands so eager to cooperate with an entity that seems determined to destroy them?

2 { I thought that any filling of wetlands was outrageous to begin with; now they seem to be escalating their demands. Rachel Garson of the Port is quoted as stating that the Federal Aviation Administration does not want any bodies of water within 10,000 feet of active runways, because they attract birds. Are you going to fill in Angle Lake and Bow Lake too? Will you completely eliminate all wildlife in the area? The Port apparently won't be satisfied until they turn the entire area into an asphalt wasteland, unfit for wildlife and human habitation alike.

I would like to point out that the lakes and swamps were there long before the airport, and that Port seemed to have no problem with locating and then expanding the airport in an area rich with wetlands and wildlife. All of a sudden it has become a problem.

3 { One wonders how you are going to inform the birds and other creatures that they need to pack up and move to Auburn. Or are the local birds and animals simply to be sacrificed to the necessities of "progress"? What about the local red tailed hawks and eagles? I thought their habitats were supposed to be protected.

4 { I strongly suspect that if I, as a private citizen, wished to destroy wetlands and animal habitat on my property, I would at the very least have to go through a hearing process, if my request were even seriously considered. At least allow the people of this area the opportunity to voice their opinions before you make a decision that will adversely affect the quality of life of everyone for miles around.

Sincerely,
Janice A. Clark (206) 246-1810

Janice A. Clark
copies to Highline News, Seattle Times, Seattle Post-Intelligencer,
News Tribune

1P-12

January 10, 1998

U.S. Army Corps of Engineers
Regulatory Branch
PO Box 3755
Seattle, WA 98124

Ref. Number 96-4-02325

Gentlemen:

With regard to the above reference number, it is my understanding that the Port of Seattle is proposing to create a wetland site in Auburn as an alternate to the one which will be destroyed by the creation of the 3rd runway at Seattle Tacoma Airport.

As a member of a partnership with a development that was stopped by a small wetland on our project site in King County, I would be extremely interested in any regulations which might apply to the development of such alternative wetlands, including the record of any case law or "findings of fact" with regard to pertinent litigation which might apply.

My partners and I still own the property in question and would much appreciate the opportunity to proceed with our proposed development.

Please contact me at the above address or phone (206 243 4182) at your earliest possible convenience.

Thank you for your consideration.

Sincerely,


Harvey P. Pittelko

AR 035476

Jonathan Freedman, Project Manager
Regulatory Branch, Seattle District
Army Corps of Engineers
PO Box 3755
Seattle, WA 98124-2255



January 5, 1998

Re: Public Notice of Application for Permit, Port of Seattle, reference
#96-4-02325

Dear Mr. Freedman:

The purpose of this letter is to provide initial comment on and protest of the above cited Notice, dated, December 19, 1997. Additional detailed comment on the substance of the draft permit will be forth coming.

As an initial matter, it is reprehensible, for an agency of the federal government to carry out its duties in a manner as indicated by your issuance of this Public Notice. While it is tolerated for lawyers to file legal papers on Friday at 5:00 PM, and immediately before legal holidays, so as to deny the opposing side as much time to respond as possible, it is clearly not acceptable behavior on the part of a federal agency. One of the expressed duties of the Army Corps of Engineers (the Corps) under the Clean Water Act (the Act) is to facilitate public comment. Both the language of the Act itself, and the conference notes on the creation and passage of the Act, make it clear that public comment and participation in the consideration and issuance of permits is fundamental and crucial. By mailing out a Public Notice less than a week before Christmas and starting the comment period on the following day (December 20, 1997) the Corps had to be aware that there would be mail delays affecting people receiving the Public Notice. Further the comment period was clearly designed in a manner as to assure that the most time possible would be taken out of the comment period by the two holidays most celebrated in our nation during the year, Christmas and New Year. The Corps had to also be aware that many people that would otherwise be involved in the comment process, left town for the holidays to spend the holidays with their families. For people who have chosen to spend the holidays with

AR 035477


their families, the Corps handling of the comment period on this draft permit has resulted in eliminating just under half of the comment period that otherwise would have been available to prepare comment and otherwise participate in the Act's permitting process specific to the SeaTac International Airport and this Public Notice. To say the least the Corps activities to date, on this draft permit, are not acceptable.

The Corps has to be aware that there is considerable public concern relative to the proposed draft permit. Public concern and participation in other Clean Water Act related activities including public comment and litigation has been widely and intensively reported in both the print and electronic media. There has also been specific written contact with the Corps, by members of the surrounding communities, raising issues and concerns relative to the Section 404, permit process and related matters. In this context, the actions of the Corps relative to the public comment period on this draft permit, can only be seen as a deliberate attempt to sabotage the public process mandated by law.

To rectify this matter, it is requested that the Corps adjust the public comment period, to start as of January 2, 1998. The other option would be to extend the public comment period to February 2, 1998. This action by the Corps is necessary for the Corps to meet its obligation to the public, and its mandate under federal law, to facilitate (not sabotage) the public participation process.

Sincerely,

Greg Wingard
PO Box 4051
Seattle, WA 98104-0051

Copy original previously mailed


cc: Congressman Adam Smith
RCAA

AR 035478

Three man

Dear Sir:

Jan 7, 1998

I am writing regarding
the 3rd Runway 404 permit.

It is imperative a public hearing
be held so the public can see
and hear deficiencies in this
application. The port should
be treated in the same manner
other applicants have been
treated. (re: Opinions - Jan 3 1998

'The News')

Thank you sincerely

Wilma Steigers
1005 S. 234 PL
Des Moines, Wa 98198
206 1824 3885

Corps must hold Port to same standards as other applicants

By Chris Clifford

GUEST COLUMNIST

Over the years the Port of Seattle has waged its self-serving war to construct a third runway at Sea-Tac Airport. It has acted like a school yard bully, overpowering local public agencies and jurisdictions, and stomping on the rights of the citizens with an army of lobbyists and influence.

Yet in each and every epic battle, the David has his chance to strike. In the battle over the third runway, the Achilles Heel of the Port may now be exposed as it attempts to obtain a 404 permit from the Army Corps of Engineers to fill in wetlands to construct the third runway.

On Dec. 19, 1997, the Army Corps of Engineers sent out a public notice of the application by the Port for the 404 permit. The public has until Jan. 20, 1997 to comment on this application.

It is critical that the residents of this area send in comments regarding this permit and demand that a public hearing be held so the public can see firsthand some of the deficiencies in this application, and demand that the Army Corps of Engineers treat the Port in the same manner that it has treated other applicants for such permits.

If the Corps holds the Port to the same standard it has held other private applicants to for these permits, the Port will never be given a 404. A recent example would be the 404 application for the Emerald Downs race track seeking to fill 17 acres of paustrine wetlands.

The wetlands covered by the 404 permit given to the racetrack were low-ability wetlands and were created by the presence of cattle tilling the ground with their feet.

GUEST OPINION

When the race track sought a permit, track officials were required to diligently comply with section 404(b)(1) of the Federal Water Pollution Control Act.

This required an alternative analysis that showed the proposal was the only site that satisfied the practicable alternatives analysis, is the most economically viable, and least environmentally harmful alternative.

The alternatives analysis for the race track was comprised of a study of every potential race track site in Western Washington.

The application for the 404 permit by the track was accurate regarding the amount of wetlands to be filled and the nature of every inch of ground requested to be filled. The race track was required to mitigate within the watershed at an almost 3-1 ratio for those they were planning to fill.

The Port has not done an alternatives analysis examining the location of a new runway anywhere outside of a four-county region. The Corps must demand that a meaningful alternatives analysis be done examining every possibility within Western Washington just as with the race track.

Certainly this regional air facility is just as regional as the race track in Auburn.

The other glaring problem is that on the application to the Corps, the Port states that it "is possible that some

additional wetland areas and acreage could be identified when access is available to all wetlands in the project area."

This little aside makes the application for the 404 unacceptable. No applicant has ever been given a 404 with the caveat that they may discover and fill an untold amount of wetland acreage if they discover more wetlands within their project area.

The permit should not be granted until the Port has identified each and every square inch of wetland they propose to fill. It is what all others have had to do.

In the application, Port is seeking to mitigate the wetland fill outside of the watershed. Port officials want to mitigate nine miles away in the Green River Valley.

No applicant for a 404 has ever been allowed to mitigate the impacts of their fill outside of the watershed they are impacting. The Port has also failed to identify the amount to the 100-year flood plain it plans to fill.

Allowing the flood plain to be filled is in violation of a presidential executive order prohibiting such fills and that order is still in effect. We don't let others do that.

The public should demand that the Corps hold the Port to the same standard it has held other recent applicants for a 404 permit to. If this is done, then the Port has a long way to go before it could ever get the necessary 404 permit.

If the Port is held to the same standard, David will finally get his shot at Goliath.

Chris Clifford lives in Renton. He is a former candidate for the 33rd District state Senate seat.



Chris Clifford

1P-8

8 January 1998

To: US Army Corps of Engineers
 PO Box 3755
 Seattle WA 98124-2255
 Attn.: Regulatory Branch
 Project manager for File Number 96-4-02325
 Mr. Jonathan Freedman

To: Permit Coordination Unit
 Dept. of Ecology
 P. O. Box 47703
 Olympia, WA 98504-7703

Subject: Request for Public Hearing and Comments on "Port of Seattle File Number 96-4-02325", Notice of Application for Water Quality Certification and For Certification of Consistency with the Coastal Zone Management Program

This is a formal request for a public hearing regarding the subject application regarding the Sea-Tac Airport Master Plan Update. Justification for a public hearing includes, but is not limited, to those items indicated in the enclosures.

If this request has not provided adequate justification for a public hearing you are requested to provide examples of the type of information required within a couple of working days of receipt of this request. Many individuals have collected an enormous amount of relevant data that the permit does not appear to have considered. The hearing would provide an opportunity to collect relevant data from various environmental groups and individuals for an extremely controversial project.

In addition, you are requested to extend the comment period by 45 days after the public hearing date because

- Christmas mail backlog delayed delivery of the permit by at least a week
- Extra time is needed to obtain the referenced document. Distributing copies to local libraries would enable people to view them without taking a vacation day from work. Please consider mailing them to at least the Burien library.
- Extra time is needed to incorporate the public hearing comments into a written response.

Also, this shall be considered my comments to the 404 permit and the DOE Notice of Application for Water Quality Certification and for Certification of Consistency with the Coastal Zone Management Program dated 19 December 1997. If an extension is granted, I may add to these comments.

Thank you,

A. Brown

A. Brown

239 SW 189 PI

Seattle, WA 98166

Pager (206)654-1533, Home/Messages (206)431-8693

cc: Commander Robert H. Griffin, US Army Corps of Engineers PO BOX 2870, Portland, Oregon 97208-2870

File number 96-4-02325 permit198

AR 035481

404 Permit Key Points Summary

- 3 { • Extent of wetlands impacted unknown.
- 4 { • No provisions for enforcement of regulations or mitigation despite the Port of Seattle's dismal environmental and mitigation compliance record.
- 5 { • EIS validity is being challenged in court. The number of operations, costs and impact on the environment, including the endangered/threatened species and the aquifer, were GROSSLY underestimated. This project violates environmental regulations. Realistic alternatives were NOT considered.
- 6 { • The "insignificant" construction to date appears to have already changed the water levels and flooding patterns making prior hydrological analysis obsolete.
- 7 { • The construction schedule has slid so much from the original plan, the Third Runway will already be beyond "practical capacity", as defined by the aerospace industry, even if it were to open in 2005. The SEIS in part recognizes this and recommends a new EIS in the year 2000 !

- 8 { • The permit admits to not knowing if additional wetlands are impacted. A site survey is MANDATORY. Also, impacts from ALL planned construction or temporary construction such as road bypasses, need to be considered.
- 9 { • Permit contains no provisions for special monitoring of the project to ensure compliance with regulations and "best practices". Historically, the Port violates regulations for decades until a group of citizens get a lawyer. Usually the threat of a lawsuit inspires departments such as the DOE to issue violations. However, those fines are just tokens and still are not on a daily basis.
- 10 { • The Permit references documents on page 16A that are part of the NPDES discharge permit but it expired last June. This 404 Permit should not be issued until after a NPDES is renewed.
- 11 { • The permit on page 16A refers to pollution prevention, sedimentation and spill prevention plans, etc., which are inadequate for this non-standard record-breaking project. Best commercial practices are inadequate for a project of this magnitude. Civil engineering books say to avoid building on aquifers, yet this project not only builds on our drinking water supply, it dumps over 80 billion pounds of fill on it and then uses a non-standard retaining wall (angle too steep) to hold it in place.
- 12 { • References to EIS data are misleading by omitting other relevant data that was also in EIS such as other endangered/threatened species such as frogs that can not fly to Auburn
- 13 { • Referenced EIS data is obsolete such as
 - (a) the Port of Seattle has now admitted in writing to the release of UNTREATED glycols
 - (b) additional data on the hazards of glycols, particularly propylene glycol are now available (rot stomach of fish at 65 ppm)
 - (d) tests indicated the high, unsafe fecal coliform count in creeks by the Sea-Tac Airport is human, not aviary. Its relationship to aircraft toilets must be identified and the problem resolved prior to any additional significant construction at the airport
- 14 { • Permit erroneously attributes deicing to just winter months
- 15 { • Lawsuit underway due to incredible number of technical discrepancies in EIS and significant opposition to the project
- 16 { • Ramifications of Kludt Miller creek judgment from 2nd runway mitigation lawsuit not addressed

- 17
- Provides NO PROVISIONS to enforce mitigation such as covered double haul trucks addressed in the FEIS. This year's hauling created *severe respiratory problems* in citizens by the airport who would choke as they drove by the airport. According to pharmacists "an incredible number" of respiratory medicines were prescribed during the major hauling that occurred during the fall of 1997. The 1996 petition by citizens requesting mitigation was ignored by Sea-Tac Public Works.
- 18
- Provides no mitigation for the pollution from the massive amount of road kill that will occur. Just the current construction level has increased the amount of "road kill" (small animals such as field mice, skunks, moles, etc.) by at least 300 percent (based on the number of dead animals on the streets by the airport during the morning commute). The Dept of Public Health is investigating a deadly virus transmitted by field mice trying to determine its source !
- 19
- Provides no mitigation for displacement of larger animals such as foxes now seen in the Normandy Park QFC parking lot or the raccoons seen crossing the street in higher numbers than past years.
- 20
- Does not provide mandatory mitigation for vibration damage to structures within a mile or two of construction. Due to the interaction of the soils and aquifer even a "small" Sea-Tac warehouse project at 8th and 200th caused vibration and noise problems in the heart of Normandy Park.
- 21
- Does not appear to address the removal of soft soils form the two seismic anomaly locations or removal of contaminated soil.
 - Does not appear to address the current and planned stockpiling of fill or the particulate control necessary to provide breathable air.
- 22
- Does not provide for mitigation such as air cleaners for all homes within two miles of the construction. The two miles is based on current haul levels and may need to be increased if the haul rate is increased without adequate particulate control.
 - Does not account for the added pollution from the extra cleaning of homes and vehicles due to the incredibly high particulate level from construction. At the current hauling levels, just driving by the airport a few times makes your car windows filthy with a distinctive dirt easily measured by using your windshield wiper end point as the collector.
- 23
- An accurate assessment of the scope of the project is not available. In their comments on the EIS, the University of Florida indicated that the fill calculations for the 26.4 million cubic yards were in error and are too low.

- 23 { The real number is over 28 million plus whatever is needed to resolve soft soil and contaminated soil issues.
- 24 {
- 25 {
- 26 {
- 27 {
- 28 {
- 29 {
- 30 {
- Provides no provisions for quality of fill testing even though at least three people have witnessed, and then reported to the DOE, that debris from the torn down First Ave Bridge was hauled to the site of the new parking lot under construction by the federally protected well head.
 - Implies that wetlands by Borrow source 5 are not impacted. However, the recent UNPERMITTED construction of the north airport parking lot appears to impact this area. Damage from construction violations, particularly those that resulted in fines, must be factored into the environmental analysis.
 - Jet fuel spills at the airport make the drinking water in nearby cities so polluted some residents are unable to drink suggesting a connection of airport pollution to either the aquifer or water mains - either way additional MANDATORY mitigation is required for the CURRENT airport and must be resolved prior to even considering a Third Runway
 - Tests have shown numerous abandoned, buried home heating oil tanks were not emptied and are creating a safety hazard for the aquifer and salmon bearing creeks
 - Does not address the essential nature of the aquifer that provides water to a large area and the associated hazards. Ironically, Seattle Water launched a major publicity campaign to get people to reduce their fertilizer use by the airport to reduce contamination. Yet the EIS isn't concerned about the oils, greases or deicers, etc. Considering the water rates were recently raised to go find other water sources, does it make sense to further pollute the existing source of water used by Highline and Seattle Water Departments?
 - At least one outfall was recently renumbered, just months after the DOE was given pictures of it oozing or gushing oil, grease and glycols, so it is not possible for citizens to make use of EPA pollution data to assess the situation (Which data goes with which outfall?). They still have not answered citizens' inquiries regarding the change in numbers or any other comments made regarding the December 1997 NPDES permit or last June's proposed Groundwater study. It is reported that the only NPDES permit that has ever received more comments than the Sea-Tac Airport 1996 NPDES permit was Hanford Nuclear Plant.
 - It is premature to release a draft of this permit until the DOE has issued a response to comments and allowed a rebuttal time to both the Groundwater Study and the NPDES permit due to the close tie between them.

- 31 • Contamination of the uppermost aquifer ("Qva Aquifer") is already documented in Dept. of Ecology Agreed Order 97TC-N122 which identifies the Port of Seattle as the "potentially liable person".
- 32 • The permit erroneously reports that these wetlands have a "low functional value" (page 5). On the contrary they are the pollution buffer between Puget Sound and the airport. Both Walker Creek and Miller Creek have had numerous coho salmon sitings this year. The destruction of the wetlands and disruption to the creeks guarantees increased Puget Sound pollution and eventual loss of beach habitat. Considering the findings of the Washington/British Columbia Marine Science Panel that we can sustain no more beach habitat loss, to say that they have low functional value is ludicrous!!!!!!!!!!!!
- 33 • Mitigation outside the watershed is not justified when very viable new airport sites such as Tenino exist. A statewide search for alternatives, as was required for the Emerald Downs race track, is REQUIRED.
- 34 • Misleading Permit maps that do not indicate the existence of Burien, Normandy Park, Des Moines, Sea-Tac or Kent.
- 35 • The "100 year flood" plain has been so radically altered by construction near and at the airport it is probably a "two year" flood plain. A new flood plain study is needed before issuing a 404 permit. Water was still running over S154th by the airport on January 6, 1998 around 5:50 PM yet the rain had already stopped.
- 36 • What happens to an aquifer when you put over 80,000,000,000 pounds of fill on it (yes, that's over 80 BILLION pounds excluding the thick concrete)? The sinking of one lane of nearby First Ave and the bubbling up of new mini-creeks that have occurred since the first 370,000 cubic yards was dumped in summer of 1996 must be put into perspective. The 370,000 cubic yards represents less than 1% of the total future weight. The situation has worsened with the added complication of the North Employee Parking lot and the 1997 stockpiling of Third runway fill. The first North Parking Lot Construction mud slide that damaged Miller Creek has been attributed to a "spring that came out-of nowhere" according to Seattle Water Dept. personnel. They were called to the site to determine if a water main had broken! Subsequent to the first slide another slide occurred and on at least one other occasion the water began flooding highway 518. The water level is now so high in the lake beside 518 that some days it appears about to

wash out SR 518. Before the North parking lot construction, the lake was so small most people didn't even realize they were driving by it.

37

- The AGI¹ groundwater report refers to material as "till" whose conductivity is over two orders of magnitude different than the definition by Freeze and Cherry (1979 page 151). Using the industry standard definition for "till", the aquifer does NOT have the level of till protection claimed in that report. Do the same problems exist with the Third runway analyses as the North Sea-Tac Employee Parking Lot report?

- The AGI¹ groundwater report, which is limited in scope to the North Parking lot and adjacent Riverton wells, also has unexplained differences in some of the key data. The risk to the aquifer from the parking lot may not be limited to just the area near SR 518 and the duration of the construction may be longer than assumed in the report. Contamination risks are time dependent.

38

- Neither the Master Plan Update nor the Permit consider the source of fill and its impact on wetlands. According to a government official , it will use up this areas supply of fill for at least the next ten years so new mining sites are needed. The EIS also indicates the need for new permits. The maps and tables in the EIS show some sites that NO LONGER have permits.

39

- Currently a company is trying to get a permit to mine arsenic laden fill to the depth of the Maury Island's aquifer. The arsenic levels are almost as high as ASARCOs. The company's only credible potential customer for quantity they want to excavate is the Third Runway. Think of it, just one mining event will ultimately contaminate not only the Maury Island aquifer and the Highline Aquifer but possibly the Vashon Island aquifer too. Considering the company is now foreign owned, our environment may not be their uppermost consideration. If the barge has an accident, what will the arsenic and fill do to Puget Sound? A barging EIS is needed !!!!!

40

- The impact of the vehicular traffic, mostly at a dead stop or 10 miles per hour for the years of massive hauling also needs to be considered in the water pollution calculations.

41

- The Port of Seattle has started condemnation procedures on a farm in the buy-out area. The Pumpkin Patch Farm was already bought out. The EIS does not accurately portray the farmlands, wetlands or tributaries to the creeks.

42

- The SASA EIS mitigation conflicts with the Master Plan Update SEIS plans.

¹ AGI Project 16,116.001, Draft Groundwater Quality Impact Evaluation Proposed North Employee Parking Lot Seattle Tacoma International Airport, SeaTac Washington, AGI Technologies, 11 April 1997

43

- Neither the Port funded studies or the DOE to date have considered the long term health of the existing wells or aquifer. To assume it's acceptable to contaminate our drinking water supply in 10 years is UNACCEPTABLE.

44

- During the Miller Creek survey, they were able to push a 20 foot stick into the Miller Creek bed as if it were a straw in a milk shake and a peat farm was adjacent to the airport land in the proposed third runway area. This raises the question, how much soil must you excavate to hit "land" or will they build on unstable land?

- Geologists are considering upgrading the seismic rating to the highest rating to further complicate the civil engineering task of trying to stabilize fill. What MANDATORY monitoring is needed during construction so the entire project can be terminated if technology and finances can't beat mother nature? Actually, just the problems to date should have halted the project already.

**Hydrologic studies and flood plain maps
are now obsolete.**

45

**The "insignificant" construction has
already significantly altered the water
table !!**

Upon completion of the North Sea-Tac Parking lot construction, a hydrological and environmental impact study is needed to determine if the aquifer can support a Third Runway. The stockpiling of the Third Runway fill on airport property should be halted immediately until it can be determined if we have an aquifer crisis already.

46

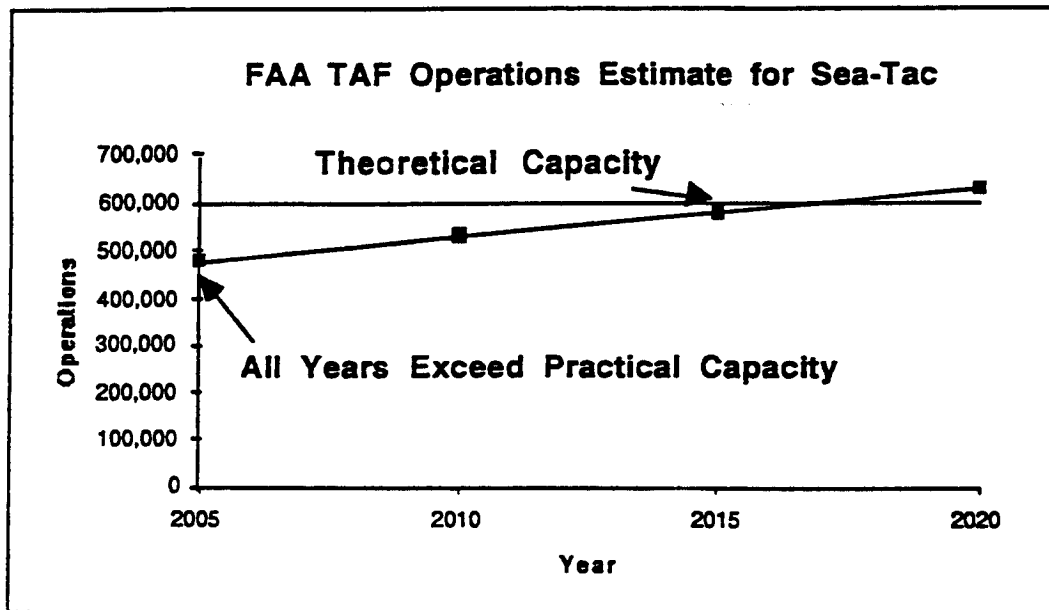
- The proposed runway significantly increases the probability of air-to-air and on-the-ground accidents. The FEIS indicated a 21% increase in incursion rate for those operations but the number was not recalculated when the number of operations was increased in the SEIS, nor was it ever calculated for the theoretical maximum. Imagine how high the accident rate must be with the higher number of operations !

THE THIRD RUNWAY IS DEADLY

47

- The usefulness of the "Third" runway was overstated in the EIS and Permit. The EIS did not differentiate advantages from the extension of the existing runway which can handle heavy jets from the dependent Third runway that is too short for big jets. The Third Runway reduces capacity of the existing Sea-Tac runways and Boeing Field (FAA report referenced in FEIS).
- The FEIS overstates the capacity advantages. The Sea-Tac Airport WITH the "Third" runway will already EXCEED practical capacity as defined by the airport industry (NPIAS) when it opens even if the construction schedule and lawsuits do not cause any schedule slides. See Figure 1 which is based on SEIS and FEIS data.

Figure 1 : Part Time "Third" Runway Exceeds Practical Capacity Before it Opens



8

This situation is much like trying to fit a baby bootie on a man's size 13 foot and paying 100 times the standard price.

We desperately need to expand outside of King County !

49

- The "full range of alternatives" statement on page 2 of the permit is a joke. Tenino, Washington has been lobbying for years for an airport that would impact the environment less and be more cost-effective. There is even enough room to build one like the model airport that was in the possession of State Secretary of Transportation Morrison ! However, the Port of Seattle

49 would not have jurisdiction over Tenino because it is outside King County. Also the FEIS stated that "no technology currently exists" yet Global Positioning Satellite technology is scheduled to be on most commercial jets BEFORE the Third runway opens. Had the Third Runway actually opened in 1997 as planned rather than sometime after 2004, the technology argument would have been valid. This is in example of the problem with out-of-date EIS's.

- 50
- The economic advantages were also overstated by the EIS and permit. The Third runway, including mitigation, will ultimately cost MORE than the entire new FIVE runway Denver airport but provide only ONE PART TIME runway. The funding available from the FAA will likely be less than what was available to Denver who raised airline user fees to about \$19 to cover costs. That means either airline user fees per ticket must go up to about \$60 or King County taxpayers get to pay the difference. No wonder the airlines have been quietly pursuing moving operations to more economical airports like Vancouver, British Columbia and Paine Field. WA. The world's most expensive runway is not very attractive to airlines unless someone else is footing the bill. The Port's bond rating went down in recent years, how low will it go?
- 51
- The SEIS also overstates the traffic pollution for the "Do Nothing" alternative by assuming no road or parking improvements. This unfair assumption was used even if the construction had already begun and would occur with or without the Third runway. This resulted in higher ground traffic pollution for the "Do Nothing" alternative than with the "Third" runway, even though the "Do Nothing" has less traffic.

- The EIS understates all pollution for the Master Plan update by **HUNDREDS OF THOUSANDS OF OPERATIONS**. It used a total number of operations for the existing airport that **EXCEEDED** the theoretical capacity while using a number for the Update that was lower than both the theoretical capacity and the FAA Terminal Air Forecast (TAF) projections. Considering Sea-Tac generally exceeds the TAF estimates this is a very unconservative approach.

The SEIS operations data compares "apples and oranges", a common expression within engineering to indicate the wrong data was compared resulting in a wrong answer that has NO technical basis. There are a variety of parameters that could have been used to compare operations such as on the basis of severely congested, the Do Nothing alternative constrained to its theoretical maximum, or both at their theoretical maximums. Table 1 provides examples of some more appropriate comparisons. Table 2 provides additional data and the source of the Table 1 data.

52

Table 1 Pollution Calculations Ignored Hundreds of Thousands of Operations

Basis of Pollution Calculations /1/	Additional <u>Annual</u> Operations with Third Runway compared to "Do Nothing"
SEIS for Year 2005 -	0
SEIS for Year 2010	14,000
Do Nothing at Theoretical Maximum, Third Runway at Yr 2010 FAA TAF amount	128,200 /2/
Comparing both at Theoretical Maximums	230,000 /2/
Comparing the 2nd Runway mitigation quantity to theoretical maximum for Third Runway	369,000 /2/

/1/ See Table 2 for references

/2/ Note, this number is much greater than the Zero used for 2005 and 14,000 used for 2010 in the SEIS pollution calculations

23

Table 2 : SEIS Pollution Calculations Grossly Underestimated

	"Do Nothing" Alternative: Existing two runways	Master Plan Update : Third Runway & Extend another	Comments /4/
Used for 2nd Runway noise boundary mitigation /1/	260,810	Not Applicable /3/	Update is over 339,000 more operations but no proposed change to noise boundary!
Practical Capacity /2/	350,000	460,000	Update is 110,000 more operations
Severely Congested /2/	390,000	540,000	Update is 150,000 more operations
Theoretical Capacity /2/	400,000	600,000 - 630,000	Update is 200,000 plus more operations
FEIS and SEIS used "New Port" calculations in 2005 for pollution impacts	445,000 (exceeds theoretical capacity)	445,000 (less than TAF estimate)	2005 Pollution calculations used IDENTICAL NUMBER of operations i.e. ZERO INCREASE
FEIS and SEIS used "New Port" calculations in 2010 for pollution impacts	460,000	474,000	2010 Pollution calculations used only 14,000 more operations
Terminal Air Forecast (TAF) in 2005		478,050 (exceeds practical capacity)	TAF Yr 2005 higher than the New Port Yr 2010 used in SEIS
Terminal Air Forecast (TAF) in 2010		528,200	Exceeds severely congested

/1/ Phase I, Part 150, Port of Seattle, Oct. 1985
 /2/ See SEIS and FEIS Table 1-1 and FEIS Exhibit 2-2 for operation numbers
 /3/ The location proposed for Third Runway was rejected during 2nd runway EIS process. Same issues still exist!
 /4/ SEIS SHOULD have used TECHNICALLY FEASIBLE number of operations instead of exceeding theoretical capacity for the "Do Nothing" and underestimating the number of Third runway operations. For example it could either (1) compared theoretical maximums resulting in 200,000 to 230,000 operations more operations for the Update than the "Do Nothing" Alternative OR (2) compared to the limit set for the second runway originally for an additional 339,000 to 369,000 operations with the Update. Instead for the year 2010 a mere 14,000 additional operation were used.

page

Enclosure B

A. M. Brown
239 SW 189 Place
Seattle, WA 98166
28 March 1997

~ Annotated for

File Number 96-4-02325

8 JAN 1998

To: Federal Aviation Administration (FAA)
NW Mountain Region
1601 Lind Ave SW
Renton WA 98055-4056
Environmental Protection Specialist Dennis Ossenkop, ANM-611

Subject : Comments on Sea-Tac Airport SEIS due 31 March 1997

Enclosed are comments on the subject SEIS. They should be considered as a supplement to all my comments previously submitted. Please note, I do not consider many of my prior comments adequately addressed in the FEIS or SEIS. In my comments on the DEIS, I provided data suggesting that the estimates were too low. The "New Port" estimate is still too low.

Please include the questions or revision requests, their number (AB x), and the enclosed rationale in the Record of Decision. This will make it more obvious to the reader when the questions are taken out of context, ignored or only partially answered. The SEIS response should reference the question number.

Also, in accordance information in accordance with the following chapter in NEPA:

1503.4 (5) "Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agency's position and, if appropriate, indicates those circumstances which would trigger agency reappraisal or further response".

Due to the short comment period, despite the major revisions, I was unable to organize my comments into an easy to follow document as I did for the DEIS.

Sincerely,

A Brown

A. Brown

Pager (206)654-1533 (Also can be contacted through CASE or RCAA office)

Enclosure : Note - References for SEIS comments are listed in Appendix A

March 28, 1997 SEIS

AR 035493

A. Brown SEIS Comments - Questions dispersed throughout this enclosure

Global Comments

Question AB 1 : Why aren't alternatives outside of Sea-Tac being considered now that FAA TAF forecasts indicate the Third runway does not provide adequate capacity but will cost more than building an average US airport (construction, infrastructure, mitigation and funding costs)?

Question AB 2 : Why were the impacts for alternative 1 based on operations above the theoretical maximum?

Question AB 3 : Why weren't the impacts for alternative 3 calculated using the theoretical maximum of operations and enplanements?

Question AB 4 : Why weren't the impacts for alternative 3 calculated using the FAA TAF estimates ?

Question AB 5 : Considering the uncertainties around the estimates, why wasn't a sensitivity analysis done comparing New Port estimates, FAA TAF estimates, and theoretical maximums?

Question AB 6: What are the impacts using FAA TAF estimates, 10 % over FAA TAF estimates, and theoretical maximums?

Question AB 7 : How do fleet mix assumptions change impacts to assessments based on New Port estimates, FAA TAF estimates, and theoretical maximums?

Question AB 8 : Realizing the SEIS was required by the Washington DC FAA office because they felt the FEIS estimates were too low, isn't issuing a SEIS that only adds 68,200 operations and ignores the FAA TAF estimates inconsistent with Washington DC FAA's intent?

Question AB 9 : Isn't assuming only a 2.5 % growth for Sea-Tac airport too conservative considering (1) Sea-Tac's large growth to date, (2) continuing growth of industry and population in the area and (3) its proximity to popular foreign travel routes?

Question AB 10 : Isn't excluding Boeing Field impacts inconsistent with the cumulative impacts approach required by environmental regulations?

Question AB 11: What are impacts if Boeing Field current and projected growth are included?

Question AB 12 : Aren't their exceedences or larger exceedences in pollutants such as nitrogen oxides if Boeing Field is considered?

POLLUTION IMPACTS

Question AB 13 : Considering the mix zone for Boeing Field and Sea-Tac overlap and the nitrogen oxides from the newer aircraft are worse than the old ones, what are the real expected pollution levels?

Question AB 14: How much larger would the noise mitigation boundaries be if Boeing Field noise and Sea-Tac noise for ALL aircraft operations including foreign carriers were considered?

Question AB 15: What are the approximate additional mitigation costs if all reasonably probable cumulative impacts are considered along with all the supporting infrastructure needed to make a Third runway practical ? This includes pollution from Boeing Field operations, SASA, tower, parking lots, road repairs, road construction etc.

Question AB 16: Are there any precedents for ignoring the higher TAF estimates but then later in the same SEIS stating that ANOTHER Master Plan update will be needed around the year 2000 because of the fast growth?

Question AB 17 : What is the rationale for ignoring the higher TAF estimates but then later in the same SEIS stating that ANOTHER Master Plan update will be needed around the year 2000 because of the fast growth?

Question AB 18 ; What is the rationale for assuming Sea-Tac will grow slower than the US average?

Question AB 19 : Have you assumed slower growth for Sea-Tac because the Third runway is inadequate from a capacity standpoint?

Question AB 20: Have you assumed slower growth for Sea-Tac because of the Third runway's unprecedented high TOTAL cost, particularly if supporting infrastructure costs are considered?

Question AB 21: Why do the traffic models predict no impact from double haul trucks on roads and highways that people dread going on NOW because they are so congested?

Question AB 22: Would the modeling results be different if only one edition of the Highway manuals had been used instead of mixing different versions?

Question AB 23: Isn't Sea-Tac's location and geographical constraints incompatible with significant growth?

Question AB 24: page 2-2 Why was year 2010 Alternative 1 estimated to be 474,000 operations (New Port estimate) rather than the 460,000 theoretical maximum operations listed on page 2-7?

Revision AB 25: All Alternative 1 year 2010 impacts including but not limited to noise, pollution, and surface transportation should be recalculated using the NPIAS 460,000 in the SEIS.

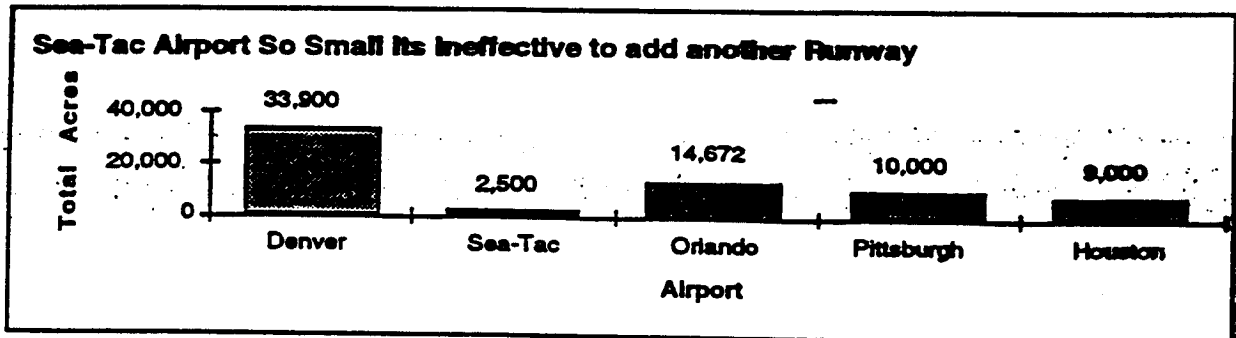
Comments and Rationale Primarily related to pervious Questions

Airport Location and Size Incompatible with Significant Growth

Port Columbus is obtaining 240 acres to build a new 10,250-foot third runway (ref. (p)). Compare that to Sea-Tac basically taking several blocks of a residential street with houses lining one side of it.

When other small U.S. airports don't have room to expand because of heavily populated areas, they use another airport or technology to increase their capacity. For example, Charlotte with 5,000 acres and San Francisco with 5,400 acres opted for Localizer Directional Aid technology instead of additional runways. It is the airports with large acreage that can afford to add runways or those with large buffer zones. Comparing airport sizes, runway lengths and capacities, using data in the FEIS (ref. (d), page R-201), it becomes obvious that even with the proposed land acquisition, Sea-Tac's proposed expansion is too small to be cost-effective and safe. See figure below.

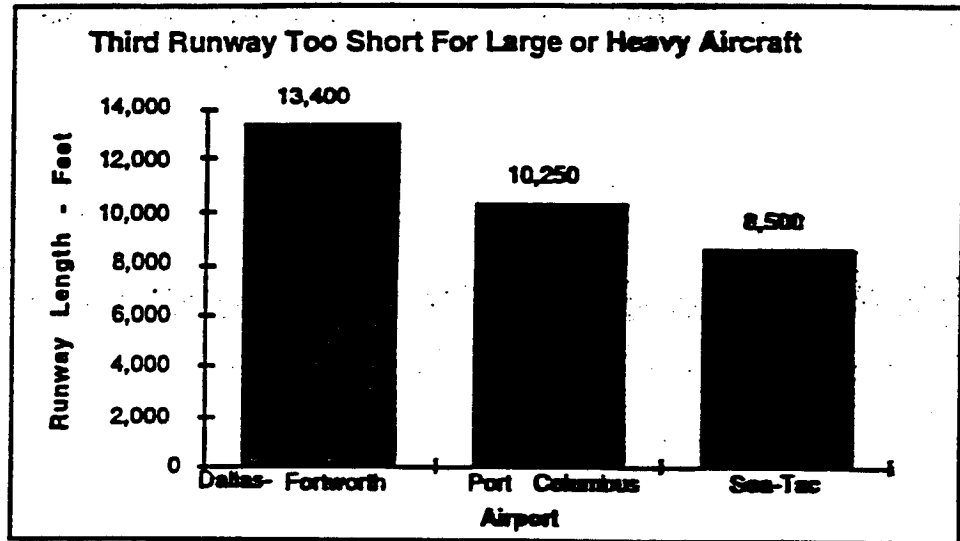
Figure 1 Airport Size Comparison



Runway Length Incompatible with Significant

The proposed runway is too short to handle fully loaded cargo planes. The FEIS states the 8,500 foot runway is too short for B-747, DC-10, MD-11, L-1011 or B-767 (Ref. (d), page R-126). Compare the proposed Third Runway short length to other new U.S. runways. The other airports have considered the new, larger airplanes that will be in use by the time the Third runway is built as well as the existing large passenger and cargo jets. *The industry preferred runway length is about 40 % longer than Sea-Tac's proposed part time arrival runway length of 8,500 feet !!*

Table 2: Proposed Runway Too Short for Large Jets



Using the 1997 FAA TAF (Terminal Air Forecast) estimate and NPIAS standards in SEIS Exhibit 2-7, the Sea-Tac airport with the Third runway will

- 1) Exceed practical capacity before it opens
- 2) Be severely congested by 2010
- 3) Be able to support only an additional 68,200 operations after 2010 before it reaches its theoretical maximum capacity of a mere 600,000 operations.

SEIS Exhibit 2-2 clearly shows that Sea-Tac operations per year have been consistently UNDERESTIMATED for over a decade using the FAA estimates.

Yet the SEIS chooses to ignore the 1997 FAA TAF estimate and use even lower numbers (474,000 for 2005). Even SEIS Appendix D that evaluated Case 3, a 10 % increase over the SEIS estimates, is BELOW the 1997 TAF estimate for 2010.

Using the SEIS (Port of Seattle) estimates Sea-Tac won't reach the TAF 2010 levels until approximately 2020! Considering the Washington FAA office required the SEIS be prepared because of the low Port estimates in the FEIS, does it really make sense to ignore the TAF levels? The 1994 FEIS estimates for year 2000 were surpassed in 1995. The 1982 projections for year 2000 were surpassed in 1986 so extremely low estimates have plagued this airport for decades (Ref. Sea-Tac Noise Exposure Update June 1982, Table G-1).

Question AB 26: Considering elsewhere in the SEIS it indicates that Sea-Tac airport is growing so fast it will need another Master Plan Update around year 2000 (SEIS pg. 2-14), how can the SEIS agencies justify not comparing the following for 2000 through at least 2020:

- 1) New Port's estimates (current SEIS)
- 2) 1997 TAF estimates
- 3) Upper bound of 600,000 operations for years 2010 and 2020
- 4) "Do-Nothing" alternative constrained to its theoretical maximum of 460,000 operations

The sensitivity analysis for the four scenarios listed above should include airport operations, pollution, surface transportation, and noise, etc. because

- 1) Using FAA TAF estimates capacity appears inadequate
- 2) Using FAA TAF estimates, Alternative 3 violates the Clean Air Act
- 3) SEIS indicates surface transportation could be a limiting factor
- 4) Appendix D identifies a much larger area of housing will be impacted by noise which then influences mitigation costs

The 1997 TAF projections are conservative. Historically, as SEIS Exhibit 2-1 shows, the TAF UNDERESTIMATES Sea-Tac growth. It is extremely misleading to use the New Port projections for noise, air or traffic estimates. The new Port estimates are still unrealistically low and point to the poor quality of the SEIS. See also data A. Brown DEIS comments and growth projections (ref. (c)).

Appendix D provides some comparison information for different levels of operation but appears to be seriously flawed. For example, SEIS Table D-2 predicts 7 less tons of nitrogen dioxides for Alternative 3/Case 1 even though it has 72,000 more operations than the "Do-Nothing" alternative for the same time period. If this is due to fleet mix considerations, a fleet mix sensitivity analysis of those is also needed. It is unlikely that Sea-Tac will be able to continue sending its jets like MD-80's to Boeing Field for the duration of the planning period.

Using the numbers in SEIS Table D-2 to calculate nitrogen oxides for TAF estimated operations in 2005, it appears the Clean Air Act "trigger" of 100 tons additional nitrogen dioxides may be reached by 2005 and that by 2010 over 200 tons of additional nitrogen oxides will occur annually with Alternative 3. These violations occur even if the connecting road, whose absence in Alternative 1 so significantly biased the SEIS surface traffic pollution calculations in favor of Alternative 3, is still absent. Note, this just addresses nitrogen dioxides, when other pollutants are added to the equation, the violations occur even sooner.

The air pollution assessment is illogical that "any of the "With Project" alternatives would result in pollutant concentrations equal to or less than would occur in the Do-nothing." (SEIS 1-9)

Using 1997 TAF FAA with the Third runway Sea-Tac airport will already be "Severely congested per NPIAS by 2010 and per Exhibit 2-7 be theoretically capable of LESS than 600,000 operations (SEIS Exhibit 2-7)

If the SEIS "New Port" estimates are as underestimated as the original FEIS estimates, Sea-Tac will reach theoretical maximum capacity of a mere 600,000 operations long before the SEIS predicts.

Why if the technology conference on September 25, 1996 (SEIS pg. 1-5) concluded that there is 2500 foot spacing requirement between runways attributed to wake vortex conditions is a Third runway that is only 800 feet from one of the present runways being recommended? It reduces the capacity of

the existing runway as well as Boeing air field. (pg. 3.2 2500 west of 16L/34R)

Question AB 27: Haven't the benefits of the Third Runway been overestimated?

Dependent Air Space and Taxing The transportation expert when testifying before a Congressional hearing indicated that the Third runway may actually increase schedule delays under certain circumstances. (ref.(i)). Because it is dependent, it will decrease capacity of the existing Sea-Tac runways and reduces Boeing Field capacity (ref. (III)).

Peak Season Corresponds to Less than 3% Poor Weather The FEIS claims the benefit from the Third Runway is that it decreases arrival delays in poor weather. However, peak season coincides with less than 3 % poor weather (ref. (I)).

According to the FEIS R10-14, page R-124,
"..the possibility of a peak hour of airport activity and worse case meteorology occurring at the same time is rare if not highly improbable."

Question AB 28: Were the weather corrections made to the models so the number of summer's will now equal the number of winter's? If not, why weren't the corrections made?

Comment : See Congressional testimony

Another Runway Doesn't solve the ATC problem

Air capacity is a world wide problem. Europe has already faced up to the reality that infinite expansion of airports is not cost-effective and other alternatives are being implemented. The Port needs to consider the Air Transport Authority's March 20,1996 statement (ref. (rr)):

"The key lies with the air traffic control system, not our airports. System delays are overwhelmingly the result of inefficient ATC capacity"

Sea-Tac's load factor is less than 30 passengers per aircraft. The airport is recognized both nationally and internationally for its timeliness. Building a short runway that costs more than building a new airport is NOT a practical short term fix.

Question AB 29: Isn't the Third Runway project and related infrastructure, on a per passenger or per pound of cargo basis, more expensive than any other airport project in the world? Chek Lap Koc (Hong Kong) cost 21 billion but expects 35 million passengers. This total island/airport/bridge/town/railway cost amortizes to \$ 600 per passenger over the first year.

Denver spent \$ 3.2 billion to construct an airport with 5 runways that resulted in 530,839 operations (ref. (n) and FEIS Table R-12). If you amortized this over just one year then it's equivalent to \$ 6028 per operation.

If you use the Denver's \$ 4.9 Billion figure (ref. n) which includes all costs of money, rental car facilities, etc., then the equivalent Sea-Tac figure exceeds the partial cost of \$ 3.3 billion in Tech Report 8. The \$ 3.5 billion doesn't include toxic and hazardous clean ups, excavation or replacement of soft soil at Sea-Tac, loss of Federal HUD housing (or noise mitigation to avoid losing HUD funding, etc.). The \$3.3 billion has since grown in the SEIS but it still leaves out many costs.

People are driving out of their way to use Colorado Springs airport because it's cheaper than the new Denver airport (ref. (l)). How much business will Sea-Tac lose if we help pay for the Third runway with enplanement fees? How much do our taxes go up if we don't pass the costs of the new part time runway onto the airlines? Even bonds cost money ultimately. Ask Denver about their junk bonds if you doubt this (ref. (o)). Or, ask United Airlines if they want us to spend as much on a part time arrival runway as was spent on the new Denver Airport. United pays \$ 35 million to operate out of Stapleton. They pay "\$ 195 million to operate at the new airport -- after realizing a \$ 15 million savings from efficiencies." (ref. (p))

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AR 035501

Don't let Denver's high cost scare us away from a new airport. Denver spent \$7.5 million in art and \$ 232 million on their baggage handling system (ref. o). A well-planned airport can cost much less than Denver's new one IF we set aside the land NOW.

Question AB 30: Isn't Mirabel in Montreal a good deal compared to the proposed Sea-Tac expansion? They spent about a billion in Canadian dollars but at least they have cargo traffic even though the passenger traffic didn't materialize. Can you blame the passengers for not using it? There is no highway connecting Dorval to Mirabel and "the high speed rail from downtown never got on track" (ref. (q)). Mirabel airport also has over 35 times more acres than Sea-Tac so it has growth capacity.

The Third Runway is incredibly expensive compared to other projects no matter what cost number you use:

\$ 500 million (some construction cost),

\$ 1.5 billion (related construction),

\$ 3.3 billion (includes some cost of money and operating expenses but still doesn't include all construction costs), or

a higher cost figure than \$ 3.3 billion that includes the costs that government documentation says have not been computed yet such as soft soil excavation, toxic clean up, litigation costs, etc.

A state government funded Burien mitigation study (ref. (mmm)) with a very limited scope, has already identified at least another \$ 3.3 billion in costs.

If all costs are considered, rather than just those the Port of Seattle and FAA acknowledge today, the real price tag probably exceeds \$10 billion dollars for construction of the runway and associated infrastructure plus the cost of mitigation.

Question AB 31: Which runway is SEIS page 2-18 referring to? pg. 2-18 item B "Provide sufficient runway length to accommodate warm weather operations without restricting passenger load factors or payloads for aircraft types operating to the Pacific Rim" ... Base on the projected demand, the runway extension would be needed after 2010. "

Which runway? Are there plans to extend the Third runway since its too short for most large jets? If so, that impact needs to be assessed now, not in another Master Plan Update around 2000.

Revision AB 32: Aircraft pollution calculations are underestimated and need to be revised

The calculations of the aircraft need to be redone using a realistic fleet mix, all aircraft engines being used in flight, and a REALISTIC landing/takeoff cycle time (L/T/O). To assume only 11 minutes for an entire L/T/O cycle as the FEIS does is unconservative (ref. (d) Table R-10). If this number was true there would be no discussion about building a part time runway that ultimately will cost more than the new five runway Denver airport. Considering it will have dependent flight paths with two airports and requires taxiing in and out across two active runways, 11 minutes is a gross understatement. Eleven minutes is much shorter than prior Sea-Tac studies. At least 20 minutes should be used for the pollution calculations and the DC-10 calculations should assume two engines are used in flight.

No particulate is estimated in the EDMS 944 model. Particulates are significant and should be calculated.

The number and placement of receptors in the modeling is inadequate.

Since the release of the FEIS, a 14 foot slope for the Third runway has been proposed. Pollution calculations need to be redone to account for the different engine characteristics and the impact to taxiing also needs to be evaluated.

impact
on
flooding?

Groundwater and Flooding Inadequately Addressed

Revision AB 33: The SEIS needs to be revised to more accurately address the groundwater issues and risks that were understated in the FEIS (ref. (d))

The response to comments in FEIS (ref. (d)) indicated a significant risk to the Highline aquifer but did not offer any real mitigation. Isn't it a fact that Highline's aquifer which supplies 20% of Seattle's drinking water is already contaminated with jet fuel? Residents complain that even "contained" jet fuel leaks correlate with increased incidence in diarrhea. The construction of the Third runway and moving of creek beds virtually guarantees an even higher pollutant level. Isn't a permanent water source other than Highline's aquifer needed for the area or are we all to buy bottled water for the rest of our lives ?

See the Seattle Water Department letter reproduced in the Appendix E of the SEIS.

Revision AB 34: The amount of retention capability needs to be increased due to the high frequency of "100 year floods".

Question AB 35: Why have the DEIS, FEIS and SEIS consistently downplayed the critical water problems and risks?

The recent construction at the airport increased the area of impervious surface which caused 1996 flooding in areas that historically have not had not had flooding problems. Flood maps have been revised and mortgage holders notified that they now must carry flood insurance. The 1996 FEIS (ref. (d)) seriously underestimates flooding impacts. The area has had several "100 year" floods in recent years.

The SeaTac city appeal outlines the lack of 100 year flood capacity of the current Miller creek Reba detention facility despite King County and Port of Seattle agreements to comply.

Question AB 36: What are the increased impacts considering only 10% of the homes are cold climate (more insulation in cold climate homes)?

Question AB 37: Was the "cold climate" assumption used in setting noise mitigation boundaries or strategies?

Question AB 38: Was the "cold climate" assumption used in estimating loss in property values?

Question AB 39: What is the estimate in loss in property values considering we do not live in cold climate homes and property descriptions, even for property well outside the general study area, are now required to list "airport noise" on them?

Rationale for above questions

The DEIS and FEIS both assumed we live in cold climate homes when evaluating the socio-economic aspects. The FEIS response admits that only 10% of the homes fall in this category so there can be an additional 15 dB of noise exposure while inside.

Revision AB 40: SEIS pg. 1-12 neglects to list the Kindercare kindergarten as one of the schools impacted."

Revision AB 41: SEIS pg: 1-13 needs to be revise to indicate that the \$50, 000 million is inadequate to provide adequate insulation

Revision AB 42: The noise model needs to be revised to correlate better with actual noise measurements

Rationale : Noise panel report cast grave doubts regarding the accuracy of the model. Boeing Field noise should be added into the noise model if it isn't already. This is particularly important since some noisy Sea-Tac flights were switched to Boeing Field. Also, Boeing Field is also undergoing a Master Plan Update to increase operations which will increase noise.

Each version of the noise model has reduced the contours yet the public is adamant the noise is getting louder and more frequent. Actual measurements support the public's claims that noise is increasing. Some noise issues include:

(1) Existing Noise Contours too Small

April 15, 1996, aviation easement contradicts the 1996 noise contour models (ref. (x)). It indicates that the noise contour model lines should be at least 5

DNL larger. There are whole neighborhoods even closer than that home to the airport. Therefore, there are still many people living in high DNL contours that the Expert Noise Panel was told had been removed (ref. (e)). This removal was sited by the panel as being why the noise mitigation was impressive, however, this removal hasn't actually happened.

(2) Predicted Noise Contours too Small

The current projections are even more unrealistic than the current noise contours. Actual noise measurement data shows that the existing contours are too small. See references (y), (aa) and Expert Panel report (ref. (e)) as well as the panel's supporting data. Noise contour maps need to consider All air traffic, including Boeing Field, when calculating noise exposure.

(3) Mitigation Boundaries Too Small

Noise boundary analysis appears to assume we live in cold climate homes but we don't according to the FEIS. Therefore, more homes should be eligible for noise insulation and/or buy-out (ref. (d) and (z)).

Actual noise monitoring, by the Port as well as RCAA, indicates that the noise contours are incorrect. See references (y), (z), (aa), and Expert Panel report (ref. (e)) as well as the panel's supporting data.

It appears that the noise model has not been updated to handle the different type of noise patterns caused by Stage 3 aircraft. Vibrations from Stage 3 have not been addressed. Also, according to the FEIS the noise model doesn't consider the increased noise from the reflections from the new buildings, walls and pavement around the airport.

(4) "Significant" Number of Homes Insulated Misleading

Area residents, deprived of their rights under the Federal Relocation Assistance Act when the second runway was added, have been forced by economic circumstances to live in areas that other airports would have paid to remove them from. Sea-Tac airport has more people living in areas that should have been condemned so we have more homes needing insulation. Also, the geographical location, i.e., close proximity to cities without the advantages of over the water flight paths, creates far more homes, daycares, hospitals, businesses, etc., in high noise and air pollution areas than most, if not all, other U.S. major cities. The FAA in other regions wanted a "residential

no-build zone" inside the 60 dB DNL boundary (ref. (ll)), compare that to Sea-Tac with homes and schools adjacent to the airport both before and after the Third Runway.

(5) Ramifications from Flight Path Changes and Noncompliance with Routes

The noise measurement data has been compromised by both unintentional and perhaps intentional flight path changes. Numerous flight path violations are a matter of record. In addition, changes to a Flight Manual suggest flight paths were also intentionally changed. A court may need to determine if the change in the Flight Manual should have required an Environmental Impact Statement in accordance with 1992 U.S. Court of Appeals, SCCF vs. FAA . See Mr. R. Akers correspondence including, but not limited to reference (bb), his court case. See also reference (y), and Reference (aa). These route changes have extremely serious ramifications with regard to availability of Federal funding for three low income housing developments which, based on actual noise measurements, appear to no longer be eligible for federal money (ref. (w)) and ref. (y)). The Hud housing impact is the subject of Aker's FEIS appeal (ref. (ooo)). See also the Mitre report (ref. (xxx))!

(6) Ramifications from Fleet Mix Changes Uncertain

Realistic current and future fleet mix is needed to predict noise contours. Changes in Alaska Airlines operations to Boeing Field impacted recent noise measurement data. Impact of the new larger airplanes, still on the drawing board, do not appear to be fully considered in the projected noise contour maps.

Revision AB 43: Does the noise model adequately take into account the side noise from hush kits on aircraft such as MD 80's

Comment: Noise from hush kitted planes is particularly loud in the Normandy Park area which is outside the current noise contours.

Question AB 44: Is there any data that suggests that aircraft are still not operating in accordance with the assumptions in the noise and pollution models.

Comment : Mitre report (reference (xxx)) indicates "... most airlines were using procedures which differed significantly from those assumed by then then-current Number 7 INM data base."

Revision AB 45: The impact of vibrations on landslide hazards is inadequately addressed.

During the recent flooding weren't the flight paths altered for some aircraft because they were contributing to landslide hazards. Considering the quality of the soil in the area under the flight paths, won't this hinder using the airport at full capacity?

Question AB 46: How can you have a landmark scar without their being a landslide hazard?

Wildlife Attraction Guideline

Question AB 47: Is the Third runway inconsistent with the FAA wildlife attraction rule?

Question AB 48: Is the 600 foot runway extension inconsistent with the FAA wildlife attraction rule?

Question AB 49: Why doesn't the EIS apply the FAA "wildlife attractions" rules consistently?

Rationale : The FAA has indicated that "wildlife attractions" within 10,000 ft of the edge of any active runway is not recommended (SEIS pg. 1-11). Page 5-5-13 used the "wildlife attractions" rationale to explain why the wetlands mitigation would be in another basin. But, using that same rationale, the Third runway and the other runway extension shouldn't be allowed considering the following are examples of items within 10,000 feet:

- (1) bald eagle nest on Angle Lake just 3907 feet from airport (see FEIS)
- (2) bald eagle nest in Normandy Park.
- (3) Normandy Park Park (hiking trails in forest)
- (4) Burien Park
- (5) Marine View Drive Park (hiking trails in forest and along water)
- (6) Puget Sound
- (7) Many Lakes (Lora (visited by an otter annually, Arrow, Bow, Tub, Angle, and possibly Arbor Lake depending on which map in the SEIS is scaled accurately)
- (8) Miller creek with active salmon run and Des Moines Creek

Note, the SEIS interpretation of the wildlife rule is different than the verbal interpretation the FAA gave A. Brown in 1994. They told her it only applied to things like garbage landfills and the fact that we have wetlands, bald eagles and a strip of restaurants adjacent to the airport was irrelevant. They noted that bald eagles do not present the bird strike hazard that geese do because of where and how they fly.

The FAA should clarify and then apply this guideline consistently in the SEIS.

Endangered and Threatened Species

Revision AB 50: The SEIS needs to be revised to accurately report the impacted endangered and threatened species on each page that mentions them.

Question AB 51: Why are the political ramifications and possible schedule slides resulting from destruction of the environment used by rare species understated in the SEIS?

Question AB 52: Why are the possible schedule slides resulting from successful breeding of bald eagles not mentioned in the SEIS?

Rationale : The area is one of the "Top 200" that World Wildlife Fund (Reference (www)) has decided to focus on. The Sierra Club has passed a resolution against the Third Runway.

SEIS Pg. 1-11 indicates raptors are not nesting on the west side but neglects to mention the nesting bald eagles on the east side. This needs to be revised to add "bald eagles are nesting in the east side of the airport less than 3907 feet from the airport and the project will reduce their foraging area by at least 274 acres". Note, 0.74 miles in the FEIS on page IV 17-1 equals 3907 feet. Reporting this distance as a fraction of miles increases the probability that a reader may not realize how close the nest is, so I suggest this number be reported using feet instead.

Revision AB 53 : The impact on salmon and other fish needs to be addressed in more detail.

The impacts to salmon and other fish were not adequately addressed. Studies such as the DNA ones in reference (mm) are needed (see also

references (nn) and (oo)), particularly considering the fuel incident mentioned in the DEIS that killed all the fish in Miller Creek.

Wetlands

Question AB 54 : Does the 274 acres in the following statement include all projects in the SEIS such as SASA or does it refer just to the Third runway?

'As a result of the proposed new parallel runway construction, approximately 274 acres of forest, grassland and wetlands potentially suitable for bald eagle perch and foraging habitat would be permanently lost' (FEIS IV17-3)

If it just refers to the Third runway, what is the total number of acres impacted by all the airport related improvements in the airport area, even if outside the small study area but still in the same basin? How many areas are impacted at the off-site fill locations?

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Hazardous Clean Up

Question AB 55: What are the cost estimates associated with hazardous materials clean up?

Revision AB 56: Exhibit IV-2.1-1, Hazardous Substances Risk Sites in FEIS should be updated in SEIS. This should also indicate probable sites for asbestos, lead paint, and underground oil tanks of property that previously had buildings. Note, also, that some Port estimates of the number of oil tanks that were reported in local newspapers appear very low considering the number of buildings impacted and the popularity of oil heat at the time the buildings were erected.

Comments: In the DEIS this was dismissed as insignificant but additional hazards have been identified since that time. Considering the ongoing delays with the North SeaTac project regarding asbestos, oil, and dust violations (ref. (hhh), (ww) and (fff)), hazardous clean up costs and schedule delays need to be considered. Known problems include asbestos, oil tanks, gasoline stations and sludge farms (ref. (d) and (ww)).

Fill and Construction

Question AB 57 : Will the land that 154/156 St. is suppose to be relocated to, hold up the weight of vehicles or is it so soft it will require excavation?

Question AB 58: How much soft or contaminated soil must be excavated for (1) the existing Master Plan Update (2) the other planned projects including those the SEIS mentions that are not part of the existing Master Plan?

Question AB 59: What are the risks that the oil tanks, left in the ground when houses were abandoned, now have contaminated soils around them that must be removed?

Question AB 60: Is it assumed fill will come from the Des Moines Creek Campus even though the project's been canceled?


Rationale : Table 2-7 indicates "Development of Des Moines Creek Campus" This project was canceled. The FEIS assumed fill dirt would be obtained from this location.

Question AB 61: How much must the retaining wall slope design be compromised to avoid impacting Highway 509?

Question AB 62: What is the steepest slope that will be used in the retaining wall design?

Question AB 63: Will standard practices be used or is a special unique design needed for the retaining wall?

Question AB 64: Why were sketches at the low points of the retaining wall included in the SEIS rather than the tallest section?

Question AB 65: Considering the proximity of the retaining wall to the aquifer, our drinking water supply, what are the risks of the retaining wall construction materials contaminating the groundwater or Puget Sound? 

Question AB 66: Considering the proximity of the retaining wall to the existing soft soils, what are the risks of the retaining wall construction materials retaining their integrity over time even assuming the existing soft soils are removed?

Question AB 67: Considering some soil is so soft, the Miller Creek Restoration team was able to sink a 20 foot stick into the creek bed as easily as a straw in a milk shake, what are the risks of excavating those areas and what are the uncertainties with the amount of soil that must be excavated?

Question AB 68: Is it possible that it may not be feasible to excavate all the soft soils and the runway will need to be built on top of soft soils?

Question AB 69 : How much engineering data is there to support the premise that construction projects can be accomplished in such a way that the soil is stable and the retaining wall will remain intact in an earthquake? Please site specific references.

Question AB 70: If the retaining wall fails due to earthquakes, landslides, or inadequate design, what is the estimate for loss of life and property damage?

Question AB 71: What are the underlying engineering assumptions being used that support the impervious surfaces will be stable?

Question AB 72: What are the underlying engineering assumptions being used to support that the retaining wall will be stable?

Question AB 73: What are the underlying engineering assumptions that lead to the assumption that the rest of the airport won't start shifting as a result of the over 80,000,000,000 pounds of fill being placed on what is now wetlands and an aquifer?

Rationale : Considering a lane on First Avenue is closed because it is no longer stable, what is the life of a retaining wall without the proper slope.

Considering the retaining wall design should include an additional strength calculation factor added for earthquakes, be able to accommodate a fluctuating water table, and is three times the normal height of retaining walls in some locations, how can standard practices be applicable?

Significant civil engineering challenges are being treated as "standard practice" such as the earth retaining wall about 3 times the standard height. A design is needed to determine costs and feasibility. The design should accommodate a minimum of an additional 10% lateral pressure (ref. (rrr)) to account for the earthquake sensitivity in the area (rated 4 on a scale that only goes to 5)

and environmental damage

The "soft" soil in the airport area needs to be removed yet the amount hasn't even been determined yet according to the FEIS (ref. d). It is not part of the 26.4 million cubic yards.

The contaminated soil in the airport area needs to be removed yet the amount hasn't even been determined yet. It is not part of the 26.4 million cubic yards. Not only has the unknown quantity of contaminated soil been ignored, the Port has even forgotten about the soil that is known to be contaminated such as that in the proposed Snow Equipment Storage Shed area (ref. (ggg) from Port contradicts FEIS ref. (d) page IV 21-2).

No matter how simple the construction sounds in the SEIS, politics can't change the fact that the land needed to make the expansion of the airport in reality is really a combination of wetlands and covered over peat bogs that cover the area's aquifer (our drinking water supply). Can the "land" ever stabilize?

Question AB 74: What are the densities and type of fill needed for the Master Plan Update Projects and other necessary projects?

THE CORP MUST CONTROL THESE!

Question AB 75: What will be the impact to the construction schedule, fill costs and fill availability if the Department of Natural Resources reverses their position in the SEIS and consequently decides to enforce RCW 78.44 rather than taking exception to it?

Rationale : Excerpt from March 1997 letter to WA Dept. of Natural Resources
Attention:
 Region Manager: Ms. Bonnie Bunning
 Commissioner of Public Lands : Ms. Jennifer Belcher

Subject : Permits for Mining in Sea-Tac Airport Area

This is regarding your letter dated March 20, 1996 issued by Ms. Bunning and David Pierce, that is reproduced in the Sea-Tac Airport's Supplemental Environmental Impact Statement.

What is your rationale for taking exception to Washington State Surface Mining Act (RCW 78.44)? Your letter states " A Surface Mine Reclamation Permit is not required for borrow sites located within the Port of Seattle Ownership" even though the sites are not "adjacent or contiguous".

Ignore this. The Dept of Natural Resources decided to enforce RCW 78.44 as a result of letters like this.

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Potential borrow sites 1,2, and 3 are not only are so far south of the airport that neighborhoods and major public streets like S 188th and S 200th separate them from the airport, they are even located in a different city. These proposed borrow sites act as a noise buffer, pollution buffer, and are a habitat for endangered and threatened species. These functions can not be performed if the intended strip mining occurs.

Site 4 has similar issues as 1,2, and 3 but some of it extends into the SeaTac city limits (it's immediately north of S 200th).

Site 5, which is across a public street and on the other side of the highway from the airport, is located within the federal and state mandated wellhead protection area and is over the aquifer. Its purpose is to provide drinking water. It is not intended to be a parking lot, after being excavated, as the SEIS suggests. I urge you to read the Seattle Water Departments letter in the SEIS on page E-6.

Area 8 is across a public street from the main airport area and consists of wetlands.

Using your "exception" as currently worded, the excavating of the proposed wetlands mitigation area in Auburn, which is mentioned in the SEIS, could also be allowed.

Please provide specific examples where you have applied or tried to apply this "exception" in the past. Was its legality ever challenged? If so, please provide a brief summary of the outcome and the case number.

Surface Traffic

Revision AB 76 : Considering the traffic jams, pollution, schedule delays, and accidents associated with Permit PWD0115-96 (ref.(gg)) that hauled dirt to the south Runway Safety Area in 1996, the SEIS needs to be revised to admit to the significant problems that could be in the critical path of the project's schedule.

Revision AB 77: Construction traffic models need to be rerun with realistic speeds and lane closures.

Revision AB 78: The surface traffic models are so inaccurate that they misleading with regard to pollution, construction feasibility, construction schedule etc. and need to be revised.

Question AB 79: Have the proposed road improvements considered that by improving one section of the road, congestion shifts to another portion of the road or another road?

Revision AB 80 :How can the FEIS and SEIS be sure safety won't be impacted?

More
pollution →

Question AB 81 : How many cubic yards of fill were the double haul trucks for Permit PWD0115-96 (ref. (gg)) able to haul on the average?

Question AB 82: Using this amount hauled by permit PWD0115-96 (ref. (gg)) does the 1,200,000 haul truck figure in the SEIS need to be increased?

Question AB 83: If the loads are covered can they carry as much as they did for permit PWD0115-96 (ref. (gg)) ?

Rationale :

(1) Traffic Hazards Dismissed or Underestimated

How many accidents will there be as unsuspecting drivers suddenly see what looks like an explosion near-by? When the dirt associated with permit PWD0115-96 (ref. (gg)) at the south end of the airport is dumped, it creates a huge sudden thick dust storm. While driving down S 188 St., it is extremely distracting since your initial reaction is to assume there has been an explosion due to the incredible size and density of the dust.

The FEIS (ref. (d)) says that you can put over 3000 trucks per day on the roads around Sea-Tac, even ones with unusually high accident rates, and not impact safety (ref. (d)). That defies logic if you are familiar with the particular roads.

The FEIS response R-28 that "increased truck traffic on any leg does not impose any increased traffic risk" contradicts the Dept. of Transportation conversations with A. Brown the summer 1995. The conversations resulted in Department of Transportation providing the SR 509/SR 518 interchange data because they said it was the area's most hazardous traffic location. It is no surprise that a double haul truck "jack knifed " at that location on September 18, 1996. Now that there are many haul trucks taking that route, the community has additional concerns based on data. It is much more difficult to merge onto north bound SR 509 using the 160 St. entrance when the haul trucks are present. A. Brown already knows someone involved in an accident on 188th that blames the recent construction hazards. In addition, there was also a fatal accident there recently involving a car and truck (it was early evening so haul trucks may not have been present) (ref. (jj)). The August 1996 forty vehicle pile-up on Interstate - 5 that resulted in at least one dead child had a jack-knifed double haul truck at the front (ref. (jii)). Was it traveling to Sea-Tac airport?

**The commute was not only longer ,
but also more HAZARDOUS,
as a direct result of hauling
a TINY FRACTION of the amount that will be
needed for the Third runway !!!!!!!!!!!!!!!**

The FEIS (ref. d)) also says you won't impact safety on roads that have yet to be defined, in cities yet to be selected. How can the FEIS be sure safety won't be impacted? This is not a "standard practice" hauling job. Over a million double haul trucks is difficult to conceive. Considering SeaTac PWD0115-96 (ref. (gg)) usually has 5 double haul trucks in a row, with one car in between each, even though it "only" requires hauling less than 2% of the dirt in 1/4 the time than the Third Runway, what will things be like if the Third Runway construction begins?

If you ratio the amount of dirt to the number of months needed for the
current permit work and assume the same rate for the Third runway,
**It would take over 50 years to haul
the 26.4 million cubic yards of dirt !!!**


To avoid taking about 50 years, the traffic jams from the Third Runway and associated additional pollution will have to be much worse than the summer of 1996 south end airport construction traffic congestion and construction pollution.

(2) Traffic Congestion Inadequately Addressed

The thousands of double haul truck trips a day will severely impact transportation. SeaTac permit PWD0115-96 (ref. (gg)) for double haul trucks currently traveling to the south Sea-Tac airport construction site are traveling about 15 mph below the speed limit and come to a full stop to turn on the roads around Sea-Tac. The FEIS (ref. (d)) transportation assessment does not address the 3 or more years of traffic jams. Permit PWD0115-96 (ref. (gg)) is for less than 2% of the dirt required for the Third Runway project but increased commute time by about 2 hours per week for those using S 188 St. The current construction site had speed limit signs that are 10 mph below the street's customary speed limit and signs that read "Be Prepared to Stop". Neither the reduced speed or full stops were considered in the FEIS traffic analysis.

These traffic and pollution concerns are shared by many as illustrated by the multiple complaints being phoned into Bruce Rayburn, SeaTac Public Works Representative, the local newspaper publishing complaints (ref. (hh)), and the Highline school district has said the construction is "expected to cause delays when students return to school in September" (ref. (ii)). See appendix for letter that accompanied a petition sent to SeaTac Public Works.

The number of just double haul trucks is about equivalent to all the vehicles that travel over a busy section of Interstate-5 in about a week's time (based on data from FEIS page R-153 (ref. (d))).

The traffic assessment is illogical . It assumes more traffic with Alternative 1 than New Port alternative 3 (114,000 vs. 113,300 SEIS pg. 1-8). Yet it says additional 95PM peak hour trips in 2010 with Alternative 3. 

SEIS Section 5-4 references the FEIS Appendix J. It assumed 70 miles per hour highway design speeds, all lanes open, and level terrain for some highways. Were these same assumptions used in the SEIS traffic analysis? The current speed limit on SR518 is still 60 mph. On I-90, a likely truck haul route, which has raised the speed limit for cars to 70 mph, retained the 60 mph limit for trucks. Traffic models with these high densities of trucks need to use the lower of the following speeds (1) truck speed limits or (2) actual vehicle speeds consistent with realistic LOS conditions. Are the traffic models models overly optimistic? See other related comments herein, particularly page AB 33.

Seattle is tied as the sixth worst traffic congestion in the US and is rated as the fourth highest congestion tax (cost of wasted fuel and time while in traffic).

Is road construction underway?

Question AB 84: Is any of the clearing of brush, preparations to build roads or actual building of roads that has been going on at the airport, related to trying to provide roads for haul trucks?

Question AB 85: Would the road construction activity at and around the airport be as high if the Third Runway proposal was killed?

Comments : There appears to have been significant activity related to roads in and around the airport in recent years, particularly along side Des Moines Memorial Drive and S 188th.

Transport Across Public Streets of "On-Site" Fill

Question AB 86: How will the fill get across S 200th, a public street?

Question AB 87: How will the fill get across S 188th, a public street?

Question AB 88: If the runway area bridge over S188th is used for haul trucks, will it reduce the use of the runway?

Rationale : On-site fill is assumed to not impact public roads in the DEIS, FEIS and SEIS. Will bridges or conveyer belts be built over the public roads?

Impacts?

Question AB 89 : Why isn't construction pollution adequately addressed?

The complete impact of thousands of truck trips per day plus all the associated construction equipment and traffic for YEARS needs to be fully addressed. These calculations need to be done using the actual pollution levels and then adding the trucks/equipment using pollution parameters (emissions in grams per mile) consistent with the age of the trucks and a realistic speed (typically a maximum of 15 mph below the speed limit except on highway exit ramps). Cumulative impacts from other projects in the area need to be included in the calculations.

Haul truck pollution in the DEIS was estimated far below the current federal standard emission indices for new trucks manufactured in the U.S. Realistically, doubling the particulate levels presented in the DEIS would still be too low, but when added to construction dust, would exceed the PM₁₀ short term standard every day.

What is high particulate impact on creeks?

Question AB 90: Why isn't the cumulative particulate pollution adequately addressed in the FEIS or SEIS?

Question AB 91 : What is the impact on the children swimming in the outdoor YMCA pool or on the play toys outside Kindercare, both a short walk from the airport's dust storm construction site, the south Runway Safety Area?

Question AB 92 : What will be the impact on the children swimming in the outdoor YMCA pool or on the play toys outside Kindercare, both a short distance from the proposed Third runway site?

Question AB 93: Considering this current construction is nothing compared to the Third Runway construction (about 2%), how can the FEIS and SEIS treat the pollution subject as so trivial?

Permit PWD0115-96 (ref. (gg)) for double haul trucks currently traveling to the south Sea-Tac airport construction site has resulted in a dust storm that made it difficult to breathe, particularly on the "Smog Alert" days (July 1996). The accumulation of dust and dirt on vehicles that drive by there a few times appears worse than a year in a standard urban environment. This is causing wear and tear on property as well as an increased use of water for cleaning. Impacts from significant projects such as this must be considered in conjunction with those in the FEIS (ref. (d)) and probable new projects mentioned in the SEIS.

The National Resources Department Council Urban Environmental Program report in the words of their Senior Attorney Richard Kassel is " the latest in an overwhelming and ever-growing body of evidence that particulate pollution contributes to ill health and early death" (references (uu), data in ref. (vvv)) (bolding added for emphasis).

Question AB 94: What are the impacts if the employee parking lot N of SR 518 can't be constructed?

N of SR. 518 for employee parking lot (SEIS pg. 3-15) requires filling 1 acre of wet lands (3-13) and requires excavation of Borrow site 5 (pg. 5-5-7) which has hydrocarbon contamination per FEIS. Also, the Seattle Water Departments' wants a legal indemnity agreement because it will contaminate the drinking water supply for the area (SEIS Appendix E)

*See Agreed Order 97TC-N122
DOE / Part of Seattle*

SEIS Chapter 4 : Affected Environment Issues


Revision AB 95 : Page 4-4 Aviation Subcommittee hearings. This section should reference an appendix with the complete testimony of Michaelis and Hockaday. Considering there is a question whether the Third Runway will even

increase capacity under poor weather conditions, rebuttal of their testimony is needed.

Revision AB 96 : Pg. 4-7 Need to add the Ray Akers appeal regarding HUD noise violations and also mention the issue of the Flight Manual changes that occurred without the authorization of an FEIS

Chapter 5 : Environmental Consequences

Revision AB 97a: Page 5-1 needs to be revised. The Third runway does not permit unrestricted departure weights or accommodate 99% of the aircraft. Rather, the 600 foot extension of the existing runway provides these benefits.

Note, the Albuquerque airport dismissed an alternative to build a runway of the same length, i.e. 8,500 because of its inability to support Type V aircraft. (ref. ttt). 

Revision AB 97b: The SEIS needs to be rewritten to differentiate the impacts and benefits from the 600 foot extension versus the short Third runway.

Revision AB 98 : The second Page 5-1 should be labeled 5-2

Revision AB 99 : The data for 425,000 operations for year (2003 and 2013) and delay costs (\$146M and \$132M) on the second page 5-1 do not match page 5-5-7 and 5-6-16. One of these pages need to be corrected.

Question AB 100:What are the delay losses if the FAA TAF estimates are correct for 2005 through 2020?

Question AB 101: Isn't the Third Runway a poor investment considering it is going to cost the surrounding cities much more than \$3.3 billion identified to date in the Burien Study plus has a project cost that exceeds \$3.3 billion but it is projected to save only \$136 million in 2003 and \$454 million annually by 2019. Even if the Third runway was operational right now, using FAA guidelines that at 60% Annual Service Levels (ref. (ttt)) alternative planning for a fourth runway or use of alternative airport(s) should have begun years ago. Waiting until the year 2000 for another Master Plan Update is contrary to FAA planning guidelines (60% of 600,000 max. operations with Third runway = 360,000 operations). According to FAA guidelines construction at 80% capacity construction should start. That's about the year 2005 using FAA TAF estimates and 2010 using the Port's estimate IF the Third runway was already in use.

Question AB 102 : Page 5-5 Delete or clarify "minimizes aircraft push-back and taxiing conflicts as flights enter and exit the terminal". As discussed in the FEIS the Third runway increases the incursion rate by 21% using the "low " FEIS capacity so the accident risk is presumably even higher with the new increased capacity numbers.

Question AB 103: Page 5-2-6 Change item 2 to indicate that Alternative 3 creates and/or worsens exceedences of the Nitrogen dioxide ambient air quality standard (AAQS). This is true even using the low New Port estimate of operations but even worse if the FAA TAF estimates are correct.. See page 5-2-5 that refers to 0.08 ppm at the S 154 receptor which exceeds the 0.053 ppm annual AAQS Note, also that the public routinely park and picnic along side S154 to watch the airplanes land and take-off . Either "No Parking" signs or signs warning of the health hazard are needed in all areas with exceedences as part of a mitigation strategy.

Question AB 104: Page 5-2-6, Were the nitrogen oxides and ozone modeled assuming 40F as the annual temperature as some of the other air pollution was in the FEIS? If so, what are the values for the hot summer temperatures in July-August if typical summer temperatures are used in the model?

Question AB 105: How many days exceed the annual AAQS for nitrogen oxides and ozone if seasonal high temperatures are used in lieu of 40F?

Question AB 106 :Page 5-2-11 Need to change that Alternative 3 exceeds the applicable de minimus threshold rates when:

- 1) using the FAA TAF operations estimates
- 2) using the NPIAS defined theoretical capacity for Alternative 3 compared to the "Do-Nothing" alternative (630,000 versus 460,000 operations respectively)

Note, if the model has not been run using the high summer temperatures and summer air traffic peak operations then it needs to be run to determine if that condition also has exceedences. Also, it should be noted that the SEIS calculations assumed Alternative 1 had 14,000 annual operations above the theoretical maximum so there is a larger difference between Alternative 1 and 3 than stated in the SEIS.

Question AB 107: Exhibit 5-2-4 : The receptor locations do not adequately reflect (1) the significant number of intersection take-offs that are planned , (2) the data from either end of the new proposed runway or (3) the new end of 34R runway. Additional receptors are needed in the model.

Question AB 108: Has the destruction from strip mining been considered in the pollution model?

In order to reduce wildlife hazards the removal of some trees is being considered. This will increase the pollution, particularly nitrogen oxides. The amount of vegetation to be removed needs to be coordinated with the air pollution agencies, particularly if the model uses data from the actual monitoring program that has been arranged under the Memorandum of Agreement.


Question AB 109: How do the assumptions regarding % usage of runways impact the pollution calculations?

(pg. 5-3-4 Third runway By 2005 20% approaches and 4% departures but in 2010 states 44% approaches)

Question AB 110: Have you taken into account the actual noise of some stage 3 is louder than stage 2's?

Comment: SEIS pg. 5-3-5 "even with the new parallel runway, the noise exposure pattern of each future alternative would be between 42% and 46 % smaller than the noise exposure pattern of the existing condition" .

This does not take into account hush kits are just "rule beaters' Often aircraft such as MD-80's exceed the side noise allowance by making less take-off noise so their total noise allotment complies. Therefore, they are actually louder to those on the sides than some stage 2 aircraft.

Revision AB 111: Page 5-4-2 The pollution and construction traffic modeling need to account for hauling in excess of 16 hours per day and 109 one-way truck trips per hour in the good summer weather referred to on Page 5-4-2. Impacts during peak conditions need to be assessed. 

Revision AB 112 : Page 5-4-42 Eliminate dots for sites on Exhibit 5-4-1, Off-Site Material Sources that have been eliminated based on Table 5-5-3
Rationale: Exhibit gives false impression that numerous sites are available when only seven sites are still under consideration.

Revision AB 113 : Page 5-4-42 Add a scale to Exhibit 5-4-1, Off-Site Material Sources
Rationale: The FEIS and SEIS omit scales whenever it would indicate to the reader the long distances that need to be traveled with thousands of double haul trucks daily

Revision AB 114: Page 5-4-44 Add a scale to Exhibit 5-4-3., Potential Barge Transfer Locations
Rationale: The FEIS and SEIS omit scales whenever it would indicate to the reader the long distances that need to be traveled with thousands of double haul trucks daily

Revision AB 115 : Increase flood plain storage on SEIS Page 5-5-20
Rationale :10,000 cubic yards of floodplain storage and floodway conveyance is inadequate based on increased frequency and severity of flooding that the Burien/Normandy Park area has experienced that coincided with airport and Boeing related construction on both sides of S154 St. as well as the south runway safety area.

Question AB 116: Were the Alternative 1 noise impacts calculated based on 474,000 operations (New Port estimate) rather than the 460,000 theoretical maximum? Rationale: Page 5-6-4 notes that there will be more residences, parks, churches and schools impacted with 65 DNL or greater noise with Alternative 3 than with the Alternative 1.

Question AB 117 : What is the difference in noise of the theoretical maximums of 460,000 for Alternative 1 and 630,000 for Alternative 3 are used?

Question AB 118: Why isn't the inadequacy of mitigation funding noted?
Rationale : Pg. 5-5-6- \$50 million can not possibly even complete the noise mitigation required for the second runway, which is still incomplete after 20

years, much less provide any meaningful mitigation for the Third runway if noise is to be kept to 45 dBs in the classroom and the noise calculations are done on the school day rather than averaging quiet nights in with noisy days.

Question AB 119 : Why wasn't the FEIS induced socio-economic section rewritten to reflect we do not live in cold climate homes and therefore, we are impacted more than the FEIS assumed (see SEIS pg. 5-71)?

Rationale : In the FEIS response to comments the FEIS says that only 10% of the homes are cold climate yet the FEIS assumes they were cold climate and therefore, insulated. Noise impacts on temperate climate homes are greater than cold climate by about 15 dB, thus greatly increasing the area impacted as well as severity.

SEIS Appendix C-1 Surface Traffic

Revision AB 120 : Table C-1-1 Need to add construction for year 2000 for alternative 3

Question AB 121: Why do Tables C-1-3, C-1-7, C1-9, C-1-13 and C-1-15 assume Alternative 1 and 3 are the same when Alternative 1 has considerable less operations?

Rationale:

Table C-1-3 incorrectly assumes the same number of passengers in 2005 and 2010 for both alternatives. Do Nothing has less than the "preferred"

Table C-1-7 incorrectly assumes the same amount of employee traffic in 2005 and 2010 for both alternatives. Do Nothing has less than the "preferred"

Table C-1-9 incorrectly assumes the same amount cargo traffic in 2005 and 2010 for both alternatives. Do Nothing has less than the "preferred"

Table C-1-13 incorrectly assumes the same amount of general aviation traffic in 2005 and 2010 for both alternatives. Do Nothing has less than the "preferred"

Table C-1-15 incorrectly assumes the same amount of maintenance facility traffic in 2005 and 2010 for both alternatives. Do Nothing has less than the "preferred"

Example: Page C-1-17 refers to South 200th between International Boulevard/SR 99 and Interstate -5 as a "four lane, east-west principal arterial roadway". It should be noted that the speed limit is only 25 mph on S 200th because it is lined by closely situated single family residences. The road improvements on page C-1-23 for year 2000 on Military Road South, S 200th and I-5 will not ease the congestion on S 200th . This also applies to page C-1-51 for year 2010. See Question AB 79.

See also other areas herein that are related to this subject

*Revision***Question AB 122: Revise taxes**

Note: SEIS Appendix D -Impacts through 2020 (2010 if use FAA TAF numbers) Table D-2 , Page D-10 needs the lost taxes revised to include lost real estate taxes in the impacted cities and any other tax issues in the Burien Mitigation study. Normandy Park house sales data was submitted as part of the DEIS comments but ignored because it was considered to be outside the study area. Considering as a direct result of the threat of a Third Runway, the average sale price has already dropped \$75,000 the data indicates that the study area is much too small and the impacts much larger than estimated in the SEIS or even the Burien mitigation study. The loss in sales price ultimately translates into lost real estate revenue. See also socio-economic comments enclosed.

Revision AB 123: Table D-2 , Page D-10 needs the amount of Earth to be revised to be equal to 26.4 million cubic yards or a flag note needs to be added explaining that 23 excludes the 15% for settling.

Revision AB 124: The connecting road should be either be in both or neither pollution surface transportation analyses.

Question AB 125: How can 30 to 40 double haul trucks be insignificant to a congested road like Auburn Way North (SEIS pg. 5-5-18)?

Question AB 126: How technically and economically feasible is using Borrow site 5 for the new North parking lot as proposed in the SEIS when Borrow Site 5 was eliminated for consideration for the Third runway?

Rationale for question : FEIS Page IV 19-17 in the FEIS indicates that the 1.1 million cubic yards or 1.75 depending on cut geometry includes "petroleum hydrocarbon-contaminated fill in these estimates". The SEIS indicates because of cost considerations, it will no longer be used for the Third runway project but the SEIS elsewhere indicates it will be used for the parking lot.

Question AB 127 : Why is "using best practices" or "standard practices" acceptable answers throughout the EISs for mitigation associated with construction, excavation, and hauling tasks are that are orders of magnitude more difficult than what is customary ?

Question AB 128: What are the probabilities of being able to obtain the maximum quantity of on-site fill indicated in the SEIS considering topography,

peat bogs, aquifer, water levels, seismic anomalies, contamination, incomplete soil surveys, debris from buy-outs, etc. ?

Question AB 129 :What accounted for the increase in Borrow site 1 fill estimates?

Question AB 130: Does the SEIS, unlike the FEIS, assume excavation in the low lying areas where there is a "likely occurrence of shallow groundwater (ref. FEIS page IV 19-17)?

Question AB 131: How many on-site fill square miles previously had homes or businesses that may have had in-ground oil tanks ? How many of these square miles are known to be contamination free?

Question AB 132 : Is it true that this project will use all of the local areas fill for the next 10 years if no new strip mining permits are issued and no on-site fill is used?

Question AB 133 : What percent of the presently permitted sites within 10 miles of the airport will be available for non-airport related projects assuming no on-site fill is used?

Question AB 134: What percent of the presently permitted sites within 20 miles of the airport will be available for non-airport related projects assuming no on-site fill is used?

Question AB 135 : What percent of the presently permitted sites within 30 miles of the airport will be available for non-airport related projects assuming no on-site fill is used?

Question AB 136: What is the realistic schedule for new strip mining permits?

Question AB 137: What is the total likely estimate of required fill including replacement of contaminated soil, soft soils, and adjustment for shrink/swell?

Question AB 138: What is the worst case total estimate of required fill including replacement of contaminated soil, soft soils and adjustment for shrink/swell?

Rationale : The adjusted fill requirements are 26.4 million cubic yards (SEIS C-4-5) excluding replacement of soft soils and contaminated soils so the total requirement exceeds 26.4 million cubic yards. The critical path for construction is the fill availability. If inadequate fill is available the construction schedule could slide several years or even more if haul costs exceed original estimates.

Question AB 139 : Why does Table C-4-3 show 66 peak hour trucks when elsewhere in the SEIS it discusses 109 one-way truck trips in the summer months?

Question AB 140 :How many cubic yards did the 1996-1997 runway safety area trucks carry?

Question AB 141: Will the trucks really carry 22 cubic yards or do they typically carry 17.5 cubic yards?

Rationale : Using numbers in a newspaper article the 1996-1997 runway safety area was only able to transport 17.5 cubic yards of fill instead of the 22 assumed in the SEIS.

more trucks → more water pollution

Question AB 142: When on-site fill needs to be replaced, such as when its removed from the SASA site but eventually needs to be replaced to finish SASA, the replacement fill needs to also be identified. Has the 26.4 million cubic yards been adjusted upwards to include the eventual replacement fill?

Question AB 143 : What are the socio-economic, economic and environmental impacts if all cities surrounding the Sea-Tac airport are considered?

Question AB 144: Why don't the property devaluation estimates in the EISs pass a sanity check?

Question AB 145: Are some property values low because the Port bought out average to high income families and then rented the same property to low income families so that over time the neighborhood degraded?

Rationale: The study area needs to be enlarged to include all cities being devastated economically and environmentally by the proposed Master Plan Update. The increase in noise contours, increased flooding, and loss in potential real estate revenue justifies the increase in study area. As shown in the table below the threat of the Third Runway has depressed appreciation so much that the average loss in 1996 tax revenue is \$1028 per house in Normandy Park. Normandy Park sales data was submitted as comments to the DEIS (1988 thru 1994) and ignored. The DEIS answered the question with SeaTac city numbers.

Table RE-1 : Normandy Park Depreciation Slowed by Third Runway Publicity

Year	Puget Sound Multiple Listing Average House Price /1/	Normandy Park Average House Price /2/
1988	\$104,414	\$178,416
1989	\$129,932	\$210,312
1990	\$155,003	\$241,858
1991	\$156,012	\$235,034
1992	\$157,429	\$240,699
1993	\$163,822	\$237,919
1994	\$171,522	\$240,419
1995	\$173,345	\$238,429
a) 1996 actual	\$179,163	\$252,568
b) 1996 if Normandy Park had continued to appreciate at same rate as Puget Multiple Listing rate		\$ 328,338
Loss in Value due to decreased Appreciation between 1988 and 1996 (line c = line b - line a)		\$75,770 loss per house
1996 Tax revenue lost per house		\$1028 per house lost In 1996 tax revenue

/1/ Includes Snohomish and King County plus the northern portion of King County

/2/ Excludes waterfront homes

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Question AB 146 : Considering property outside the general study area is now required to list "airport noise" on the legal real estate property descriptions, how can the SEIS justify the small study area?

Rationale : Listing "aircraft noise" on property descriptions will drive real estate values even lower. See Normandy Park calculations prior to this new reporting requirement.

Other

Question AB :147 Why is the selection of measurement units biased in favor of the Third runway?

Rationale : The EISs tend to use whatever measurement units are least likely to raise a red flag to a reader opposed to the Third runway. This editor's trick^{is} used in reporting bald eagle distances in fractions of miles rather than as 3907 feet, pollution calculations (tons versus grams) and surface transportation data in the EISs.

Revision AB 148 : Pg. 2-24 sentence Obstacles exist.... "

Need to add law suits and appeals, particularly considering the court date is set for January 1998. Also time to obtain permitting for strip mining should not be underestimated despite the Department of Natural Resources letter in Appendix E. Do you really believe the City of Des Moines is going to allow an exception to RCW 78.44 without taking it to court?

Revision AB 149: SEIS pg. 3-9 needs to be revised

Regarding the "consensus" of the region is that a supplemental airport is not viable (SEIS page 3-9) . The only consensus I am aware of is that in most circles it is considered "political suicide" to defy the Third runway and opposing it will result in threats against your business and possible transfer from your job if you are in a position to influence the outcome. Considering THREE unincorporated areas of King County became cities so that as a body of five cities they could sue the Port is hardly a indicative of a consensus. The area now has a new county movement and will become a new county unless the legislature changes the law to make it virtually impossible to do so.

Question AB 150: Considering the Port's track record at estimating operations, enplanements and implementing mitigation, what justification can you provide to lend any credibility to the SEIS and other supporting documents?

Rationale : The Expert Arbitration Board findings cast grave doubt on the Port's noise modeling, willingness to fulfill legally binding mitigation responsibilities, etc.

Health

Question AB 151: Why wasn't statistically significant health data addressed adequately?

The high incidents of diseases, particularly rare ones, around Sea-Tac airport are not given serious consideration in FEIS (ref. (d)) or SEIS. Likewise, the ongoing high infant mortality rates in South King County contrast dramatically with the 61% decline in deaths for Seattle from 1988 to 1994 (refs. (qq) and (kkk)) and is not considered in the 1996 FEIS. Also see separate list of health references.

This proposed Sea-Tac expansion has heightened the awareness of some citizens of the significant pollution risks. Can the taxpayers really afford the lawsuits that will advertise that the "current airport operations are likely responsible for formaldehyde levels 23 times the WDOE's Acceptable Source Impact Level ..." (ref. (ee)) ?

Ethylene glycol deicer is being released untreated into our water. Some children wade in that contaminated water !!! The FEIS (ref. (d)) will be corrected to reflect the ethylene glycol contamination when the Record of Decision is issued but ^{have} agencies such as the Seattle Water Department ~~have~~ ^{not} been notified of this important critical change?

See also pollution comments herein.

Did SEIS correct this?

Safety

Question AB 152: What are the probabilities of in-air collisions, on-the-ground incursions risks considering the operations of the other airports as well as Sea-Tac's using 1) the New Port estimate and 2) 2010 TAF estimate, 3) 630,000 operations and Alternative 1 2010 ?

Comment : FEIS indicates 21% increase incursion rate.

Question AB 153: What are the increased risks airplane parts falling on neighborhoods using theoretical maximum operations for alternatives 1 and 3.

Question AB 154: What are the increased risks of airplane parts falling on neighborhoods using theoretical maximum operations for alternatives 3 compared to 260,000 operations for alternative 1 (the number of operations the existing noise boundary and prior mitigation agreements are based on)

Rationale: Considering the increase operations in the SEIS, what are the accident probabilities now (air-collisions, bird strike, etc.) ? According to page 5-5-16 approximately 20 bird strike incidents happen per year. By adding a Third runway that is only 800 feet from the adjacent runway creates a greater hazard. As you know, a petition was submitted by pilots indicating that even at the lower number of operations they considered the Third runway to be too dangerous. FEIS (ref. (d)) states in one place the Third Runway will be safer but page R-43 states there is a 21 % increase in on-the ground incursion rate. How can it be safer to taxi across two active runways?

The air space would also be shared with another airport, Boeing Field. Excerpts from a petition signed by commercial airline pilots follow:

"... Our association, A.L.P.A., has not endorsed the proposed 3rd runway because of its marginal safety"

Because Sea-Tac does not have a buffer zone between it and neighborhoods, any accident has the potential of not only killing those in the airplane but residents. We have numerous children in the area already traumatized by aircraft parts falling on school grounds while they were outside playing. Some have testified at various Third runway related hearings.

Alternatives

Question AB 155: Considering the increase in costs and sliding schedule for the proposed Third runway, why hasn't the search for other alternatives been resumed in accordance with WAC's cited in Table 2 of reference (c), namely WAC 197-11-070 (1), WAC 197-11-060 (4) c & d , WAC 197-11-030 item g, WAC 197-11-440 (5) b and WAC 197-11-786.

Question AB 156: Why wasn't Tenino Washington considered as an alternative site?

Rationale: Using the 1997 FAA TAF estimates and data in the SEIS, the Third runway provides inadequate capacity even when its brand new. It also violates the Clean Air Act, destroys over 10 acres of wetlands, disrupts over 274 acres of bald eagle/ blue heron foraging areas, and requires a more difficult civil engineering feat than the hauling/filling/compacting proposed for the Albuquerque New Mexico airport's proposed runway that they deemed "virtually impossible" to implement (refs. (sss) and (tt)).

Considering it will ultimately cost billions more than the New Denver International airport but provide very little growth capability, the search for alternatives that was so abruptly halted needs to be resumed.

A new Environmental Impact Statement is needed to address alternatives because the SEIS indicates the only way Sea-Tac can support predicted FAA TAF growth is to add at least two additional runways by 2005. Using FAA planning guidelines, this planning is already behind schedule. Since the addition of a fourth runway will require the annihilation of two hilly cities, namely Normandy Park and Burien, the cost would be astronomical. Even if the civil engineering challenges could be met and the endangered species ignored, the buying out of multi-million dollar homes makes this option cost-prohibitive.

SEIS pg. 3-2, 3-4 and 3-9 PSRC EB-94-01 regarding alternative sites did not consider Tenino even though Oregon has expressed interest in helping to fund an airport at that site which is close to a deep harbor, Interstate -5 and the rail line.

Question AB 157: How could Sea-Tac add more runways cost-efficiently?

Regulation Compliance Risks Question AB 158: What are the likely construction schedule slides due to compliance issues?

Question AB 159: What are the risks, that Sea-Tac, like some airports in Europe, will need to close or curtail operations during times of high pollution?

Rationale

a) Schedule slides should be required to mitigate construction pollution each time a new receptor location violates the Clean Air Act

- b) Schedule slides should occur during smog alerts such as those experienced July 1996
- c) Schedule slides should be required to comply with the Endangered Species Act each time the bald eagles have eggs in their nests

Procedures

Question AB 160: Considering the significant number of procedures that were violated or are in the questionable category, what is a reasonable estimate for resolution of all related court cases and appeals?

Rationale : Some of the questionable procedures include:

1) Failure to Follow Administrative Notification Procedures

As outlined by Cutler & Stanfield (ref. (j)), the Federal Land managers were NOT provided an opportunity to review the air pollution documentation as required by the Clean Air Act.

As outlined by the Ravenna Bryannt comments (ref. (y)) several government bodies were not coordinated with as required by the HUD regulations and the Executive Order.

(2) Certificate of Compliance Issued Prematurely by Wrong Governmental Agency

Washington DOE issued the Certificate of Compliance (ref. (bbb)) but regulations (ref. (ccc)) require the Governor to do so. Under certain circumstances the Governor may delegate that responsibility to the EPA, not the DOE. The DOE did not even participate in the multi-year evaluation process but only became involved for the six months following the release of the FEIS (references (ddd) and (eee)). The FAA still has not issued the Record of Decision because of the magnitude of errors in the FEIS (ref. (d)). For example, the air traffic assumptions were so low in the FEIS they've been surpassed and ^{were} ~~are being~~ redone. The Port promised to correct the FEIS to admit to the release of untreated ethylene glycol but who knows to look for the change?

Question AB 161 : How many corrections were made in the FEIS and SEIS that should impact pollution compliance issues?

Question AB 162 : How do we identify the changes that were made in the FEIS and SEIS that impact pollution assessments?

(3) Unreasonable Appeal Procedures

The Port's NEW appeal process, Resolution 3211, dated 8 February 1996 is unrealistic and appears to be designed to preclude high quality appeals. It appears to be an obstruction of justice. To allow only 15 CALENDAR days to appeal a major controversial item such as the Third runway is unethical and should be illegal. A. Brown began requesting copies of the appeal process at least one week prior to the August 8 public notice, yet did not receive a copy until 12 August 1996, with a mere nine days left to respond. Had the call not been made until the day of the public notice, the time to respond would have been even less than nine days, including weekends.

The time period should have been extended and a submittal of revised comments permitted without additional charge.

The appeal charge of \$300 is also high considering (1) it is not a judicial appeal and (2) the short time to appeal. There was only a little over a week to arrange funding for the appeal during prime vacation season. This made it very difficult, if not impossible, for some community groups to arrange a meeting to authorize funding an appeal.

(4) Key Comments Missing From PSRC Correspondence Packages

A critical Environmental Protection Agency (EPA) letter to the Federal Aviation Authority (FAA) (ref. (w)) was not in any of the PSRC correspondence packages A. Brown obtained directly from the PSRC. The letter states the "Draft conformity analysis does not support your conclusion that the project conforms to the State Implementation Plan". Unless overturned, this means that the **Third Runway is Ineligible for any Federal funding.** Cutler and Stanfield request for an SEIS (ref. (j)) which was hand delivered to PSRC 6 June 1996 was also missing from the PSRC Correspondence packages as of 11 July 1996. It was referenced in "Response to Requests For Supplemental Environmental Review". The Cutler and Stanfield correspondence explains the ramifications of not meeting the Clean Air Act. Neither of these crucial comments (ref. (j) and (w)) were available in all the PSRC correspondence packages mailed out at the time of the PSRC General

Assembly vote, raising the question of the vote's validity if it wasn't just A. Brown's packages that were incomplete. The dates of the packages are continuous beginning with a package dated "April 3 through April 15, 1996" and ending with package dated "July 10-11, 1996".

(5) Useless Public Hearings

The 27 June 1996 morning public testimony was useless considering that as certain individuals voted on that afternoon of the PSRC Executive meeting, they referred to meetings held on PRIOR days that had already decided their vote (ref. (v)). For example, most of the Tacoma City Council members voted, without ever hearing the public testimony, For the Third Runway, at a separate meeting. Their representative then honored that prior direction when voting at the Executive Board meeting. See reference (aa) for additional comments on the procedures used at other meetings and reference (c) for comments regarding Open Houses. *I am sincerely convinced that anyone, except those with an interest in obtaining short term construction work, would be vehemently against the DEPENDENT, PART TIME Third Runway if they understood the total cost, tiny capacity increase, risks, and compared those factors to other alternatives , i.e., new air traffic technology , choosing a different airport to expand, multi airport system, reliever airport such as Moses Lake for cargo maintenance, or banking land for a supplemental airport.*

Other hearings such as the SEIS and DEIS ones involved speaking into a microphone with your back to the audience with no Port or FAA officials present, just a mediator.

(6) Inadequate Technical Review by Cooperating Agency

Some technical experts responsible for commenting on the Draft EIS (ref. (b)) had inadequate time to review it thoroughly because it took so long to reach their desk (routed through managers then eventually to the technical expert) (ref. (c)). Also, for many of the topics, it requires reading the entire Environmental Impact Statement to obtain all the relevant data. It did not reference related sections. Note, NEPA requires a clear and concise 300 pages.

(7) Illegibility of Comments Published in 1996 FEIS (ref. (d))

Comments were reduced to fit two pages onto one page. This made the size of the print too small to read in some cases and difficult to read in almost all cases. It was unreasonable to expect anyone to try to read and respond to the comments on the DEIS ((ref. (c)).

(8) Inadequate traceability of response to comments

In the FEIS (ref. (d)) and SEIS it is only sometimes possible to trace an answer back to the commentor which violates WAC 197-11-550. It is impossible for some to determine if their question was accidentally overlooked, intentionally ignored because it was unsubstantive, inadvertently misinterpreted, or answered somewhere in the over 5,500 pages of the FEIS but they haven't happened upon it.

(9) Inadequate traceability of comments for Supplemental Review

In the "Response to Requests for Supplemental Review" (ref. (dd)) it is not always possible to trace an answer back to the commentor. It is impossible for some to determine if their question was accidentally overlooked, intentionally ignored because it was unsubstantive, or inadvertently misinterpreted so although the PSRC considers it answered, the commentor does not.

For example, some unanswered questions from reference (s) are:

How can the FEIS rely on "best or standard commercial practices" or "standard procedure" as a substantive answer when the engineering and environmental aspects of the task are far more difficult than "standard or best commercial practices"?

Considering reinforced earth walls typically have a maximum height of 50 to 60 feet, how will the over 100 feet heights be handled? Will the 160 feet area need an earth wall? (FEIS R-11-2)

How much soft /low grade soil must be excavated?

Where will all the fill come from? Can permits to mine and haul it be obtained in a timely manner?

How can you have over 3000 haul trucks a day without decreasing safety, particularly considering current accident rates on those roads? Considering most routes haven't been defined how can safety be adequately addressed? (FEIS R12-28)

The study boundary is much too small from both environmental and economic aspects and needs to be expanded. Normandy Park is being hurt more than any other city but was not evaluated in the FEIS. For example, Brown's seven years of house sale data was ignored but clearly shows a significant decline (ref. (c)).

What is the real air capacity increase if consider the weather during peak season?

What is the pollution impact from the aircraft if all their engines are running and realistic landing/take-off cycle times are used?

(10) Inaccurate answers in Response to Requests for Supplemental Review

For example, in the "Response to Requests for Supplemental Review" (ref. (dd)), it states on page 10 that "The over-statement of pollutant levels occurred by using worst case weather conditions..." yet the FEIS states that it did not. The FEIS R10-2, page R-112 explains that the reason the FEIS shows less pollution than previous studies is because the FEIS uses "actual historic meteorological conditions". The pollution is not overstated. If this was the same wrong weather data that the poor weather estimate came from used in delay calculations, i.e., the 10 summers but 11 winters (ref. (l)), the O₃ and NO₂ pollution is even more underestimated than the original question suggested. Combine this the ridiculously short 11 minute take-off and landing cycle time used in the calculations, there is even less credibility in the pollution numbers.

(11) Misinterpretation of Final Noise Decision; (Ref. (e))

The PSRC has misinterpreted the "Final Noise Decision on Noise Issues". At the December 1994 Expert Panel Public Testimony meeting (ref. (t)), the Arbitration Board went to great lengths to explain they were only addressing second runway mitigation and would take no comments on the Third runway. If they changed this position, then the public comment sessions were incomplete and need to be redone.

The Noise decision indicates that noise has definitely increased according to actual measurements, questions the validity of noise contour maps, and suggests that although it might be feasible to mitigate noise from the second runway, it's probably unrealistic to believe the Port would mitigate noise from a Third runway in a timely or meaningful manner.

(12) Invitation to Question Constitutionality of Government Agencies

See reference (ff) for some points related to this issue

(13) Steps after DEIS Confusing

After the DEIS comments were submitted to the FAA, comments sometimes went to the Port and sometimes went to the FAA depending on what part which document you were commenting on. With the added complication of adding the Third runway into the MTP plan, it would be a miracle if all the comments really got to the right agency each time. Also, some people are probably under the mistaken impression that what they submitted to the Expert Panel or the PSRC is included automatically in the EIS process.

(14) Inaccessibility of EIS's

The FEIS cost \$350 and only one copy was available at the local branch library. It could not be loaned out because it was the only copy. Likewise, there is only one copy of the SEIS at the local library, and even that arrived late.

(15) Inaccessibility of Key references in SEIS

Key items such as the Miller Creek plan are not in the SEIS.

(16) Alleged Flight Path Changes without EIS

The Flight Path appeal by Akers regarding Manual changes flight path without the required EIS needs to be addressed in SEIS.

(17) SEIS Public Hearing Notice

The Port's "Forum" newsletter indicated the SEIS Public Hearing was tentative and to call a phone number to confirm. The number was not updated as of 7AM the day of the hearing to say that the hearing was scheduled. I assume the automated phone line was never updated with the hearing information. The Forum newsletter that confirmed that the hearing arrived in my mailbox AFTER the hearing had already started.

The Forum newsletter did NOT indicate that parking would be validated nor did the automated phone line message. It is very expensive to park at the airport so some people were unable to afford attending the meeting.

A copy of the SEIS still was not at the Des Moines library as of the hearing date.

SEPA and NEPA Regulations

Question AB 163 : Is the National Environmental Policy Act (NEPA) applicable to this SEIS?

Question AB 164 : If NEPA is applicable, please provide justification for the departures from NEPA. See Appendix B.

Question AB 165 : How do you justify non-compliance with the regulations or rationalize compliance with the SEPA regulations listed in the following table ? Please address each specific WAC paragraph cited.

Enclosed is a partial summary of SEPA regulatory issues. The majority of Table B1 covers items specifically addressed in comments to 1995 DEIS (references (c) and (s)). Some key items added to this table since June 1995 include:

- (1) LDA technology
- (2) GPS technology
- (3) Final Noise Decision on Noise Issues
- (4) Kludt litigation
- (5) Flight Path Change without an EIS (Akers)
- (6) Executive Order Appeal (Akers)
- (7) PSRC process
- (8) Port process

After reading the SEIS, even if the SEIS comments on the item such as technology, the answer appears inadequate or incomplete.

Table B1 Regulatory Compliance Issues Partial Summary

Issue	SEPA Regulation
FULLY address other REASONABLE alternative sites	WAC 197-11-070 (1) WAC 197-11-060 (4) c& d WAC 197-11-030 item g WAC 197-11-440 (5) b WAC 197-11-786
The "weighing and balancing" with respect to economics and the logistics of the <u>additional</u> off-site fill now required for Sea-Tac must be compared to the other Alternative sites.	WAC 197-11-448 (1) first sentence
Fully address Demand Management alternative	WAC 197-11-786
Address probable impact from 4th & 5th runways	WAC 197-11-060 (4) c, d
Address impact of "reserving for some future time" the implementation of this project	WAC 197-11-440 (5) viii
Add cost-benefit analysis. Considering cost estimate tripled over several months and will be the most expensive US runway, and has a limited capacity (too short for cargo planes in warm weather)	WAC 173-806-125 WAC 197-11-726 WAC 197-11-055 (6) WAC 197-11-600 (4) c)ii
Need to address LDA technology similar to that used in San Francisco without a Third Runway	WAC 197-11-070 (1) WAC 197-11-060 WAC 197-11-030 item g WAC 197-11-440 (5) b WAC 197-11-786

Table B1 Regulatory Compliance Issues Partial Summary

Issue	SEPA Regulation
Need to address technology combined with some form of demand management (Note (ref. (dd)) clearly states "unconstrained demand " is assumed in the 1996 FEIS)	WAC 197-11-060
Need to address LDA technology similar to that used in San Francisco with a third runway closer to the existing runway alleviating the need for over 24 million cubic yards of fill and acres of wetland construction	WAC 197-11-070 (1) WAC 197-11-060 WAC 197-11-030 item 9 WAC 197-11-440 (5) b WAC 197-11-786
Need to address GPS technology scheduled for FY 2001 implementation with a third runway closer to the existing runway alleviating the need for over 24 million cubic yards of fill and acres of wetland construction	WAC 197-11-070 (1) WAC 197-11-060 WAC 197-11-030 item 9 WAC 197-11-440 (5) b WAC 197-11-786
Need to address GPS technology scheduled for implementation FY 2001 without a Third Runway	WAC 197-11-070 (1) WAC 197-11-060 WAC 197-11-030 item 9 WAC 197-11-440 (5) b WAC 197-11-786

Table B1 Regulatory Compliance Issues Partial Summary

Issue	SEPA Regulation
<p>Address Property devaluation of ALL significantly impacted locations - Burien, Normandy Park, Des Moines, SeaTac, Tukwila</p> <p>Significant litigation should be addressed such as Kludt and Akers Flight Path charges</p>	<p>WAC 197-11-600 (b) i, and (d), ii</p> <p>WAC 197-11-440</p>
<p>PSRC members received direction to vote "For the Third Runway" prior to public testimony/hearings</p>	
<p>Address the ACTUAL transportation plans for the about 1,000,000 haul loads of fill. Is it possible to be economically practical? Barges are NOT fully addressed in DEIS.</p>	<p>WAC 197-11-660 (2)</p> <p>WAC 191-11-440 (6) c, iv</p>
<p>Acquire missing critical data such as erosion, landslide & earthquake hazards, air toxins, ground water movement/quality, etc.</p>	<p>WAC 197-11-080 (1)</p> <p>WAC 197-11-660</p> <p>WAC 197-11-444 (c),iv</p> <p>WAC 197-11-600 (b), ii and (d), ii</p>

Table B1 Regulatory Compliance Issues Partial Summary

Issue	SEPA Regulation
Investigate noise projections, Noise contour maps not substantiated by noise measurements.	WAC 197-11-600 (b) ii, (d) ii
Address impact on existing "brown-out" problems related to electric utilities	WAC 197-11-600 (b), ii and (d), ii
Address pollution and safety impacts of aircraft crashes	WAC 197-11-794 WAC 197-11-600 (b), ii and (d), ii
Address air toxin levels in Chapter V, item 4. Data suggests it already exceeds annual safety levels and will not be mitigated	WAC 197-11-080 (1)
Revise misleading calculations such as carbon monoxide levels	WAC 197-11-080 (1)
Add SPECIFIC, FEASIBLE mitigation measures	WAC 173-806-100 (c) WAC 197-11-660
Proposed mitigation measures UNREASONABLE (feasible ones could double construction schedule and some aren't feasible)	WAC 197-11-660 (1) f ii
Fully address mitigation using the "appropriate technology". No mention of new technology like infrared hangers for deicing ¹ and concrete barriers for running off runways ² .	WAC 197-11-768

Table B1 Regulatory Compliance Issues Partial Summary

Issue	SEPA Regulation
Provide mitigation schedule and bonds considering the decades old mitigation agreements still have not been fulfilled (pollution and noise related)	See King County Rules in addition to SEPA rules
FULLY address monitoring of environmental impacts	WAC 197-11-660
Publicly retract published misleading information - see Forum	WAC 197-806-130
Revise conclusions not supported by data for which the data is readily available from court house records, government documents, and libraries.	WAC 197-11-080 (1)
Revise ES Summary to reflect the data in the report such as Chapter V disturbance-sensitive species perishing (see Biological Appendix K)	WAC 197-11-440 (6)
Address other related documents such as the Arbitration Panel data and reports including the Final Noise Decision on Noise Issues (ref. (e)). Do not quote things out of context.	WAC 197-11-055 (6) WAC 197-11-402 (8)
Identify all those impacts which will not be fully evaluated further because regulations governing "on-site" construction are significantly different. Evaluate, conduct tests, and assess these before EIS approval. Example: Excavation and repositioning of contaminated fill that then can contaminate creeks leading into Puget Sound.	WAC 197-11-660 (2)b
Determine if the term "on-site" is appropriately used for sites that are geographically separated by public roads. Identify differences in policies and regulations for on-site compared to off-site.	WAC 197-11-660

Table B1 Regulatory Compliance Issues Partial Summary

Issue	SEPA Regulation
<p>Determine the correct Lead and Cooperating agency relationships. SEPA requires DOE to be Lead agency when over 1,000,000 gallons of fuel are involved. Not all agencies provided adequate review of DEIS because they each thought another agency had prime responsibility for that section and they wanted to avoid duplication.</p>	<p>WAC 197-11-938 (10)</p> <p>Note, WAC 197-11-942 does not apply to items listed under 197-11-938.</p>
<p>Consider a NEPA. Current EIS contains too many fallacies to use it to justify the Third Runway.</p>	<p>WAC 197-11-610</p>
<p>Include a single map identifying all the environmental sensitive area issues</p>	<p>WAC 197-11-908</p>
<p>Fully address pollution from aircraft crashes and major fuel spills</p>	<p>WAC 197-11-794 (2)</p>
<p>More fully address aircraft parts falling onto school grounds now that even more schools are in the "fall-out" zone</p>	<p>WAC 197-11-794 (2)</p>
<p>EITHER DENY THE PROPOSAL or require a SEIS to identify feasible, technically adequate, and economically practicable mitigation measures. Present DEIS/FEIS mitigation measures are TECHNICALLY INADEQUATE such as the water pollution control methods, not all Significant Unavoidable Impacts have been addressed such as the homeless endangered species and (3) inadequate information regarding fill source locations which will certainly create a "Significant Adverse Impact".</p> <p>Significant Adverse Impacts needs to address loss of eligibility for low income housing</p> <p>The SEIS needs to address Alternative Sites, technology and assess current traffic at other local airports such as Bellingham, WA</p> <p>Traceability to questions inadequate and answers unsubstantive</p>	<p>WAC 197-11-600 (4)d ii</p> <p>WAC 197-11-660</p> <p>WAC 197-11-330</p> <p>WAC 173-806-100 (c)</p> <p>WAC 11-440 (6) c iv</p> <p>See Alternative Site rules first Table B1 entry</p> <p>WAC 197-11-550</p>

Table B1 Regulatory Compliance Issues Partial Summary

Issue	SEPA Regulation
If FAA Record of Decision intends to increase capacity numbers above the "New Port" estimate, issue another SEIS to recalculate pollution and increase on-the-ground taxi time, etc.	
If FAA Record of Decision intends to change the location of the runway so it is below the FEIS location (14 feet below proposed), instead issue another SEIS to recalculate pollution and increase on-the-ground taxi time, etc. . Curent SEIS does not appear to consider this.	
Suggest REASONABLE and feasible mitigation measures. Example: Can over 3000 trucks per day really avoid rush hour near businesses and an airport that are open 24 hours a day ? If it is hauled in at the same rate as the current south airport construction rate which is creating havoc, it will take about 50 years.	WAC 191-11-440 (6) b,i and (6) b ,iv WAC 197-11-660
Address "Economic Practicability" of mitigation measures. Note, some required mitigation for the 2nd runway completed in 1973 is still incomplete.	WAC 11-440 (6) c iv WAC 197-11-660 (2)

¹ Aviation Week, "FAA Tests Infrared Deicers", May 1,1995, pg. 38

² Aviation Week, 1995

Recommendations

- 1) **Immediately discontinue efforts to approve a Third Runway at Sea-Tac because of the exorbitant economic and environmental costs. If this can't be done at this time, the Government Accounting Office should conduct an audit.**

- 2) **Identify and implement a meaningful mitigation plan for the existing Sea-Tac airport configuration recognizing the impact technology and a demand management plan will have on air traffic.**

- 3) **Aggressively pursue realistic alternatives as well as a combination of alternatives, i.e., rail and other airport sites combined with technology improvements at Sea-Tac International Airport**

Appendix A

Dirt Petition Letter

Acronyms

References and Bibliography

Health Bibliography

March 28, 1987 SEIS

AR 035549

C.A.S.E.
Citizens Against Sea-Tac Expansion

3 October 1996

font size reduced for incorporation into SESIS comments

To: Director of Public Works
City of Sea-Tac Public Works Dept.
17900 International Blvd.
Sea-Tac, WA 98188

Dear Mr. Bruce Rayburn,

Subject : Current and Planned Haul Truck Mitigation in Sea-Tac Airport Area

References :

- (a) "Number of Dirt Trucks Will Increase, Third Runway", by V. Nordstrom, Highline News, 10 August 1996
- (b) Puget Sound Air Pollution Control Agency, Notice of Violation, Registration No P371603874-75, Reg. I, Section 9.15 (a), 2001 S128 St., North Sea-Tac Park Project
- (c) Engineer's Personal Assessment of the Sea-Tac Airport Master Plan Update Draft Environmental Impact Statement (DEIS) - Proposed Third Runway, The United States' Most Expensive, Limited Capacity Runway, incorporated into FEIS response appendix.
- (d) Sea-Tac Airport Master Plan Update Final Environmental Impact Statement (FEIS), 1996
- (g) City of Sea-Tac Public Works Permit PWD0115-96, Parcel 282304-9016, Issued 6/20/96, Expiration 12/17/96, Contractor Segale, Signed by Bruce Rayburn

Both the air pollution and traffic controls in the Sea-Tac airport safety project permit (ref. (g)) appear inadequate when driving on S 188th, SR 509 and SR 518. Considering the volume of fill for that permit is only about 2 % of that needed for the Master Plan project covered in the Final Environmental Impact Statement (reference (d)) much more mitigation is needed to minimize future hazards.

Recognizing the problems the current "insignificant" project has caused (see the enclosed petition), it is difficult to imagine the problems if the Third Runway is built in the short time scheduled by using thousands of haul truck trips per day.

This letter addresses measures we recommend be mandatory to **MINIMIZE** loss of life and property. Over 75,000,000,000 pounds¹ of fill requires more mitigation than routine projects !

¹ 24.6 million cubic yards per FEIS (ref. (d)) excludes the soft soil and contaminated soil that needs to be removed and replaced

Proposed Mandatory Permit Requirements

(1) Each haul truck should be required to participate in a "How am I driving?" program (e.g. 1-800-827-SAFE). These programs post a sign on the back of each truck. It lists in large letters a short truck identification number and a phone number to report traffic violations.

Rationale: Since hauling began for the referenced permit (ref. (g)) there has been a significant increase in citizens' complaints regarding haul trucks (ref. (a)). Both RCAA and CASE receive phone calls requesting whom to contact to complain. It has become a standard topic of discussion at meetings and typically includes the following allegations:

- (a) running red lights at SR 518 and SR 509 interchange (going south)
- (b) traveling outside the white lines
- (c) excessive speed on SR 509 and SR 518
- (d) inability to merge onto SR 509 due to fast moving trucks
- (e) reduced visibility because trucks travel in a line of four (4) or five (5)
- (f) fill flying onto cars behind the trucks
- (g) huge clouds of dust distract drivers because it appears to be an explosion when it's actually just from dumping

Not all trucks are airport bound so by using an identifying number it can ensure the correct companies are contacted about alleged driving violations. Alleged traffic violations are in areas not visible by the uniformed officers required by permit PWD0115-96.

(2) Additional uniformed officer coverage is needed to patrol the areas identified under the Safe driving program as high risks. This patrol coverage should be a condition of the permit and paid by the haul truck contractor.

Rationale: Considering thousands of haul trucks will be coming from all over Puget Sound and converging on Sea-Tac daily, the high risk areas likely will extend well beyond the immediate airport area. The August 1996 forty-two (42) car pile-up on I-5 included at least four trucks. The newspaper and television coverage showed a double-haul truck jack knifed across I-5 near the beginning.

(3) Additional uniformed officer coverage is needed at the SR 509 and SR 518 interchange. This should be a condition of the permit and paid by the truck contractor.

Rationale: The Dept. of Transportation statistics indicate this is the most dangerous intersection in the area. This concern was raised in comments on the Draft Environmental Impact Statement (ref. (c)) but the Final Environmental Impact Statement response R-28 was *"increased truck traffic on any leg does not impose any increased traffic risk"*. There has already been at least one significant haul truck accident on 18 September 1996 at the intersection of SR 509 and SR 518. Also, the SR 509 and SR 518 interchange appears to be generating the most negative comments from residents (see item (1)).

(4) Haul truck operating hours need to be reduced

Permit PWD0115-96 rush hour limitations need to be extended at least to 8:30 AM. Additional limitations may be needed as a result of the traffic analysis requested in item (5).

Rationale: Permit PWD0115-96 has already significantly increased commute times and caused an increase in pollution due to slower traffic. This is particularly significant considering the carbon monoxide levels that already exceed approved levels. Note, the construction area posted speed limit is 10 miles per hour less than the standard speed limit, signs warn you to be prepared to stop (it takes the trucks so long to turn it requires the cars to stop), and one lane is closed to facilitate the trucks turning. This results in a traffic situation that was NOT included in the FEIS traffic analysis (ref. (d)).

(5) The number of trucks entering the Sea-Tac per hour needs to be controlled to avoid creating any additional Loss F conditions and to minimize the impact on those intersections already at Loss F (see King County Road Adequacy Standards). Traffic analyses need to be redone using the reduced speed limits, full stops for traffic behind double haul trucks as they turn and to account for lane closures used to facilitate the turning of the double haul trucks. Because this project far exceeds any standard practice haul project, the entire haul job must be considered rather than each individual contractor's number of trucks. Rationale: The intent of King County Road Adequacy Standards is to avoid additional Loss F locations. The traffic controls used for Permit PWD0115-96 (See rationale as item (4)) are not reflected in Final Environmental Impact

Statement. Even more extensive traffic controls will be needed for the Third runway project. It is much larger both in total number of trucks and number of trucks per day than PWD0115-96. It's extremely unlikely that the current construction schedule can be met if King County Road Adequacy Standards or the Clean Air Act is enforced.

(6) Either the loads need to be covered and/or reduced so that NO dirt is above the rail. Also moisture content prior to dumping needs to be controlled
Rationale: Current regulations are totally inadequate considering the pollution levels in the area and that the quantity of haul dirt that needs to be brought into the area for the Third Runway far exceeds standard practice. Even assuming the loads are covered, the moisture content of the fill needs to be closely controlled to avoid a repetition of this summer's exploding dust storms. The Puget Sound Air Pollution Control Agency issued a Notice of Violation 29 July 1996 regarding fugitive dust at North Sea-Tac Park (ref. (b)). This is just north of the dumping under Permit PWD0115-96.

(6) Haul Contractor shall pay adequate share of road repairs
Rationale : Hauling trucks are a leading contributor to road damage. This project requires thousands of trips per day of haul trucks that will require road repairs. King County Road Adequacy Standards permit pro-rata payments but if it's not set up in advance the cities may need to sue to obtain the repair costs.

Your timely response to this request would be appreciated. Technical questions regarding this request may be directed to A. Brown of C.A.S.E.

Sincerely,

Debi DesMarais (signatures on original)
C.A.S.E. President
19900 4th Ave SW
Seattle, WA 98166
(206) 824-3120

J. Bartleymay
C.A.S.E Vice President

cc: ACC
Dept. of Transportation
Environmental Protection Agency
Federal Aviation Administration
King County Police
Port of Seattle
Puget Sound Air Pollution Control Agency

Enclosure : Petition

March 28, 1997 SEIS

AR 035553

Haul Trucks Pollution and Traffic Controls Petition - To be Enclosed with CASE letter

Considering the increased pollution and traffic control problems created by Permit PWD0115-96, much more meaningful and significant mitigation measures need to be imposed on future haul truck permits traveling in the Sea-Tac airport area. The amount of fill Permit PWD0115-96 currently hauls to the south end of the Sea-Tac airport represents only about 2 % of the fill needed for the proposed Third Runway project.

signatures on file

AR 035554

Acronyms

ACC	Airport Communities Coalition
CASE	Citizens Against Sea-Tac Expansion
DEIS	Draft Environmental Impact Statement
DOE	Dept. of Ecology
FEIS	Final Environmental Impact Statement
EPA	Environmental Protection Agency
HOK	1996 Burien Study funded by WA
KC	King County
LDA	Localizer directional aid technology
GAO	Government Accounting Office
GPS	Global Positioning Satellite technology
NEPA	National Environmental Policy Act
NPIAS	National Plan for Integrated Airports System
PSAPCA	Puget Sound Air Pollution Control Agency
PSRC	Puget Sound Regional Council
Port	Port of Seattle
RCAA	Regional Commission on Airport Affairs
Sea-Tac	Seattle-Tacoma International Airport
SeaTac	SeaTac, city adjacent to Sea-Tac airport
SEIS	Supplemental Environmental Impact Statement
SEPA	State Environmental Protection Act
SIP	State Implementation Plan ... Air Quality
TAF	Terminal Air Forecast
WA	State of Washington

References and Bibliography

See also Health Bibliography that follows

- (a) Supplement to the State Implementation Plan for Washington State, Plan for Attaining and Maintaining National Ambient Air Quality Standards for Ozone in Central Puget Sound, January 1993, Amendments June 1994
- (b) Sea-Tac Airport Master Plan Update Draft Environmental Impact Statement (DEIS), 1995

- (c) **Engineer's Personal Assessment of the Sea-Tac Airport Master Plan Update Draft Environmental Impact Statement (DEIS) - Proposed Third Runway, The United States' Most Expensive, Limited Capacity Runway, incorporated into FEIS response appendix.**
- (d) **Sea-Tac Airport Master Plan Update Final Environmental Impact Statement (FEIS), 1996**
- (e) **"State of WA Puget Sound Regional Council Final Noise Decision on Noise Issues", dated 27 March 1996 (bolded by author to emphasize legal title)**
- (f) **Comments on the Draft General Conformity for the Sea-Tac Airport Runway and Associated Development Projects, A. M. Brown dated April 30 1996**
- (g) **Technical Report #8 prepared by P&D Aviation for Port of Seattle.**
- (h) **Testimony at the Congressional Aviation Subcommittee Hearing by nationally known economist Dr. Lynn O. Michaelis, held March 18, 1996**
- (i) **Testimony at the Congressional Aviation Subcommittee Hearing by air transportation expert, Dr. Stephen Hockaday, held March 18, 1996**
- (j) **Study submitted to FAA by Envirometrics, Dr. Ruby, Smith Engineering & Management, Cutler & Stanfield, dated 6 June 1996**
- (k) **Implementation of an LDA/DME Approach to Runway 16R in lieu of a Third Runway at Sea-Tac, prepared by G. Bogan & Associates, Inc. dated 26 June 1995 (presumably submitted as comment to Draft EIS)**
- (l) **Letter To PSRC President Doug Sutherland, From Pork Patrol, Al Furney, Chair, dated 12 June 1996 - in June 3-19,1996 PSRC correspondence package**
- (m) **"City, State Forces Wrangle over Third Chicago Airport, Aviation Week & Space Technology, 8 April 1996**
- (n) **GAO/RCED-95-35BR (Government Accounting Office)**
- (o) **"Finally ! It's Here (Denver International Airport Opens), Newsweek, 6 March 1995**
- (p) **"Denver International Airport - Economic aspects", Travel Weekly, 2 February 1995 v54, n9, p4**
- (q) **"Montreal Airport never got quite off the ground" Times 15 April 1996 - in PSRC Correspondence package dated June 21-26,1996**

- (r) Comments regarding adding the part time dependent runway to the MTP. To D. Sutherland PSRC, From A. Brown, dated 15 June 1996 - in PSRC Correspondence package 3-19 June 1996. Special Note the cover letter enclosed a copy of 25 pages of comments dated 11 June, 1996. These comments were hand delivered to the PSRC with the CASE comments on June 11, 1996 so the July 19, 1996v date is incorrect with respect to the pages labeled 1/25 and so on.
- (s) "Comments on Public Comment Meeting June 27, 1996 - Topic : Proposed Addendum to the 1995 Metropolitan Transportation Plan (MTP) to include the Third Runway", To D. Sutherland & PSRC Executive Board, From A. Brown, dated 7 July 1996 - in PSRC Correspondence package July 10-11, 1996 (enclosure 3 in this Port Appeal letter of August 1996)
- (t) Expert Noise Arbitration Panel Hearing December 1994
- (u) FAA Hearing June 1995
- (v) PSRC Executive Boarding Meeting and Public Testimony, June 1996
- (w) Letter (Supplement to FEIS Comments, "Draft conformity analysis does not support your conclusion that the project conforms to the State Implementation Plan"), To D. Ossenkop of FAA , cc Hinkel of Port, From U.S. Environmental Protection Agency, dated 6 June 1996
- (x) Letter To PSRC, From D. DesMarais, dated 8 July 1996 - in PSRC Correspondence package June 26 - July 9, 1996
- (y) "Executive Board Order, dated April 25, 1995", To PSRC, From Ravenna-Bryant Community Association, dated 8 May 1996 - in PSRC Correspondence package June 21-26, 1996
- (z) Letter, To PSRC, From A. Brown, dated 10 April 1996 - in PSRC Correspondence package April 3-15, 1996
- (aa) "Draft Amendment to MTP -- Third Sea-Tac Runway, June 10, 1996 Order", To PSRC, From North East District Council, dated 28 June 1996 - in PSRC correspondence package June 26 - July 9, 1996.
- (bb) Letter, To D. Hinson of FAA, From R. Akers, dated 28 May 1996 - in PSRC correspondence package May 23-29, 1996.
- (cc) ECO-088, To D. Ossenkop of FAA, From R. Parkin of U. S. EPA, dated 18 March 1996 - in PSRC correspondence package April 3-15, 1996.
- (dd) Response to Requests for Supplemental Review, Addendum to the Flight Plan Project FEIS (1992) and Proposed Master Plan Update

Development Actions at Seattle-Tacoma International Airport Final EIS (1996), PSRC, 10 July 1996.

- (ee) Letter, To PSRC, From City of Normandy Park, dated 9 April 1996 - PSRC correspondence package April 3-15,1996.
- (ff) "PSRC's Résolution (A-93-03) and it's Impact on Related Legislation", To PSRC, From H. J. Frause, dated 1 April, 1996 - in PSRC correspondence package April 3-15,1996.
- (gg) City of SeaTac Public Works Permit PWD0115-96, Parcel 282304-9016, Issued 6/20/96, Expiration 12/17/96, Contractor Segale, Signed by Bruce Rayburn
- (hh) "Number of Dirt Trucks Will Increase, Third Runway", by V. Nordstrom, Highline News, 10 August 1996
- (ii) "Study : Bigger airport means more poor kids", Highline News, 7 August 1996, page A7
- (jj) "Three Killed, 2 Hurt in SeaTac Wreck", Highline News, 7 August 1996. page A1
- (kk) "Airlines Draw Battle lines o n User fee", Seattle Times, 19 June 1996, page D1
- (ll) "FAA Plans to Publish Draft Addendum to 1976 Agency Noise Policy by September", Airport Noise Weekly, Volume 8, Number 11, dated 10 June 1996, page 81-82.
- (mm) "Briefing Book", Environmental Conservation Division, Northwest Fisheries Science Center, National Marine Fisheries Service, NOAA, January 1994 (entire book but special attention to page 24)
- (nn) "Programs and Accomplishments", Utilization Research Division, Northwest Fisheries Science Center, National Marine Fisheries Service, Seattle, WA, May 1995.
- (oo) "Our Living Oceans, Report on the Status of U.S. Living Marine Resources", Unites States Dept. of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1995
- (pp) "Transfer of Land for Runway Underway", Airport Noise Report, Volume 8, Number 12, 8 July 1996, page 94.
- (qq) "Dramatic Drop in our infant mortality rate", Post-Intelligencer, 2 August 1996, pages C1, C4

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- (rr) **"ATA Questions Validity of Airport Construction Needs Study; Says Adequate Funds Exist for Necessary Airport Projects", ATA News, Air Transport Authority of America, 20 March 1996**
- (ss) **"Rockwell has won back the Global Positioning System (GPS) satellite contract", The Composites & Adhesives Newsletter, July-September 1996, page 3.**
- (tt) **"Notice of Decision by the Port of Seattle", Public Notices, Seattle Times, 8 August 1996**
- (uu) **"Air Pollution, Council's report based on Epidemiological study", by R. Kassel, National Resources Department Council Urban Environmental Program Sr. Attorney, Post-Intelligencer, 16 June 1996, page E3.**
- (vv) **"Flying Off-Course: Environmental Impact of America's Airports", National Resource Defense Council, October 1996 need to reference**
- (ww) **"Waste Clean Up, Safe and Sound?", Highline News, 23 November 1996, pages A1, A7 (additional information supplied by a participant)**
- (xx) **"Third Runway Battle, The Big Dirt Haul", Highline News, 16 November 16, 1996, pages A1, A2 (Shows map of potential haul routes referenced in FEIS (ref. d))**
- (yy) **Engineering Principles of Ground Modifications, by Manfred R. Hausman, McGraw-Hill Publishing Company, New York**
- (zz) **Soils in Construction, Third Edition, by W. L. Schroeder Prentice Hall, New Jersey**
- (aaa) **"Sea-Tac Third Runway to get its fill of dirt", Seattle Times 15 August 1996 pages A1, A19 (runway 14 feet below FEIS assumptions)**
- (bbb) **Letter to FAA. D. Ossenkop, From Mary Riveland, Director WA DOE, dated 20 December 1996**
- (ccc) **49 U.S.C, 47101 et. seq. (formerly Airport and Airway Improvement Act, Section 509, paragraph (7) (A))**
- (ddd) **Washington State Legislature Release, " South King County Lawmakers Question Approval of the Third Runway Plan", dated 20 December 1996.**
- (eee) **"DOE Gives OK to Runway", Highline News, Page A7, December 21, 1996**
- (fff) **" Dust Emissions at North SeaTac Park", Puget Sound Air Pollution Control Agency Notice of Violation No. 35809, Registration No.**

P371603874-75, Regulation I, Section 9.15 (a) : Emission of Fugitive Dust without use of best available control technology, 8 August 1996

- (ggg) Letter regarding Snow Equipment Storage Shed Environmental Checklist and Determination of Nonsignificance, From Port of Seattle, Barbara Hinkle to Debi DesMarais, 25 July 1996
- (hhh) "Asbestos Delays North SeaTac Work", Highline News, 13 July 1996, page A8
- (iii) "Plane Crashes at SeaTac", Highline News, 24 August 1996, page A1
- (jjj) "Girl Struck, dies in I-5 Jam Detour", Highline News, 4 September 1996, page A1
- (kkk) "Infant Death Rates Still Higher Here", Highline News, 6 October 1996, page A3
- (lll) FAA report "Impact of Boeing Field Interactions on the Benefits of the new proposed runway.." Feb. 1993
- (mmm) "Draft Sea-Tac Mitigation Study", Burien - Airport Assistance and Mitigation Studies, 21 October 1996, Final ~~to be~~ released March 1997
- (nnn) Appeal of the Adequacy of the FEIS for the Proposed Master Plan Update Development Actions at Seattle-Tacoma International Airport, Filed by City of Sea-Tac
- (ooo) Appeal of the Adequacy of the FEIS for the Proposed Master Plan Update Development Actions at Seattle-Tacoma International Airport, Filed by Akers
- (ppp) Appeal of the Adequacy of the FEIS for the Proposed Master Plan Update Development Actions at Seattle-Tacoma International Airport, Filed by Cities of Des Moines, Burien, Federal Way, Normandy Park and Tukwila, Highline School District 401, Airport Communities Coalition
- (qqq) Lawsuit filed by Cutler & Stanfield , Filed by Cities of Des Moines, Burien, Federal Way, Normandy Park and Tukwila, Highline School District 401, Airport Communities Coalition
- (rrr) Earth Pressures and Retaining Walls, Whitney Huntington, John Wiley & Sons, NY, 1957
- (sss) "Different Dirt, FAA Rejects fill plan to extend airport runway in Albuquerque" < Highline News, January 29, 1997, page A1

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- (ttt) "Environmental Assessment for Proposed Improvements to Runway 3-21, Albuquerque International Airport", prepared by Coffman Associates, Inc. June 1994
- (uuu) Sea-Tac Noise Exposure Update , June 1982
- (vvv) Draft Supplemental Environmental Impact Statement for the Proposed Master Plan Update Development Actions at Seattle-Tacoma International Airport, February 1997.
- (www) World Wildlife Fund Newsletter, "Focus", March/April 1997, Volume 19, Number 2
- (xxx) "A Comparison of FAA Integrated Noise Model Flight Profiles with Profiles Observed at Seattle-Tacoma Airport" by George W Flathers, December 1981, Office of Environment and Energy Project 1494A, Contract DTFA01-82-C10003, Mitre: Metrek Division

Note: This is only a partial list of references. Typically, the same information appears in multiple locations. All correspondence to the FAA, Port of Seattle, PSRC, Corp. of Engineers, Dept. of Ecology, Environmental Protection Agency, Expert Noise Panel, PSAPCA, and Dept. of Transportation on current airport operations as well as the Third runway are applicable.

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Appendix B: NEPA Regulatory Issues Summary

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

CITATION OF REGULATIONS WHICH APPLY TO VIOLATIONS AND POTENTIAL VIOLATIONS OF THE ACT IN THE DOCUMENTATION PROVIDED BY THE FAA/PORT OF SEATTLE AS CO-LEAD AGENCIES IN A NEPA/SEPA PROCESS FOR THE THIRD RUNWAY DEVELOPMENT MASTER PLAN UPDATE (FEIS) AND RELATED PROJECT SASA BASE (NEPA will be italicized)

B1500.1 Purpose

Section 102(2) contains "action-forcing" provisions to make sure that federal agencies act according to the letter and spirit of the Act.

B1500.2 Policy

(b) Environmental impact statements shall be concise, clear and to the point, and shall be supported by evidence that agencies have made the necessary environmental analysis. (underlining added)

Many of the statements in the EIS were supported by phone conversations. Others were not substantiated. Although documentation was requested by myself and many others who commented on the draft EIS, no additional technical or supporting data, that I could find, was supplied in the final EIS.

(e) Use the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment.

B1501.2(c) Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources as provided by section 102(2)(E) of the Act.

In 1993, a resident of Centralia presented an area of 37 to 50,000 acres of available, largely vacant land in Tenino to then King County Executive Gary Locke and the PSRC for consideration as a new airport site and this site was never pursued, evaluated or explored as an alternative to Sea-Tac expansion. At that time, there were 300 homes on the land. The Port of Seattle has publicly stated that there is a need to pursue, site and develop another airport prior to or shortly after the year 2020. Viable alternatives have not been pursued or evaluated.

Flight Plan nor the FEIS identified reasonable alternatives to the proposal. Existing technology such as LDA used at San Francisco (700') in an airport layout with less runway separation than existing Sea-Tac (800') according to expert testimony can eliminate the need for an additional bad weather landing runway 2500' from the existing west runway (16R34L) (1700' from the existing

west runway 16L34R). Future technology GPS (2001) and GDSB can eliminate bad weather landing constraints at Sea-Tac and can completely alleviate the need for a third runway.

The Port of Moses Lake has 350 VFR days per year in comparison to Sea-Tac 44% bad weather delays. Moses Lake is approved for a Foreign Trade Zone whereby cargo from the Pacific Rim and elsewhere now utilizing Sea-Tac could be alternately destined alleviating the pressure on Sea-Tac.

Port of Moses Lake is equipped to handle maintenance of aircraft. WAC 173-60-050(d) provides that maintenance facilities be located away from populated centers whenever possible. Moses Lake has over 1,000,000 sq. ft. of hangar space available to handle maintenance where Sea-Tac would have to incur a great public expense to site, build, and quiet such a facility. The proposed SASA site is near neighborhoods, businesses and a mobile home park. An extended land bridge with a tunnel would have to be built to accommodate planes moving across 188th.

The NEPA (FAA)/SEPA (Port of Seattle) Final EIS for SASA contains a letter from the Department of Interior stating that no endangered species have been identified near the project (SASA) site. However, the letter also indicates that:

"Should a species become officially listed or proposed before completion of the project, the FAA will be required to reevaluate its responsibilities under the Act."

A Bald Eagle nest has been recently listed located at the northeast corner of Angle Lake, only a few city blocks away from the proposed SASA site. The FAA, according to the DOI, must now reevaluate the project and under NEPA, consider other alternatives.

Moses Lake, multiple airport use recommended by Flight Plan, technology, Tenino are all viable alternatives to the proposed action which have not thoroughly been evaluated or considered. The use of Moses Lake as a reliever airport for cargo and a maintenance base would eliminate the commitment of resources such as the loss of Des Moines Creek Basin wetlands and salmon bearing creek to name only one of many avoidable adverse environmental impacts.

B1500.4 Reducing paperwork. Agencies shall reduce excessive paperwork by:
(a) Reducing the length of environmental impact statements (1502.2(c)), by means such as setting appropriate page limits

(b) Preparing analytic rather than encyclopedic environmental impact statements

Much of the content of the draft and final EIS consisted of repetitive narrative that might have appropriately been replaced with substantive data and credible scientific analysis.

B1503.4(a) An agency preparing a final environmental impact statement shall assess and consider comments both individually and collectively, and shall respond by one or more of the means listed below, stating its response in the final statement. Possible responses are to:

(2) Develop and evaluate alternatives not previously given serious consideration by the agency

(3) Supplement, improve or modify its analysis

(4) Make factual corrections

(5) Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response.

The documents were confusing, maybe purposefully so, it was not clear if comments were adequately addressed and important information that was extremely difficult to find or know it was there was scattered throughout the massive document.

Considerable time and space was spent on detailed statements of purpose and need that were never substantiated. The entire purpose of the document and the project itself was based upon a bad weather delay assumption that was easily dispelled as faulty not only by consultants working for the ACC but also by the project co-lead agency, the FAA itself, reporting statistics of national delay with Sea-Tac in the nation's top ten of best on-time performers. The assumption of bad weather delay along with the premise of utilizing Sea-Tac Airport with billions of dollars worth of improvements including a third runway at the same capacity with or without the runway, with or without the delays which don't exist, should have logically dispelled the entire purpose of the runway in everyone's mind. This did not happen but should have happened.

Regarding the need for an addendum to the existing document, an SEIS or an entire new EIS, NEPA B1502.25.(4)(c) states:

An agency shall revise the determinations made under paragraphs (a) and (b) of this section if substantial changes are made later in the proposed action, or if significant new circumstances or information arise which bear on the proposal or its impacts.

Although the PSRC rejected requests for a supplemental EIS, the FAA, under NEPA, is compelled to consider all information presented to them regarding conformity, environmental justice and any other "new" or "substantive" information that may have been provided during the comment and review period(s) warranting an SEIS.

B1502.4(a) Proposals or parts of proposals which are related to each other closely enough to be, in effect a single course of action shall be evaluated in a single impact statement.

This regulation should be applicable to any joint project proposal from the FAA/Port of Seattle under NEPA such as the SASA base and the current removal of soils and localizer relocation. However, I consider that many projects that have been proposed by the Port itself under SEPA as either a final EIS or a DNS are also part of the overall development plans of the Port to renovate the airport, appearing to the public as part of the Master Plan and should have been analyzed in a single document, especially considering the potential for cumulative and multiple project impacts of the following:

- 1) The Hotel (1994 final EIS)
- 2) North SeaTac Park (20+ year old EIS where significant new information is available)
- 3) North SeaTac Park Detention/Retention Pond Project (1995 DNS)
- 4) Federal Detention Center (final EIS 1992?)
- 6) Enplane Drives/Asbestos Project (1995 DNS)
- 7) RSA (1995/96 DNS 16R)
- 8) CTI (1995 EIS)
- 9) South Access (1995/96 draft EIS WSDOT)
- 10) 28th/24th Arterial (1993 SeaTac City EIS)
- 11) Phase I/Phase II International Blvd. (1994? EIS (contains erroneous air quality data and conformity analysis which should be revised based upon Master Plan FEIS data)
- 12) North Fuel Rack (1996 DNS)
- 13) Northwest Fuel Tank Remediation (?)
- 14) Federal Express expansion (includes relocation of employee parking lot A & B to north of SR 518. Federal Express expansion was not included in the Master Plan, but the parking facility was. However, the parking facility was dropped from development plans due to the large acreage of wetlands located at the proposed site. If Federal Express expands now, what will be the new location of the employee parking in the future?)
- 15) Others

B1506.1(2)(c) While work on a required program environmental impact statement is in progress and the action is not covered by an existing program statement, agencies shall not undertake in the interim any major Federal action covered by the program which may significantly affect the quality of the human environment unless such action:

- (1) Is justified independently of the program;*
- (2) Is itself accompanied by an adequate environmental impact statement; and*
- (3) Will not prejudice the ultimate decision on the program. Interim action prejudices the ultimate decision on the program when it tends to determine subsequent development or limit alternatives.*

Since I view the many projects listed above as part of the Master Plan or closely enough related to the overall development program, I also view the projects that have begun under designations of nonsignificance and separate EIS documents as a violation of this chapter of NEPA. However, since they have been singled out by the lead agencies as independent of the overall development they have no cumulative impact analysis and the projects which

have a designation of nonsignificance, which might be significant if added to other past, present and future actions regardless of significance, have not been analyzed for their adverse multiple consequences to the human/natural/built environment. Therefore, most responsible agencies and officials which have purview over significant impacts in one EIS are potentially unaware of the total and cumulative impacts of reality, not paperwork, that is occurring today at Sea-Tac Airport and environs.

B1508.25 Scope (2) Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement. (3) Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography. An agency may wish to analyze these actions in the same impact statement. It should do so when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single statement.

(b) Alternatives, which include: (1) No action alternative (2) Mitigation measures (not in the proposed action). (c) Impacts, which may be: (1) Direct; (2) indirect; (3) cumulative.

It is my contention that the SR509/South Access Federal Highway Administration and WSDOT co-lead agency proposal should include the 28th/24th arterial project, the enplane drive improvements and any other connecting roadwork planned for the general area, their impacts and commitments to mitigation. These three are in the same geographical area, will coincide in timing, are roadways which will interconnect; i.e., state route, local arterial and airport drives, together in a more efficient manner, but at the same time creating the potential to significantly add traffic loads, thereby, exacerbating potential NAAQS CO violations. The cumulative effects of these projects should be analyzed together, in fact, these roadworks, in my opinion, are well suited for just this reevaluation in the spirit and intent of this particular NEPA chapter. Maybe the Port of Seattle should be responsible for this cumulative analysis since the primary purpose of generating additional vehicle carrying capacity of these roads is to accommodate airport related future automobile and cargo traffic increases. Whoever might be responsible is irrelevant, it needs to be done and according to NEPA, it should be done before approval of the two major federal actions. Once the reevaluation is complete, and should this area remain in nonattainment (maintenance) this project must then meet conformity requirements to be eligible for federal funding, approval and support, i.e., ISTEA, other federal agency funds.

B1505.2 ROD(c) State whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not. A monitoring and enforcement program shall be adopted and summarized where applicable for any mitigation.

B1505.3 Implementation: Agencies may provide for monitoring to assure that their decisions are carried out and should do so in important cases. Mitigation

(B1505.2(c)) and other conditions established in the environmental impact statement or during its review and committed as part of the decision shall be implemented by the lead agency or other appropriate consenting agency. The lead agency shall: (b) Condition funding of actions on mitigation. (c) Upon request, inform cooperating or commenting agencies on progress in carrying out mitigation measures which they have proposed and which were adopted by the agency making the decision. (d) Upon request, make available to the public the results of relevant monitoring.

There are problems here. 1) All real impacts have either not been identified, have not been acknowledged by the lead agency, or remain less than thoroughly evaluated, and in some cases, not at all; i.e., noise in Normandy Park and Rainier Valley has not been acknowledged even though it exists. 2) The mitigation plans, i.e., wetland mitigation, is in violation of normal federal, state and local law. 3) There are adverse impacts that cannot be mitigated, i.e., air quality impacts from jet aircraft takeoffs. (no technology yet exists to retrofit jet engines with scrubbers) 4) Thorough analysis of the fuel contamination of soils, groundwater and aquifers and costs for remediation have not been evaluated.

Federal requirements for certification; 49 CFR B47101, et. seq (formerly known as the Airport and Airway Improvement Act Section 509):

"(B) only if the chief executive officer of the State in which the project will be located certifies in writing to the Secretary that there is reasonable assurance that the project will be located, designed and constructed, and operated in compliance with applicable air and water quality standards except that the Administrator of the Environmental Protection Agency shall make the certification instead of the chief executive officer if-

- (i) the State has not approved any applicable State or local standards; and
- (ii) the Administrator has prescribed applicable standards and

(C) if the application is found to have a significant adverse effect on natural resources, including fish and wildlife, natural, scenic, and recreation assets, water and air quality, or another factor affecting the environment, only after finding that no possible and prudent alternative to the project exists and that every reasonable step has been taken to minimize the adverse effect."

Rather than the Chief Executive Officer (Governor), Ecology conditionally certified the project and rather than sending it to the Secretary of Transportation it was sent to the Regional FAA. Besides the fact that the deferral and signator were contrary to federal law, the conditional nature of the certification is more like a mitigation plan than a compliance guarantee.

Prepared by: D. L. DesMarais, 31500 1st Ave S #14-103, Federal Way WA 98003
 Permission to enclose was obtained from author. These comments should be considered as a supplement to all their comments previously submitted.
 Also, in accordance information in accordance with the following chapter in NEPA: 1503.4 (5) "Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agency's position and, if appropriate, indicates those circumstances which would trigger agency reappraisal or further response".

Reedman

January 10, 1998

To: U.S. Army Corps of Engineers Regulatory Branch
P.O. Box 3755
Seattle, WA 98124

cc: Regional Commission on Airport Affairs

From: Stan Scarvic
204 South 206th Street
Des Moines, WA 98198



Subject: **Comment on Port of Seattle Request for 404 Permit for Sea-Tac Expansion**
Reference Number: 96-4-02325

1 I request that the Army Corps of Engineers deny this permit request by the Port of Seattle. If environmental laws are to have any legitimacy, they must be applied uniformly to everyone. Governmental Agencies, private sector businesses, and individual citizens must all be held to the same standards .

The Port of Seattle is requesting special treatment on this permit application, see the enclosed Chris Clifford column from the *Des Moines News*, January 3, 1998, page A-4. For their own self interests, the Port of Seattle is requesting that the Army Corps of Engineers compromise the Corps' integrity. Do not sacrifice the Corps' excellent reputation of defending the environment on the altar of the Port of Seattle's blind ambition.

2 I am especially distressed at the Port of Seattle's plan to replace the natural wetlands of the Highline area with new man-made wetlands in the Auburn Valley. This action will do absolutely nothing to mitigate the significant environmental damage the Port of Seattle is proposing to do to the Highline area. *You cannot mitigate environmental damage in one area by enhancing the environment in another area.* Mitigation must take place in the area that is affected by the proposed project. For all the good the Auburn Valley wetlands proposal will do the Highline area, they might just as well be built in Boise or Portland. The Port of Seattle proposal on this permit request makes a complete mockery of the concept of environmental mitigation.

3 Also, I request that the Corps hold public hearings on this issue in the affected area. The January 13th public hearing at Pier 69 by Port of Seattle is merely a public relations event intended to enhance their position with the media.

Thank you for considering my comments and for rejecting the Port of Seattle's permit request.

Stanley M. Scarvic

Port to same other applicants

By Chris Clifford

GUEST COLUMNIST

GUEST OPINION

Over the years, the Port has waged its self-serving war on a third runway at Sea-Tac Airport. It has acted like a schoolyard bully, overpowering local public agencies and

When the race track sought a permit, track officials were required to diligently comply with section 404(b)(1) of the Federal Water Pollution Control Act.

additional wetland areas and could be identified when access is available to all wetlands in the project area.

This little aside makes the application for the 404 unacceptable. No applicant has ever been given a 404 with the caveat that they may discover and fill an untold amount of wetland acreage if they discover more wetlands in their project area.

The permit should not be granted until the Port has identified each and every square inch of wetland they propose to fill. It is what all others have had to do.

In the application, Port is seeking to mitigate the wetland fill outside of the watershed. Port officials want to mitigate nine miles away in the Green Valley.

No applicant for a 404 has ever been allowed to mitigate the impacts of their fill outside of the watershed they are impacting. The Port has also failed to identify the amount to the 100-year flood plain it plans to fill.

Allowing the flood plain to be filled is in violation of a presidential executive order prohibiting such fills and order is still in effect. We don't let others do that.

The public should demand that the Corps hold the Port to the same standard it has held other recent applicants for a 404 permit to. If this is done, then the Port has a long way to go before it could ever get the necessary 404 permit.

If the Port is held to the same standard, David will finally get his shot at Goliath.

Chris Clifford lives in Renton. He is a former candidate for the 33rd District state Senate seat.

and some of the deficiencies in this application, and demand that the Army Corps of Engineers treat the Port in the same manner that it has treated other applicants for such permits.

If the Corps holds the Port to the same standard it has held other private applicants to for these permits, the Port will never be given a 404. A recent example would be the 404 application by the Emerald Downs race track seeking to fill 17 acres of palustrine wetlands.

The wetlands covered by the 404 permit given to the racetrack were low-quality wetlands and were created by the presence of cattle tilling the ground with their feet.

The Port has not done an alternatives analysis examining the location of a new runway anywhere outside of a four-county region. The Corps must demand that a meaningful alternatives analysis be done examining every possibility within Western Washington just as with the race track.

Certainly this regional air facility is just as regional as the race track in Auburn.

The other glaring problem is that on the application to the Corps, the Port states that it "is possible that some

January 10, 1998

Jonathan Freedman
US Army Corps of Engineers
Regulatory Branch
PO Box 3755
Seattle, WA 98124-2255

Dear Mr. Freedman:

Port of Seattle, 96-4-02325

Thank you for opportunity to comment on the Port of Seattle's intent to fill wetlands for construction of the third runway at Seattle-Tacoma International Airport.

- 1 { My comment falls in the category of other public interest factors. I live "under the airplanes" and do not want any more planes going over my home. My biggest complaint is the kerosene smell and the black "soot" fall-out that accompanies all the air traffic.
- 2 { I am not in favor of another runway. I suggest the Port and the airlines improve what we have: make airplanes safer, improve departure/arrival times, etc, etc.
- 3 { Moving wetlands sounds dumb to me. It would certainly give employment to some people which is the only plus I visualize.
- 4 { On behalf of the Corps of Engineers, please deny the permit to the Port of Seattle.

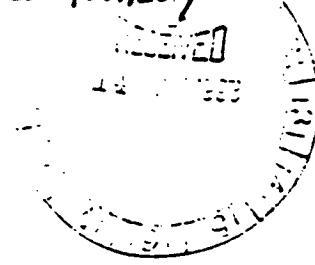
Sincerely,



Arlene Wiedel
10714 Country Club Lane So.
Seattle, WA 98168-1709

12 Jan. 1998
24724 Marine View Dr. S.
Des Moines, Wa 98198

U.S. Army Corps of Engineers
Regulatory Branch
P.O. Box 3755
Seattle, Wa 98124



Subject: Wetlands/Stream Salmon Enhancement

As a concerned citizen re: the SEATAC third runway and airport expansion, it appears that at least some land use management may be in order to provide wetlands and water control for salmon enhancement.

An idea of utilizing some dam/impoundment techniques through ravine areas of specific stream/creek sections could provide the required wetland acreage and at the same time maintain water flow control over the free flowing sections of not only the creeks in the SEATAC area but also in other Puget Sound locations where salmon enhancement could be supported.

Des Moines creek is one example of the potential use of a dam/impoundment upstream of Marine View Dr. S. In that area a natural ravine exists in which an earth dam application utilizes the Marine View Dr. S. crossing as the impoundment. A guesstimate of about 200 acre-feet of water could be stored/flow-controlled

AR 035572

to satisfy part of the SEATAC airport needs for wetlands (maybe 6 acres) and at the same time provide some salmon returns to Des Moines creek with stream flow control to the free flowing section.

Miller creek and other drainages to the west and north of the airport probably have some waste areas along their natural routes which could support damings/impoundments to both serve the wetlands requirement and salmon enhancement. Another guesstimate that taking all this in the whole, it could be feasible to accommodate the 24 acres of wetlands. Using this approach the wetland allocation remains in the airport area where it rightfully belongs rather than playing games and diverting it to the Auburn/Green River location.

This is an idea which could be co-managed with the Wash. State Dept. of Fish and Wildlife for consideration. This multiple use approach for small damings/impoundments in streams/creeks could alleviate the wetlands, salmon and maybe even flood control needs collectively.

Sincerely
George M. Badalich

cc: RCAC - c/o J. Bartlemay
Wash. State Dept. of Fish and Wildlife

1/12/98

U.S. Army Corps of Engineers
Regulatory Branch
PO Box 3755
Seattle 98124

Re: 96-4-02325

Gentlemen:

1 { "Runway wetlands not good enough, Port says" is a headline for an article in a local newspaper. The Port proposes to fill in these wetlands and build a substitute wetland in a distant watershed. I have never heard of this option being available to small private land owners. There seems to be a double standard here, and I object.

1 { A more significant objection comes from the fact that the head waters of Des Moines and Miller Creeks are losing their wetlands. I believe that this will have a significant adverse impact on the quality of the water in these streams. Combined efforts are being made by a number of organizations including Trout Unlimited, of which I am a member, to restore these streams for the production of salmon. Loss of these wetlands are counterproductive to this effort.

2 { If the Chinook salmon is listed as endangered, would not the proposed destruction of these wetlands be prohibited?

3 { The Port proposes to build storm water treatment facilities to, I assume, improve the quality of the runoff into these two streams. The history of the Port in preventing devastating runoff into these creeks is abominable. Each occurrence is followed by inadequate comments by a Port representative, and a minimal fine by State agencies. There is no strong arm by regulatory agencies to put a stop to such violations. So why put us in a no-win situation?

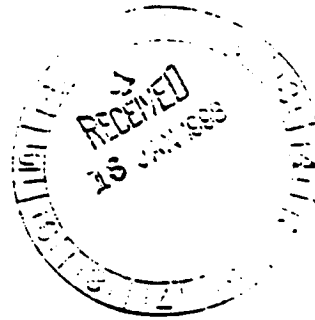
I would appreciate your consideration of these points of objection when reviewing the Port's request for permits.

Sincerely,

Thomas A. Beach

Thomas A. Beach
20903 6th. Ave. So.
Des Moines, WA 98198

AR 035574



January 12, 1998

Jonathan Freedman
Corps of Engineers
P.O. Box 3755
Seattle, WA 98124

Re: Port of Seattle Wetlands Permit #96-4-02325 Comment Period
and Public Hearing

Dear Mr. Freedman:

1 [I request the Corps extend the comment period to 45 days. The reason for my request is a week was lost during the holidays, and also you have been absent and unavailable to receive a phone call. The Port did not publish its notice of the comment period for application for this permit until January 10th. (See attached)

2 [Further, I request that a Public Hearing be held so that impacted citizens may gather more information about wetland mitigation.

Thank you for your reply to my letter.

Sincerely yours,

Barbara Stuhring

Barbara H. Stuhring
24828 9th Pl. S.
Des Moines, WA 98198



US Army Corps
of Engineers
Seattle District

Public Notice of Application for Permit

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-2255
Telephone (206) 764-3495
ATTN: Jonathan Freedman, Project Manager

Public Notice Date: 19 December 1997
Expiration Date: ~~20 January 1998~~
Reference: 96-4-02325
Name: Seattle, Port of

ESPONAL 8v 1-20-98

Interested parties are hereby notified that an application has been received for a Department of the Army permit in accordance with Section 404 of the Federal Clean Water Act for certain work described below and shown on the enclosed drawings.

APPLICANT - Port of Seattle
Post Office Box 68727
Seattle-Tacoma International Airport
Main Terminal
Seattle, Washington 98158
ATTN: Ms. Barbara Hinkle
Telephone (206) 439-6606

LOCATION - In the Miller Creek and Des Moines Creek watersheds and in wetlands at the city of SeaTac, King County, Washington.

WORK - Fill 7.38 acres of wetlands to construct an 8,500-foot parallel third runway west of the existing runways at Seattle-Tacoma International Airport (Sea-Tac), including fill of 5.46 acres of wetlands to construct the proposed third runway, and 1.92 acres of wetlands fill at on-site borrow sources. Fill 2.34 acres of wetlands to construct two new Runway Safety Areas (RSAs) on the north end of the existing runways. An additional 1.70 acres of fill will be placed in wetlands to construct the South Aviation Support Area (SASA) facilities for airport support and maintenance facilities 1 mile south of the existing terminal. Construction of the new RSA extensions and third runway would require relocation of South 154th Street and associated utilities. Full implementation of this work would involve approximately 700 acres of non-wetlands and 35 wetlands totalling approximately 11.42 acres of wetlands¹, including about 6.83 acres of forested wetlands, 2.00 acres of shrub-scrub wetlands, and 2.59 acres of emergent wetlands. The proposed work would also require filling and rechanneling approximately 980 feet of Miller Creek (0.25 of an acre), about 2,280 feet (0.15 of an acre) of drainage channels in the Miller Creek basin, and about 2,200 feet (0.5 of an acre) of Des Moines Creek.

Construction of the third runway, and runway safety areas and SASA would require the placement of approximately 20.6 million cubic yards of fill to bring these proposed features level with the existing runways. The fill for runway construction and the elements of the proposed work would come from a combination of on- and off-site borrow sources. Quantities of each would depend on the cost of the alternative sources, environmental and permitting considerations.

¹The quantity of wetlands to be filled is based on the best information available at this time. The Corps does not have access to all property to be acquired for construction of the development actions. It is possible that some additional wetland areas and acreage could be identified when access is available to all wetlands in the project area. No open water at Reba Detention facility or Lora Lake would be impacted by this proposal.

AR 035576

Wetland impacts at the mitigation site are noted in the Mitigation section below.

PURPOSE - The project purpose is to meet the public need for an efficient regional air transportation facility to meet anticipated future demand. Additional discussion about analysis of alternatives is found below in the additional information section. The applicant proposes to accomplish this by implementing specific measures at Sea-Tac which are summarized as follows:

- **Third Runway.** Improve the poor weather airfield operating capability to accommodate aircraft activity with reduced delay in aircraft takeoffs and landings. As aircraft operations at Sea-Tac have increased over the years, aircraft delay, particularly during poor weather conditions, has worsened. Recent forecasts predict continued increases in aircraft operations and continued worsening of aircraft delay during poor weather conditions. A third runway would allow Sea-Tac to operate two runways for landing during times of poor weather.
- **Runway Safety Areas (RSAs).** Provide RSAs that meet current Federal Aviation Administration (FAA) standards. An RSA is the surface surrounding a runway suitable for reducing the risk of injury/damage in the event that an airplane undershoots, overshoots, or veers off the runway. The RSAs on the two existing runways at Sea-Tac do not meet current FAA standards.
- **South Aviation Support Area (SASA).** Develop an additional South Aviation Support Area (SASA) to accommodate aircraft maintenance facilities and air cargo facilities. Existing maintenance and air cargo facilities would be displaced by expansion of main air terminal Concourse A and development of the new North Terminal. These terminal facilities are required to accommodate projected passenger demand.

MITIGATION - To compensate for unavoidable project impacts to streams and wetlands, the applicant has proposed on- and off-site mitigation described in the Natural Resource Mitigation Plan for the Proposed Master Plan Update Improvements at Sea-Tac, dated December 1995. The proposed mitigation includes the following elements:

Mitigation in the Miller Creek watershed:

- Relocation of Miller Creek around the footprint of the proposed improvements.
- Enhancement of fisheries habitat in relocated sections of Miller Creek.
- Establishment of native woody vegetated Miller Creek buffers.
- Excavation of new floodplain to compensate for floodplain areas filled.
- Storm-water management facilities to control, detain, and treat storm water generated from new facilities.

Wetlands mitigation outside the Miller and Des Moines Creek watersheds is proposed to occur on a site within the city of Auburn, adjacent to the Green River. This mitigation would:

- Provide in-kind replacement of forested wetlands at a mitigation ratio of 2:1 (about 14.68 acres).
- Provide in-kind replacement of shrub wetlands at a ratio of 1:1 (about 2.0 acres).

PORT OF SEATTLE

Comment Period for Permit Application by Port of Seattle to the US Army Corps of Engineers Runs Till Jan. 20, 1998.

Interested parties can comment on an application received by the Dept. of the Army from the Port of Seattle for a permit in accordance with Section 404 of the Federal Clean Water Act to fill wetlands for construction of the third runway at Seattle-Tacoma International Airport, two runway safety areas north of the two existing runways and maintenance facilities south of the Airport. The total wetland acreage to be filled is 11.42 acres for these three projects.

Comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors.

Documents can be reviewed at Army Corps office at Federal Center South, 4735 E. Marginal Way S., Seattle, or at Sea-Tac Airport, main terminal, third floor reception area.

Please send comments by Jan. 20, 1998 to: Jonathan Freedman, US Army Corps of Engineers, Regulatory Branch, P.O. Box 3755, Seattle, WA 98124-2255, phone: 206/764-3495. Please include the following file reference with your comments: Port of Seattle, 96-4-02325.

Published in the Highline News/Des Moines News on January 10, 1998.

1995

AR 035578

JANUARY 12, 1998

REFERENCE NUMBER 96-4-02325

U.S. ARMY CORPS OF ENGINEERS REGULATORY BRANCH

PO BOX 3755
SEATTLE, WA 98124

AIRPORT WETLANDS PROJECT

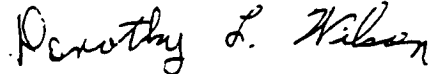
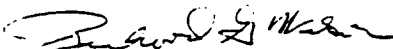
1 { The 12 acres of wetlands adjacent to SEA TAC INTERNATIONAL AIRPORT empty into Des Moines and Miller Creeks which have salmon spawning grounds. There are water fowl and small wild mammals in the area also. Not only would we lose the wetlands but the wildlife associated with them if the land is filled.

2 { The wetlands provide an assortment of beauty, recreation and pleasure to the residents of our area. We do not want to lose these grounds to an airport facility that will cost billions of dollars to expand, lower the tax base of our communities and depress our property values.

2 { Sea Tac International Airport does not need to be expanded because the falling economy in Asia, Japan and Malaysia will not produce the revenue required or the traffic needed to justify the expenditure.

4 { Paine Field in Everret is a better candidate for airport expansion as that area is growing. It would serve the Puget Sound Region much better.

Sincerely



Richard G. Wilson & Dorothy L Wilson
24711 11th Ave. S.
Des moines, Wa.

Jan 13, 1998

U. S. Army Corps of Engineers
Regulatory Branch

Dear Sir -

How can the Port of Seattle justify filling in wetlands in this SeaTac area and then making them appear miles away in the Auburn area.

Each area depends on the lower organisms of wetlands to foster higher plant and animal life in the near area.

Please consider the effect in this neighborhood if wetlands are filled, the moisture will have to come out elsewhere perhaps in a basement or front yard or side street.

Do not ok this project

Sincerely

Ingrid Barrett

206 824 5659

Bruce & Ingrid Barrett
3403 S 198th St.
Sea Tac, WA 98188

AR 035580

1P-20

January 13, 1998

**US Army Corps of Engineers
Seattle District**

Regulatory Branch
Post Office Box 3755
Seattle, WA 98124-2255
(206)764-3495
Attn. Jonathan Freedman, Project Manager

Dear Mr. Freedman,

In response to the Port of Seattle's request for permit, I believe it is in our region's best interest for you to deny any request to fill or alter existing wetlands.

The Port of Seattle should be held to the same standards other recent applicants have been held to. In addition, a public hearing should be held so the public can see first hand some of the deficiencies in this application.

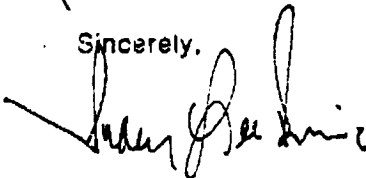
1 { In the application section titled "WORK", the Port has not accurately or completely identified each and every wetland they propose to impact, nor has the Port completed an alternatives analysis examining the location of a new runway anywhere outside of a four county region. The Corps must demand that a meaningful alternatives analysis be done examining every possibility within Western Washington. A permit should not be granted until the Port has identified each and every wetland they propose to fill.

2 { In the application section titled "PURPOSE", the Port cites a "need to meet the public need for an efficient regional air transportation facility.." It is not clear that a third runway best meets this purpose. Over the years the Port of Seattle has waged a self-serving war to construct a third runway at Sea-Tac Airport. Additional studies should be completed to investigate the best possible solution for our regions transportation needs.

3 { In the application section titled "MITIGATION", the Port specifies mitigation outside the watershed being impacted. No applicant for a 404 has ever been allowed to do this. As a resident living in the impacted area, this mitigation is of little comfort to me or others who share this land and the responsibility of its stewardship.

4 { As a final note, the Port has failed to identify the amount to the 100 year flood plain it plans to fill. Filling this flood plain is in violation of a presidential executive order prohibiting such fills and that order is still in effect.

Sincerely,



Tracy Lee Brink
112 SW 166th Place
Normandy Park, WA 98166
(206)241-5006

cc Adam Smith, Senate Representative for the 33rd District

AR 035581

Seattle, 1-13-1998

To whom it may concern, (964-02325)

The audacity of the Port of Seattle wanting to destroy and move a natural wetland along with two creeks, does not surprise those of us concerned about what this country is doing to its environment.

The Port commissioners are criminal bastards that should be brought before a firing squad. For forty years they lied to the public, first that there would be no second runway, now are pushing for a third one in an area too small for a large airport and requiring filling a void with millions yards of dirt.

The Port commissioners want to satisfy their agenda regardless of cost in money, the environment and impact on hundreds of thousands of people.

These arrogant proponents have said that they don't give a damn about people, nature or its animals.

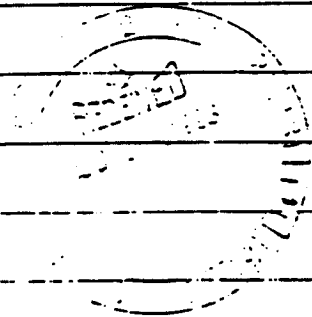
Last year Australia abandoned plans to build an airport closer to the city of Sydney because it would have disturbed some families of Coalas, perhaps they are

more civilized than we are.

I most strongly urge the U.S.A. Corp. not to accede to the Port of Seattle on this matter of transfer of the wetlands, for doing so would be a criminal act against nature.

If Federal agencies don't stand up to protect us, God help us because that's what this country needs, as more Tim McVeigh, to take us to reality.

Respectfully,
Concerned citizens.



January 13, 1998

Helen D. Kludt
17529 13th Ave SW
Seattle, WA 98166

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Reference 96-4-02325

Attn: Jonathan Freedman, Project Manager

1 { I have read the Draft Section 404 permit for Sea-Tac International Airport. I am asking that the public comment period be extended and that a public hearing be scheduled to allow public comment to be heard. The citizens need to hear answers to our many questions.

The Law Suit

2 { In 1970 Miller Creek owners were asked by King County Public Works to sign a temporary easement to give the County permission to enter their property so that "improvements" could be made to the creek. No one would sign until they saw the planned "improvements". After the plan was revealed the property owners definitely would not sign the papers.

According to the plans, the creek was to become a Los Angeles-type drainage ditch. We found that it was to accommodate stormwater run-off from the 2nd Runway at Sea-Tac Airport and Highways 518 and 509 (highways that served the expanding airport facilities). King County also planned to increase their drainage into the stream. Miller Creek which is about 10 feet wide through my property would have become 62 feet wide, 3 feet deep with a 2 foot dike on top.

The whole community was appalled. A law-suit was filed on July 24, 1970. A restraining order was issued on August 4, 1970 that stopped all construction on projects related to the channeling of Miller Creek.

I am enclosing a Declaration which gives the important points of the settlement reached with the Port of Seattle in October, 1972 and with King County and Washington State Highway Commission in October 1974.

The settlements are permanent and any outfalls that will increase the flow above the capacity of Miller Creek will be illegal. Walker Creek is a tributary to Miller Creek and the same rule should therefore apply.

Mitigation

3 { I question the filling of wetlands in the Miller/Walker Creek drainage basins and then for the Port of Seattle to spend millions of dollars on wetland mitigation in Auburn. That is ludicrous! The damage by Sea-Tac Airport expansion is being done to Miller, Walker and Des Moines Creek watersheds.

The Port of Seattle obviously didn't even consider any mitigation in these local drainage basins. They didn't consider alternatives to help water quality or retention facilities that would help slow stream velocity that would benefit the health of the creeks. The Walker Creek headwaters start in a big cattail marsh at 176 Avenue S. from Des Moines Memorial Drive to 12th Avenue S. This wetlands will disappear. How can this help but affect the stream?

AR 035584

It seems reasonable to worry about how 20 million (I've also read 26.4 million) cubic yards of fill dirt will effect ground water, stream flow and water quality. If the Port of Seattle's performance on the 40 acre parking lot is an example of their construction expertise we will really have legitimate concerns.

I have some thoughts how the Port of Seattle could help in their local watersheds.

1. Walker Creek - There are areas that could be enhanced for wetlands and retention. For instance - Just south of 171st SW of First Avenue South.
2. Miller Creek - The Hermes Depression in Burien on 4th SW has a flooding problem. This could be made into a neighborhood park and also serve as a wetland storage basin.
3. Miller Creek - There is an area on Miller Creek between Ambaum Blvd. and First Avenue South that has possibilities for enhanced wetlands and retention.

If the Port of Seattle would just look around these local watersheds they would find other places where they could improve some wetlands and retention areas.

Overview

The Port of Seattle has not seriously or truthfully pursued alternatives to expanding Sea-Tac Airport. They haven't proved to me that airport expansion is the proper solution.

1. Pilots tell me that they don't agree with the Port's statement that Sea-Tac Airport has bad weather landings 44% of the time. In fact, we found it to be more like 17% of the time.
2. Last year the number of flights were down by 13,000 at Sea-Tac Airport.
3. Last year I saw in the newspaper that Sea-Tac was No. 1 for on time departures.
4. Growth is going north and Paine Field could take some of the flights. It would be a small fraction of the cost - and no loss of wetlands.
5. Areas east of the mountains are growing. People from there tell me they hope for better airline service so they acn't have to go through Seattle all the time.

I have an airline background and I can see the manipulation of numbers, and exaggerated statements that the Port indulges in. Our government agencies should be an example of working honestly and abiding by our rules and regulations. The Port of Seattle, however, is obsessed with growth regardless of the amount of damage that is being done to large areas. Not only do they abuse their "power" but they expect other agencies to make special concessions for them. They also have the news media under their control. No wonder people are disenchanted with government and politicians.

Sincerely,

Helen D. Kludt

Helen D. Kludt

Enclosure

CC: Carol Browner, EPA

Commander Robert H. Griffin, Regional Commander
Corp of Engineers

Chuck Clark, Director
EPA Region 10

AR 035585

JUN 24 1996

SUPERIOR COURT CLERK

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

WILLIS W. KLUDT et ux. et al))	
Plaintiffs,))	No. 726259
vs.))	
COUNTY OF KING,))	
the PORT OF SEATTLE, and))	DECLARATION OF
the WASHINGTON STATE))	
HIGHWAY COMMISSION))	HELEN D. KLUDT
Defendants,))	

Helen D. Kludt testifies as follows:

1. I reside at 17529 13th Avenue Southwest in Normandy Park, Washington. I am of legal age an sound mind. I am one of the parties plaintiff in an action titled Kludt et ex. et al. vs. County of King, the Port of Seattle and the Washington State Highway Commission. Cause No. 726259. I am the designated representative of all the plaintiffs.

2. In partial settlement of the above described lawsuit I executed an instrument on behalf of said plaintiffs titled Stipulation and Order of Dismissal as to Defendant Port of Seattle with the Port of Seattle on October 12, 1972. This stipulated settlement agreement was filed in King County Superior Court under Case No. 726259. A copy of this agreement is attached hereto, as Exhibit 1.

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3. Attached to the aforesaid Stipulation and Order of Dismissal as to Defendant Port of Seattle (Exhibit 1 hereto) as Exhibit A, is a letter dated October 6, 1972 from Port of Seattle Chief Engineer Vern Ljungren. This letter describes the North Clear Zone Detention Pond which was constructed under the terms of the stipulated settlement agreement with the Port of Seattle:

The Port of Seattle Engineering Department will recommend to the Port Commission that the North Clear Zone Detention Pond be constructed during the summer of 1973. This recommendation will be made as soon as a preliminary cost estimate covering this work is completed. We anticipate that this will be no later than the November 14, 1972 meeting of the Port Commission. This detention pond will have minimum storage capacity of 13.5 acre feet of water (with 1.75 feet of freeboard). This storage capacity will be over and above the normal holding capacity of the pond. The detention pond will have a maximum discharge of 40 cubic feet per second. . . . ¹

3. The Stipulation and Order of Dismissal as to Defendant Port of Seattle (Exhibit 1) dated October 12, 1972 records the terms of the settlement agreement whereby:

Plaintiffs and the Port of Seattle, through their undersigned attorneys, hereby stipulate and agree as follows:

1. The Port of Seattle shall deliver to attorney for plaintiffs a letter in the form attached herein as Exhibit A.

2. Plaintiff's Amended Complaint shall be dismissed as to defendant Port of Seattle without prejudice.

¹ Stipulation and Order of Dismissal as to Defendant Port of Seattle, Kludt et ux., et al. v. King County and State of Washington Highway Commission, No. 762259 King County Superior Court Oct. 12, 1972, Exhibit A.

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3. In the event that the Port of Seattle decides not to construct the drainage retention facility described in Exhibit A, or in the event that such facility, as constructed, does not have the storage capacity and maximum discharge characteristics outlined in Exhibit A, plaintiffs may commence an action against the Port of Seattle and the Port of Seattle stipulates that said action may be placed upon the trial calendar at the earliest available date, but not earlier than 60 days from the date of commencement of such action. No provision of this stipulation of Exhibit A shall be interpreted to create any cause of action or claim not now existing or available to the plaintiffs.

4. Plaintiffs hereby release the Port of Seattle from all claims for damages or injunctive relief now existing or arising before October 1, 1974 arising from any alteration of the water purity, water volume, water flow velocity or other flow characteristics of Miller Creek resulting from the construction or maintenance of the drainage retention facility as described in Exhibit A, or from the construction of additional facilities at Seattle-Tacoma International Airport which drain into Miller Creek through said facility PROVIDED HOWEVER that the effectiveness of this release is expressly conditioned upon completion by the Port of Seattle of the drainage retention facility as described in Exhibit A, and provided further that the effectiveness of this release is expressly conditioned upon maintenance in their present condition by the Port of Seattle, of the existing dike and to each culvert at 16th Avenue in the North Clear Zone of the Seattle Tacoma International Airport between the date of this Stipulation and the initiation of the drainage facility described in Exhibit A attached hereto.

DATED this 11th day of October, 1972. . . . 2

² Supra, p.1-2.

1 4. On February 16, 1973 Defendant King County presented a motion in King County
2 Superior Court to set aside the trial date of February 26, 1973 for this case. The motion
3 requested a delay of the trial date to allow completion of the study known as the "Sea-Tac
4 Airport and Vicinity Master Plan". The Court granted this motion and issued an Order
5 requiring "that periodic progress reports concerning the status and work product of the Sea-
6 Tac Airport and Vicinity Master Plan shall be furnished by King County to the plaintiffs'
7 attorney, and that said reports shall be furnished at not less than six week intervals during the
8 period the study is in progress."
9

10 5. The Sea-Tac Airport and Vicinity Master Plan, subsequently named the Sea-Tac
11 Communities Plan, involved an effort by the Federal Aviation Administration, the Port of
12 Seattle, King County, and local citizens. The principal goal of the plan was to attain maximum
13 compatibility between Sea-Tac airport and surrounding communities. George Buely and
14 George Saito of the FAA obtained a grant of approximately \$600,000 which paid two-third
15 of the cost of the Sea-Tac Communities Plan. The Port of Seattle and King County
16 contributed about \$100,000 each in services to the plan. To accomplish its goals, the Sea-Tac
17 Communities Plan recommended the implementation of drainage and water quality
18 improvements, park and recreation improvements, the establishment of comprehensive noise
19 remedy programs, and an agreement by the Port and King County to fulfill the staff and
20 budgetary needs of implementing the plan. I was asked to be a member of the Citizens
21 Committee that was created to participate in the Sea-Tac Communities Plan and assisted as a
22 citizen member on the plan's Water Quality and Drainage Study Committee.
23

24 6. In November 1973 the Sea-Tac Communities Plan: Six-Month Summary Report was
25 completed. A copy is attached hereto as Exhibit 2. The major findings of the Sea-Tac
26 Communities Plan were identified in the plan's Phase I conclusions:
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The Airport site has adequate capability to accommodate foreseeable air traffic demand. No major expansion of the site is required.

Noise exposure has peaked and, although expected to decrease with time, will remain a significant environmental problem in certain areas.

Overall size of the study area population, some 137,000 in 1970, has generally stabilized; only minor increases are expected during the next 20 years.

Employment in the area, especially at the Airport or as related to Airport activities, is increasing.

No insurmountable problems relative to air and water quality have been identified to date. ³

7. I attended many meetings and discussions with Port of Seattle and King County representatives in conjunction with the Sea-Tac Communities Plan concerning water quality and drainage problems existing in the Miller Creek Basin. One of the issues which arose in the course of these committee discussions was a proposal which contemplated the rechannelization of Miller Creek in order to extend highway 509. In a November 30, 1973 memorandum to the Chairman of the Sea-Tac Community Plan's Policy Advisory Committee, Urban Development Sub-Committee member Bruce Mecklenburg stated "the Water Quality & Drainage Task Force, is compelled to document its feeling on this." He noted the Plan's Phase I technical consultant had concluded that the Miller/Walker Creek drainage system "... is presently inadequate to handle the runoff." Mr. Mecklenburg wrote "[t]he wetland East of Des Moines Way between South 168th and South 176th is a critical element in the streams' drainage system ..." and commented on the Washington State Department of Highway's announced intention "to shortly begin construction on a highway 509 extension from South 160th the south 168th ..."

³ The Sea-Tac Communities Plan: Six-Month Summary Report, November 1973, Summary

1 8. Mr. Mecklenburg noted "In as much as both Miller Creek and Walker Creek are already
2 over burdened with storm drainage, the addition of 10 acres of nearly impervious paving and
3 29 acres of nearly impervious grassy slopes cannot be tolerated without some positive
4 assurances that this increased storm runoff will be completely controlled. Finally, his
5 memorandum stated "the contemplated rechannelization of Miller Creek into some 400 feet of
6 culverting is totally unacceptable essentially precluding any subsequent resortation [sic] of the
7 creek into a natural streambed as part of our overall program to achieve a continuous
8 pedestrian recreational footpath along the creek." A copy of this memorandum is attached
9 hereto as Exhibit 3.

10
11 9. Numerous meetings of the Water Quality and Drainage Study Committee took place
12 during 1973 and 1974. During these meetings and discussions related to the Sea-Tac
13 Communities Plan representatives of the Port of Seattle stated that one of the purposes of
14 Sea-Tac Communities Plan was to adopt land use planning for the communities affected by
15 Sea-Tac Airport which would enhance the residential areas around Sea-Tac airport and
16 prevent them from deteriorating. At these meetings Port officials emphatically stated to
17 citizens who participated on the committees that the second runway was the last expansion
18 project at Sea-Tac airport. I particularly remember that Port of Seattle Commissioner Paul
19 Friedlander stated "This is enough. We cannot ask these communities to take any more." The
20 assumptions set forth in the Sea-Tac Communities Plan provided the basis for the stipulated
21 settlement agreements which were reached with the Port of Seattle and King County on behalf
22 of the residents in the Miller Creek basin.

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10. A stipulated settlement agreement of the lawsuit with defendants King County and the Washington State Highway Commission was reached in October 1974. The agreement titled Stipulation and Agreement for Settlement was filed in King County Superior Court under Case No. 726259. A copy of this agreement is attached hereto, as Exhibit 4. Provisions of this stipulated settlement agreement prohibit changes made to Miller Creek and the Miller Creek Basin. Certain provisions prohibit increasing the quantity of water flow in Miller Creek. Other provisions require improving water quality in Miller Creek and prohibit any future channelization of Miller Creek:

.

WHEREAS, the parties have reached agreement on the general direction and nature of future King County hydraulic planning and construction activity in the Miller Creek Drainage Basin;

WHEREAS, it is understood by all signatories that breach of this settlement agreement may result in a refiling of the lawsuit;

.

THEREFORE, in consideration of the promises exchanged herein, the parties agree as follows;

1. King County and the Washington State Highway Commission recognize that serious flooding and drainage problems have existed in Miller Creek drainage basin for a number of years, that such problems will increase in the future as development increases, and King County agrees that corrective programs and drainage facilities are required and should be implemented as promptly as possible.

2. King County Department of Public Works, Division of Hydraulics, pledges the use of \$65,000 in remaining revenue sharing funds for further planning and design study in the Miller Creek basin. Said funds will be expended upon completion of the RIBCO Urban Run-off and Basin Drainage Study and the Sea-Tac Communities plan. The Division of Hydraulics anticipates that such further planning and design studies will take place during 1975.

1
2 3. King County agrees that it has abandoned the
3 total channelization of Miller Creek and agrees that it
4 will not in the future attempt the channelization of
5 Miller creek except in limited amounts in connection with
6 retention facilities.

7
8 4. Plaintiffs acknowledge and recognize there are
9 numerous possible methods of maintaining the character
10 and quality of Miller Creek and further recognize that
11 there are other residents and property owners in the
12 Miller Creek basin whose views as to project design and
13 implementation will also be considered equally by King
14 County. Plaintiffs also recognize that the King County
15 council will have final approval as to the design,
16 location, scope and nature of any project in Miller Creek
17 Drainage basin. The division of Hydraulics will,
18 however, recommend to the King County Council and will
19 use its best efforts to achieve the programs, concepts
20 and agreements contained herein.

21
22 5. King County acknowledges the long term and
23 sincere concern of numerous citizens in the Miller Creek
24 Basin in maintaining the quality and integrity of the
25 creek and guarantees continued solicitation of citizen
26 input in the final selection of a design solution.

27
28 6. King County Surface Water Utility Board, created
by Council Motion 1478, will present to the Council
during October 1974 its report calling for the creation
of a county-wide surface water utility pursuant to the
terms of the County Services Act, RCW 36.94, and
requesting initial funding of \$1 million. The creation
of such an utility requires comprehensive sub-basin planning
of detailed surface water management solutions and would
permit the levying and collecting of service charges
within each sub-basin in which a solution is planned and
initiated.

7. Upon completion of the planning and design
studies for the Miller Creek basin as provided herein,
the surface water utility will prepare a sewerage general
plan for the Miller Creek basin. The surface water
utility will use its best efforts to obtain approval of
said plan by the King County Council, the requisite
review committee and any other governmental agencies
having authority or jurisdiction over the plan area.

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8. Upon completion of the Miller Creek sewerage general plan, the surface water utility will proceed as soon as practicable with implementing the necessary financing so that work pursuant to the plan may be initiated. Without limitation of any appropriate method of financing, King County will impose the necessary charges on all property owners within the Miller Creek Basin and will consider the levying of rates and charges based on impervious surface areas.

9. The Washington State Highway Department will recommend to the Washington State Highway Commission that the Washington State Highway Department pay any assessment levied by King County based upon the assessments levied upon other property owners in the Miller Creek basin in accordance with the impervious surface area of state highways (SR 509 and SR 518) owned by the Washington State Highway Department in the Miller Creek drainage basin as such drainage projects implemented by King County benefit those highway systems.

10. Upon approval of the sewerage general plan and obtaining the necessary financing, King County will proceed with the construction of appropriate facilities, as set forth in said plan which will:

- a. improve the water quality of Miller Creek;
- b. prevent surface water from being collected and discharged into Miller Creek in excess of its natural capacity;
- c. maintain or improve the present character and appearance of Miller Creek.

.

16. King County will attempt to design and construct future public works, subject to technical considerations, and regulate private projects in the Miller Creek Drainage basin so that such projects will not adversely affect the present character of Miller Creek or increase the quantity of water which flows into Miller Creek.

17. In the event this agreement is not implemented, plaintiffs may refile said action, and defendants agree not to raise any defenses based on the statute of limitations.

.

1 19. A schedule of planned implementation of this
2 agreement shall be provided to plaintiffs within five
3 days of the date of the agreement by King County and King
4 County shall use its best efforts to follow said schedule
and shall advise the plaintiffs concerning any possible
changes in said schedule and reasons therefore. ⁴

5

6
7 10. In November 1974 the King County Council adopted a motion "relating to
8 comprehensive surface water planning and management, water shed protection, and providing
9 for the development of a Surface Water Utility in King County." A copy of this motion is
10 attached hereto as Exhibit 5.

11
12 11. The above described stipulated settlement agreements remain in full force and effect,
13 and plaintiffs have not waived, nor has the court excused defendants from observing the said
14 agreements, which include the following provisions:

15 a. prohibiting future channelization of Miller Creek; and

16 b. requiring that future projects located in the Miller Creek Basin watershed be designed
17 to maintain and improve the water quality of Miller Creek; and

18 c. requiring that the King County Sewerage General Plan prevent flow rates in Miller
19 Creek that exceed the creek's natural capacity; and

20 d. requiring that the King County Sewerage General Plan maintain or improve the
21 present character and appearance of Miller Creek.

22 e. requiring that to the extent that the addition of new impervious surface areas and fill
23 areas discharge water into Miller Creek in excess of its natural capacity, such new surface
24 areas constitute a violation of the settlement agreements; and

25
26
27 ⁴ Stipulation and Agreement for Settlement as to Defendant King County and Washington State
28 Highway Commission, Kludt et ux., et al. v. King County and State of Washington Highway
Commission, King County Superior Court, Case No. 726259 dated October 1974.

1 f. requiring that the stormwater pollution prevention plan and erosion and sedimentation
2 control plan in the Miller Creek Basin provide for the continued maintenance of the existing
3 North Clear Zone Detention Pond described in Exhibit A of the Stipulation and Order of
4 Dismissal as to Defendant Port of Seattle; and

5 g. requiring that the existing North Clear Zone Detention Pond facility described in
6 Exhibit A of the Stipulation and Order of Dismissal as to Defendant Port of Seattle maintain a
7 maximum discharge rate of 40 cubic feet per second; and

8 h. requiring that any action affecting the storage capacity and maximum discharge rate of
9 the existing North Clear Zone Detention Pond as described in Exhibit A of the Stipulation and
10 Order of Dismissal as to Defendant Port of Seattle constitutes a violation of the settlement
11 agreements; and

12 i. requiring that drainage from additional facilities constructed at Seattle-Tacoma
13 International Airport which causes the natural capacity of Miller Creek to be exceeded
14 constitutes a violation of the settlement agreements.

15
16 12. At the time of settlement all parties agreed that the violation of any of the provisions of
17 the above stipulated settlement agreements constitutes grounds for refileing of the lawsuit.

18
19 13. At the time of settlement all parties agreed that the provisions of the above stipulated
20 settlement agreements inure for the benefit of the successors and assigns of the above named
21 Plaintiffs and Defendants, including citizens, municipal corporations and public works facilities
22 located in the Miller Creek Basin.

23
24 14. Finally, that at the time of settlement was reached, all parties agreed that the provisions
25 of the Stipulation and Order of Dismissal as to Defendant Port of Seattle and the Stipulation
26 and Agreement for Settlement with King County, inure for the benefit of all parties concerned
27 with maintaining the provisions of the above stipulated settlements agreements.

28
Declaration of Helen D. Kludt - Page 11

AR 035596

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I declare under penalty of perjury that I believe the foregoing statements to be true and have personal knowledge of the facts stated herein.

Executed at Seattle, Washington this 30 day of December, 1995

Helen D. Kludt
Helen D. Kludt

Table of Exhibits

- Exhibit 1 Stipulation and Order of Dismissal as to Defendant Port of Seattle, Kludt et ux., et al. v. King County and State of Washington Highway Commission, No. 762259 King County Superior Court, Oct. 12, 1972
- Exhibit 2 Sea-Tac Communities Plan: Six-Month Summary Report November 1973
- Exhibit 3 Memorandum to the Chairman of the Sea-Tac Community Plan's Policy Advisory Committee, Urban Development Sub-Committee member Bruce Mecklenburg, November 30, 1973
- Exhibit 4 Stipulation and Agreement for Settlement, King County Superior Court, Case No. 726259, October 1974
- Exhibit 5 A MOTION relating to comprehensive surface water planning and management, water shed protection, and providing for the development of a Surface Water Utility in King County. November 1974

January 22, 1998

To: Jonathan Freedman
Project Manager

Reference: 96-4-02325

Sea-Tac Airport Expansion

From: Helen D. Kludt

17529 13th S.W.

Seattle, Wa. 98166

Phone 243-3292

Postscript to phone conversation I had with you
on Tuesday, January 20, 1998

I have another story to tell regarding another
conversation I had with the Corps of Engineers.

About 1986 when I was a member of the
Normandy Park Planning Commission, we were
working on a up-date of the City's Shoreline Management
Plan. I called the Corps to get information
regarding some issue on the subject.

When I identified myself to the gentleman at the
Corps Office, he said forcefully, "You're from
Normandy Park! What are you people doing down
there!!" He continued, "I was driving down First
Avenue and at about 172nd there was a truck
dumping dirt in a marsh area by the stream.
You can't do that!"

(CONT on page 2)

AR 035599

I said, "I know, we have it stopped now." The Sewer District was putting in a secondary treatment facility and our City Manager had given them permission to dump dirt there. The people who owned the property wanted to build houses on that site. There were many complaints called in from people in the city and it was stopped immediately. The City Manager apologized and said it was the biggest mistake she had made in her career.

The gentleman at the Corps was glad to hear it had been stopped and told me "The law prohibits the filling of wetlands for good reasons" — He said it can affect ground water that feeds springs and also stream flow and helps with flooding problems. ^{He} I told him I had been to lectures at the U. of W. and read articles on hydrology — I saw pictures in one book that showed that filling of a marsh had dried up a spring-fed lake that was several miles away. So I do understand the consequences and the importance of doing things properly.

The Port of Seattle should do things properly, too! However, past performances do not inspire trust.

(Cont on page 3)

Further Comments

The Port talks of their worsening flight delays. One of my neighbors, a Captain for one of the major airlines flying out of Sea-Tac, was visiting with me and he remarked that he didn't understand the rhetoric that Sea-Tac personnel was saying about delays at Sea-Tac Airport. He said that Sea-Tac is one of the best on-time airports that he flies into. His wife is a flight attendant. He turned to her and said, "How many times are you late arriving at Sea-Tac?" Her answer "Almost never!"

On January 20th, I was informed that a report has been done to show where the population growth is distributed in the Puget Sound region. Since 1990 to 1997 there are approximately 440,000 more residents in this area. Thurston County has the most growth — other Counties growing (not in order) are Pierce — southern, Snohomish, Island County, Kitsap. King County had no growth but maintained a status quo, being balanced by births & deaths. These growing areas are mostly in a range of fifty miles — more or less — from Seattle.

I have also read that Washington is one of few states that does not have a major airport serving its Capital City. I would think that the State of Washington would consider and encourage plans for improved air service in the Olympia area as well as the growth area to the north.

I apologize for handwriting this epistle —
My printer is down for repair —

Thank you for reading my comments —
I thought maybe you might be interested
in the "Normandy Park Wetlands" story —

Thanks again —

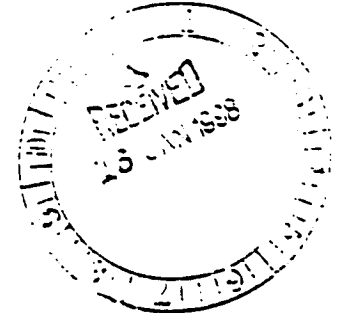
Helen Kluck
17529 13th S.W.
Seattle, Wa 98166

January 13, 1998

U.S. Army Corps
Of Engineers
Seattle District

Regulatory Branch
P O. Box 3755
Seattle, WA 98124-2255
Tel (206) 764-3495
Attn: Jonathan Freedman, Project Manager

Re. Public Notice of Application for Permit, dated December 19, 1997
Expiration date for public comment, January 20, 1998
Permit reference: 96 - 4 - 02325
Applicant: Port of Seattle
The News, Guest Columnist article by Chris Clifford



Dear Mr. Freedman,

It has recently come to my attention of the referenced Permit application by the Port of Seattle to fill and continue to destroy the environment adjacent to the Sea-Tac Airport.

① It is my understanding that interested persons objecting to this permit must submit Complaints before January 20, 1998? That being so, please consider the following Complaints as strong as I can possibly declare. Not commenting on the short window of time you have allowed for comment, where is the following?

1. Time allocated for public hearings?

② 2. Statistics that make the 3rd runway necessary? It's not enough to say it would be nice or it is required, but by whom? Where are objective evaluations and comments?

③ 3. Alternatives? If everything is going to expand, like the Port says it will, why are we considering Sea-Tac expansion at all.


4. Vision to use the billions, this Port of Seattle fiasco is pushing, to locate a real international airport at a distant location. Eastern Washington for example. Connect the Seattle area with hi-speed trains? Not possible? Ha. Europe does it routinely. Technology is up and running. Wake up!

5. Greater usage of all existing Seattle-Everett-Tacoma airport's: Paine Field, Boeing Field, Renton Municipal and McChord Field. They all belong to the taxpayer don't they?

④ 6. A declaration that the Port identify exactly what wetland they intend to destroy. This Wishy-Washy comment in the permit: "it's possible that some additional wetland could be identified". Huh? The Port is disrupting homes, lives, businesses, spending taxpayers money with both hands and they can't specifically state what and where? I suggest they want a Carte Blanche. Errors or mistakes will be made and that's the way it is, too bad, for us, not the Port!

⑤ 7. Request you deny the Port application and suggest they get their act together. See former 33rd District Candidate, Chris Clifford's "The News" column (enclosed) of January 3rd. He describes, better than I, the latest arrogance of power and financial irresponsibility by the Port.

Thank you,


Charles L. Green
425 South 168th Street
Seattle, WA 98148 (206) 242-3092

cc: Repr. Adam Smith, 9th District
1505 Longworth House Office Bldg.
Washington, D.C. 20515

Sen. Julia Patterson
33rd Legislative Dist.

Repr. Karen Kenser
33rd Legislative Dist.

AR 035603

Corps must hold Port to same standards as other applicants

Scaring hikers, Seattle, Normandy Park, Tukwila and Shorewood since 1945

By Chris Clifford
GUEST COLUMNIST

Over the years the Port of Seattle has waged its self-serving war to construct a third runway at Sea-Tac Airport.

It has acted like a school yard bully, overpowering local public agencies and jurisdictions, and stomping on the rights of the citizens with an army of lobbyists and influence.

In each and every epic battle, the David has his chance to strike. In the battle over the third runway, the Achilles Heel of the Port may now be exposed as it attempts to obtain a 404 permit from the Army Corps of Engineers to fill in wetlands to construct the third runway.

On Dec. 19, 1997, the Army Corps of Engineers sent out a public notice of the application by the Port for the 404 permit. The public has until Jan. 20, 1997 to comment on this application.

It is critical that the residents of this area send in comments regarding this permit and demand that a public hearing be held so the public can see firsthand some of the deficiencies in this application, and demand that the Army Corps of Engineers treat the Port in the same manner that it has treated other applicants for such permits.

If the Corps holds the Port to the same standard it has held other private applicants to for these permits, the Port will never be given a 404. A recent example would be the 404 application by the Emerald Downs race track seeking to fill 17 acres of palustrine wetlands.

Wetlands covered by the 404 permit given to the racetrack were low-quality wetlands and were created by the presence of cattle tilling the ground with their feet.

GUEST OPINION

When the race track sought a permit, track officials were required to diligently comply with section 404(b)(1) of the Federal Water Pollution Control Act.

This required an alternative analysis that showed the proposal was the only site that satisfied the practicable alternatives analysis, is the most economically viable, and least environmentally harmful alternative.

The alternatives analysis for the race track was comprised of a study of every potential race track site in Western Washington.

The application for the 404 permit by the track was accurate regarding the amount of wetlands to be filled and the nature of every inch of ground requested to be filled. The race track was required to mitigate within the watershed at an almost 3-1 ratio for those they were planning to fill.

The Port has not done an alternatives analysis examining the location of a new runway anywhere outside of a four-county region. The Corps must demand that a meaningful alternatives analysis be done examining every possibility within Western Washington just as with the race track.

Certainly this regional air facility is just as regional as the race track in Auburn.

The other glaring problem is that on the application to the Corps, the Port states that it "is possible that some

additional wetland areas and acreage could be identified when access is available to all wetlands in the project area."

This little aside makes the application for the 404 unacceptable. No applicant has ever been given a 404 with the caveat that they may discover and fill an untold amount of wetland acreage if they discover more wetlands in the project area.

The permit should not be granted until the Port has identified each and every square inch of wetland they propose to fill. It is what all others have had to do.

In the application, Port is seeking to mitigate the wetland fill outside of the watershed. Port officials want to mitigate nine miles away in the Green River Valley.

No applicant for a 404 has ever been allowed to mitigate the impacts of their fill outside of the watershed they are impacting. The Port has also failed to identify the amount to the 100-year flood plain it plans to fill.

Allowing the flood plain to be filled is in violation of a presidential executive order prohibiting such fills and that order is still in effect. We don't let others do that.

The public should demand that the Corps hold the Port to the same standard it has held other recent applicants for a 404 permit to. If this is done, then the Port has a long way to go before it could ever get the necessary 404 permit.

If the Port is held to the same standard, David will finally get his shot at Goliath.

Chris Clifford lives in Renton. He is a former candidate for the 33rd District state Senate seat.



Chris Clifford



US Army Corps
of Engineers
Seattle District

Public Notice of Application for Permit

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-2255
Telephone (206) 764-3495
ATTN: Jonathan Freedman, Project Manager

Public Notice Date: 19 December 1997
Expiration Date: 20 January 1998
Reference: 96-4-02325
Name: Seattle, Port of

5300-10 9 1-20-98

Interested parties are hereby notified that an application has been received for a Department of the Army permit in accordance with Section 404 of the Federal Clean Water Act for certain work described below and shown on the enclosed drawings.

APPLICANT - Port of Seattle
Post Office Box 68727
Seattle-Tacoma International Airport
Main Terminal
Seattle, Washington 98158
ATTN: Ms. Barbara Hinkle
Telephone (206) 439-6606

LOCATION - In the Miller Creek and Des Moines Creek watersheds and in wetlands at the city of SeaTac, King County, Washington.

WORK - Fill 7.38 acres of wetlands to construct an 8,500-foot parallel third runway west of the existing runways at Seattle-Tacoma International Airport (Sea-Tac), including fill of 5.46 acres of wetlands to construct the proposed third runway, and 1.92 acres of wetlands fill at on-site borrow sources. Fill 2.34 acres of wetlands to construct two new Runway Safety Areas (RSAs) on the north end of the existing runways. An additional 1.70 acres of fill will be placed in wetlands to construct the South Aviation Support Area (SASA) facilities for airport support and maintenance facilities 1 mile south of the existing terminal. Construction of the new RSA extensions and third runway would require relocation of South 154th Street and associated utilities. Full implementation of this work would involve approximately 700 acres of non-wetlands and 35 wetlands totalling approximately 11.42 acres of wetlands¹, including about 6.83 acres of forested wetlands, 2.00 acres of shrub-scrub wetlands, and 2.59 acres of emergent wetlands. The proposed work would also require filling and rechanneling approximately 980 feet of Miller Creek (0.25 of an acre), about 2,280 feet (0.15 of an acre) of drainage channels in the Miller Creek basin, and about 2,200 feet (0.5 of an acre) of Des Moines Creek.

Construction of the third runway, and runway safety areas and SASA would require the placement of approximately 20.6 million cubic yards of fill to bring these proposed features level with the existing runways. The fill for runway construction and the elements of the proposed work would come from a combination of on- and off-site borrow sources. Quantities of each would depend on the cost of the alternative sources, environmental and permitting considerations.

¹The quantity of wetlands to be filled is based on the best information available at this time. The Corps does not have access to all property to be acquired for construction of the development actions. It is possible that some additional wetland areas and acreage could be identified when access is available to all wetlands in the project area. No open water at Reba Detention facility or Lora Lake would be impacted by this proposal.

AR 035605

Wetland impacts at the mitigation site are noted in the Mitigation section below.

PURPOSE - The project purpose is to meet the public need for an efficient regional air transportation facility to meet anticipated future demand. Additional discussion about analysis of alternatives is found below in the additional information section. The applicant proposes to accomplish this by implementing specific measures at Sea-Tac which are summarized as follows:

- **Third Runway.** Improve the poor weather airfield operating capability to accommodate aircraft activity with reduced delay in aircraft takeoffs and landings. As aircraft operations at Sea-Tac have increased over the years, aircraft delay, particularly during poor weather conditions, has worsened. Recent forecasts predict continued increases in aircraft operations and continued worsening of aircraft delay during poor weather conditions. A third runway would allow Sea-Tac to operate two runways for landing during times of poor weather.
- **Runway Safety Areas (RSAs).** Provide RSAs that meet current Federal Aviation Administration (FAA) standards. An RSA is the surface surrounding a runway suitable for reducing the risk of injury/damage in the event that an airplane undershoots, overshoots, or veers off the runway. The RSAs on the two existing runways at Sea-Tac do not meet current FAA standards.
- **South Aviation Support Area (SASA).** Develop an additional South Aviation Support Area (SASA) to accommodate aircraft maintenance facilities and air cargo facilities. Existing maintenance and air cargo facilities would be displaced by expansion of main air terminal Concourse A and development of the new North Terminal. These terminal facilities are required to accommodate projected passenger demand.

MITIGATION - To compensate for unavoidable project impacts to streams and wetlands, the applicant has proposed on- and off-site mitigation described in the Natural Resource Mitigation Plan for the Proposed Master Plan Update Improvements at Sea-Tac, dated December 1995. The proposed mitigation includes the following elements:

Mitigation in the Miller Creek watershed:

- Relocation of Miller Creek around the footprint of the proposed improvements.
- Enhancement of fisheries habitat in relocated sections of Miller Creek.
- Establishment of native woody vegetated Miller Creek buffers.
- Excavation of new floodplain to compensate for floodplain areas filled.
- Storm-water management facilities to control, detain, and treat storm water generated from new facilities.

Wetlands mitigation outside the Miller and Des Moines Creek watersheds is proposed to occur on a site within the city of Auburn, adjacent to the Green River. This mitigation would:

- Provide in-kind replacement of forested wetlands at a mitigation ratio of 2:1 (about 14.68 acres).
- Provide in-kind replacement of shrub wetlands at a ratio of 1:1 (about 2.0 acres).

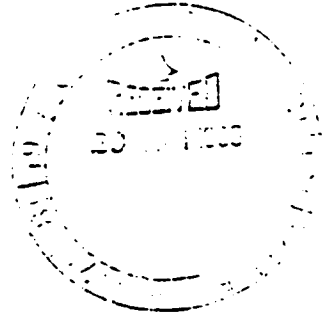
1P-24

January 13, 1998

Army Corps of Engineers
Regulatory Branch

P.O. Box 3755

Seattle, WA 98124-2255



Ref # 96-4-02325

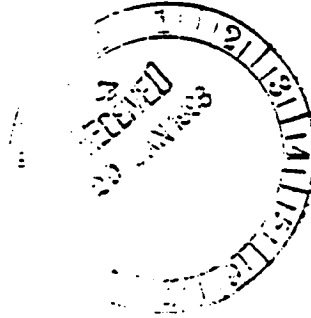
Dear Sir:

I request that a public hearing be held regarding the filling of wetlands at the north end of Sea-Tac Airport in preparation for building the 3rd runway. The Port's application states in small print that they may not have identified all of the wetlands that will need to be filled in. The Port should be required to meet the same requirements as all other entities who apply for a Section 404 permit. The ponds, watershed, and stream system support a large wildlife and plant population providing ecological balance between Sea-Tac Airport and Puget Sound. A trade-off for wetland area in Auburn eliminates a crucial part of the system.

Sincerely,
Barbara J. Rodda
644 S. 1168th St.
Seattle, WA 98148

AR 035607

January 14, 1998



Mr. Jonathan Freedman
US Army Corps of Engineers
Regulatory Branch
PO Box 3755
Seattle, Washington 98124-3755

Re: Port of Seattle
404 Permit

To whom it may concern:

The "Guest Opinion" article in the Highline Times, written by Chris Clifford was very informative. He has raised some very serious concerns regarding the possible approval of a 404 Permit to fill in wetlands to construct the proposed, third runway.

Rules should apply to everyone on an equal basis. More to the point, we have rules because as a society it assures us some protection against special interest groups implementing policies and/or procedures that enhance or enrich their own agenda. As citizens, we expect our elected officials and our state and public agencies to uphold our laws. It would be a dereliction of duty to ignore established policies.

Therefore, a public hearing should be scheduled so that a representative from the Army Corps of Engineers can explain what a 404 permit is and what the impact of approving it would mean to the surrounding area and the residents of Tukwila, Highline, Normandy Park, and SeaTac. As a resident of this area for over 30 years, I for one, would like to know.

Sincerely,

Barbara C. Bader

Barbara C. Bader
Tukwila

cc: Highline Times

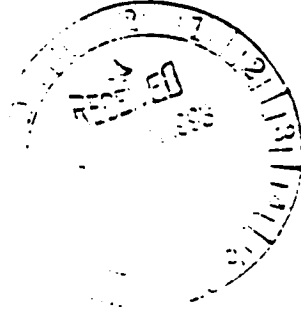
AR 035608

1P-26

ANN M. BONNEY

816 South 105th Street
Seattle, Washington 98168
January 14, 1998

U.S. Army Corp of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, Washington 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: Port of Seattle 94-02352

Dear Mr. Freedman:

A number of South-end citizens have followed the Region's airport expansion process since 1990 (i.e. The Flight Plan Project) wherein the FAA, the State and the Region and Ports recommended a 3-airport system for the Region.

The FAA, the State, the Region and the Ports mandated that Paine Field and Sea-Tac would be required short-term and McChord would be required long-term. Based on that requirement, the Flight Plan Project was voted in. However, unlike other States, potentially affected parties in the Region will not share the pain.

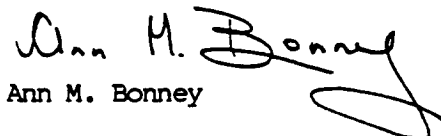
Although affected parties and potentially affected parties voted that the Region would share the pain on the Flight Plan Project (i.e. the Region would build a 3-airport system to protect transportation for the Region's short-term and long-term needs) the elected officials of Snohomish County and Pierce County reneged on the Flight Plan Project in 1993.

You are presently permitting the 1-airport system only.

As Cabinet to the President of the United States, before you put your final signature on the permit for the 1-airport system, would you ask the President through Executive Order to permit potentially affected parties to compensate affected parties for taking the entire pain? It appears that potentially affected parties would be happy to compensate affected parties for taking all of the pain but they need an Executive Order to do so. The affected elected officials of the 10 jurisdictions including the affected elected officials of the affected school districts could use the money for public safety.

I look forward to hearing from you on the President's answer to an Executive Order to protect the public safety of "affected parties."

Sincerely,


Ann M. Bonney

cc: The U.S. Executive Branch

AR 035609

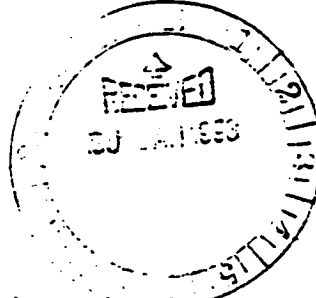
January 14, 1998

Army Corps of Engineers
 Seattle District Regulatory Branch
 P. O. Box 3755
 Seattle, WA 98124-2255

Reference: 96-4-02325- Port of Seattle

Attention: Jonathon Freedman, Project Manager

The purpose of this letter is a two-fold request:



- 1 { 1) That the Corps of Engineers hold a public hearing on the referenced permit application for public discussion
 2 { and comments by the many thousands of citizens impacted by this action. Reasons for the hearing are too
 3 { numerous to fully cover by this letter but include challenges to the completeness and accuracy of the
 4 { application, contradictions by the Corps of their own previous comments that wetlands should be replaced
 5 { within the same water basin and the fact that the overall third runway project is not the more practical
 alternative for solving the future air transportation needs. This is being challenged in court. Has the Corps
 blindly accepted all design and environmental data supplied by the Port as correct and without challenge by
 the neighboring communities? Even the need for the airport expansion and the alternatives should be open
 to discussion with the people impacted! The date for the Public Hearing should be late January or February
 so that a minimum of two weeks can be had to notify the public.
- 6 { 2) That the Corps of engineers extend the comment period. The Application was released on 12-19-97,
 making it available to the public 12-24-97 (Christmas Eve). With the Christmas and New Year holiday
 activities, it is not reasonable to reduce the effective response time from the impacted parties. Copies of the
 documents were not made available to the public libraries as is the normal case. Comments should be taken
 for a period of 30-days after the Public Hearing or 60-days after the decision is made against a Public
 Hearing. It will be much more difficult for the public to respond without a hearing.

Several on-going activities at the present time should be considered by the Corps before granting this permit. These include two Department of Ecology (DOE) actions in dispute affecting provisions for the Clean Water Act and the very important legal actions against the Port of Seattle, the FAA and the PSRC. A reasonable action for the Corps would be to delay any permits until the total planning and mitigation costs are complete and determined to be legal.

Thank you for your consideration.

Sincerely,

George and Loretta Bowers
Loretta M. Bowers

George and Loretta Bowers
 1820 SW Shoreview Lane
 Burien, WA 98146

AR 035610

January 14, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, Washington 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: Port of Seattle 96-4-02325

- 1 { • Due to the many **unanswered concerns** of the citizens affected by this project we are requesting an extension of the comment period and a public hearing to be held at a convenient location and time within the affected area. Request that the time of day be evening hours (not during rush hour) and that the Corps provides a court reporter to provide a transcript of the public testimony.
- 2 { • The public notice dated December 19, 1997 arriving in mailboxes December 24 and 25 while members of the public are involved with vacations, vacation preparations, and family activities during this time of the year. It has been very hard to get a copy of the application from the Corps to comment on.
- Documents referenced in application and needed for comments are not readily available. All materials should be in libraries within the affected area. Jonatham Freedman project manager for this permit is out of the office and will not return until January 12. The Project manager should be available to the public for the time frame of the project.
- 3 { • The Corps should physically inspect all wetlands before a permit is issued. The EPA has Ariel photos of wetlands is this project area. The Corps should have gotten a copy of these maps from the EPA if you do not know where and how many wetlands there are in this permit area.
- 4 { • There are alternatives to this project. The Puget Sound Air Transportation Committee, (PSATC), a committee of 32 members consisting of elected

officials and the public spent over two years and \$2 Million dollars studying air transportation for the Puget Sound Region. The recommendations from this committee to the Puget Sound Regional Council, PSRC, included the following.

- 4
1. Sea-Tac Airport along with Paine Field was recommended to be a short-term solution.
 2. A new airport was to be built by 2020.

- The PSRC made a political choice to expand Sea-Tac Airport and to exclude Paine Field. In excluding Paine Field the **public need** of the people will not be met for air transportation in this region. Sixty to seventy percent of Sea-Tac Airport's passengers come from north of Seattle.

- 5
- Paine Field is the most logical, least costly and with no loss of wetlands or the potential loss of the very important Highline Aquifer. The Highline Aquifer serves as a drinking source to many thousands of citizens. What will be the cost to the Citizens of this area (that now use the Highline Aquifer for drinking water) if the Aquifer is damaged?

- The potential loss of the wetlands (placed out of this watershed) and the Highline Aquifer to this region is a very serious consequence.
- Due to the high dollar cost of this project, the loss of wetlands, the damage to the Highline Aquifer, and the availability of an alternative the CORPS should not permit this project.

- 6
- The application states, (footnote) additional wetland areas and acreage could be identified when access is available to project area. The CORPS should not permit this project until all wetlands are identified. The Corps should not permit any project of this magnitude until they are sure of what they are permitting.

- 7
- Page one, paragraph under (Work) first page of application states (An additional 1.70 acres of fill will be placed in wetlands to construct the South Aviation Support Area (SASA) facilities for airport support and maintenance facilities 1 mile south of the existing terminal). This is a confusing statement. Which wetland will the 1.70 acres of fill be placed?

7 { If this statement means another wetland will be filled to support the SASA facility, please identify.

8 { • The Port did a Groundwater Quality Impact Evaluation Study for the North Parking Lot. This study took core samples examining the Highline Aquifer along with other studies. There is no mention of groundwater quality impact studies in this application for this project. This application is lacking in any studies of core studies for the permit area.

• The Groundwater Quality Impact Evaluation Study of the north parking lot concluded that the Highline shallow and intermediate aquifer are not connected. Where and how does the Highline Aquifer get recharged? This must be studied before any wetland permit is issued.

• Will the loss of wetlands in this project area affect the recharging of the Highline Aquifer? Has the Corps assessed this concern?

9 { • Wetlands should be replaced within the same water shed, preferable at the south end borrow sites within the Port's property.

• There are many sites within this same watershed to replace lost wetlands without the hazardous to aviation. The Port had not done any studies of replacement in this area watershed.

10 { • The State should complete their review and issue water quality certificate before this permit is issued.

11 { • Corps failed to coordinate this permit application with the Department of Ecology's NPDES permit application.

12 { • The amount of fill dirt is understated. The permit application states 20.6 million cubic yards versus the 26.4 million cubic yards stated in the Port's SEIS.

13 { • Will Lake Burien be affected by this project?

14 { • The South Aviation Support Area (SASA) is not a public need for this area. FAA procedures states maintenance bases should not be constructed in urban areas.

- 15 { • The weight of the dirt on the Highline Aquifer has not been identified. What will be the damages to wetlands, the watershed and the Highline Aquifer if this project is permitted?
- 16 { • The map identifying the wetlands in this application is unacceptable. The map should clearly show the wetlands that are to be filled and the wetlands that are to be affected. It is impossible to tell them apart.
- 17 { • Regional loss of wetlands in the Des Moines, Miller and Walker Creek watersheds are not identified in this application as losses to the region while the benefits of the wetland replacement in Auburn are identified as a benefit for the region. The regional loss of wetlands should be assessed for the project area at Sea-Tac Airport.

Minnie O. Brasher

Minnie O. Brasher
 846 South 136th
 Burien, Washington 98168

- cc.
- Commander Robert H. Griffin, Corps
 - Carol Browner, EPA Administrator
 - Puget Sound Regional Council
 - Dept. of Interior, Office of Inspector General
 - Senator Patty Murray
 - WA Senator Julia Patterson
 - Rep. Jim McCune
 - Honorable Gov. Gary Locke
 - CASE
 - Chuck Clark, EPA
 - WA Dept. of Ecology
 - Rep. Karen Keiser
 - Port of Seattle
 - Sen. Mike Heavey
 - U.S. Rep. Jim McDermott
 - Mayor Kitty Milne, Burien
 - King County Ex. Ron Sims

Rep. Eric Poulsen
Frank O. Ellis, Inspector General
Senator Adam Smith
ACC
FAA
People for Puget Sound
Rep. Dow Constantine

1-14-98

Dear Sir

I would like to make a comment on the proposed filling in of wetlands for the proposed 3rd runway at sea-tac airport.

I'm worried because the large wetland/wild area ~~at~~ between Des Moines memorial drive and the airport is the last high quality wetland area left in the Seattle area.

The arboretum at the U.W. has some wetlands but they have been developed into park areas and have little value to wildlife.

There are quite a few animals that live in the wetland area by sea-tac:

1. Beavers
2. Muskrats
3. Red foxes (they are truly an amazing sight!)
4. Small owls (I'm not sure if they are spotted)
5. Woodpeckers
6. Amphibians

This wetlands are also valuable because of the fresh spring water that keeps them from being polluted by runoff like the former wetland area

at the north end of the current runway that has been so polluted over the years that very little animal life is left.

I hope this area can be preserved for the future because once its been filled in no amount of work or money could ever bring it back, this area is still virgin dont permit it to be spoiled.

Sincerely

David Dorough

David Dorough

617 S. 195th

Des Moines, Wa 98148

878-1628

January 14, 1998

U.S. Army Corps of Engineers
Regulatory Branch, Jonathan Freedman
PO Box 3755
Seattle, WA 98124-2255

Subject: **Port of Seattle RN 96-4-02325**

1 { These comments supplement those already submitted in our letter dated January 8, 1998. Enclosed you will find a Port of Seattle Memorandum Item No. 8c dated January 13, 1998, to be made part of this public comment. On page two, item 4, please note that the City of Auburn may receive **cash** instead of the transfer of wetlands. That is notably absent from your mitigation plan.

2 { The U.S. Army Corps of Engineers is not handling this permit process according to procedure for 404 permits. Where is the alternative analysis required to show that this is the only such option? You insisted that Emerald Downs provide such an analysis when they wanted to fill in cow pasture. We are contemplating filling working, valuable wetlands/flood plains. Again, by copy to the Department of Justice and the Environmental Protection Agency, we adamantly oppose this highly unusual review process.

3 { The impacts to these wetlands from the just recently completed employee parking lot extension are not addressed at all. This is ONE water system. Your plans must be updated to include the impacts of the 40 acres of wetlands just filled. It is our understanding those were filled without a permit!! The City of
4 { Seattle is still trying to understand what has happened to their Riverton Heights Wells #1 and #2. What is the status of their mitigation requests? That must be included in this permit application review process as well.

5 { It is raining extremely hard this evening on ground already saturated by snow. The last two winters I have personally observed water rise to the level of and south of Hwy 518. Your permit addresses 100 yr. flood levels as 1994. They must be updated to include rainfall experienced in 1995-97. Given the 40 acres already filled by the parking lot – how much water can we put underground? We have a serious situation here. We continue to be extremely concerned that one
6 { agency is NOT pulling all the facts and data together. Somebody HELP – we insist on a public hearing.

Michael & Maria Little
Michael and Maria Little
2650 SW 151st Place
Seattle WA 98166

Enclosures:

Page 2 Port of Seattle 96-4-02325

**Cc: U.S. Senator Slade Gorton
U.S. Patty Murray
Washington State Department of Ecology
Washington Department of Fish and Wildlife
King County Natural Resources Division
U.S. Department of Justice
Environment Protection Agency Region 10
Federal Aviation Agency
Washington Representative Jim McCune
U.S. Representative Adam Smith
Governor Gary Locke, State of Washington**

AR 035619

COMMISSION AGENDA

DATE: December 30, 1997

TO: M.R. Dinsmore, Executive Director

FROM: Gina Marie Lindsey, Director, Aviation Division

SUBJECT: Resolution No. 3259, Authorizing the Executive Director to execute an Interlocal Agreement between the City of Auburn and the Port of Seattle regarding construction of wetlands on property in Auburn, Port payment of funds for community development activities in Auburn, and transfer of property from the Port to Auburn. Request for:

- 1.) First Reading
- 2.) Public Hearing

BACKGROUND

The Port is required to construct and maintain new wetlands to replace wetlands filled for the third runway and other airport projects. The Port acquired a 69-acre site in the City of Auburn and intends to construct the replacement wetlands on a portion of this property. The property is zoned single-family residential, and Auburn believes a zoning amendment is necessary to clarify that wetlands construction is a permitted use in this zone. A grading permit, and perhaps other approvals, are required from Auburn to construct the wetlands.

Auburn is forming a local improvement district (LID) to finance some street and utility improvements in the vicinity of the Port's property. Auburn estimates that, pursuant to this LID, the portion of the Port's property devoted to wetlands would be assessed approximately \$1.4 million. Also, Auburn has constructed certain storm and sanitary sewer systems that would serve the Port's property. Auburn has requested the Port to contribute to the cost of the street and utility improvements in lieu of assessment.

CITY OF AUBURN / PORT NEGOTIATIONS

Since early 1996, Auburn and Port officials have been meeting regularly to discuss the approvals required from Auburn to construct the replacement wetlands and appropriate mitigation for this action. The proposed Interlocal Agreement is a resolution of the issues that surfaced in these discussions.

In Resolution No. 3245, adopted in May 1997, the Commission authorized the Executive Director to enter into a memorandum of agreement with the City of Auburn regarding development of a wetland mitigation site.

COMMISSION AGENDA

M. R. Dinsmore, Executive Director

December 30, 1997

Page 3

improvements, within 10 years of the Agreement, the cash paid for street and utility improvements must be refunded to the Port with interest and the property or its cash value returned to the Port.

6. Costs of legal challenge. If a legal challenge is filed regarding the Auburn permits or the Interlocal Agreement, the Port will pay Auburn's attorney fees and costs in defending against the legal action.

7. Donation of property to King County for trail. The Port will donate to King County approximately 1.7 acres of property adjacent to the Green River to be used for a recreational trail.

REQUESTED ACTION

The Director, Aviation Division, requests the following actions: Resolution No. 3259, Authorizing the Executive Director to execute an Interlocal Agreement between the City of Auburn and the Port of Seattle regarding construction of wetlands on property in Auburn, Port payment of funds for community development activities in Auburn, and transfer of property from the Port to Auburn. Request for:

- 1.) First Reading
- 2.) Public Hearing

AR 035621

January 15, 1998
Jonathan Freedman
U. S. Army Corps of Engineers
Seattle District, Regulatory Branch
P. O. Box 3755
Seattle, WA 98124-2255

Subject: Port of Seattle Request for Clean Water Act Section 404 Permit # 96-4-02325

Dear Mr. Freedman:

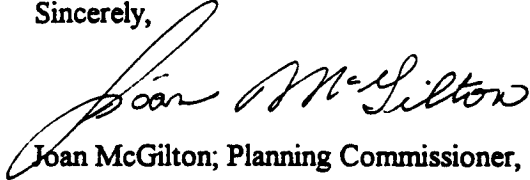
I am responding as a citizen and community leader to the Port of Seattle's request for A Section 404 Permit under the Clean Water Act. I understand the application is to fill wetlands in the Miller Creek Drainage Basin and mitigate the filling of these existing wetlands with a new wetland in the Green River Basin. I have two concerns: the first is the creation of a new wetland outside of the Puget Sound Drainage Basin; and the second concern is that there has been no formal public hearing for this application.

1 | As a marine biologist and an environmental engineer, I am aware of the difficulty of creating and or restoring wetlands areas that are not now designated as such. I am also aware of the continual taking of existing wetlands in order to accommodate large construction projects. This project will not only fill existing wetlands that are necessary for storm water control, it will also impact one of the remaining salmon streams in south King County. I strongly object to the premise that a newly created wetland in the Green River Basin is equivalent to an existing and functioning wetland in the Puget Sound Basin.

2 | My other concern relates to the fact that the Corps has not yet required the Port of Seattle to conduct a public hearing to offer the public an opportunity to comment to this application. Had the Highline Times not done a feature article, I would have been unaware of this proposed action. I respectfully request that the Corps deny the Port of Seattle's application immediately. If this is not the case and if a hearing is not held for full

2 | community review, the Corps will be remiss in it's role of public advocate. Thank you for the opportunity to comment.

Sincerely,



Joan McGilton; Planning Commissioner, City of Burien

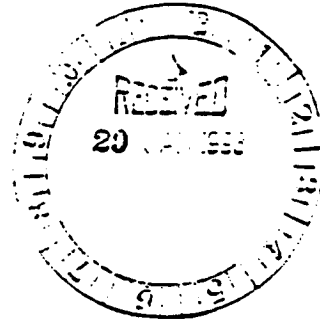
cc: Adam Smith; Representative, 9th District
Kitty Milne; Mayor, City of Burien
Gloria Gould-Wesson; PARC, Chair
Randall Parsons; Chair, Planning Commission
Tom Hubbard, Port of Seattle

AR 035623

1P-32

January 15, 1998

US Army corp of Engineers:



ATTENTION JONATHAN FREEDMAN:

My reply to the article in the Highlin Times.

- 1 [No. 1 The Port should not be allowed to fill the wet land to build the third runway!
- 2 [No. 2 The same for changing Millers Creek.
- 3 [No. 3 Change the East to West Hiways.

Jack Provo
638 South 168th
SeaTac, Wash. 98148

AR 035624

1P-33

1-15-98

Dear Sirs,

I would like to add my
opposition to the work proposed
at 96-4-02325. I do not want
the port to construct the 3rd runway.
I do not want them to fill wetlands.
I do not want them to re-channel
Miller creek.

The effect of this proposal
will lower all property values
destroy the public school system
and ruin our community.

Thank you,

Cheyl R Sack
1962 SW 172
Sea Wa 98166

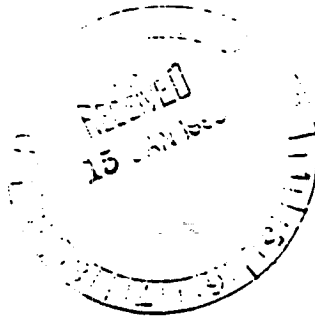
AR 035625

January 15, 1998

Jonathan Freedman
Corps of Engineers
P.O. Box 3755
Seattle, WA 98124

Subject: 96-4-02325

Dear Mr. Freedman:



The Port of Seattle requests permission to fill in about 12 acres of wetlands. These wetlands, according to the Port, must be destroyed in order to meet the public's transportation needs. The Port's 3 projects which are proposed are:

1. Runway Project
2. RSA Project
3. SASA Project

RUNWAY PROJECT

1. The public transportation needs can be met with the use of Paine Field (passengers) and Boeing Field (cargo). No wetlands need be destroyed if these 2 airfields are used. Paine and Boeing are already laid with concrete and the runways are long enough and strong enough to accommodate new and old jets. The runways are in use now and can readily take more air traffic.

2. This draft permit is wrong to state that the purpose of the runway project is to "address poor weather aircraft operating delay". If this were true, then it is a poor site to place a runway costing more to build than any other in the U.S. "Poor weather" is mentioned 4 times in a 4 sentence paragraph. The wording is meant to play on the reader's sympathies invoking a picture of a rainy, stormy scenario many days of the year. The real "purpose" of the runway project is to increase overall traffic in good weather, too. (See Ms. Lindsey, Aviation Director's letter attached dated October 31, 1997.) The accumulated impacts of all the increased activity in good and poor weather will further erode protection of the public.

RSA PROJECT

3. The public transportation needs have been met for many years with the present FAA-accepted RSA. Until the Port decided on this runway project, never has safety been compromised; that is according to FAA and Port officials. The possibility of "injury/damage" due to inadequate RSA's has only arisen since the new runway project was published in the FEIS. Please ask the

Port of Seattle if the "risk of injury/damage" to passengers flying in and out of Sea Tac exists at this time.

3 If RSA projects are part of this draft permit, why was not the RSA for Runway 34R included also? What was so different about Runway 34R. Wetlands were involved and retention ponds built when the RSA project for Runway 34R was planned. No public hearing was scheduled, no determination of significance given, and the DNS which was handed out to the public was changed just before start of the project with no public knowledge or input to the changes.

SASA Project

The SASA project is not needed to meet public transportation needs. Presently SASA's plans call for a maintenance base consisting of up to 7 hangars. There are 2 kinds of jet maintenance bases - 1. line maintenance and 2. heavy maintenance. At this point in time the airport has adequate facilities to handle all "line" maintenance. With the SASA project, the Port requests permission to carry out "heavy" maintenance. This project will greatly impact our wetlands and community:

1. Heavy maintenance produces waste chemicals (solvents and lubricants, etc.) which can be toxic to the wetland environment.
2. Heavy maintenance includes wash down. Radioactive debris from high altitudes sticks to jet surfaces, and hosing off such material may be toxic to the wetland environment.
- 4 3. A heavy maintenance project is bid on by various airlines to be their main maintenance base. There is no impending need for heavy maintenance at Sea Tac. Such a project is an aggressive choice (see attached) for a lucrative business and is not a necessity to maintain general safety of planes, nor is a Sea Tac maintenance facility needed here by the traveling public. The Port says such a facility will create jobs, but no matter where the facility is sited, the job seekers will come.
4. According to WAC 173-60-050 (see attached), "aircraft testing and maintenance shall be conducted at remote sites whenever possible." The Corps by rejecting this permit can protect our wetlands.
5. The Corps should request the Port for documents showing how the jets will travel from the runways over the lowland golf course and into the uphill planned maintenance facility. More havoc may occur to the wetlands than is discernable at this time.

- 4
6. There is no reason to do heavy maintenance in a metropolitan area. Heavy maintenance can be done any place, including the middle of the desert where wet lands do not exist. The Corps can deny permission and save our community and wetlands from further contamination.

ENDANGERED SPECIES

5

Will the Corps read the FEIS for the third runway and master plan update in regard to endangered species? A huge section is devoted to the study of threatened bald eagles nesting to the west on the Sound miles away from the project. Recently it was brought to the attention of the Port that eagles are nesting much closer to the east; in fact only about 2 blocks from the proposed SASA site. Consultants working on the FEIS failed to study this close-in site. These eagles to the east are seen flying westerly over airport property to their feeding grounds on the Sound. If this project is permitted, and a great increase in air traffic takes place, then certainly the eagles will be increasingly threatened.

HISTORIC PLACES

6

This category is included to make sure planned projects do not adversely impact historical places. And if they do, then the project can not be built. This draft permit mentions Sunnydale School as an historical site with the potential to be eligible for the National Register. The school lies across the street from the airport buyout project. The Port indicates Sunnydale School will not be impacted if insulated. But the school, in order to remain as an historical place must not have any modern changes such as insulation. It's a catch-22. In essence, if the Corps permits this project, Sunnydale School will no longer have an historical place status.

WATER SUPPLY

7

The Flight Plan Project, the SASA EIS, the RSA DNS, the FEIS for the Third Runway and Master Plan Update allude only in the briefest terms to the Highline Aquifer which lies beneath this project. The Highline Aquifer supplies Seattle and Highline area households with drinking water.

1. When millions of cubic yards of various kinds of imported and untested dirt are tamped down on top of an aquifer, how is its function affected? And how are nearby wetlands affected?

2. Will the Corps request a determination of the depth of the aquifer under the runway project and under the SASA project?
3. If acres of wetlands are filled as a result of these 3 projects, how much loss will there be to the aquifer's water supply and how much loss of wetland filtration of pollutants? Will the remaining wetlands take up the slack, recharge our water supply and keep it free of contaminants?
4. Removal of acres of this natural groundwater recharge area may require an alternate source of water. What would be the cost to water customers of buying water from another source?
5. Water is a natural resource and its protection is provided for in the Federal Clean Water Act.
6. The Corps is the agency which protects the wetlands. It is difficult to restrict our comments to the subject of wetlands only. Surface water and groundwater at Sea Tac both of which are polluted in places, affect wetlands. The Corps should be in consultation with the EPA and the State DOE in regard to permitting these three projects.
7. Lately the Port has been disparaging our wetlands. (See attached). The original FEIS for these projects did not describe the wetlands as "low quality" and "degraded". If this is a true evaluation, then there is an even greater need to keep all the 12 acres functioning above the aquifer.

WILDLIFE AND WETLANDS

One of the Port's biggest arguments for filling in our wetlands is the necessity to minimize "wildlife attractions". For years the wetlands have existed and functioned in the vicinity of Sea Tac Airport. The Port in the past has been quiet about any threat from wetlands. Now the Port says they must go.

But, besides this new plan to eliminate wetlands because of a wildlife attraction, the Port actually plans to ADD attractions. (see attachments). Yes, 12 acres of wetlands will be filled but the Port will create:

1. A larger Tyee Pond
2. A larger Reba Pond

3. Two cells of dense vegetation
4. Stream relocation for SASA will "provide an enhanced new habitat"
5. New acres of wetland at Barnes Creek within a mile of the runways.

The Port could have but has NEVER tried to discourage birds by netting.

The Port states the FAA will not certify airports that have wildlife attractions within 10,000 feet of a runway.

- 8
1. This policy is still in DRAFT form only, and it is very doubtful that it will become a regulation. Will the Corps ask the FAA if any definitive policy has been published?
 2. On Long Island, New York near Kennedy is located one of the most popular and enhanced wildlife habitats in the U.S. and the FAA doesn't suggest that it be removed.
 3. The Port allows wetlands and flooding to occur in the winter in the lowlands next to the south end of the runways. The birds flock and remain as long as the flooding is there (during every rainstorm). See attached photos I took of single large birds and flocks of birds. The Port has never, to date, considered this as a safety concern or wildlife attraction because to control this flooding or to net over the water would require a large expenditure of money.

Without consulting with the surrounding city planners, the Port has purchased 69 acres in Auburn in another watershed because, the Port says, there is no where mitigation can take place near the airport. The Corps must refute this claim. If it is true, then our aquifer is, indeed, in trouble. If it is not true, the Corps should speak up and say it isn't.

GENERAL COMMENTS AND QUESTIONS

- 9
1. The NEPA and SEPA process for SASA occurred many years ago, and conditions have changed. When does the time period for such a process run out and when is a review mandated?
- 10
2. The Port, if permitted to proceed with these projects, will need new jet fuel storage for an anticipated 40% increase in

10 fuel. Where, in relation to the remaining wetlands, will the fuel be stored? And where will it be stored in relation to the 12 acres in question? Over a million gallons of fuel are pumped every day at Sea Tac with 2 runways.

11 3. It is requested the Corps make available (upon request) to the public all referenced material in the draft permit - copies of FEIS pages, maps, attachments A through B, etc.

12 4. You have not issued a 404 permit to the Port yet the Port went ahead within the delineated wetland area and bulldozed 30 or so acres at Borrow Site #5. Why did the Corps give permission to start bulldozing before a 404 application was accepted?

5. The Port has also been demolishing homes upland from the wetlands. Why have you permitted this before a 404 application is accepted by the Corps?

6. The Corps should be aware of certain legal actions against the Port which are now in progress:

1. The cities of Burien, Des Moines, Normandy Park, Tukwila, Federal Way and the Highline School District are challenging the way the Port developed the EIS for the new runway project.

13 2. The cities and schools are challenging the findings of the EIS itself.

Because of the pending lawsuits which question the basics of the EIS findings (including wetlands), the Corps should delay any more action on this draft permit process. And because it is highly speculative that the Port will ever be able to fund and build this project, the Corps of Engineers should hold off approval of the destruction of 12 acres of wetlands.

cc: Commander R.H. Griffen
Director Chuck Clarke EPA
Lawrence Andriesen FAA
Adam Smith Congressman
Karen Keiser Congresswoman
Jim McCune Congressman

Submitted by:

Barbara Stuhring
Barbara H. Stuhring
24828 9th Pl. S.
Des Moines, WA 98198

Enclosures

AR 035631



Port of Seattle

October 31, 1997

Barbara H. Stuhring
24828 9th Pl. S.
Des Moines, Washington 98198

Dear Ms. Stuhring:

Thank you for taking the time to contact me directly with your questions about the third runway. As my letter to the editor says, the primary benefit of the third runway is the increased arrival capacity it will provide in inclement weather, however, this is not the only benefit.

I do not want to mislead you, the third runway is being built for two express purposes. First, to allow the airport to function more efficiently and safely in poor weather and low visibility conditions. Second, the runway will assist the airport in meeting projected increases in traffic into the next century. While I know more traffic is not good news to the surrounding neighbors, it is an unfortunate result of a rapidly growing region.

Sea-Tac's passenger traffic has increased dramatically in the past ten years. The airport currently handles more than 75,000 visitors a day and is the 19th busiest facility in the country. Our third runway is a critical element in the region's overall future public transportation infrastructure.

I appreciate your questions and hope that we can work with you to alleviate some of your concerns. If you have any further questions, please do not hesitate to contact me directly.

Sincerely,



Gina Marie Lindsey
Director, Aviation Division

Seattle-Tacoma
International Airport
P.O. Box 68727
Seattle, WA 98168 U.S.A.
TELEX 703433
FAX (206) 431-5912

AR 035632

(viii) Community services, property not used for human habitation (e.g., educational, religious, governmental, cultural and recreational facilities).

(c) Class C EDNA - Lands involving economic activities of such a nature that higher noise levels than experienced in other areas is normally to be anticipated. Persons working in these areas are normally covered by noise control regulations of the department of labor and industries. Uses typical of Class A EDNA are generally not permitted within such areas. Typically, Class C EDNA will be the following types of property:

- (i) Storage, warehouse, and distribution facilities.
 - (ii) Industrial property used for the production and fabrication of durable and nondurable man-made goods
 - (iii) Agricultural and silvicultural property used for the production of crops, wood products, or livestock.
- (d) Where there is neither a zoning ordinance in effect nor an adopted comprehensive plan, the legislative authority of local government may, by ordinance or resolution, designate specifically described EDNAs which conform to the above use criteria and, upon departmental approval, EDNAs so designated shall be as set forth in such local determination.

(e) Where no specific prior designation of EDNAs has been made, the appropriate EDNA for properties involved in any enforcement activity will be determined by the investigating official on the basis of the criteria of (a), (b), and (c) of this subsection.

(2) In areas covered by a local zoning ordinance, the legislative authority of the local government may, by ordinance or resolution designate EDNAs to conform with the zoning ordinance as follows:

- (a) Residential zones - Class A EDNA
- (b) Commercial zones - Class B EDNA
- (c) Industrial zones - Class C EDNA

Upon approval by the department, EDNAs so designated shall be as set forth in such local determination. EDNA designations shall be amended as necessary to conform to zone changes under the zoning ordinance.

(3) In areas not covered by a local zoning ordinance but within the coverage of an adopted comprehensive plan the legislative authority of the local government may, by ordinance or resolution designate EDNAs to conform with the comprehensive plan as follows:

- (a) Residential areas - Class A EDNA
- (b) Commercial areas - Class B EDNA
- (c) Industrial areas - Class C EDNA

Upon approval by the department EDNAs so designated shall be as set forth in such local determination. EDNA designations shall be amended as necessary to conform to changes in the comprehensive plan.

(4) The department recognizes that on certain lands, serenity, tranquillity, or quiet are an essential part of the quality of the environment and serve an important public need. Special designation of such lands with appropriate noise level standards by local government may be adopted subject to approval by the department. The director may make such special designation pursuant to the procedures of the Administrative Procedure Act, chapter 34.04 RCW. [Order 74-32, § 173-60-030, filed 4/22/75, effective 9/1/75.]

WAC 173-60-040 Maximum permissible environmental noise levels. (1) No person shall cause or permit noise to intrude into the property of another person which noise exceeds the maximum permissible noise levels set forth below in this section.

(2)(a) The noise limitations established are as set forth in the following table after any applicable adjustments provided for herein are applied.

EDNA of NOISE SOURCE	EDNA of RECEIVING PROPERTY		
	Class A	Class B	Class C
CLASS A	55 dBA	57 dBA	60 dBA
CLASS B	57	60	65
CLASS C	60	65	70

(b) Between the hours of 10:00 p.m. and 7:00 a.m. the noise limitations of the foregoing table shall be reduced by 10 dBA for receiving property within Class A EDNAs.

(c) At any hour of the day or night the applicable noise limitations in (a) and (b) above may be exceeded for any receiving property by no more than:

- (i) 5 dBA for a total of 15 minutes in any one-hour period; or
- (ii) 10 dBA for a total of 5 minutes in any one-hour period; or
- (iii) 15 dBA for a total of 1.5 minutes in any one-hour period. [Order 74-32, § 173-60-040, filed 4/22/75, effective 9/1/75.]

WAC 173-60-050 Exemptions. (1) The following shall be exempt from the provisions of WAC 173-60-040 between the hours of 7:00 a.m. and 10:00 p.m.:

- (a) Sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds and appurtenances.
- (b) Sounds created by the discharge of firearms on authorized shooting ranges.
- (c) Sounds created by blasting.
- (d) Sounds created by aircraft engine testing and maintenance not related to flight operations: *Provided*, That aircraft testing and maintenance shall be conducted at remote sites whenever possible.
- (e) Sounds created by the installation or repair of essential utility services.

(2) The following shall be exempt from the provisions of WAC 173-60-040 (2)(b):

- (a) Noise from electrical substations and existing stationary equipment used in the conveyance of water, waste water, and natural gas by a utility.
- (b) Noise from existing industrial installations which exceed the standards contained in these regulations and which, over the previous three years, have consistently operated in excess of 15 hours per day as a consequence of process necessity and/or demonstrated routine normal operation. Changes in working hours, which would affect

Thursday, October 24, 1991

Indianapolis lands United hub

Associated Press

INDIANAPOLIS — Indianapolis beat out nearly 100 other cities in a two-year bidding war to be selected as the site of a huge United Airlines maintenance center that is expected to create 18,000 jobs.

United, which announced the decision yesterday, pledged to invest \$800 million to \$1 billion in the center, which is scheduled to open in 1994.

United will get \$294.6 million in state and local incentives in exchange for building the center on 300 acres at Indianapolis International Airport.

"This is the largest economic development project in the United States today, the largest economic development project in the history of our state," said Gov. Evan Bayh.

The other finalists in the competition were Denver, Oklahoma City and Louisville, Ky.

The center, with more than 3 million square feet of space, is expected to employ at least 6,300

people. Suppliers and other businesses providing services to United will create 11,700 more jobs, officials said.

United Chairman Stephen Wolf said in a statement from the

airline's headquarters in Chicago that Indianapolis was selected on the basis of such factors as location, available manpower and services, construction costs and financial incentives.

AR 035634

Job-rich aviation support area detailed by port in draft EIS

Building would start in '93, if SeaTac picked for maintenance base

by John H. Stevens
Times South bureau

SEA-TAC

The Port of Seattle released details yesterday of a planned airliner maintenance facility at Seattle-Tacoma International Airport that could produce thousands of jobs and other economic benefits for the region.

Construction of the aviation support area could begin next year if Alaska Airlines chooses SeaTac as the site of a large maintenance base for its planes. If the airline opts for another city, the port would develop the maintenance area during the next decade for other airlines.

Alaska Airlines is expected to make its decision in the next few weeks.

The port wants to make room

for expanded terminals at Sea-Tac. Current airline maintenance hangers would need to be moved to accommodate the terminals, which could be built by 2003.

The draft environmental impact statement for the project details a 247-acre site just south of the airport, and west of Pacific Highway South.

The maintenance area would cost the port from \$72 million to \$110 million to develop, depending on which of three alternative plans it chooses. The plans vary in size. If a smaller maintenance base is chosen, that would leave more land for other types of commercial development. Airlines would lease sites from the port and build their own maintenance facilities.

The project could generate from 4,429 to over 9,000 jobs, including airline maintenance positions and jobs created by other commercial development proposed for part of the site.

Joe Sims, Sea-Tac planning director, says the proposed commercial development would include

office buildings and hotels.

Most of the land for the site is owned by the port. Other parcels are owned by Equitable Capital Group Inc., a private developer, and the Seattle Christian School. The port is negotiating to buy that land, Sims says.

Other projects proposed for sites on or near the maintenance area are the King County Regional Justice Center and several road projects, including a highway to connect the airport with I-5 from the south.

The port acknowledges the maintenance base would need to be built with these other projects in mind, to make them compatible.

Taxes generated by the maintenance base could reach \$1.4 million a year, with SeaTac getting up to \$426,000 a year.

Environmental impacts include increased traffic, noise from jetliners, and the need to relocate more than 3,000 feet of the Des Moines Creek, which runs through the site.

Spokane courts Alaska Airlines

12/15/91
Business leaders offer land, cars
to attract maintenance facility jobs

Associated Press

SPOKANE — Business leaders are using free cars and free land to lure Alaska Airlines' new maintenance base with its 2,000 jobs and \$80 million payroll to this city.

"We're trying everything we can to recruit Alaska Airlines," said John Morrison, director of the Spokane International Airport Business Park.

The airline last month named Spokane as one of five finalists for the \$60 million maintenance base. Others were Seattle, Portland, Tucson, and Phoenix.

The Spokane Area Economic Development Council is soliciting gifts and letters through Dec. 18 to present to officials of the Seattle-based airline when they visit sometime in the next six weeks, the council's marketing research director Meri Berberet said yesterday.

The incentives are designed to circumvent a state law that, unlike laws in competing states, prohibits public agencies from offering tax breaks and other perks to prospective industries.

"It all has to come from the private sector," Berberet said.

If Spokane is selected, the New Car Dealers Association has pledged six new vehicles for the airline's use for two years, the council said.

An unidentified real estate developer also has agreed to pay some of the airline's estimated \$65,000 annual land lease, the council said.

Runway Wetlands Not Good Enough, Port Says

By Marc Stiles
STAFF WRITER

SEATAC—The Port of Seattle has approved a plan to fill in nearly 100 acres of highland wetlands adjacent to the airport with dirt and "move" them to Auburn.

The Port of Seattle, which runs Sea-Tac, has applied to the U.S. Corps of Engineers for the necessary permits. Approval also would allow the Port to fill and relocate 6,500 feet of Miller and Des Moines creeks and associated drainage channels.

The concept has left leaders of groups opposing the controversial, \$687 million runway shaking their heads.

"How can you transfer wetlands from the Burien/Normandy Park area to Auburn?" asked Regional Commission on Airport Affairs Vice President, Jim Bartlemay. He called the proposal "ridiculous."

Port spokeswoman, Rachel Garson said, the federal

proposal will add to a better cities of more wetland (24) District, adjacent to the Corps said the 30-day period is a "So it's a net benefit to the environment overall," Garson said.

In its permit application, the Port has proposed some mitigation measures to make up for the loss of the wetlands. One proposal is to improve the fish habitat in designated sections of Miller and Des Moines creeks. Port officials also say they will build facilities near the airport to treat and control storm water.

Corps spokeswoman Patricia Graesser said her agency usually seeks on-site wetlands mitigation. But the goal is to come up with something that is ecologically meaningful," she added.

What's being done with the resources? If that's the question, she said, it's not just the proposal, already has had an opportunity to comment on the trans-

others. They're also angry about the lack of a public hearing and the 30-day period the Corps has established for review processes.

public hearing, Bartlemay said. "This is a Port of Seattle trying to get the Corps of Engineers to do."

Grassier said the Corps may hold a public hearing and extend the comment period. It all depends on what sorts of written comments the agency receives.

She noted that the public already has had an opportunity to comment on the trans-fer of the wetlands. That was during the Port and FAA's environmental review processes.

**CITY OF DES MOINES
REQUEST FOR
QUALIFICATIONS**

The Surface Water Management Division is accepting letters of qualifications for professional services for the facility planning of the Barnes Creek Detention Facility. The proposed 3.6 acre-ft engineered biofiltration wetland and detention facility is located at the confluence of the forks of Barnes Creek between S. 222nd St. and S. 223rd St. It is estimated that half of the site is located within a badly degraded wetland. The proposed project will serve as a City model for water quality improvements by treating non-point pollutants yet providing an attractive environment for wildlife. The facility will also serve as a major regional detention facility for reducing flooding that occurs locally and in the lower portions of Massey Creek. A preliminary scope of work and project budget and other project materials are available by request from the City of Des Moines Public Works Department. Prospective consultants should include a letter of interest, resume, list of similar projects (local only), references, and a description of their approach to the design work by February 23, 1996, 4:30 p.m., to Loren Reichold, Assistant City Engineer, Public Works Department, 805 South 219th St., Des Moines, WA 98198 or call 678-8626.

Published in the Highline News/Des Moines News on January 31, 1996.

H24

AR 035638

of the existing 2-year rate, limiting the developed 10-year flow rate to the existing 10-year rate, and limiting the developed 100-year flow rate to the existing 100-year rate. Stormwater detention volumes would be provided with either underground storage vaults, as shown in Exhibit IV.10-5, or with regional storage ponds. Detention requirements of Ecology's *Stormwater Management Manual for the Puget Sound Basin* are more stringent than those of the *King County Surface Water Design Manual*, the latter of which have been adopted by the City of SeaTac. The *King County Surface Water Design Manual* is presently being revised and the revised version is expected to contain design standards that are comparable to or more stringent than Ecology's manual.

- Stormwater quality treatment would be provided with a combination of wet vaults and biofiltration swales.
- Design stormwater facility outlets to reduce channel scouring, sedimentation and erosion, and improve water quality. Where possible, flow dispersion and outlets compatible with the proposed stream mitigation (Appendix P) should be incorporated into engineering designs.
- To mitigate potential reductions in shallow groundwater recharge and incremental reductions in base flows in these creeks, infiltration facilities would be constructed where feasible. One location has been identified as suitable for shallow infiltration facilities an area in the northeast corner of the Airport.¹³
- Existing and proposed new stormwater facilities should be maintained according to procedures specified in the operations manuals of the facilities.
- The potential for using constructed aquifers within the runway fill, as described in Appendix Q-C, should be further investigated.
- Tye pond would be relocated and enlarged as part of the SASA project. The relocated and enlarged pond would be a three-celled system with 40 to 45-acre feet storage capacity located north of the main SASA footprint. The first two cells would be densely vegetated emergent wetland cells for

¹³ Draft Technical Memorandum dated June 28, 1995 from Dan Cambell, Hong West & Associates, Inc. to Jim Peterson and John Genksow, HDR Engineering, Inc.

enhanced biofiltration and water quality improvement and the third cell would be off-line, providing detention for large storm events¹⁴.

Various mitigation requirements, as stipulated by federal, state, and applicable local laws, policies, and design standards, would be applicable to construction and operation of the proposed new parallel runway and landside development at the Airport. These requirements would be components of the proposed design and are expected to reduce potential impacts on surface water and groundwater quality. For example, potential temporary increases in suspended solids levels in Miller and Des Moines Creeks or their tributaries from construction activities would be reduced by implementation of an effective erosion and sedimentation control plan, which is required before construction could begin.

Effective erosion and sedimentation control could be achieved by using a system of erosion controls (e.g., mulching, silt fencing, sediment basins, and check dams) that are properly applied, installed, and maintained. In a study of construction sites in King County between January 1988 and April 1989, the most common reasons for ineffective erosion control plans included failure to install Best Management Practice (BMP) erosion controls, improper installation of erosion controls, and failure to maintain erosion controls.¹⁵ The Port of Seattle may need to include specific provisions in its agreements with contractors to ensure that erosion control measures are properly installed and maintained during construction activities (e.g., performance bonds).

Use of BMPs at construction sites, such as spill containment areas, phasing of construction activities (to minimize the amount of disturbed and exposed areas), and conducting activities during the dry season (April through September), also should prevent or reduce potential impacts on surface water and groundwater quality. According to the NPDES permit (Permit No. WA-002465-1) issued by the Washington State Department of Ecology, the Port of Seattle is

west of
north of
Packerway
lot

¹⁴ *South Aviation Support Area Final Environmental Impact Statement*, Port of Seattle, 1994.

¹⁵ *Erosion and Sediment Control: An Evaluation of Implementation of Best Management Practices on Construction Sites in King County, Washington January 1988-April 1989*. Prepared by C. Tiffany, G. Minton, and R. Friedman-Thomas for the King County Conservation District, Remon, WA, King County, 1990.

FAA Order 5050.4A "Airport Environmental Handbook" states:

"Federal agencies ... avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds: a) that there are no practicable alternatives to such construction, and b) that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use." [Chapter 5, Paragraph 47 e (1) (b)]

"The term 'practicable' means feasible. Whether another alternative is practicable depends on its feasibility in terms of safety, meeting transportation objectives, design, engineering, environment, economics, and any other applicable factors." [Chapter 5, paragraph 47e(1)(e)]

In evaluating alternatives, Chapter II considered:

- *Off-site alternatives* to satisfying the existing and future aviation needs - as was shown none of the off-site alternative can satisfy the need for the following reasons:
 1. There is no sponsor, identified source of funds or acceptable site for a new airport;
 2. Extensive study of this issue resulted in the consideration of all alternatives for addressing air transportation capacity issues in this Region. Based on this process, the Puget Sound Regional Council (PSRC) adopted Resolution A-93-03 and EB-94-01 confirming that no feasible sites exist; and
 3. If a new site could be identified, market forces would not enable it to be successful until regional origin and destination air travel demand exceeds 10 million enplanements annually - currently forecast to occur around the year 2010. In addition, all of the sites considered in the Major Supplemental Airport Study were found to affect wetlands.
- *Technology or Activity/Demand Management Alternatives* - no technology or activity/demand management related alternative is capable of addressing the poor weather related constraint at Sea-Tac or to accommodate forecast increases in air travel demand.
- *On-Site Alternatives* - Because of FAA safety related airport design standards, no other on-site alternative exists to avoid the fill of

wetlands. Within the on-site alternatives (Alternatives 1 through 4), the Do-Nothing alternative (Alternative 1) will not satisfy the Region's aviation needs. In assessing Alternatives 2, 3 and 4, attempts would be made to minimize adverse impacts to wetlands.

As the Do-Nothing alternative would not satisfy the needs identified by the EIS, it was determined not to be a practicable alternative.

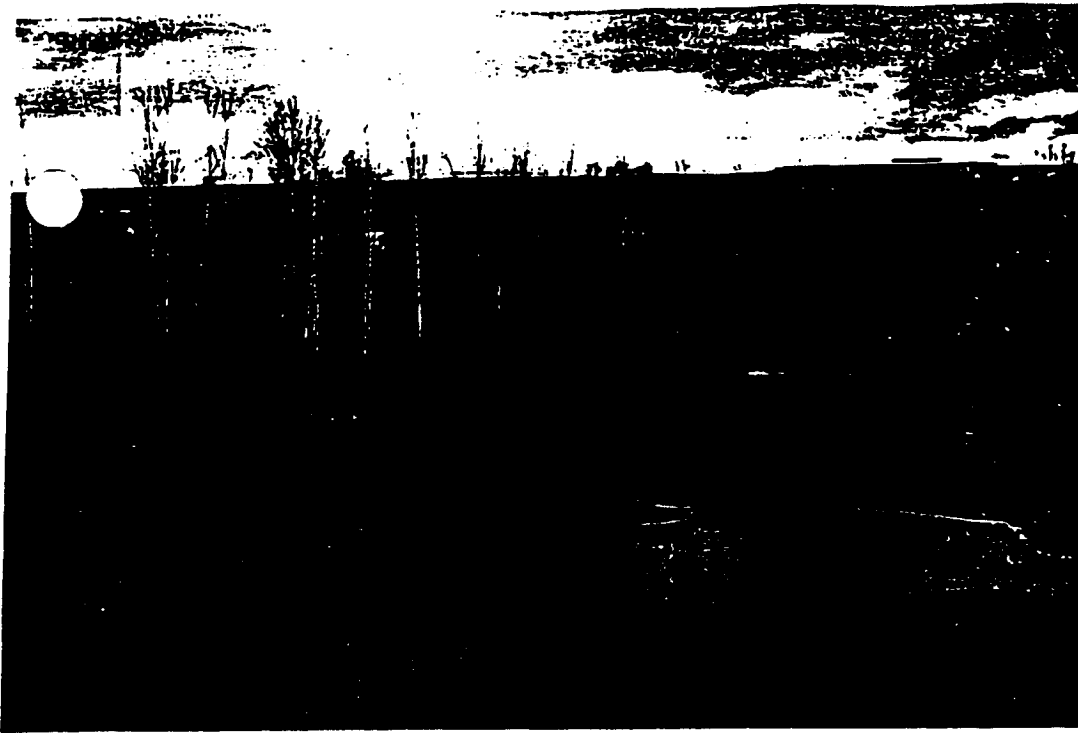
Wetland impacts could be avoided through the acquisition of off-site fill to complete a portion of the "With Project" alternatives. As is noted in the previous sections, about 16 acres of wetland could be affected in on-site Borrow Area E.

(4) CUMULATIVE IMPACTS

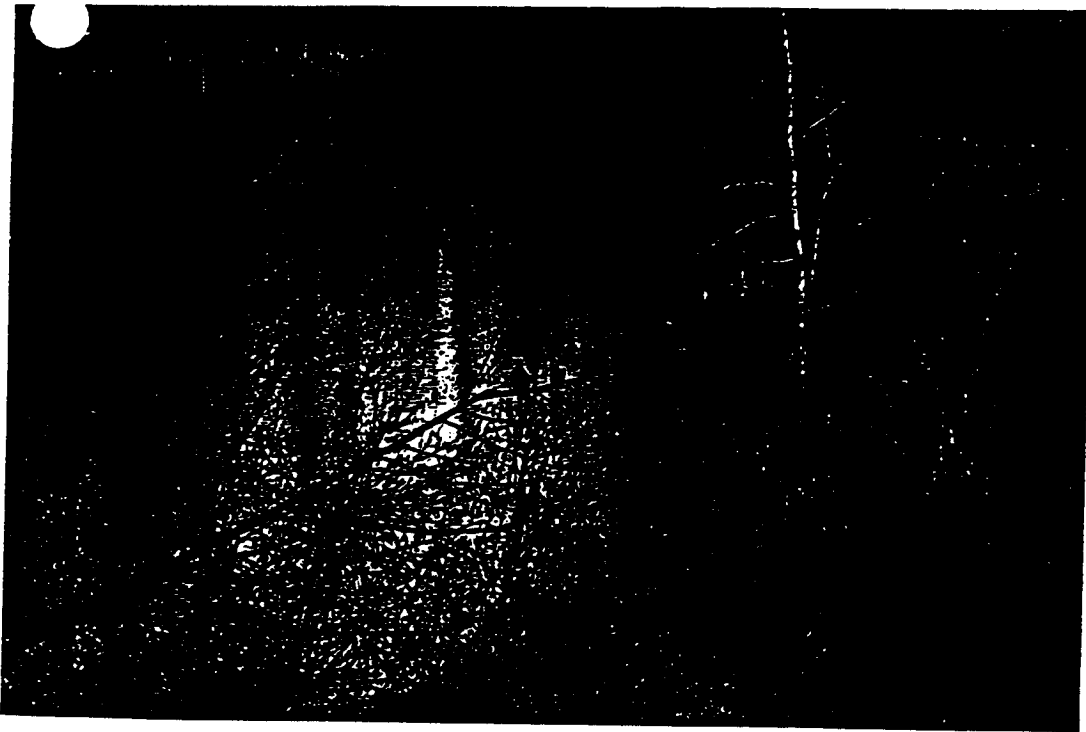
As previously mentioned, a maximum of 10.37 acres of wetland would be filled as a result of the Master Plan Update "With Project" alternatives. Loss of this amount of wetland area, however, should be viewed as one of many contributing to cumulative effects on natural resources in the Puget Sound Region. The result of past wetland filling has been to increase the functional importance of the remaining wetlands in the Region. Removal or alteration of wetlands as a result of the alternative airport development and other projects in the area may limit the ability of remaining wetlands to perform the lost or diminished functions. This may be particularly true of the stormwater storage functions of wetlands in the project vicinity. Increased impervious surfaces associated with development activities at the Airport may increase both the depth and duration of stormwater in remaining wetlands. This could result in increased floodwater elevations for longer periods of time in the watershed.

(4) MITIGATION

Actions that affect wetlands generally require authorization from various federal, state, and applicable local agencies. In the State of Washington, projects with significant adverse wetland impacts require a Section 404 permit from the U.S. Army Corps of Engineers (Corps), and Section 401 Water Quality Certification from the Washington State Department of Ecology (Ecology). In addition to the required permits and approvals, compensatory wetland mitigation may also be required to offset significant adverse impacts on wetlands and their functions.



← runway
holding

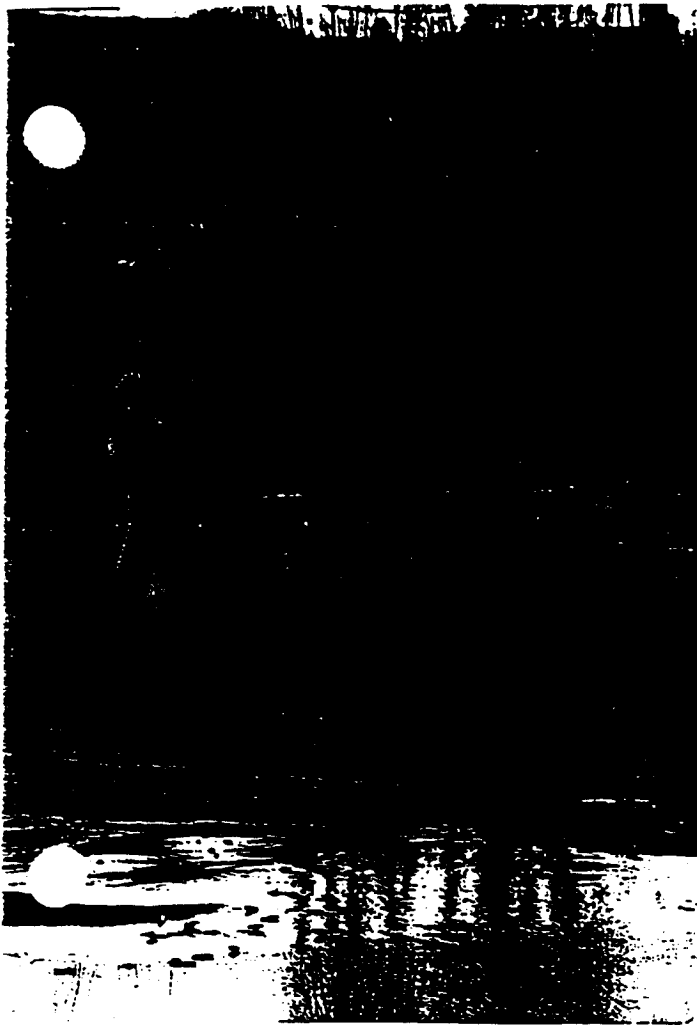


Southward
T-120 holding
ground

AR 035641



← runway
heading

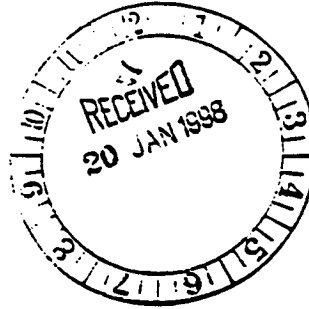


← runway

← 300 ft - side

January 16, 1998

U.S. Army Corps of Engineers
Regulatory Branch
PO Box 3755
Seattle WA 98124



RE: 96-4-02325

I find this a hard letter to compose and be brief.

The Port has always worked with the greatest disregard for it's neighbors whether they are people, cities or the environment. They've taken away our clean air, the ability to enjoy our yards because of noise, and now they want to take away the birds and animals by destroying their habitat.

As a citizen, I cannot understand how filling in wetlands can be "mitigated" by acquiring wetlands a minimum of 12 miles away that *already exist*. This makes no sense to me. The filled in wetlands will be gone - forever. If the port wants to mitigate, then they should create new wetlands within the same area that they are taking away, not pay exorbitant amounts of money for property that someone (or city) perhaps wants to "dump" since it can't be developed. Also, I have concerns how this fill this will affect the Highline Aquifer.

The Port of Seattle already has demonstrated a complete lack of concern for environmental issues and how their actions affect the residents of this area. Please don't let this continue.

Thank you.

A handwritten signature in cursive script that reads "Linda F. Bittenc".

Linda F. Bittenc
10450 - 16th Ave. S.
Seattle WA 98168
206-242-4037

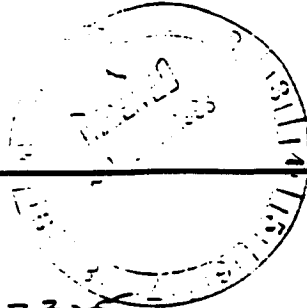
AR 035643

BURIEN
AUTO REPAIR
242-9558

1P-36

p1

617 S.W. 154th ST.
SEATTLE, WA 98166



1-16-98

RE : REFERENCE # 96: - 4 - 02325

PART OF SEATTLE EXPANSION.

DEAR JOHN,

1) I FEEL THAT THE LAWS OF THE FEDERAL WATER POLLUTION CONTROL ACT, NAMELY SECTION 404 (b) (1) NEED TO BE APPLIED TO THE PART OF SEATTLE AS THEY WOULD TO ANY OTHER BUSINESS OR GOVERNMENT AGENCY.

TO NOT HOLD THE PART OF SEATTLE TO THE SAME STANDARDS AS EVERYONE ELSE IS GROSSLY UNFAIR, AND SHOULD BE ILLEGAL.

2) PLEASE EXTEND THE PUBLIC COMMENT PERIOD BEYOND JANUARY 20TH, AND ALLOW PUBLIC HEARINGS CONCERNING THIS MATTER.

3) I HAVE ENCLOSED A COPY OF AN ARTICLE FROM THE HIGHLAND TIMES, AND A LETTER I RECEIVED FROM A FAMILY FRIEND, PEGGY KOBELA. PEGGY'S RESIDENCE IS PART OF THE WETLAND AREAS THAT WILL BE LOST FOREVER SHOULD THE

NEXT

AR 035644

BURIEN
AUTO REPAIR
242-9558

p2

617 S.W. 154th St.
 SEATTLE, WA 98166

AIRPORT BE EXPANDED TO 3 RUNWAYS. MILLER CREEK
 RUNS THROUGH PEGGY'S BACKYARD, AND IS ONE OF THE
 MOST BEAUTIFUL & SERENE BACKDROPS FOR THE NUMEROUS PLANT LIFE,
 WATERFOWL, AND ANIMALS THAT STILL EXIST IN THIS AREA.

I WOULD STRONGLY RECOMMEND THAT YOU CALL HER FOR
 A GUIDED TOUR OF THE AREA THAT WOULD BE COVERED
 BY THE 20 MILLION CUBIC YARDS OF FILL PROPOSED BY
 THE PORT OF SEATTLE.

AS AN ENGINEER, I'M SURE YOU CAN ENVISION THE
 MASSIVE ECOLOGICAL DISASTER PROPOSED BY THE PORT OF
 SEATTLE. AND NO MAN-MADE WETLANDS CREATED IN HOPES
 OF REPLACING WHAT WILL BE FOREVER LOST COULD EVER
 COMPARE TO THE BEAUTIFUL AREAS THAT ALREADY EXIST.

PLEASE THINK YOU FOR NOT LETTING THE PORT OF SEATTLE SIDE-STEP
 THE LAWS THAT ALL OTHER PEOPLE & BUSINESSES MUST OBEY.

PEGGY KOBELA CAN BE REACHED AT (206) 246-6666.

I THINK YOU SHOULD CALL HER TO SEE FOR YOURSELF

Richard Doane, President.
 BURIEN AUTO REPAIR, INC.

Sheila and Richard,

This guest editorial was in last Saturday's Highline News - the attached two pages are from a packet you may have gotten in the mail regarding the application to the Army Corps of Engineers from the Port of Seattle to deal with the wetlands and Miller Creek in regards to the third runway. We **NEED TO RESPOND BY JANUARY 20** to the Army Corps - I have circled the address on page two of this attachment as well as the reference number to mention - we need to let the Corps of Engineers know that we **DEMAND** as the public that the Port be held to the rules that apply to all and that they need to extend the response period beyond January 20, 1998 and we also **DEMAND** a public hearing. **PLEASE** if you agree, take a minute to send a note to the Army Corps of Engineers and express yourselves - there is also another article in today's (January 10, 1998) Highline News but I did not have time to copy it to send along. We love our home and community and do not want to be forced out by a ludicrous project like the damnable **THIRD RUNWAY**. We feel compelled to help in any way we can. Every voice and written comment has an impact - please help and if you care to attend any of the meetings please call us and we will tell you when they are and even drive you there. **WE WANT TO STAY IN OUR HOME AND NEIGHBORHOOD THAT WE ARE PASSIONATE ABOUT.**

Thank you for any effort you feel is appropriate to extend.

Sincerely,

Pegi Kobela and Glenn Brink
632 South 168th
SeaTac, Washington 98148

206 246-6666

AR 035646

Corps must hold Port to same standards as other applicants

By Chris Clifford

GUEST COLUMNIST

GUEST OPINION

Over the years the Port of Seattle has waged its self-serving war to construct a third runway at Sea-Tac Airport. It has acted like a school yard bully overpowering local public agencies and jurisdictions, and stomping on the rights of the citizens with an army of lobbyists and influence.

Yet in each and every epic battle, the David has his chance to strike. In the battle over the third runway, the Achilles Heel of the Port may now be exposed as it attempts to obtain a 404 permit from the Army Corps of Engineers to fill in wetlands to construct the third runway.

On Dec. 19, 1997, the Army Corps of Engineers sent out a public notice of the application by the Port for the 404 permit. The public has until Jan. 20, 1997 to comment on this application.

It is critical that the residents of this area send in comments regarding this permit and demand that a public hearing be held so the public can see first-hand some of the deficiencies in this application, and demand that the Army Corps of Engineers treat the Port in the same manner that it has treated other applicants for such permits.

If the Corps holds the Port to the same standard it has held other private applicants to for these permits, the Port will never be given a 404. A recent example would be the 404 application for the Emerald Downs race track seeking to fill 17 acres of palustrine wetlands.

The wetlands covered by the 404 permit given to the racetrack were low-quality wetlands and were created by the presence of cattle tilling the ground with their feet.

When the race track sought a permit, track officials were required to diligently comply with section 404(b)(1) of the Federal Water Pollution Control Act.

This required an alternative analysis that showed the proposal was the only site that satisfied the practicable alter-

natives analysis, is the most economical, viable, and least environmentally harmful alternative.

The alternatives analysis for the race track was comprised of a study of every potential race track site in Western Washington.

The application for the 404 permit by the track was accurate regarding the amount of wetlands to be filled and the nature of every inch of ground requested to be filled. The race track was required to mitigate within the watershed at an almost 3-1 ratio for those they were planning to fill.

The Port has not done an alternatives analysis examining the location of a new runway anywhere outside of a four-county region. The Corps must demand that a meaningful alternatives analysis be done examining every possibility within Western Washington just as with the race track.

Certainly this regional air facility is just as regional as the race track in Auburn.

The other glaring problem is that on the application to the Corps, the Port states that it "is possible that some

additional wetland areas and acreage could be identified when access is available to all wetlands in the project area."

This little aside makes the application for the 404 unacceptable. No applicant has ever been given a 404 with the caveat that they may discover and fill an untold amount of wetland acreage if they discover more wetlands in their project area.

The permit should not be granted until the Port has identified each and every square inch of wetland they propose to fill. It is what all others have had to do.

In the application, the Port is seeking to mitigate the wetland fill outside of the watershed. Port officials want to mitigate nine miles away in the Green River Valley.

No applicant for a 404 has ever been allowed to mitigate the impacts of their fill outside of the watershed, they are impacting. The Port has also failed to identify the amount to the 100-year flood plain, plans to fill.

Allowing the flood plain to be filled is in violation of a presidential executive order prohibiting such fills and that order is still in effect. We don't let others do that.

The public should demand that the Corps hold the Port to the same standard it has held other recent applicants for a 404 permit to. If this is done, then the Port has a long way to go before it could ever get the necessary 404 permit.

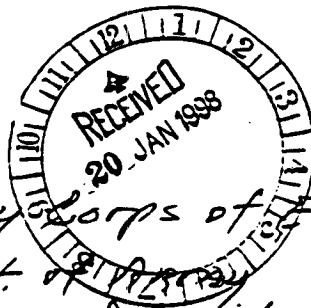
If the Port is held to the same standard, David will finally get his shot at Goliath.

Chris Clifford lives in Renton. He is a former candidate for the 33rd District state Senate seat.



Chris Clifford

1P-37



Des Moines, Wa.
Jan. 16 - 1998

Army Corps of Engineers
Dept. of Army
Seattle, District Corp of Engineers
P.O. Box 3955
Seattle, Wa. 98124

Dear Sirs,

1 { As a resident near Seattle air-
port I would like a public hearing
to be held on the 404 permit sent
to the Port of Seattle regarding filling
in the wetlands to construct the
3rd Runway.

2 { I hope the Corps holds the Port
to the same standard as it has
other 404 applicants.

Yours truly,

Evelyn Blaha
24525 9th Pl. So.
Des Moines, Wa. 98198

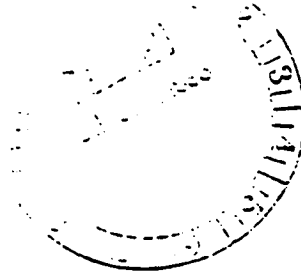
AR 035648

US Army Corps of Engineers
Seattle District
Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-2255
206 764-3495

Reference Number 96-4-02325

January 16, 1998

Jonathan Freedman, Project Manager



Dear Sir:

I am writing to you to plea for your consideration of this matter in regards to extending the written comment period and arranging for a Public hearing. This notice came to public attention during the month of December, amidst many holiday functions. I would imagine many that would normally take notice of an item of such magnitude perhaps may have not. The third runway issue is not a 100% for sure thing - lawsuits are in place and a win could delay or terminate this project which is not the answer anyway. Please, you are in the position to make a major difference for this entire community. Please consider all issues and make the Port of Seattle accountable and ensure that the guidelines are not changed for their benefit. To try to change what Mother Nature has bestowed upon this area would be a mistake that could never be taken back.

We, the public, NEED MORE TIME TO RESPOND to this application and NEED a public hearing.

Thank you for your time.

Joyce W. Kobela
16449 Ambaum Blvd. South #6
Burien, Washington 98148

AR 035649

19635 Marine View Drive SW
Seattle, WA 98166

January 16, 1998

Mr. Jonathan Freedman
Regulatory Branch
Post Office Box 3755
Seattle, WA 98124-2255

RE: Port of Seattle, 96-4-02325

Dear Mr. Freedman:

I am writing to request a public hearing be held to consider the above referenced application. My justification to request a public hearing and my specific comments on the proposal are:

1. **Out of Basin Mitigation.** I am opposed to mitigating the wetland impacts out of basin. Out of basin mitigation is not in the interest of the people who live within the Miller and Des Moines Creek Watersheds. The impacts of wetland fill in the Miller Creek Watershed need to be mitigated within the Miller Creek Watershed. The impacts of wetland fill in the Des Moines Creek Watershed need to be mitigated within the Des Moines Creek Watershed. If mitigation cannot be accomplished within the watersheds where the wetland fill is proposed, then the proposal must be denied. In-basin wetland mitigation is required policy and regulation within the Cities of Normandy Park and Des Moines. Impacts to wetlands in the headwater area of these streams in the City of SeaTac will be mostly felt by those downstream of the headwaters in Normandy Park and Des Moines.
2. **Cumulative Impacts.** The Miller and Des Moines Creek Watersheds have been significantly altered by urban development. There are existing water quality problems, fish habitat degradation, and flooding hazards within these watersheds which have been caused or worsened due to urban development, including the presence of a major regional facility—SeaTac Airport—in the headwaters of the streams. All studies show that increased urbanization and impervious surfacing within watersheds, especially the headwater areas of watersheds, causes downstream impacts which simply cannot be engineered to compensate for the loss of water absorbing vegetation and wetlands. While it is true that the Miller and Des Moines Creek Watersheds have been significantly altered already, these streams are in a state of healing through natural and engineered restoration efforts. I do not believe that these streams can handle the magnitude of change that will occur by dumping 20.6 million cubic yards of fill into their headwaters and topping it with an airplane runway. The cumulative impacts that cannot be mitigated by this intrusion of fill and impervious surfacing will include: significantly increased stream flows; destroyed fish habitat; degraded water quality; increased flood hazards; decreased ground water recharge/ decreased water supply; and increased transport of sediment and pollutants to Puget Sound. These cumulative impacts are not in the interest of anyone in the Puget Sound ecosystem.

- 3
3. Impacts on Watershed Management Programs and the Communities. Numerous watershed management programs and public works and education projects and programs have occurred or are occurring within the Miller and Des Moines Creek Watersheds, including efforts to: protect and restore fish and wildlife habitat; re-establish or enhance anadromous salmon runs; reduce flood hazards; provide parks and open space and recreational opportunities; and raise public awareness about the natural resources and environment within the watersheds. The impacts of the proposal to fill the headwaters of the watersheds threaten each and every one of these public facilities, programs, and projects. Wetland mitigation outside the Miller and Des Moines Creek Watersheds, besides violating public policy and regulation, is contrary to every one of these community efforts and assets. Inadequate and unachievable stream mitigation could forever ruin our communities by destroying the last functioning vestiges of our watersheds' ecosystem.

Granting a permit for the above referenced proposal is clearly not in the best public interest.

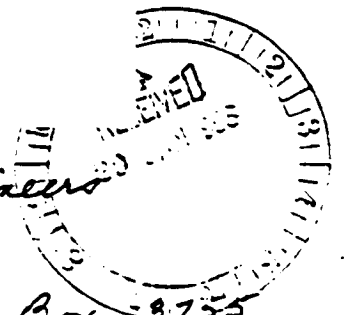
Sincerely,



Doug Osterman

January 17, 1998

1P-40



U. S. Army Corps of Engineers
Seattle District
Regulatory Branch, P.O. Box 3755
Seattle WA 98124-2255

Attention: Jonathan Freedman, Project Mgr.
Reference: 96-4-02325
Port of Seattle

Sir:

Before you proceed any further with your plans to expand the Tacoma Airport, we request that you do the following:

1. Set the date for a Public Hearing in late January or February to enable all persons impacted by the expansion plan.
2. Extend the comment period for a period of 30 days after the Public Hearing. Many people, for many reasons, are not able to attend a Public Hearing and are not being given an opportunity to have a voice. A further opportunity must be given to affected persons by providing copies of documents in public libraries.

Sincerely,

George & Letitia Bowens
1829 S.W. Shoreline Lane
Seattle WA 98146
Bowens / Letitia M. Bowens

AR 035652

1P-41

Public Notice for Permit/Reply

Henry J. Frause
411 S.W. 186th
Normandy Park, WA, 98166-3959



To: U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA., 98124-2255

Attention: Jonathon Freedman, Proj. Engr.

Ref. Port of Seattle 96-4-02325, "Construction Overview"
Subject: Request for an Army Permit in Accordance With Section 404 of the Federal Clean-Water Act.

Dear Mr. Freedman,

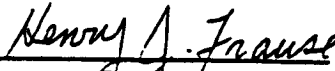
This is a request for some specific directions from your Agency that must be clarified before your Department can issue a construction permit to the Port of Seattle.

Please clarify for me just exactly how your "Permit Procedure" is or can be implemented by your Department—(A Branch of the United States Armed Forces)—to give authoritative permission to a private Corporation under State Statute when in fact the ACLU says that Statutes are strictly under State Constitution; and that the United States Government does not...(repeat)... does [NOT] recognize State Statute Governments.

1. WHEN THE UNITED STATES DOES NOT RECOGNIZE STATUTE, WHY IS THE UNITED STATES GOVERNMENT—[THAT'S YOUR DEPARTMENT]—PERMITTING A STATUTE? (THE PORT).
2. WAS THE U.S. DEPARTMENT OF DEFENSE (CORP OF ENGINEERS) GIVEN AN EXECUTIVE ORDER TO DO SO BY THE PRESIDENT. IF SO, PLEASE PROVIDE THE EXECUTIVE ORDER NUMBER; AND/OR ANY GRANDFATHER CLAUSES ASSOCIATED WITH THE UNITED STATES PERMITTING A STATUTE IN THE STATE OF WASHINGTON? (THE PORT).

I hereby submit my objection to the issuance of a Permit by your Agency until the above questions are clearly answered. Also, I object to the Department of Ecology trying to piggy-Back its entry into this statutory document. Federal Government will not permit that. I hope I have made my position clear to you because this is a grave misdemeanor. Thank you.

Sincerely yours,


Henry J. Frause

Saturday, Jan. 17, 1998

1 of 1

Please Reply

AR 035653

1P-42

January 17, 1998

From: Robert F. Schweitzer
1019 South 245 Place
Des Moines, WA 98198

To: Jonathan Freedman, Project Manager
US Army Corps of Engineers, Seattle District
Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3495

Subject: Public Notice Reference: 96-4-02325

Dear Mr. Freedman:

In this Public Notice the Port of Seattle is requesting that several acres of existing wet lands be destroyed to provide for the a new Third Runway, Runway Safety Area (RSA) and South Aviation Support Area (SASA)

- 1 [Please consider in your approval of this request a delay until such time as the existing legal action is completed.
- 2 [I noticed that there are several wetland areas that complete surveys have not been done. These surveys should be completed before any action is taken..
- 3 [There are also unanswered questions as to what effect the filling of these wetlands will have on the aquifer that supplies a large area south of the airport with its drinking water.
- 4 [RSA's Establishment of the Proposed RSA's is a safety requirement and with the existing runways however a displaced runway threshold could be used to satisfy the federal safety requirements. This would greatly reduce the size of the wetlands required to be filled.
- 5 [Last but not least how can you destroy wetlands in one area and establish another wetland several miles distance and say that the new area is equal to or better than the one destroyed Environmentally?

Thank you very much for your consideration on these items. If you wish to discuss these items further do not hesitate to call me at 206-878-2307.

Sincerely,



Robert F. Schweitzer

AR 035654

US Army Corps of Engineers
Seattle District
Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-2255
206 764-3495

Reference Number 96-4-02325

January 18, 1998

Jonathan Freedman, Project Manager



Dear Sir:

① I am writing to you to plea for your consideration of this matter in regards to extending the written comment period and arranging for a Public hearing. This notice came to public attention during the month of December, amidst many holiday functions. I would imagine many that would normally take notice of an item of such magnitude perhaps may have not. The third runway issue is not a 100% for sure thing - lawsuits are in place and a win could delay or terminate this project which is not the answer anyway. Please, you are in the position to make a major difference for this entire community. Please consider all issues and make the Port of Seattle accountable and ensure that the guidelines are not changed for their benefit. To try to change what Mother Nature has bestowed upon this area would be a mistake that could never be taken back.

We, the public, NEED MORE TIME TO RESPOND to this application and NEED a public hearing.

Thank you for your time.

Glenn Brink
POBox 66146
Burien, Washington 98166

AR 035655

U.S. Army Corps of Engineers Regulatory Branch
 P.O. Box 3755
 Seattle, Wa 98124
 Reference Number 96-4-02325
 Gentlemen:

Jan. 18, 1998

Suppose you are wrongfully accused of a crime that, if convicted, carries a death sentence. Then suppose that the Judge, jury, and most of the witnesses were friends, relatives, or deeply in debt to the accuser.

Do you think you would get a fair trial???

Not in this century or the next.

We, the people in south King county, surrounding SeaTac Airport, have been accused of having the only possible location for airport expansion within a ninety mile radius.

This of course is totally ridiculous.

"Pain" Field, 30 miles north of SeaTac and funded and run by the F.A.A., has a 10,000 foot runway that can handle the largest aircraft in the world, either existing or on the drawing board. It even has heavy rail access, which is lacking at SeaTac. All Paine Field needs is a modern passenger facility to make it a first-class airport.

Arlington Airport, northeast of Paine Field, was described in the Draft Environmental Impact Statement for SeaTac as having an area that would allow the construction of two 10,000 foot runways with a 4,500 foot separation (and would not require moving 26 million cubic yards of dirt).

And of course there is the Tanwax Lake area in Pierce County that did not get a fair look. So much for "no other place".

Now lets look at the players who are making this accusation. The Port of Seattle is desperate to keep the monopoly they enjoy at the present, where they can charge whatever they can get away with without competition.

The PRSC action is another example of how we were set up. There was nothing unbiased or fair about the sham regional airport study that they didn't even complete. The Calvin and Hobbs gamesmanship displayed (where the rules of the game are changed constantly to their benefit) by the PRSC is indicative of how fragile Democracy really is. The oligarchy established by the clique of PRSC members who have much to gain politically by having a third runway at SeaTac doomed us from the start.

Collectively, the Port of Seattle and the F.A.A. (Federal Aviation Administration) got together and collaborated on writing an Environmental Impact Statement, and then hired an inept firm in Chicago to assemble it. The result of this (in addition to being the subject of a lawsuit) was a document full of fodder and fluff and very little of substance. The F.A.A. seems quite willing to fork over 161 million dollars in seed money to start a project that will cost in excess of 6 BILLION dollars (including mitigation) and will be obsolete before it is finished. To establish a sense of urgency, and to add a tone of fear for the immediate need of a third runway, their propagandists thundered incessantly that the airport was "socked in 44% of the time" and that the third runway was desperately needed for safety. One thing they neglected to mention however was the fact that at least half of that 44% weather occurred in the middle of the night or other times when they were not allowed to fly anyway. Also, the airport consistently rates as one of the most on time airports in the country. (Does anybody see an oxymoron here ?)

At any rate, someone in planning whose thought process was slightly brighter than full dim suggested that with the third runway's extra capacity (and the fact that they have not figured out how to bring in 26 million cubic yards of dirt) all of a sudden, weather was no longer a problem but infrastructure was, so they postponed building the runway for at least seven more years until they have upgraded the concourse and built a new parking garage. So much for a weather problem.

Now we have another government agency on board. The Corps of Engineers is about to make a determination on whether to allow the Port of Seattle to move the Miller creek (et al) watershed to Auburn ! Considering the short length of time the Corps is giving us to comment and not even giving us the courtesy of a public hearing to respond on this matter, is the Port Of Seattle that powerful that they can coerce the Corps of Engineers into rubber stamping something as significant as this ?

Sincerely,

A handwritten signature in cursive script, appearing to read "P.H. Mathews". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

P.H. Mathews

15929 MapleWild Ave. S.W.

Burien, Wa. 98166

AR 035657

1P-45

January 19, 1998

U.S. Army Corps of Engineers
Regulatory Branch
P.O. Box 3755
Seattle, Wa. 98124

cc: Congressman Adam Smith
9th Congressional District
1505 Longworth Office Building
Washington, D.C. 20515

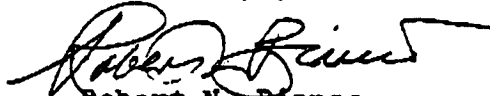
Reference No. 96-4-02325

Sirs

The expansion of the Sea-Tac Airport will severely affect all the communities surrounding it. This is an area which has already endured the closing of many schools and the loss of large neighborhoods of homes. The attitude of the Corps seems quite callused about the loss of our local wetlands saying concerning their mitigation that: "If that's (the mitigation) off site, then that's off site." There is an alternative and that is - just don't do it i.e. don't build the third runway. What good does it do our local area to improve wetlands down in the Green River valley.

It almost seems there is a plot between the Port of Seattle and the Corps of Engineers to sneak this one through with as little notice and publicity as possible. I certainly hope this is not true. The prior hearings held by the Port and FAA were not truly fair and unbiased. They listen to the comments of the people and then proceed with their prior agenda paying little heed to the testimony. Please allow a fair hearing with adequate notice.

Very truly yours



Robert N. Bianco
18183 Marine view Drive SW
Seattle, Wa. 98166-3839

AR 035658

1P-46

14654 8th Ave. S.W.
Burien, WA 98166
January 19, 1998

U.S. Army Corps of Engineers
Regulatory Branch
PO Box 3755
Seattle, WA 98124

Dear Sirs,

Please make the Port of Seattle at Sea-Tac Airport follow all the rules on the books. I'm an average citizen who has attended many meetings and I'm appalled at the attitude of Port officials. They say the wetlands west of the airport are too small to do much good. I'm sure that opinion isn't shared by the birds I see using the area.

1 { The Port's solution to fill the wetlands and "move" them to Auburn is incomprehensible. Who notifies the birds? Will the Port install arrows or pass out maps? The relocation of 5,500 feet of Miller and Des Moines creeks should not be allowed. There must be people with specific knowledge of why this shouldn't occur who should be heard at public hearings.

3 { The Port is already faced with increased costs on all their projects. Can they be trusted to not cut corners on environmental issues? Who will be watching them?

4 { Have public hearings in the airport neighborhoods to give people a greater opportunity to express themselves. Thank you.

Sincerely,

Anna Denton

Anna Denton

AR 035659

US Army Corps of Engineers
Seattle District
Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-2255
206 764-3495



Reference Number 96-4-02325

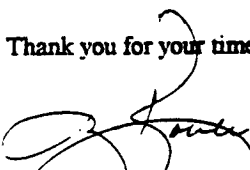
Jonathan Freedman, Project Manager.

1 { I can only hope I am one of thousands - well at least hundreds - responding to the Port Of Seattle's application for a 404 permit. PLEASE, we must have a public hearing and NEED TO EXTEND the written comment period. This is such a grave issue with the impact of an atom bomb that I feel it needs considerable examination by the public as well as the Corps. I will not get into the politics of the third runway issue other than to say it is NOT the solution - to destroy this community would be such a travesty for no gainful reason. I would be willing to wager that this is the biggest of your career and beg that you will please consider the very big picture - so many people would be affected by this situation - and it is need a done deal for the third runway by any means - there are five lawsuits against the project and it will only take one win to be detrimental to said project.

2 {
3 { The Port also needs to be made to follow the rules that every other entity would be forced to adhere to. I have enclosed a guest editorial for the Highline News that says it all quite well.

4 { Please, again I beg you to allow a public hearing and extend the written comment period. If you would like a tour of my botanical haven and treasured piece of Miller Creek and the surrounding wetlands and meet the wildlife that miraculously is here still, please call me. I would love to share this beauty with you - this beauty and nature I hope to have here when I am long gone.

Thank you for your time.


Pegi Kobela
632 South/168th
SeaTac, Washington 98148

1-19-96

206 246-6666
206 246-2494 fax

January 19, 1997



To: U. S. Army Corps of Engineers
Seattle District
Regulatory Branch
Seattle, Washington 98124-2255

Attn: Jonathan Freedman

Subject: "Public Notice of Application for Permit", reference 02325 **96-4-02325**
(Port of Seattle, application to fill wetlands in the Miller Creek and Des Moines Creek Watersheds)

1 I am writing to request that a public hearing be scheduled regarding the subject permit application. I am requesting this hearing because I believe that this permit application represents a conscious effort by the Port of Seattle to segment the environmental issues associated with the proposed Third Runway project at Sea Tac Airport, and that approval of the permit could place the Corps of Engineers in non-compliance with the National Environmental Policy Act (NEPA).

I believe that this project has standing under NEPA, and that segmentation such as this violates the spirit of that Act. I contend that standing under NEPA can be established because the Federal Aviation Administration (FAA) has a role in this project which constitutes "major Federal action", specifically from having issued a Letter of Intent to provide \$161 million in funding. The FAA also has significant approval actions in this project which might constitute "major Federal action".

2 I would like to direct your attention some specific requirements of NEPA with which you are no doubt familiar. As codified in the Code of Federal Regulations, Title 40, "Federal Agencies shall to the greatest extent possible...integrate the requirements of NEPA with other planning and environmental review procedures required by law or by agency practice so that all such processes run concurrently rather than separately". (ref: 40 CFR 1500.2).

Since the FAA's approval of the Environmental Impact Statement for the entire expansion program is currently under court challenge, I do not see how the Corps of Engineers can realistically issue the Section 404 Permit without resolution of the court challenge in favor of the EIS. To do so, in my mind, would clearly violate NEPA if it can be established that the expansion program and related projects have NEPA standing.

3 The proposed expansion of Sea Tac Airport is seen by residents of the adjacent communities as a significant threat to their quality of life and a threat to homeowners' property values. These feelings greatly outweigh any perception of potential benefits within the same communities. If the wetlands are filled as proposed and the Port of Seattle fails to implement the planned expansion, even the minimal level of perceived benefits will not be realized and the net result will be destruction of environmental resources for the benefit of no one. Given (1) the concentration of adverse impacts within the communities adjacent to Sea Tac, (2) the concentration of resultant economic benefits in the core business districts of Bellevue and Seattle, (3) the disparity in affluence and political influence between the benefiting and the impacted communities, and (4) the complete failure of Port of Seattle to propose adequate mitigation in the impacted communities, an injustice of stupendous proportions is unfolding. This is not an irrelevant issue, considering President Clinton's Executive Order which implements the policy known as Environmental Justice. All Federal Agencies are expected to uphold this policy. The Corps of Engineers should give due

AR 035661

3 regard to the Environmental Justice considerations of the overall project, in addition to a specific issue within the permit application: the proposal to locate the mitigation project outside the impacted community (for that matter, outside of the impacted Watershed) shows a callous disregard for the impacted community and an underlying assumption that the community simply lacks the political clout to muster effective opposition.

These issues should not be determined by the relative political power of communities. A stronger community should not be able to undertake development for its own economic benefit while foisting the externalities onto a weaker community. Every effort should be made to assure that the benefits and the externalities are equally shared, any government entity with a role in such projects has a moral obligation to uphold this principle.

Sincerely,



Carl F. Preusser
12003 18th Ave SW
Seattle, WA 98146

AR 035662

January 19, 1998

Army Corps of Engineers
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

RE: Comments on Application Reference #96-4-02325 Wetland Fill

Please find enclosed, copies of the original comments the Army Corps of Engineers made on the draft Environmental Impact Statement for the Sea-Tac Airport Master Plan Update. I wish to point out the following key points made in these comments, which are still relevant and need further analysis before permitting should proceed. These also constitute significant new information the public has not largely been made aware of in the past which creates the need for a public hearing on the permit application:

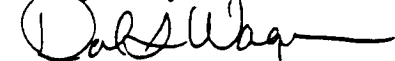
1. The Corps did not accept the FAA's unsigned Advisory Circular on "bird attractants" as justification for relocating wetlands in another basin.
2. The Corps did not accept the FAA and Port of Seattle assertion that there were no suitable areas for compensatory mitigation in the affected watershed.
3. Department of Ecology comments require replacement wetlands at a 3 to 1 ratio rather than the permit 2 to 1.
4. Department of Ecology comments request replacement wetlands in the same basin.

The FAA and Port of Seattle insist that bird attractants such as wetlands and streams are a hazard to airport operations. However, even if all water bodies around the airport were to be removed, there would still be no guarantee that birds would ever cross the flight line since the Puget Sound and other habitat and foraging areas are near the airport. Maybe the airport should be relocated to a more remote or desert type of area in eastern Washington where far fewer birds are likely to fly. Additionally, it appears to me that the airport is inconsistent with their own policy since the development plans for the third runway require more open water retention ponds within 10,000 feet of all the active runways than presently exist.

In consideration of the above, I have the following questions and comments:

- 2 [1. Has the Corps changed their mind about relocating wetlands into Auburn? If so, why?
- 3 [2. Will the Corps require any wetland function replacement in the affected basins?
- 4 [3. Will the Corps actually make a site inspection of the wetlands on private property? If not, why not?
- 5 [4. How much wetland acreage will actually be replaced? Will the Corps require 3 to 1 as Ecology stated? If not, why not?
- 6 [5. What critical functions, such as groundwater recharge which occurs at the airport area, will the Corps require replaced in the same basin as the affected area?
- 7 [6. How long will the Corps wait to determine the success of the mitigation plan before allowing construction?
- 8 [7. Why would the Corps accept an unsigned Advisory Circular over wetland replacement regulations now and not in 1995, if this be the case?
- 9 [8. Does the Corps agree or disagree with the Department of Ecology on the 3 to 1 replacement ratio? Why or why not?

Thank you for your consideration.



David J. Wagner
CASE Secretary
6247 8th Avenue SW
Burien, WA 98166
(206) 241-1553

cc: IIS EPA

*Reps Keiser, McCune
Patterson, Healey
Smith*

AR 035663



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-2253

SEP 13 1995

CENPS-OP-RG

14 September 1995
J. Kennedy/6907

MEMORANDUM FOR: Barbara Stuhling

SUBJECT: Corps Comments on SeaTac Master Plan EIS

1. Enclosed are comments by the Seattle District, U.S. Army Corps of Engineers, on the SeaTac Airport Master Plan draft Environmental Impact Statement.
2. Our regulatory staff contact person for this project is Mr. Jack Kennedy, at (206) 764-6907.

Ann R. Urich

ANN R. UHRICH
Chief, Environmental and
Processing Section

AR 035664

30 Aug
Kennedy
29 Aug 95

AUG 31 1995

Regulatory Branch

Mr. Dennis Ossenkop
Federal Aviation Administration
1601 Lind Avenue SW
Renton, Washington 98055

Reference: Seattle, Port of
SEATAC Master Plan EIS

Dear Mr. Ossenkop:

The Seattle District, U.S. Army Corps of Engineers, has had various District elements review your draft Federal Environmental Impact Statement entitled Draft Environmental Impact Statement for Proposed Master Plan Update Development Actions at Seattle-Tacoma International Airport. Comments from District elements are on the enclosed memorandum. We had earlier commented on a preliminary draft version of the document, and note that our comments had been generally incorporated. These current comments offer some suggestions and refinements.

The EIS's generalized purpose and need statements, and its selection of alternatives to be further evaluated, appear to be reasonable. Since all the alternatives involve substantial work within the Corps' regulatory jurisdiction, we presume that an individual Department of the Army permit will be required. During the permit process, we will use a condensed version of your purpose and need statements in our first public notice.

Any excavation or fill in waters of the United States-- wetlands and streams, in this case-- fall within our regulatory jurisdiction. Section 11 of the EIS catalogs wetland acres and wetland impact areas, and discusses mitigation in a general sense. We need that section to assess the wetland impacts, by function. At a minimum, the EIS should assess the wetland functions listed in the Wetland Evaluation Technique. We expect the mitigation plan to have an element of compensatory mitigation that would recreate the impacted functions at a site where they do not currently occur.

Jack Kennedy is the Corps staff contact person for this project. If you have any questions on these comments, please contact him at (206) 764-6907.

Sincerely,

Thomas F. Mueller
Chief, Regulatory Branch

Enclosures

Handwritten notes:
KFR
Uhrh
30 Aug
21 Aug 95

Handwritten initials: TM

Handwritten word: file

AR 035665

Memorandum for: Record

Subject: Seatac EIS

1. I have reviewed this EIS for its suitability for possible use in our own regulatory documents-- an initial public notice, eventual decision documents, etc.
2. Need/Purpose statement involves providing adequate air service to the Puget Sound area through 2020. It is a comprehensive, direct statement of purpose, with no apparent omission or hidden meanings. We can use a condensed form of the EIS's Need/Purpose statement in our eventual regulatory process.
3. The alternatives present different ways of achieving the purpose:
 - a. Use of other modes of transportation
 - b. Use of other airports or construct a new one
 - c. Activity/Demand management
 - d. Runway development at Seatac
 - e. Use of technology
 - f. Blended alternative
 - g. Do nothing/no build

These appear to represent an appropriate spread of alternatives. It is certainly possible that other alternatives could arise during our public interest review.

4. Wetland data, Section 11 of the first volume of the EIS, lists wetlands and areas, but is silent on impacts-- other than elimination-- and the rest of the kinds of information we will need to make a permit decision. We will need them to discuss the functions performed by each wetland, and get the Port to provide compensatory mitigation with a rationale of replicating the displaced functions in an appropriate amount in a place where they do not presently occur. The draft EIS's discussion of mitigation relies on ratios from WSDOE's *Model Wetland Protection Ordinance*, and states that the Port is presently investigating compensatory mitigation sites in the lower Green River Valley, because mitigation for wetland impacts can not take place elsewhere in the impacted watersheds for two reasons:

(1) the majority of the area surrounding the airport is developed, and not enough land exists within the watershed to create compensatory mitigation wetlands, and (2) the FAA will not certify airports that have "wildlife attractions" within 10,000 feet of the edge of any active runway. For these reasons, the Port proposes to conduct wetland mitigation outside of the watershed where these constraints do not exist.

The EIS must supply multi-functional justification for the first reason. For the second reason, they cite an unsigned FAA Draft Advisory Circular, to which the Corps cannot give undue deference. Seatac is bounded on three sides by limited access highways or very dense urban and suburban development, and I-5 is less than 10,000 feet from most of the easternmost runway. We can concede the nondesirability of bird attractants within certain distances from the runways. But "wildlife attractions" is an unduly broad category that is not synonymous with "compensatory mitigation wetlands." Wetland function such as ground water recharge, floodflow alteration, sediment stabilization, production export, and aquatic diversity/abundance are all functions which will be impacted by jurisdictional activities. The Port will have to explain why it is neither practicable nor in the public interest to replicate them within the impacted watershed.

Jack Kennedy
Regulatory Branch

AR 035666

CENPS-EN-PL-ER

SUBJECT: Level A No. 1503: NEPA and 404 Evaluation.

Engineering Division Review of FAA/Port of Seattle Sea-Tac
International Airport Proposal Master Plan Update Draft EIS (EIS)

c. Historic and Cultural Resources. POC: Mike McNeely (x3624). Based on our review of the "Draft Deliberative Materials", content is acceptable.

d. Endangered Species. POC: Mike McNeely (x3624). Based on our review of the "Draft Deliberative Materials", content is acceptable.

e. Floodplain Impacts. POC: Kim Scattarella (x6701).

(1) Executive Order (EO) 11988 on Floodplain Management must be followed (unless local requirements are more stringent), such as the zero rise requirement that is imposed by King County, to ensure that storm runoff from the development does not impact the 100-year floodplain within the limitations specified in the order. This should be documented in the EIS.

(2) Water quality mitigation is being handled by a Storm Water Pollution Prevention Plan (SWPPP) and Spill Prevention Plan, which are necessary components for the required NPDES permit.

(3) Detailed hydrologic calculations are enclosed in Appendix G, using the HSPF model, which was calibrated using approximately five years of streamflow record compiled by King County SWM. The modeling effort appears to adequately address the hydrology of this area. However, HSPF results suggest that routing flows through local detention ponds would produce a slight increase in peak flows for future conditions. It is recommended that additional storage be provided and documented so that no increase is shown in peak 100-year flows for future conditions using the HSPF model.

(4) Appendix P-B documents the relocation of two sections of the Miller Creek stream channel. This adequately addresses future floodplain impacts. The hydraulic evaluation of the downstream impacts by HEC-2 show that additional floodplain storage by the new channels will be able to offset additional flows, resulting in no loss of in-stream storage or floodplain encroachment in Miller of Des Moines Creek basins.

Microsoft Mail v3.0 IPM.Microsoft Mail.Note
From: Thompson, Janet
To: Rundlett, Mike
Subject: FW: SeaTac EIS
Date: 1995-08-24 10:00
Priority:
Message ID: 2546B1CF
Parent message ID: 455987CB
Conversation ID: 455987CB

From: Stockdale, Erik
To: Thompson, Janet
Subject: SeaTac EIS
Date: Wednesday, August 23, 1995 5:30PM

I have reviewed the Draft EIS for the Proposed Master Plan Update. The EIS appears to be very thorough. It is well organized, although HUGE. It was easy for me to get to the wetlands stuff.

The worst case scenario is for 9.7 acres of wetland fill, 7.6 acres of which are forested. The target mitigation ratio is 3:1 which is what we would expect.

There are several issues that we will need to work with the airport during the permit process. At first review, the proposal to do all of the wetland mitigation in an entirely different watershed is not acceptable. We will need to evaluate how much of the hydrologic functions will need to be mitigated in the basins of impact, and how. The habitat functions are more plastic.

Another issue is the low performance standards that are proposed for determination of "success" of the mitigation. We will work these issues out during the permit process. Overall, I find the document to adequately serve as a decision making tool and meet the needs of SEPA.

Thanks, Erik

AR 035668

Jonathan Freedman, Project Manager
Regulatory Branch, Seattle District
Army Corps of Engineers
PO Box 3755
Seattle, WA 98124-2255

January 19, 1998

Re: Public Notice of Application for Permit, Port of Seattle, reference
#96-4-02325, Additional Comment

Dear Mr. Freedman:

1 As of yet, I have not heard back from you in regard to my request for an extension of the comment period (see my comments dated January 5, 1998). Since writing those comments, some additional information has come to my attention, that being, for a substantial portion of the comment period the Army Corps of Engineers contact person listed on the Public Notice was out of state and not available to answer questions, provide access to files or carry out any of the duties that the agency primary contact has during the public comment period. This new information is yet another reason that the comment period needs to be extended. Failure to do so will damage the right of the public to participate in the permit process. Public participation was identified by the Congress of the United States as a key component of the permitting process and protection of the rights of the public under its authorizing statute, the Clean Water Act. Congress made it clear that public participation was a vital component to the Clean Water Act. Army Corps of Engineers actions to date have fallen short of meeting the intent of the Congress of the United States in enacting the Clean Water Act and delegating a portion of its authority to the Army Corps of Engineers.

2 It is also requested that the Army Corps of Engineers withdraw the Public Notice of Application and revise it to be consistent with the available facts and to correct the substantial defects discussed below. After such corrections are made the Public Notice should be reissued for public comment, consistent with the law, and a public hearing be held. Additional information relative to this request is stated, with

particularity, at the end of these comments.

3 I am also requesting that the Army Corps of Engineers schedule and hold a public hearing on this matter, that the public hearing be scheduled in the evening when working people can attend, and that the location be in held in the impacted watersheds. This hearing is necessary due to the level of public interest in matters related to this permit and the availability of new information, not previously considered by or provided to the Army Corps of Engineers.

4 The Public Notice is deficient, in that it fails to identify that this project will involve negative impacts too Walker Creek, which is located in the center of the proposed project area. No information is provided on impacts to or mitigation of impacts to Walker Creek, even though the creek is in the middle of the Westside Acquisition Area, a key component area to the project covered by the Public Notice. There is no excuse for failure to clearly identify a major year round stream that is salmon bearing. Damage too or elimination of salmon habitat and spawning area is a major impact that must be considered prior to issuing a permit for the fill or alteration of wetlands or other waters of the United States. Further the Army Corps of Engineers must clearly identify to the public all of the impacted streams or other navigable waters of the United States and identify the impacts to and mitigation for each. The subject Public Notice fails to do so.

5 The identified mitigation related to the improvement of habitat in relocated sections of Miller Creek does not address or mitigate for the damage too and loss of habitat functions and values for Walker Creek.

6 Also the replacement ratios for forested wetlands is way too low. Further, it is not appropriate for the Army Corps of Engineers to consider, let alone issue a permit for a project whose mitigation is miles from the impacted creeks in an entirely different watershed (the Green-Duwamish River) that is in no way connected to the watersheds impacted. It is important the Army Corps of Engineers consider new information related to watershed improvement projects that have already been identified in the Des Moines Creek and the Miller Creek watersheds. To allow mitigation to be transferred outside the impacted watersheds when there are so many identified improvement projects needed in the impacted

6 water sheds is insane, as well as contrary to sound public policy. Substantial public effort has gone into improving salmonid habitat and spawning area in Des Moines Creek, Walker Creek and Miller Creek, with a noticeable improvement in these watersheds. The proposed permit would reverse the gains that have been recently made at great cost in terms of community resources. While I am sure the City of Auburn is glad to be getting these additional wetlands, like mana from heaven, the purpose of mitigation is to mitigate the impacts to the watersheds flora, fauna, habitat and humans from proposed projects. This permit, if issued, will fail to provide adequate mitigation to those most impacted.

1 The Public Notice states that the Army Corps of Engineers concluded that a number of upgrades and improvements at the SeaTac Airport "including, but not limited to, proposed terminal improvements,...parking and access improvements..." would not involve filling of wetlands or other waters of the United States. This information is false. Construction activity at the North Employee Parking Lot, did in fact fill wetlands and other waters of the United States, including Miller Creek. Further as the Master Use Plan and related Environmental Impact Statement and Final Supplemental Environmental Impact Statement covered all the proposed activities in a single planning document, all the activities undertaken related to the documents are associated projects, meaning that the permits required should be in place prior to activity starting. To allow a project proponent to cover a host of issues under a single planning document on the basis that they are associated and then after the fact separate out sub-project to escape getting required permits prior to project startup is not acceptable.

The reasons for holding a public hearing:

- 8
- 1) A public hearing is consistent with the Army Corps of Engineers roles and responsibilities under the Clean Water Act.
 - 2) There is a massive amount of public interest in the proposed permit and desire by impacted parties to have a public hearing.
 - 3) There is new information not previously considered by the Army Corps of Engineers relative to waters of the United States involved in the

proposed permit and impacts related to the impacted water sheds.


4) The public notice is deficient in that it fails to identify all waters impacted or consider or provide for adequate mitigation for those impacts.

5) The proposed permit would allow mitigation to be transferred outside of the impacted watersheds which imposes significant damage on and does not redress damage too the watersheds, flora, fauna and people most impacted. The impacted parties, at a minimum have the right to provide information related to these damages at a public hearing, where this new information could be formally presented as provided for by law.

6) Due to releasing the Public Notice over the two most participatory holidays in the United States and opening the related public comment period during a week when most people are with family and loved ones, the public comment period fell substantially short in providing the level of public participation required and encouraged by the operative statute. A public hearing in such circumstances is the least the Army Corps of Engineers can do. It is interesting to not that even the Army Corps of Engineers project manger for this matter was out of contact while with his family for a substantial period of time during the public comment period.

7) The Public Notice and Army Corps of Engineers fail to consider the total impact of the proposed project on salnomids. The mitigation discusses some level of fishery improvements, but the Army Corps of Engineers needs to collect additional information on the total amount of salnomid habitat and spawning area impacted and identify specific mitigation for salnomids in the watersheds impacted. A public hearing would assist the Army Corps of Engineers in collecting this and other information.

Sincerely,


Greg Wingard
PO Box 4051

AR 035672

Seattle, WA 98104-0051

cc: Congressman Adam Smith
RCAA

AR 035673

20 January 1998

Memorandum for File

Phone call from Mike Anderson: (206) 242-9417

1 { 1. He lives in Shorewood. This is an enormous project and impact to the people who live in the vicinity. To modify wetlands and mitigate elsewhere: he likes the mitigation plan, but it is too far offsite.

2 { 2. They don't know how to build this runway. How much fill is really needed? Base will settle - it's peat, unconsolidated. They don't really know how to engineer it. The Port, he says, has not been forthcoming to citizens over time about this and a lot of other things. They are playing hardball politics, threatening condemnation etc.

3 { 3. In our PN, people were wondering about the 401 certification and Water Quality Modification. What are these? Who issues the permits? We should clarify this. Also, someone commented that
4 { accretion has occurred at Miller Creek mouth, due to sedimentation. We should look at this.

5 { 5. It is terribly inefficient - spending \$5 billion without even adding flight capacity in the region. They should operate regional airports where the population is increasing, north and south. People really want an airport up in Whatcom and down in Centralia.

6 { 6. Planes will be able to, he says, land on the two existing runways with GPS technology in about 5 years (He works on this stuff for Boeing). There are other landing aids technologies being developed also.

7 { 7. He ^{is} commented as a part of a citizens group ~~already~~. He wants a public hearing.

Jonathan Freedman
Jonathan Freedman
Project Manager

AR 035674

(906) 764-6602 via facimile, hard copy to follow.
1-20-98

1P-52

Army Corps of Engineers
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

RE. Comments on Application Reference #96-4-02325 Wetland Fill

The Army Corps of Engineers (Corps) have received citizen comments on wetlands fill for Sea-Tac Airport's Master Plan prior to issuance of the draft above referenced document. Will the Corps provide a response to these comments? In a letter to Barbara Stuhring dated 1/25/96, Reference #95-4-00461 Port of Seattle, the Corps states:

"If we receive a permit application for wetland fill at the airport, we will place both your letters in the resulting file, and at the appropriate time forward them to the Port and the Federal Aviation Administration (FAA) for a response."

Has this occurred? If so, when should we expect to see the responses? If not, why not?

The Port has included SASA into the request for the permit. What information does the Corps have on SASA? Was enough documentation on the project included in the Master Plan Update Environmental Impact Statements regarding wetland fill, stream relocation, flood storage, among others, for the Corps to feel confident that they know the full impact of the SASA project? Should the Corps consider the adverse comments made by EPA on the SASA project several years ago which have never adequately been resolved?

Is the Corps aware that the SASA project preferred alternative relocates over 3,000 feet of Des Moines Creek, re-channels the uppermost reach of the Creek and destroys the headwaters?

Is the Corps aware that the Port of Seattle made a commitment to mitigate some of the SASA wetland impacts on or near the site prior to any construction to determine the success of the re-creation? Is the Corps aware that the Port of Seattle has extended the Runway Safety Area at the south end of the easternmost runway and filled two small wetlands in contradiction to these previous made plans? Is the Corps aware that there are 20 acres of wetland area near Tyee Pond which needs to be replaced for SASA preferred alternative construction?

Has the Port received any permit for construction from the Corps which would have allowed them to fill wetlands to the north and south of the airport without a public process? The Port is now proceeding on a parking lot project on/adjacent to or near the wellfield for City of Seattle and Highline Water Departments which has affected two wetlands that have not been a part of a public process for comment? Is the Corps aware that these two wetlands were identified as part of overall development for the third runway in the Master Plan EIS but have now been separated out in piecemeal projects? Is the Corps going to continue to allow the Port to piecemeal their projects in violation of NEPA's requirement for a cumulative impact analysis and consideration of multiple project impacts?

Will the Corps allow the Port to affect the Class I Wetland near Tub Lake?

Since the SASA EIS identified a timeline for relocation of wetlands and a place for them in the same basin, which would be completed prior to the construction project(s) identified in the SASA FEIS including the Runway Safety Area Project, should the Corps now require a successful relocation of the creek and wetlands as per this EIS prior to any construction? How does the RSA construction and accompanying wetland fill affect the Corps view of overall wetlands fill in regard to NEPA's requirement to assess "CUMULATIVE" AND MULTIPLE PROJECT IMPACTS?

How will the wetland fill around SASA affect the settlement agreement timeline for cleaning out any local ponds? Will the Corps require a new water treatment facility as the Port indicated would be needed if SASA were to be built? How many retention ponds will be needed or what will be the required expansion of existing ponds if SASA is built? How will this affect the area if the existing wetland losses are replaced in an entirely different watershed?

Does the Corps accept the relocation of wetland functions near Sea-Tac Airport in the Green River Valley? Did the Corps originally comment on the draft EIS for the Master Plan that they WOULD NOT give undue deference to an FAA advisory circular (policy) in regard to wetland replacement? This Advisory Circular has warnings about bird attractants. The FAA considers wetlands to be bird attractants, yet they have existed around the entire perimeter of the airport for decades. At the same time the FAA would desire to remove bird attractants, the Port's projects made necessary the construction of numerous open water retention ponds. Would the

1-20-98

removal of wetlands to another basin altogether cause problems near Sea-Tac and environs? What might be a worst case outcome if all identified wetland replacements occurred in another basin? Besides the difficulty in building new wetlands in Auburn, what is the difficulties which might occur where the functions are lost? Has any major project ever relocated all wetland loss in another basin and if so, what have been the results either positive or negative? Is this a common practice or unusual?

7 Keep in mind that the SASA EIS proposed to relocate project related wetland loss in the SAME WATERSHED. Why are the documents inconsistent? Can the Corps require that the third runway wetlands be also replaced in the same basin? If not, why not? SASA EIS indicated there were large areas of vacant land near the airport where watershed enhancement and wetland replacement could occur. Where are these areas and how can they be utilized for local replacement? What is the degree of success of replacement wetlands when the amount is over 10 acres? Has any project replaced this many wetlands before? What have been the effects in the basin where the wetlands were lost? What was done to control the problems if any?

8 I thought the Master Plan draft EIS committed to a 3 to 1 replacement of wetland function in Auburn. But the permit says 2 to 1. Is this different? If so, why? What are the legal requirements for replacement? Type? Function? How will the impacted watershed function without these wetland types and functions? Are there other wetlands in the project area which are not Palustrine which the Corps intends to require be replaced?

9 The Port of Seattle made a commitment to not borrow dirt from area #5 because it is a protected wellfield area. This borrow area #5 is now a parking lot. Seems the Port made a commitment to the City of Seattle Water Department for mitigating the effects of the parking lot on the wellfield and adjacent land. This commitment does not appear to be being fulfilled. However, the two wetlands in the parking lot area and borrow area #5 have been affected without a permit and without a public process or comment period. The Port also made a commitment to not borrow dirt from area #8 because of the number and size of wetlands there which total approximately 18 acres. What guarantees does the community have that even though the Port won't borrow dirt from area #8, that they won't fill the wetlands in a piecemeal warehouse project sometime in the future? A warehouse project is identified in the EIS next to the parking lot. These 18 acres are still identified in the Master Plan, along with wetland areas in borrow area #5.

Can the Corps permit filling of wetlands that they have not viewed as is indicated on page one of the Public Notice? Can the Corps approve an application for wetland fill on land the applicant does not own, operate or have control over?

10 In 1992, P & D Aviation Team estimated that the Master Plan would affect over 100 acres of wetlands. In 1993, another Port consulting firm estimated wetland impacts at over 30 acres. In 1994, the draft EIS was issued and listed 9.5 wetland acres to be affected. In 1996, the Final EIS listed 10.7 wetland acres. This present application lists a total of 11.42 acres, yet another figure. Which is most accurate?

11 On page 1, the Corps indicates that approximately 20.6 million cubic yards of fill would be needed for the third runway project including SASA. The Corps is most likely unaware of the 509/South Access Freeway project which has a need for fill and a tunnel under the easternmost runway, may need to fill up to 6 acres of wetlands in the same Des Moines Creek Basin as SASA will affect. There were no fill estimates in the 509/South Access Freeway Project draft EIS, however, mention of a need for a vast quantity of high quality fill material by cumulative local projects was discussed and a potential for depletion of regional fill sources was also mentioned as a possible problem. There are other obscure projects planned for the area to the north, west and south of the airport which can and will have an effect on filling of wetlands, need for fill material, impervious surface, water retention, flooding and other water related effects such as the Alaska Flight Training Center, South Access, elimination of South 170th, relocation of South 156th, North Runway Safety Area Extensions, East Runway Extension (600 feet), parking, park and ride lots, RTA, Parking Garage (10,000 slots), and etc. How will the Corps deal with each of these project wetland fill applications as they are submitted? Why are they not being included in the present application?

12 Page 2 discusses relocation of Miller Creek but does not mention Walker Creek which is a tributary of Miller Creek. How will Walker Creek be affected or relocated based upon the design plan for Miller Creek? What will the Corps require for the Des Moines Creek relocation plan which was part of the SASA proposal?

13 Page 4 indicates that the Flight Plan Project final EIS and the SASA final EIS were prepared and submitted in accordance with NEPA and that statement would tend to assure that these documents were written in accordance to all the requirements of NEPA. NEPA requires an analysis of cumulative impacts, and that projects deemed to be closely enough related to one another be included in the same environmental impact statement, neither of which requirement was satisfied by either Flight Plan or SASA FEIS'. Additionally, both documents were completely lacking in their analysis of whether the Clean Air or Water Act would be violated by the project(s).

14 The current Final Supplemental Environmental Impact Statement and all accompanying documents that were approved by the Port of Seattle and FAA are in litigation. Some of the items in question include all provisions of NEPA filed by the attorneys for the ACC Cities

AR 035676

1-20-98

4 | in Federal District Court. Other SEPA requirements are being challenged. Is it appropriate for the Corps to approve a permit application under NEPA for an agency which so far has not proven to have complied with all federal requirements of the law? Should the Corps wait until some of these issues are settled before allowing such a vast destruction of a critical watershed?

How will the Corps decisions today affect the water quality, availability of water resources, fish and habitat for future generations?

Please carefully consider the significant irreversible and irretrievable commitment of our natural resources and environment that this project demands and weigh whether the alleged economic benefits will actually be worth the losses and consequences.

Sincerely,

Debi L. DesMarais
16247 8th Avenue Southwest
Burien, WA 98166

c: EPA, Region X
Congressman Adam Smith
Senators Patterson, Heavey
Representatives, Keiser, McCune

AR 035677

1P-53

20 January, 1998

US Army Corps of Engineers
Seattle District

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-2255
Attn: Jonathan Freedman

Reference: 96-4-02325

Dear Jonathan,

I am writing to voice my concern and ask that a public hearing be granted to discuss deficiencies in the Port of Seattle's 404 application. I feel that the Port should be held to the same standards as other private applicants for this permit. I do not believe that the Port has shown that it's proposal has satisfied a practical proposal analysis and I do not believe the chosen site is the least environmentally harmful.

Mostly, I feel that the Port of Seattle has bullied local public agencies, their jurisdictions and the rights of citizens. I hope my comments and the comments of others will be noted and I thank you.

Colleen Derry
112 sw 166th Place
Seattle, WA 98166

AR 035678

Freedman

January 20, 1998

U. S. Army Corps of Engineers
Seattle District
P. O. Box 3755
Seattle, WA 98124-2255

Gentlemen:

Re: Seattle, Port of 96-4-02325

Move 990 feet of Miller Creek and 2,200 feet of Des Moines Creek? Why not move Puget Sound? Or make Vashon Island the airport?? This is ridiculous!!!!

Please see my thoughts and comments on attached page.

1
2

Question 1: Why was the search for a new airport aborted?

See attached page

Question 2: After ruining two creeks and spending all this money how long will this be airport be able to contain our growth??

See attached page

Question 3: Is it government by the people, for the people – or bureaucrats making up cheap "mitigation" rules. How can you move wetlands down in the valley?

No need to – see attached page

Sincerely,

H. Ted Dunham
23223 27th Avenue So
Des Moines, WA 98198
(206) 878-1379

P.S. I am a native born Puget Soundian, January 1, 1940, first baby of the year in Bremerton, Washington, home of "Mighty Mo" and Norm Dicks.

NO FILL NEEDED !!

THERE IS AN EXISTING AIRPORT, A BOEING 727 HAS EVEN LANDED THERE AND TAKEN OFF FROM THIS AIRPORT--THEN KNOWN AS KITSAP AIRPORT..

JUST AS THE BAY AREA HAS TWO AIRPORTS, OAKLAND AND SAN FRANCISCO, WE TOO HAVE TWO AIRPORTS!! THERE ALREADY IS A SECOND AIRPORT THAT NEEDS NO FILL -- JUST UTILIZATION OF WHAT ALREADY EXISTS. THE POTENTIAL IS GREAT -- THE COSTS MINIMAL. WE HAVE THE BREMERTON AIRPORT LOCATED ON THE PENINSULA.

THE DEMOGRAPHICS OF THE PENINSULA SHOWS IT COULD SUPPORT THIS AIRPORT. The population has grown tremendously in the past 10 years with key government bases, KEYPORT AND BANGOR, it could serve the western portion of the state from FORKS TO OLYMPIA. It would mean fewer people travelling on the Tacoma Narrows bridge going to SeaTac. The peninsula could use the jobs having RIF's at Puget Sound Navel Shipyard and having lost the "Mighty Mo."

WHY SHOULD YOU CARE? REMEMBER THE LIQUIFACTION OF THE FILL IN THE BAY AREA DURING THE EARTHQUAKE. PLACE THAT FILL ON THE SIDE OF A PLATEAU ABOVE A CITY, JUST HANGING THERE, WAITING FOR THE FIRST TREMOR. (HAS THE PORT SAID HOW THEY ARE GOING TO KEEP THAT FILL UP THERE?)

WHO PAYS FOR IT?? YOU AND ME. SeaTac has recently added new taxes (it costs \$12 more per person for each flight. It just doubled the parking fees and is doing its best to get EVERY FEDERAL DOLLAR IT CAN TO PUT INTO THIS MOST EXPENSIVE RUNWAY IN THE WORLD!!

AND WHAT DO WE GET FOR IT? WE GET TO PAY FOR COST OVERRUNS. WE GET TO REPAIR THE SLIDING HILLSIDE EVERYTIME IT RAINS. WE GET TO WORRY ABOUT A MAJOR EARTHQUAKE AND HOW MANY PEOPLE WILL BE BURIED IN THE LIQUIFIED FILL DIRT IN BURIEN.

WE GET TO PUT UP WITH YEARS OF TRAFFIC FROM DIRT TRUCKS, PITS IN OUR CARS PAINT AND WINDSHIELDS -- AND -- THEN WE GET TO PAY FOR A NEW AIRPORT -- BECAUSE EVEN SEATAC ACKNOWLEDGES THAT THIS THIRD RUNWAY IS JUST A STOP-GAP EFFORT.

WE NEED TO EDUCATE OUR POLITICIANS, FRIENDS, NEIGHBORS -- THEY TOO WILL ALSO HAVE TO PAY.

THIS IS BIGGER THAN WHOOPS!! THIS IS THE BIGGEST MISTAKE YET!! LET'S STOP IT BEFORE IT'S TOO LATE.

These thoughts are brought to you by a native Puget Soundian.

AR 035680

1P-55

1/20/98

Jonathan Freedman,
US Army Corps of Engineers
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

1 { I am writing in regards to reference number Port of Seattle 96-4-02325. Will the U.S. Army Corps of Engineers be scheduling any hearings concerning the Port of Seattle wanting to fill the wetlands west of Sea-Tac airport and relocate 5,500 feet of Miller and Des Moines creeks and associated drainage channels? I think there is a need to conduct a public hearing independent of the Port Commission's public hearing.

2 { I am opposed to allowing the Port of Seattle to remove these wetlands and relocating parts of Miller and Des Moines creeks. It is too damaging to the environment and not fair to the wildlife that depend upon these wetlands....many are not going to be able to move to Auburn. I feel more research needs to be done and that not enough thought has gone into the Port's proposal. Private citizens would not be allowed to destroy this amount of wetlands and build. The Port of Seattle should not be given permission either.

Please let me know if you will be scheduling a public hearing regarding this wetlands/third runway at Sea-Tac issue reference # Port of Seattle, 96-4-02325.

Thank you very much!

Sincerely,

Susan Osterman
Susan Osterman
17215 Hillcrest Terrace S.W.
Seattle, WA 98166

phone: (206) 246-8293

AR 035681

1P-56

Jonathan Freedman, Project Manager
Regulatory Branch, Seattle District
Army Corps of Engineers
PO Box 3755
Seattle, WA 98124-2255



January 20, 1998

Re: Public Notice of Application for Permit, Port of Seattle, reference #96-4-02325, Additional Comment, Notice of Application for Water Quality Certification and for Consistency with the Washington Coastal Zone Management Program

Dear Mr. Freedman and Ms. Zinner:

The public notice related to this application was inadequate. Comments made on January 5, 1998 and January 19, 1998 are incorporated by reference and apply to the Department of Ecology Notice as well as the Army Corps of Engineers Public Notice.

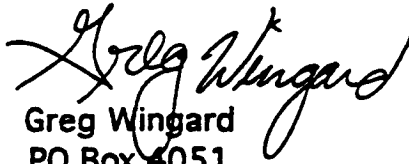
Water Quality Certification can not be issued by Department of Ecology as there have been numerous violations by the applicant of water quality laws related to illegal discharges from the North Employee Parking Lot to wetlands and to Miller Creek.

There is also new information available received from a Port of Seattle subcontractor that water currently removed from the North Employee Parking Lot site is being treated with chemicals and then discharged to Miller Creek via Lake Reba. Port of Seattle does not have a permit allowing it to discharge chemically treated water to Lake Reba or Miller Creek or any other waters of the United States from its construction related activities.

It is requested that Ecology investigate the above matter and withhold any action until the outcome of the investigation is made available and a public hearing on the Army Corps of Engineers Public Notice and Ecology Notice of Application cited above is held and received comments analyzed and responded to.

AR 035682

Sincerely,



Greg Wingard
PO Box 4051

Seattle, WA 98104-0051

cc: Congressman Adam Smith
RCAA

1P-57

Michael Wray
18449 8th Avenue SW
Seattle, WA 98166

January 20, 1998

U.S. Army Corps of Engineers
Seattle District Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255
Ref. No. 96-4-02325



To Whom It May Concern:

These comments are submitted in response to the Port of Seattle application to construct a new third runway and associated projects at Seattle-Tacoma International Airport. By way of background, I have a Bachelor of Science Degree from Stanford University and a Masters Degree in Business Administration from the University of Chicago. I am a licensed professional engineer and operate a consulting engineering firm in south Seattle. My comments are as follows:

1. **The Port of Seattle is not competent to place the 20 million cubic yard fill required.**
The Port began construction of an employee parking lot in 1997. During the summer months, the Port failed to provide dust control and did not observe noise regulations during site grading. The Port failed to provide erosion control, and September rains washed tons of mud into Miller Creek, adjacent wetlands, Lake Reba, and Lora Lake. A second violation occurred ten days later because the Port did not take adequate corrective action after the first incident. The Department of Ecology fined the Port for both of these violations. Last week the Department of Ecology issued a notice of violation to the Port for demolishing homes for the third runway without a National Pollutant Discharge Elimination System permit. The Port of Seattle has not complied with environmental regulations for these relatively small, simple projects. We cannot reasonably expect that the Port will construct large new projects in accordance with environmental regulations, and with respect for its neighbors.
2. **A wetlands project in Auburn does not mitigate the destruction of wetlands in Sea-Tac.**
Wetlands constructed miles from the site do not offset the local destruction of habitat. This is obviously true for the flora and fauna destroyed or displaced. It is just as certainly true for the people of south Seattle who appreciate the open space and beauty of these areas. I encourage the Corps of Engineers to tour the wetlands that would be destroyed to understand how valuable these areas are to the people of south Seattle.

To date, environmental regulation, monitoring, and enforcement efforts have not been adequate to protect the Puget Sound region. It is time to stop allowing permit holders to ignore environmental protection until they are caught in violation. It is time to enforce real consequences for those who damage the environment through negligent violations of the law. It is time to stop waiving environmental permitting requirements simply because it is expedient to do so. I urge the Corps of Engineers to reject the Port of Seattle permit application.

Sincerely,

Michael Wray
Michael Wray

AR 035684

ANN M. BONNEY

816 South 105th Street
 Seattle, Washington 98168
 January 21, 1998

The Honorable Bill Clinton
 President of the United States
 The White House
 1600 Pennsylvania Avenue
 Washington D.C. 20500

Dear President Clinton:

Enclosed is a letter to the U.S. Department of Defense. We are asking the Cabinet of Defense to request an Executive Order for a tax on potentially affected parties to protect the Civil Rights of affected parties (i.e. a tax on potentially affected parties to protect the affected FAR 150 citizens under the Aviation Safety & Noise Abatement Act of 1979 (the ASNA Act). The expansion at Sea-Tac is for the benefit of potentially affected parties. It is a detriment to the health, education and welfare of affected parties.

In Seattle, we are asking Jonathan Freedman to request the Executive Order.

Jonathan's request for an Executive Order is somewhat akin to Moses going to the Mountain and requesting the Commandments. If Jonathan's request is fulfilled it could produce a win/win situation for potentially affected parties and affected parties.

If Jonathan returns with an U.S. Executive Order mandating a tax on potentially affected parties to protect the Civil Rights of affected parties, affected parties will be happy because they will have a tax base for the protection of their Civil Rights. Potentially affected parties will be happy because they will have a 3rd Runway at Sea-Tac Airport for the protection of their economic development.

The News Media will be happy because they will no longer be required to record a NIMBY War (a War that has lasted longer than World War II as reported in the Times/P.I.) It is said that it is the longest Headache War in the History of the United States.

Sincerely,

Ann M. Bonney

Ann M. Bonney

cc: Vice-President Albert Gore/Executive Branch
 Jonathan Friedman/Executive Cabinet Branch

Encl. Mediation can't replace the ASNA Act and FAR 150. (Letter from Cabinet)
 Letter to Jonathan Freedman/Executive Cabinet Branch (Letter to Cabinet)



U.S. Department
of Transportation
Federal Aviation
Administration

800 Independence Ave. S.W.
Washington, D.C. 20591

JUL 17 1992

Ms. Minnie O. Brasher
S. W. King County Group
846 South 136th Street
Seattle, Washington 98168

Dear Ms. Brasher:

This is in response to your letter of June 22, asking additional questions about Part 150 of the Federal Aviation Regulations (FAR Part 150) and the Aviation Safety and Noise Abatement Act of 1979 (ASNA).

In response to your new questions:

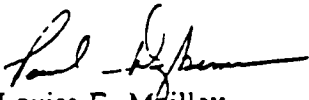
1. The ASNA Act remains in full effect. Although we are aware of no current proposed legislation to amend the ASNA Act, the Congress may amend the Act whenever it sees sufficient need.
2. FAR Part 150 is currently under revision to incorporate and implement the recommendations of FAA's Report to Congress on the Part 150 Program. The proposed revisions to Part 150 will be published in the Federal Register in a few months. We will send you a copy at that time. Both you and the general public will then have opportunity to comment on those changes.
3. The Seattle-Tacoma International Airport's Mediation Package does not exempt them from the provisions of the ASNA Act or FAR Part 150.
4. FAR Part 150 is the Federal Regulation which implements the provisions of the ASNA Act.

AR 035686

5. Both the ASNA Act and the current FAR Part 150 contain requirements for consultation. The U.S. Congress, in 1987, placed additional emphasis upon consultation with affected individuals or groups (Joint Explanatory Statement of the Committee of Conference on Public Law 100-223). In its Report to Congress, FAA states that the "... purpose of Part 150 consultation and community involvement is to bring together all affected parties with their respective interests, authorities, and obligations in order to facilitate the development of a locally agreed upon noise compatibility plan that will receive widespread support." (emphasis added). This report, with the statement included, was then transmitted to the Congress by Mr. Skinner's letter of May 1, 1990 (copy enclosed).

I hope that this answers your additional questions.

Sincerely,



for Louise E. Millett

Director
Office of Environment and Energy

Enclosure

January 22, 1998

To: Jonathan Freedman
Project Manager

Reference: 96-4-02325

Sea-Tac Airport Expansion

From: Helen E. Kluehl

17529 13th S.W.

Seattle, Wa. 98166

Phone 243-3292

Postscript to phone conversation I had with you
on Tuesday, January 20, 1998

I have another story to tell regarding another
conversation I had with the Corps of Engineers.

About 1986 when I was a member of the
Normandy Park Planning Commission, we were
working on a up-date of the City's Shoreline Management
Plan. I called the Corps to get information
regarding some issue on the subject.

When I identified myself to the gentleman at the
Corps Office, he said forcefully, "You're from
Normandy Park! What are you people doing down
there!!" He continued, "I was driving down First
Avenue and at about 172nd there was a truck
dumping dirt in a marsh area by the stream.
You can't do that!"

(Cont on page 2)

I said, "I know, we have it stopped now." The Sewer District was putting in a secondary treatment facility and our City Manager had given them permission to dump dirt there. The people who owned the property wanted to build houses on that site. There were many complaints come in from people in the city and it was stopped immediately. The City Manager apologized and said it was the biggest mistake she had made in her career.

The gentleman at the Corps was glad to hear it had been stopped and told me "The law prohibits the filling of wetlands for good reasons" — He said it can affect ground water that feeds springs and also stream flow and helps with flooding problems. I told him I had been to ^{the} lectures at the U. of W. and read articles on hydrology — I saw pictures in one book that showed that filling of a marsh had dried up a spring-fed lake that was several miles away. So I do understand the consequences and the importance of doing things properly.

② The Port of Seattle should do things properly, too! However, past performances do not inspire trust

(Cont on page 3)

Further Comments

(2) The Port talks of their worsening flight delays. One of my neighbors, a Captain for one of the major airlines flying out of Sea-Tac, was visiting with me and he remarked that he didn't understand the rhetoric that Sea-Tac personnel was saying about delays at Sea-Tac Airport. He said that Sea-Tac is one of the best on time airports that he flies into. His wife is a flight attendant. He turned to her and said, "How many times are you late arriving at Sea-Tac?" Her answer, "Almost never!"

(3) On January 20th, I was informed that a report has been done to show where the population growth is distributed in the Puget Sound region. Since 1990 to 1997 there are approximately 440,000 more residents in this area. Thurston County has the most growth — other Counties growing (not in order) are Pierce — southern, Snohomish, Island County, Kitsap. King County had no growth but maintained a status quo, being balanced by births & deaths. These growing areas are mostly in a range of fifty miles — more or less — from Seattle.

(4) I have also read that Washington is one of few states that does not have a major airport serving its Capital City. I would think that the State of Washington would consider and encourage plans for improved air service in the Olympia area as well as the growth area to the north.

I apologize for handwriting this epistle —
My printer is down for repair —

Thank you for reading my comments —
I thought maybe you might be interested
in the "Normandy Park Wetlands" story —

Thanks again —

Helen Kluck

17529 13th S.W.

Seattle, Wa 98166

1P-60

Tyson K. Dickman
450 SW 183rd Street
Seattle, WA 98186

U.S. Army Corps of Engineers Regulatory Branch
PO Box 3755
Seattle, WA 98124
REF: 96-4-02325

To Whom It May Concern:

As a relatively new citizen to the Burien, Normandy Park, Des Moines and SeaTac community I have quickly become a firm believer that the addition of a third runway at SeaTac Airport is a very bad idea. It is a bad idea on many accounts, but primarily the two largest wrong doings will be economically and environmentally. Please do not grant the Port approval for the transfer of wetlands for a project that has not been well planned out or controlled.

There is no need to discuss the economic downfalls to the third runway because they are too obvious, numerous and have already begun to spin out of control. For example the projected over cost of the new parking garage, and we have yet to see a final bill for the new off-site parking facility for airport employees just north of the airport.

1 { As I understand the US Army Corps of Engineers must decide if the transferring of wetlands from the proposed site of the 3rd runway to the Green River trail area is beneficial to all. I may have this all wrong, but this would simply mean moving the "wetlands" label from one piece of land to another. If it were so simple then we should move the label "hazardous waste site" from Hanford and designate some spot off our coast as a "hazardous waste site" and call it good. Under the Ports ideals this would then allow for a housing community to be built on Hanford guilt free.

2 { The issue of birds causing danger to air traffic does not fly as a valid excuse to remove invaluable wetlands. For a fraction of the cost to "transfer" wetlands the Port can manage the bird issue just as many other airports do successfully.

The "re-naming" of wetlands is not an option and should not be allowed anywhere. As much as the Port has tried to keep this a quiet issue, it has begun to grow as a "hot" topic amongst environmental groups that can and do have a say on a local and national level. Please do not overlook these groups and believe they will be satisfied or "bought" to believe moving wetlands to an already well established wetlands area is beneficial to all.

3 { For an example of the Ports little concern for the environment please evaluate what environmental damage the Port has already caused in building an off-site employee parking area. They have been fined, but continue to cause havoc to very sensitive creeks and lakes just north of the airport. If nothing else please investigate this crisis.

If possible, please respond back to me as soon as you can. I hope my emotional plea against the third runway and its damaging effects on the surrounding environment will not go on deaf ears.

Sincerely,



Tyson K. Dickman

AR 035692

Dear Jims,

I have lived in a residence on Lake Burien for the past 29 years, and within an 8-mile radius of Sea-Tac for the past 44 years. When the second runway was opened circa 1970-1971, there was a very definite increase in airport noise. The point is, we who lived in this residential community were here first; the argument that "you knew what it was like when you moved there" doesn't hold water.

When the second runway was added, the Port promised the surrounding communities that there would be no more runways added. They also promised effective sound proofing for schools in the area. More than 25 years have passed and those promises have proved to be so many lies. The Port has clearly demonstrated they are not to be trusted. They act with the principality and neighborliness of an enraged 800-lb. gorilla,

This "editorial", or brief history lesson,

is pertinent to my comments regarding your current dealings with the Port & their quest for a 404 permit from the Army Corps of Engineers to fill in wetlands, so that they may proceed with the incredible intrusion of 25 million cubic yards of fill material on which to build a third runway. This is a boondoggle of gigantic magnitude.

I urge you to use all means within your power to control this unprincipled monster which has already done so much damage to our community with so many promises of mitigation, ~~it~~ undone on effects from the 2nd runway.

There are few, if any, other agencies which have any power or leverage to exert over them. I sincerely request that you exercise what you have to reign them in and protect the environmental interests of our residential community in every way you can. Thank You,

S. A. Hulsmar

US ARMY CORPS OF ENGINEERS
SEATTLE DISTRICT
REGULATORY BRANCH
POST OFFICE BOX 3755
SEATTLE WA 98124-2255

REF: 96-4-0235

I am sending this letter with regards to the Port of Seattles application for a 404 permit to fill in wetlands to construct their unnecessary third runway.

I would ask that the Army Corps of Engineers be diligent to follow procedure when considering the Ports request.

I would also request that a Public hearing to be held on this matter, so that we the people, residents, citizens and taxpayers that will be directly affected will have the opportunity to become completely aware of ALL the Ports intentions.


There are too many vague areas in the Ports request that should be addressed before the 404 permit is awarded.

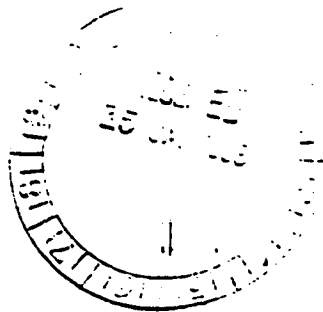
- 1 { 1/ The Port has not done an alternate analysis of locations for the new runway outside of a four county region , as required by other applicants.
- 2 { 2/ The Port must be required to identify all wetlands intended to be filled. There should be no open clause allowed for including unidentified areas to be filled in that have not yet been discovered.
- 3 { 3/ The Port should also be held obligated to mitigate the actual area affected by this project and some unrelated area some nine miles away.
- 4 { 4/ The Port must also be obligated to identify the amount of the 100 year flood plain it plans to fill.

It seems the Port thinks that all they have to do is apply for such permits and because of WHO they are, the permit will be received without the necessary homework done that is required for all others.

My request is that the PORT OF SEATTLE be held to the same standards of any other recent applicants for the 404 permit.

Thank you for your consideration


Debi A. Jones



Army Corps of Engineers
Regulatory Branch
P.O. Box 3755
Seattle WA 98124-2255

Attention: Jonathan Friedman:

I am writing in regard to the Port of Seattle's request for the 404 permit to fill wetlands in order to construct a third runway at the SeaTac Airport.

1 { In the first place, the public notice was sent out by the Corps of Engineers on December 19, 1997, and the public has only until January 20th to comment on the proposal. This is the first I have heard of it. Where was the public notice sent? With only a couple of weeks to respond the public has very little chance to do what it needs to do. I respectfully request that the final date for comment be extended at least one month.

2 { My next request is to ask that the Corps of Engineers hold a public hearing, in the city of Burien regarding this matter. Our city would be severely impacted by the extension of the airport, and our citizens have a right to be heard. The notice for the hearing should be clearly announced in the Highline News and the Seattle Times..

3 { I understand that there is a glaring problem on the application wherein the Port states that "it is possible that some additional wetland areas and acreage could be identified when access is available to all wetlands in the project area." and that this makes the application for the 404 unacceptable.

4 { And finally, most frustrating, the Port is seeking to mitigate the wetland fill OUTSIDE OF THE WATERSHED, and put it in the Green River Valley. What a travesty! I attended a hearing on the Emerald Downs Racetrack and the Corps listened carefully to the citizens at that time. The SeaTac Airport affects many more people than the racetrack, and the Corps of Engineers should give these people a chance to state their case as well.

5 { We are not willing to let the Port of Seattle run rough-shod over this area. We demand that the Corps hold the Port to the same standard it has held other applicants for the 404 permit.

Respectfully,

Rosemarie McKean
430 SW 183
Seattle WA 98166

32

Reference to #
96-4-07325

To: US Army Corps of Engineers

This is regarding the proposal by the City of Seattle to "move" wetlands that currently exist around the airport to sites 10-20 miles away.

Certainly there must be a limit to rearing the environment to suit man made projects. And especially projects as ridiculous as the proposed addition of a 3rd runway.

5/17/77
JF

Nevertheless, 3rd runway or whatever big enterprise, the concept of continually moving nature to different sites - potentially worse sites that could destroy the wetland all together seems as ridiculous as the 3rd runway.

What little this area has in wetlands left from the devastation the port has

5700111



already caused, we don't
need anymore. We do
want to live in an
environment that does have
a semblance of "natural"
to it.

I certainly hope your
agency is more concerned
about environment, and
denies the park's proposal.

Barita Reister

30777-3rd S.

Des Moines, IA.

98198

RECEIVED
JAN 15 1998
STATE OFFICE
MADISON

Rev.

AR 035698

US ARMY CORPS OF ENGINEERS
SEATTLE DISTRICT
REGULATORY BRANCH
POST OFFICE BOX 3755
SEATTLE WA 98124-2255



REF: 96-4-0235

I am sending this letter with regards to the Port of Seattles application for a 404 permit to fill in wetlands to construct their unnecessary third runway.

I would ask that the Army Corps of Engineers be diligent to follow procedure when considering the Ports request.

I would also request that a Public hearing to be held on this matter, so that we the people, residents, citizens and taxpayers that will be directly affected will have the opportunity to become completely aware of ALL the Ports intentions.

There are too many vague areas in the Ports request that should be addressed before the 404 permit is awarded.

- 1 { 1/ The Port has not done an alternate analysis of locations for the new runway outside of a four county region , as required by other applicants.
- 2 { 2/ The Port must be required to identify all wetlands intended to be filled. There should be no open clause allowed for including unidentified areas to be filled in that have not yet been discovered.
- 3 { 3/ The Port should also be held obligated to mitigate the actual area affected by this project and some unrelated area some nine miles away.
- 4 { 4/ The Port must also be obligated to identify the amount of the 100 year flood plain it plans to fill.

It seems the Port thinks that all they have to do is apply for such permits and because of WHO they are, the permit will be received without the necessary homework done that is required for al l others.

My request is that the PORT OF SEATTLE be held to the same standards of any other recent applicants for the 404 permit.

Thank you for your consideration

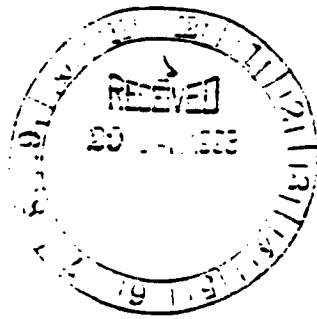
Alan G. Sawtelle

103 So. 199th
PS Moines, WA.
98148

To:

1P-66

MR. Jonathan Freedman P.M.
Corps. of Engineers
Regulatory Branch
P.O. Box 3755
Seattle wa. 98124-2555



RE: 3rd Runway
File # 96-402325

Dear Sir, I agree with this enclosed article opinion written by Mr. Chris Clifford of Renton wa.

1 Please Hold The Port of Seattle, To The Same Standards; & The Standards previously imposed upon other applicants, For The Filing of its 404 Permit.

2 I also request that The Public be allowed a hearing on this 404 Permit matter.

IT would be refreshing to believe that The Corp. is not swayed by a minority Part Special Interest.

Respectfully
TOD A. SPEER
22315 6th Ave. S.
Des Moines. wa 98148
206-824-5960

AR 035700

standards as other applicants

By Chris Clifford
ST COLUMNIST

GUEST OPINION

Over the years the Port of Seattle has waged its self-serving war to construct a third runway at Sea-Tac Airport.

It has acted like a school yard bully, overpowering local public agencies and jurisdictions, and stomping on the rights of the citizens with an army of lobbyists and influence.

Yet in each and every epic battle, the David has his chance to strike. In the battle over the third runway, the Achilles Heel of the Port may now be exposed as it attempts to obtain a 404 permit from the Army Corps of Engineers to fill in wetlands to construct the third runway.

On Dec. 19, 1997, the Army Corps of Engineers sent out a public notice of the application by the Port for the 404 permit. The public has until Jan. 20, 1997 to comment on this application.

It is critical that the residents of this area send in comments regarding this permit and demand that a public hearing be held so the public can see firsthand some of the deficiencies in this application, and demand that the Army Corps of Engineers treat the Port in the same manner that it has treated other applicants for such permits.

If the Corps holds the Port to the same standard it has held other private applicants to for these permits, the Port will never be given a 404. A recent example would be the 404 application by the Emerald Downs race track seeking to fill 17 acres of palustrine wetlands.

The wetlands covered by the 404 permit given to the racetrack were low-quality wetlands and were created by the presence of cattle tilling the ground with their feet.

When the race track sought a permit, track officials were required to diligently comply with section 404(b)(1) of the Federal Water Pollution Control Act.

This required an alternative analysis that showed the proposal was the only site that satisfied the practicable alter-

natives analysis, is the most economical, viable, and least environmentally harmful alternative.

The alternatives analysis for the race track was comprised of a study of every potential race track site in Western Washington.

The application for the 404 permit by the track was accurate regarding the amount of wetlands to be filled and the nature of every inch of ground requested to be filled. The race track was required to mitigate within the watershed at an almost 3-1 ratio for those they were planning to fill.

The Port has not done an alternatives analysis examining the location of a new runway anywhere outside of a four-county region. The Corps must demand that a meaningful alternatives analysis be done examining every possibility within Western Washington just as with the race track.

Certainly this regional air facility is just as regional as the race track in Auburn.

The other glaring problem is that on the application to the Corps, the Port states that it "is possible that some

additional wetland areas and acreage could be identified when access is available to all wetlands in the project area."

This little aside makes the application for the 404 unacceptable. No applicant has ever been given a 404 with the caveat that they may discover and fill an untold amount of wetland acreage if they discover more wetlands in their project area.

The permit should not be granted until the Port has identified each and every square inch of wetland they propose to fill. It is what all others have had to do.

In the application, Port is seeking to mitigate the wetland fill outside of the watershed. Port officials want to mitigate nine miles away in the Green River Valley.

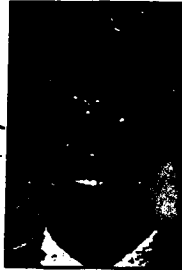
No applicant for a 404 has ever been allowed to mitigate the impacts of their fill outside of the watershed they are impacting. The Port has also failed to identify the amount to the 100-year flood plain it plans to fill.

Allowing the flood plain to be filled is in violation of a presidential executive order prohibiting such fills and that order is still in effect. We don't let others do that.

The public should demand that the Corps hold the Port to the same standard it has held other recent applicants for a 404 permit to. If this is done, then the Port has a long way to go before it could ever get the necessary 404 permit.

If the Port is held to the same standard, David will finally get his shot at Goliath.

Chris Clifford lives in Renton. He is a former candidate for the 33rd District state Senate seat.



Chris Clifford

AR 035701

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle



Dear Mr. Freedman:

Many individuals have collected substantial amounts of relevant data that the referenced permit does not appear to have considered. There are a number of major concerns related to the currently proposed permit briefly summarized as follows:

- 1 [• The proposed permit fails to define the scope of the proposed actions, including the size of the affected wetlands, and mitigation measures required.
- 2 [• The proposed permit fails to satisfy the public involvement requirements of the Clean Water Act.
- 3 [• The proposed permit is missing information and contains misleading and erroneous information.
- 4 [• There are many issues concerning the proposed Section 404 permit currently in litigation. Elements in dispute concerning the proposed NPDES permit affect provisions in the proposed Section 404 permit. Until these issues are resolved a Section 404 permit should not be issued.
- 5 [• The proposed permit fails to consider the replacement of wetlands in the same basin system. The permit proposes that the Corps reverse its previous policy requiring replacement of wetlands in the same basin system for proposed facilities in the South Aviation Support Area (SASA).
- 6 [• The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,

Suzanne Zimmer

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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- The proposed permit fails to consider the replacement of wetlands in the same basin system. The permit proposes that the Corps reverse its previous policy requiring replacement of wetlands in the same basin system for proposed facilities in the South Aviation Support Area (SASA).
- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,

Arnold Stanger
Gladys E. Stanger ✓

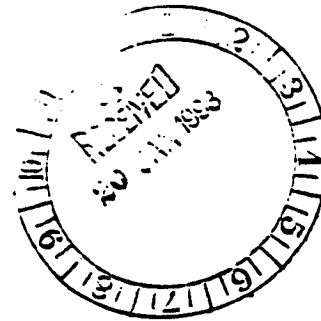
AR 035703

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle



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- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,

Margaret L. Springer
20818-7th Pl. S.
Des Moines, WA 98198

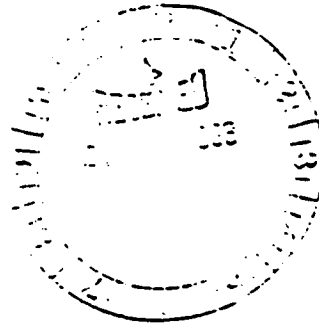
AR 035704

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle



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- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,

Evelyn J. Barrea ✓

AR 035705

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

Many individuals have collected substantial amounts of relevant data that the referenced permit does not appear to have considered. There are a number of major concerns related to the currently proposed permit briefly summarized as follows:

- The proposed permit fails to define the scope of the proposed actions, including the size of the affected wetlands, and mitigation measures required.
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- The proposed permit is missing information and contains misleading and erroneous information.
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- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,

Joseph A. Baneca, Sr

2610 SW 152

Seattle, WA 98166

Ph #206 243 0560

AR 035706

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle



Dear Mr. Freedman:

Many individuals have collected substantial amounts of relevant data that the referenced permit does not appear to have considered. There are a number of major concerns related to the currently proposed permit briefly summarized as follows:

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- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,

John C Rund

Shirley K. Rund (206) 243 0993

12140 25th Av SW.

Seattle Wa 98146-2550

AR 035707

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle



Dear Mr. Freedman:

Many individuals have collected substantial amounts of relevant data that the referenced permit does not appear to have considered. There are a number of major concerns related to the currently proposed permit briefly summarized as follows:

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- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,

Dally Mackey
2127 SW 162nd St
Burien WA 98166

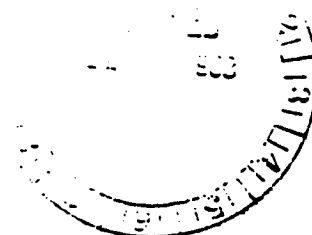
AR 035708

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle



Dear Mr. Freedman:

Many individuals have collected substantial amounts of relevant data that the referenced permit does not appear to have considered. There are a number of major concerns related to the currently proposed permit briefly summarized as follows:

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- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,

Paul Kress
2075 9th Ave S.W.
Seattle, WA 98166
(Normandy Park)



AR 035709

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

Many individuals have collected substantial amounts of relevant data that the referenced permit does not appear to have considered. There are a number of major concerns related to the currently proposed permit briefly summarized as follows:

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- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,

Burrill Perry
1540 77th St SW
Seattle, WA 98166

AR 035710

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

Many individuals have collected substantial amounts of relevant data that the referenced permit does not appear to have considered. There are a number of major concerns related to the currently proposed permit briefly summarized as follows:

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- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,

Francis P. Wall
428 S. W. 124th
Seattle
WA 98146

AR 035711

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle



Dear Mr. Freedman:

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- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,

Carly B. Wilson
1232 S. 235th Place
Des Moines, WA 98198
206 878-3131



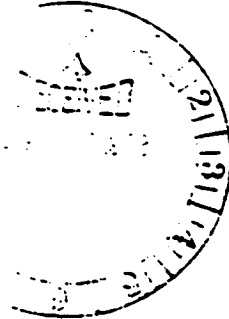
AR 035712

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle



Dear Mr. Freedman:

Many individuals have collected substantial amounts of relevant data that the referenced permit does not appear to have considered. There are a number of major concerns related to the currently proposed permit briefly summarized as follows:

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- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,

N. Stephen Anderson ✓
18155 MARINE VIEW DR SW
Seattle, WA 98166

AR 035713

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

Many individuals have collected substantial amounts of relevant data that the referenced permit does not appear to have considered. There are a number of major concerns related to the currently proposed permit briefly summarized as follows:

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- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,

Meh Orulatt
12611 4th S.W.
Seattle, WA 98146

✓

AR 035714

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle



Dear Mr. Freedman:

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- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,

David Steel
12804 - 8th Ave S
Seattle, WA 98168
(Burien)



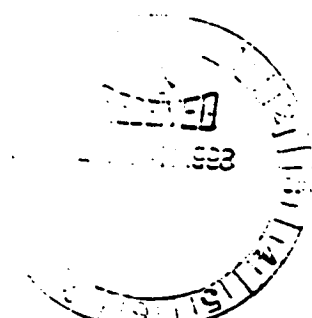
AR 035715

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle



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Sincerely,

Mary & Adam Speckert
MARY & ADAM SPECKERT
21311 3RD AVE S.
DES MOINES WA 98198.
206-870-4091

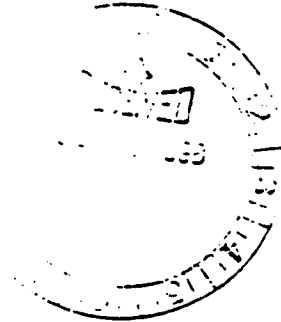
AR 035716

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle



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Sincerely,

Robert L Perry
15407-11th Ave SW
Seattle, WA 98166



AR 035717

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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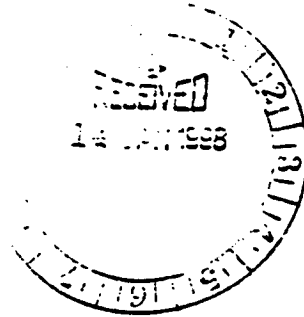
Sincerely,

Genevieve Yuse
20759 2nd Ave. S. W.
Seattle, wa. 98166-4223

AR 035718

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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Sincerely,

Richard C Burrows

1431 SW 137th
Burien, WA 98166



AR 035719

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle



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Sincerely,

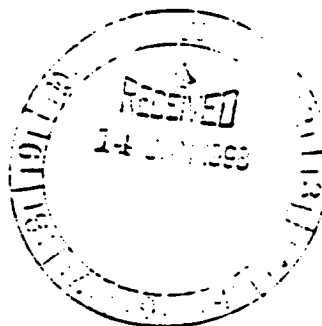
Maria C. Little
2650 SW 157th Pl.
Seattle 98146



AR 035720

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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Sincerely,

Helga J. Herrera
18821 - 5th Ave So.
Seattle, Wa 98148

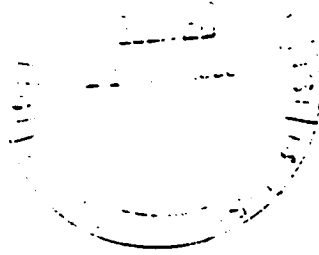
AR 035721

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle



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- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,

James Ash
21836 4th Ave S
Normandy Park, WA
98198



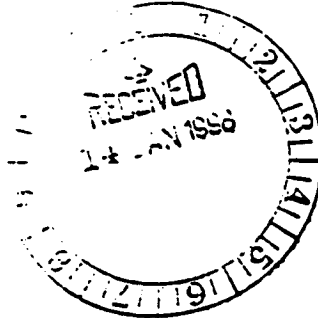
AR 035722

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle



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- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,

Sandra L. Rick ✓
2802 So. 135th
Seattle, WA.
98168

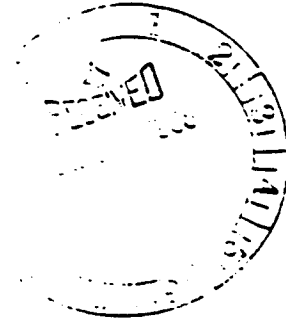
AR 035723

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle



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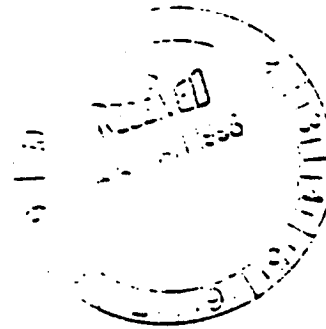
Sincerely,

J. Bauer
133 SW 142nd ✓
Normandy Park
Washington 98166

AR 035724

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,

Fred Wilch
1420 16 Ave S.W.
Nanumey Park



AR 035725

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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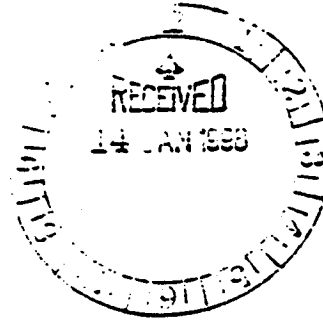
Sincerely,

W. C. Nordhaas
11974 Marine View Dr. S.W. ✓
Seattle, WA 98146

AR 035726

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

Many individuals have collected substantial amounts of relevant data that the referenced permit does not appear to have considered. There are a number of major concerns related to the currently proposed permit briefly summarized as follows:

- The proposed permit fails to define the scope of the proposed actions, including the size of the affected wetlands, and mitigation measures required.
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- The proposed permit is missing information and contains misleading and erroneous information.
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- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

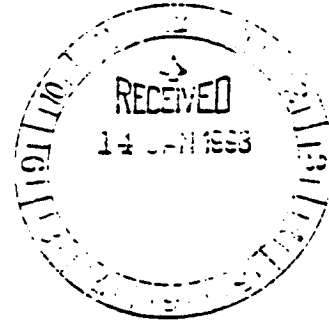
Sincerely,

Redolph L. Mayer
Jean L. Mayer
2133 S.W. 173rd Pl
Burrin, WA 98166

AR 035727

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

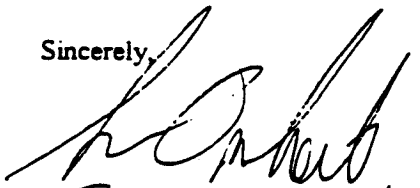
Reference: 96-4-02325
Port of Seattle


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- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,


SUSAN OVERHOLT
12611 - 4TH SW
SEATTLE WA 98148



AR 035728

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

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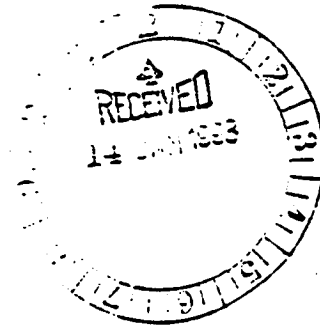
Sincerely,

Jan Cox
11922-3050
Burien WA 98146

AR 035729

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

Many individuals have collected substantial amounts of relevant data that the referenced permit does not appear to have considered. There are a number of major concerns related to the currently proposed permit briefly summarized as follows:

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- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,

Richard F. Motley ✓
2432 SW 152ND
Seattle WA 98146

(206) 243-9922

AR 035730

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle


Dear Mr. Freedman:

Many individuals have collected substantial amounts of relevant data that the referenced permit does not appear to have considered. There are a number of major concerns related to the currently proposed permit briefly summarized as follows:

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- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,

Ronald J. Stojack
RONALD J. STOJACK, P.E.
1912 SW 167TH ST
BURIEN, WA 98166



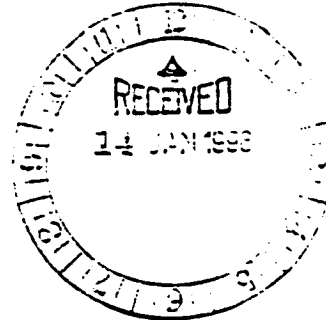
AR 035731

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle



Dear Mr. Freedman:

Many individuals have collected substantial amounts of relevant data that the referenced permit does not appear to have considered. There are a number of major concerns related to the currently proposed permit briefly summarized as follows:

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- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,

Keith W. Cruse
146 SW 166th Pl
Normandy Park, WA 98166



AR 035732

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle



Dear Mr. Freedman:

Many individuals have collected substantial amounts of relevant data that the referenced permit does not appear to have considered. There are a number of major concerns related to the currently proposed permit briefly summarized as follows:

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- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,

May Schual-Berke
604 SW 26th St
Seattle, WA 98106

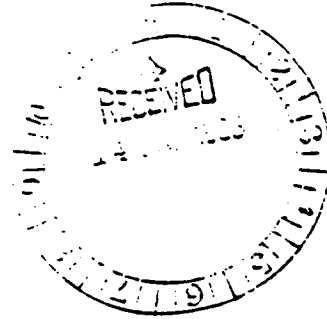
AR 035733

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle



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- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,

A handwritten signature in black ink that reads "D.N. Caldwell". The signature is fluid and cursive.

D.N. CALDWELL
19547-2nd Ave So
Des Moines WA 98148.

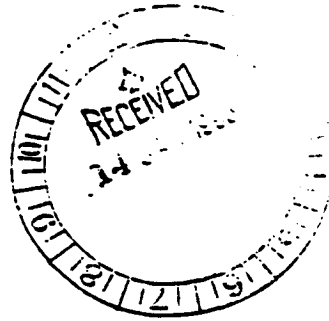
AR 035734

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle



Dear Mr. Freedman:

Many individuals have collected substantial amounts of relevant data that the referenced permit does not appear to have considered. There are a number of major concerns related to the currently proposed permit briefly summarized as follows:

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- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,

Raymond Overholt

4443 S 175TH

Seattle WA 98138

AR 035735

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle



Dear Mr. Freedman:

Many individuals have collected substantial amounts of relevant data that the referenced permit does not appear to have considered. There are a number of major concerns related to the currently proposed permit briefly summarized as follows:

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Sincerely,

Raymond F. Voeller

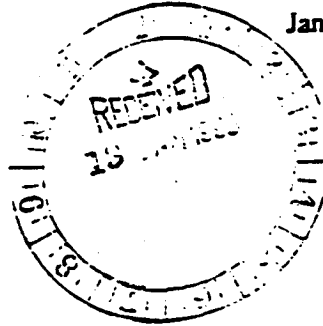
20114-3rd Ave. So

Sea Wa 98198

AR 035736

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,

Nancy Brant
19342 Edgell St SW.
Seattle, WA - 98166

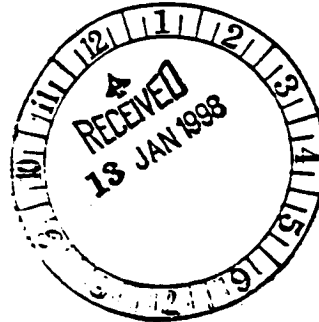
AR 035737

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle



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Sincerely,

A handwritten signature in cursive script that reads "Leo Siebenaler".

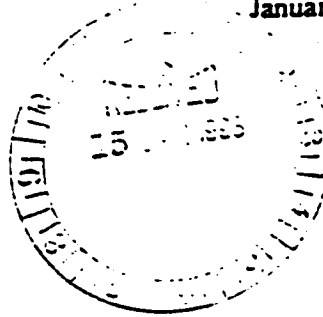
Leo Siebenaler
22441 12th Ave S
Seattle WA 98198-6928



AR 035738

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,

WARREN B. LEE

Warren B. Lee

17440 - 7th A. S. W.

~~17440 - 7th A. S. W.~~ NORMANDY PARK, WA
98166

AR 035739

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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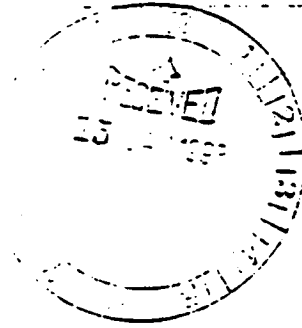
Sincerely,

Katherine Goude ✓
17846 - 3rd S.W.
Normandy Park, Wa
98166

AR 035740

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,

Walter R. Edman
111 SW 194 St
98166

AR 035741

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

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- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,

Mary Alhough
16431 2nd Ave. SW
Normandy Park WA 98166

AR 035742

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

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Sincerely,

Jonathan C. Wells
428 SW 124
Seattle WA 98146

AR 035743

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

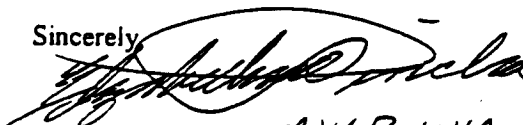


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- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,

 *Elizabeth M. W. Pincha*, GEOLOGIST & P.E.

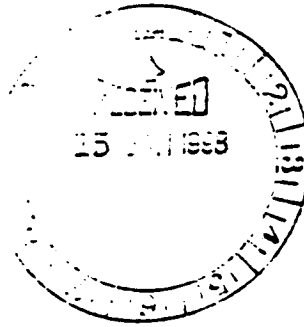
ELIZABETH M. W. PINCHA
1100 S.W. EASTBROOK RD
NORMANDY PK., WA. 98166-3622

P.S. MILLER CREEK FLOWS THROUGH MY BACKYARD.

AR 035744

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

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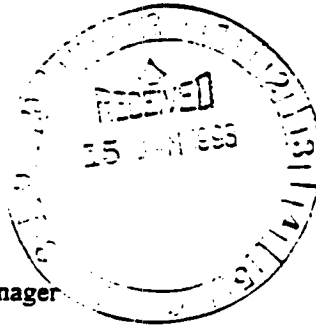
Sincerely,

Shirley Bentley (Cheryl L. Bentley)
12585 Shrovet Dr. SW
Seattle, WA 98146

AR 035745

January 16, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

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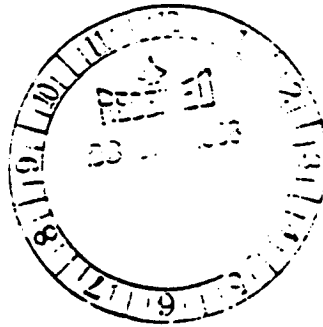
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- The proposed permit fails to satisfy the public involvement requirements of the Clean Water Act.
- The proposed permit is missing information and contains misleading and erroneous information.
- There are many issues concerning the proposed Section 404 permit currently in litigation. Elements in dispute concerning the proposed NPDES permit affect provisions in the proposed Section 404 permit. Until these issues are resolved a Section 404 permit should not be issued.
- The proposed permit fails to consider the replacement of wetlands in the same basin system. The permit proposes that the Corps reverse its previous policy requiring replacement of wetlands in the same basin system for proposed facilities in the South Aviation Support Area (SASA).
- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely

Alan O. Bruch
633 S 168th
Seattle, WA 98148
(206) 246-6666

AR 035746

January 16, 1998



U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

Many individuals have collected substantial amounts of relevant data that the referenced permit does not appear to have considered. There are a number of major concerns related to the currently proposed permit briefly summarized as follows:

- The proposed permit fails to define the scope of the proposed actions, including the size of the affected wetlands, and mitigation measures required.
- The proposed permit fails to satisfy the public involvement requirements of the Clean Water Act.
- The proposed permit is missing information and contains misleading and erroneous information.
- There are many issues concerning the proposed Section 404 permit currently in litigation. Elements in dispute concerning the proposed NPDES permit affect provisions in the proposed Section 404 permit. Until these issues are resolved a Section 404 permit should not be issued.
- The proposed permit fails to consider the replacement of wetlands in the same basin system. The permit proposes that the Corps reverse its previous policy requiring replacement of wetlands in the same basin system for proposed facilities in the South Aviation Support Area (SASA).
- The proposed permit fails to consider available options that will eliminate the need for the proposed actions.

Sincerely,

Rob Black

ROB BLACK

FORMER STATE REPRESENTATIVE

22629-13 AVE S.

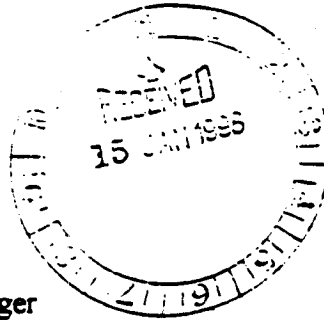
DES MOINES, WA 98158

AR 035747

1P-68

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

This is a formal request for a public hearing regarding the referenced application for the Sea-Tac Airport Master Plan Update. Many individuals have collected an enormous amount of relevant data that the permit does not appear to have considered. The proposed public hearing would provide and opportunity to collect additional relevant data.

You are also requested to extend the comment period by 45 days after the public hearing due to:

- Christmas mail backlog delayed delivery of the permit by at least one week
- time is needed to obtain the referenced documents
- time is needed to incorporate the public hearing comments into a written response
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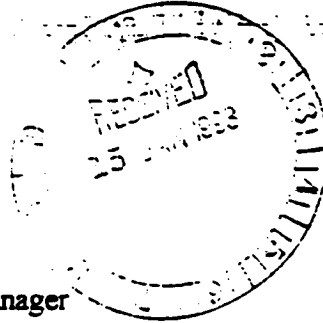
Sincerely,

Ronald J. Stojack
RONALD J. STOJACK, P.E.
1912 SW 167TH ST
BURDEN, WA 98166

AR 035748

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

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Sincerely,

Steve Cox
1408-14th SW
Seattle WA 98146

AR 035749

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

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Sincerely,

Dally Mackey
2127 SW 162nd St.
Burien, WA 98146

AR 035750

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager



Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

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Sincerely,

Forrest C. Wells
428 SW 129
Seattle WA 98146

AR 035751

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

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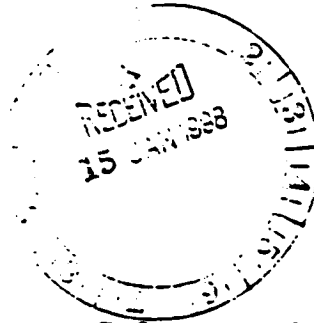
Sincerely,

McNardhaus
11974 Marine View Dr., S.W.
Seattle, WA 98146

AR 035752

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

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Sincerely,

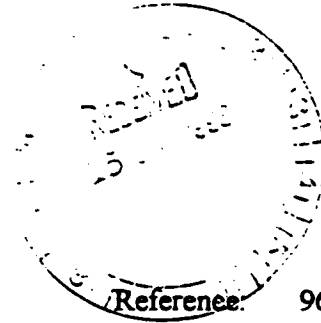
Richard F. Mottley
2432 SW 152nd
Seattle WA 98166
(206) 243-9922

AR 035753

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager



96-4-02325
Port of Seattle

Dear Mr. Freedman:

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Sincerely,

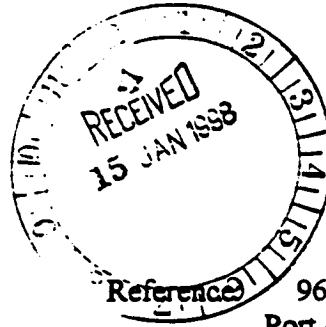
Louella Gray
20419-7-PLSB
Des Moines WA 98198

AR 035754

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager



96-4-02325
Port of Seattle

Dear Mr. Freedman:

This is a formal request for a public hearing regarding the referenced application for the Sea-Tac Airport Master Plan Update. Many individuals have collected an enormous amount of relevant data that the permit does not appear to have considered. The proposed public hearing would provide an opportunity to collect additional relevant data.

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Sincerely,

Doris B. Lee

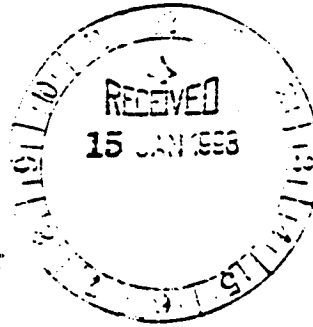
Doris B. Lee

17440 7th Pl SW
Normandy Park WA 98166

AR 035755

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

This is a formal request for a public hearing regarding the referenced application for the Sea-Tac Airport Master Plan Update. Many individuals have collected an enormous amount of relevant data that the permit does not appear to have considered. The proposed public hearing would provide and opportunity to collect additional relevant data.

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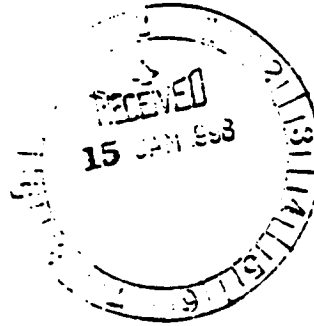
Sincerely,

Mayo Allergic
14431 2nd Ave SW
Normandy Park WA 98166

AR 035756

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

This is a formal request for a public hearing regarding the referenced application for the Sea-Tac Airport Master Plan Update. Many individuals have collected an enormous amount of relevant data that the permit does not appear to have considered. The proposed public hearing would provide an opportunity to collect additional relevant data.

You are also requested to extend the comment period by 45 days after the public hearing

- due to:
- *New, substantive information RE: unacceptable mitigation plan*
 - Christmas mail backlog delayed delivery of the permit by at least one week
 - time is needed to obtain the referenced documents.
 - time is needed to incorporate the public hearing comments into a written response
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Sincerely,

Debi L. Dwyer

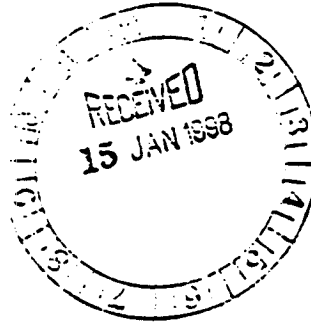
16247 8th Ave. S.W.

Burien WA 98166

AR 035757

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

This is a formal request for a public hearing regarding the referenced application for the Sea-Tac Airport Master Plan Update. Many individuals have collected an enormous amount of relevant data that the permit does not appear to have considered. The proposed public hearing would provide and opportunity to collect additional relevant data.

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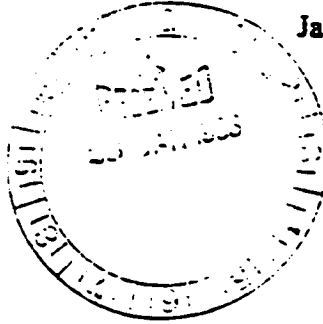
Sincerely,

Joseph A. Baneck, Sr
2610 SW 152
Seattle, WA 98166
Ph. # 206 243 0560

AR 035758

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle


Dear Mr. Freedman:

This is a formal request for a public hearing regarding the referenced application for the Sea-Tac Airport Master Plan Update. Many individuals have collected an enormous amount of relevant data that the permit does not appear to have considered. The proposed public hearing would provide and opportunity to collect additional relevant data.

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Sincerely,


SUSAN DIEBOLT
12611-4th SW
SEATTLE WA 98146

AR 035759

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager.

Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

This is a formal request for a public hearing regarding the referenced application for the Sea-Tac Airport Master Plan Update. Many individuals have collected an enormous amount of relevant data that the permit does not appear to have considered. The proposed public hearing would provide and opportunity to collect additional relevant data.

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Sincerely,



ROD BLALOCK

FORMER STATE REPRESENTATIVE

33RD DISTRICT

22629-13 AVE S.

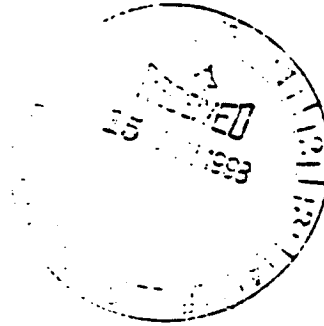
DES MOINES, WA 98198

AR 035760

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager



Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

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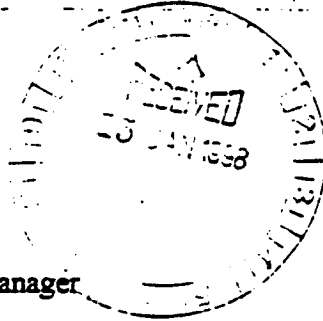
Sincerely,

Genevieve Foss
20759 2nd Ave So W
Seattle, Wn. 98166-4725

AR 035761

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

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Sincerely,

N. Aymon Pedraza
18155 MARINE VIEW DR SW
Seattle, WA 98166

AR 035762

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

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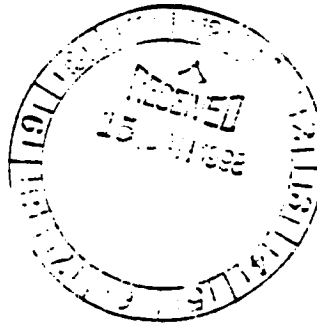
Sincerely,

Ired Wilder
17016 16 Ave S.W.
Seattle Wash 98166

AR 035763

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

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Sincerely,

Carolyn B. Wilson
1232 S. 235th Place
Des Moines, WA 98198
206 878-3131

AR 035764

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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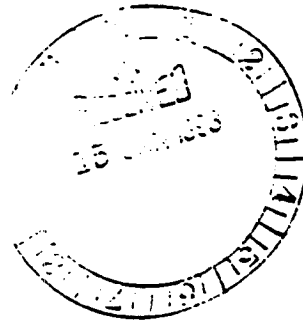
Sincerely,

Katherine Gouder
17846 - 3rd S.W.
Normandy Park, Wa
98166

AR 035765

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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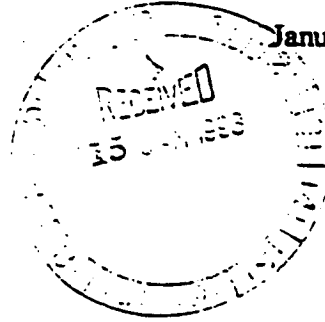
Sincerely,

WARREN LEE
Warren Lee
17440-7th Pl. S.W.
NORMANDY PARK, WA
98166

AR 035766

January 7, 1998 --

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

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Sincerely,

Pegi Robblee
P.O. Box 66146
Seattle, WA
98166

AR 035767

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

This is a formal request for a public hearing regarding the referenced application for the Sea-Tac Airport Master Plan Update. Many individuals have collected an enormous amount of relevant data that the permit does not appear to have considered. The proposed public hearing would provide an opportunity to collect additional relevant data.

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Sincerely,

Clare M. Quinnett

AR 035768

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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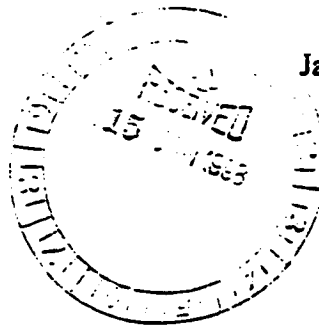
Sincerely,

Paula W. Hudson
417 S. 213th St.
Des Moines, Wa.
98198

AR 035769

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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Sincerely,

Raymond Jr. Voeller

20114-3rd Ave. S.

Sea. Wa. 98198

AR 035770

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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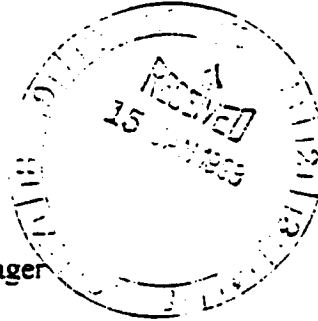
Sincerely,

Janit K. Johnson
16611 3rd Ave SW
Seattle, Wa. 98166

AR 035771

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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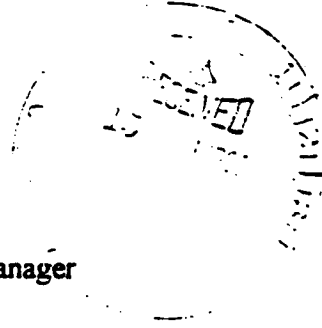
Sincerely,

Sandra L. Rich
2802 So. 135th
Seattle, WA 98168

AR 035772

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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Sincerely,

Rosemarie McKeeman

430 SW 183

Seattle WA

98166

AR 035773

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

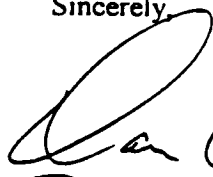
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Sincerely,


D. N. CALDWELL
19547-2nd Ave So
Des Moines WA 98148

AR 035774

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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Sincerely,

Joe Clark

*16856 Des Moines Memorial Dr.
Burien WA 98148*

206-248-3965

AR 035775

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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Sincerely,

Suzanne Zimmer

AR 035776

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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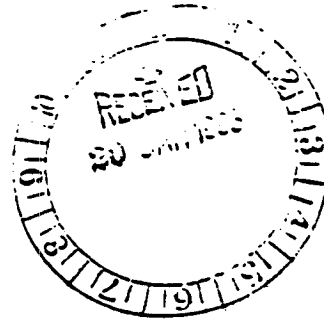
Sincerely,

Arnold Stanger
Gladys J. Stanger

AR 035777

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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Sincerely,

A handwritten signature in cursive script that reads "Archie B. Quimmett". The signature is written in black ink and is positioned below the "Sincerely," text.

AR 035778

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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Sincerely,

John C. Rund

AR 035779

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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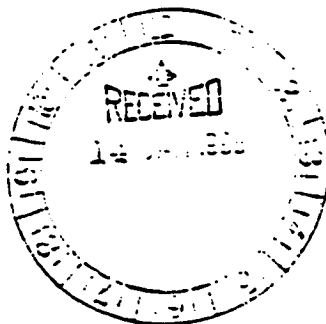
This is a further miscarriage of citizen rights -
Sincerely,

Shirley Runch

AR 035780

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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Sincerely,

GORDON C. NEWTON
16020 - 7th S.W.
SEATTLE, WA 98166

AR 035781

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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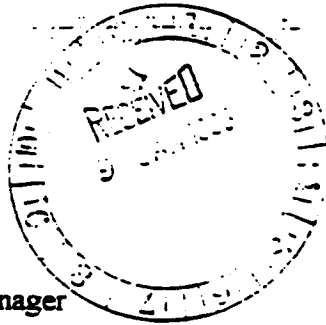
Sincerely,

Evelyn J. Baracca
2610.500152
Seattle, WA. 98166

AR 035782

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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Sincerely,

Janey Brant
19242 Edgell Way NW SW
Seattle, WA 98166

AR 035783



January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
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Sincerely,

C. David Eddy
19317 - 4th Ave ~~South~~
South
Seattle Wa. 98148 - 2121

AR 035784

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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Sincerely,

A handwritten signature in black ink, appearing to read "Liz Roessler".

Liz Roessler
15917 Wynnith Way NE #208
Bothell, WA 98011

AR 035785

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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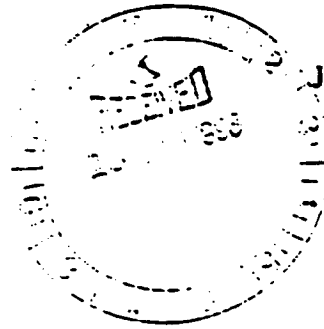
Sincerely,

Margaret Springer

AR 035786

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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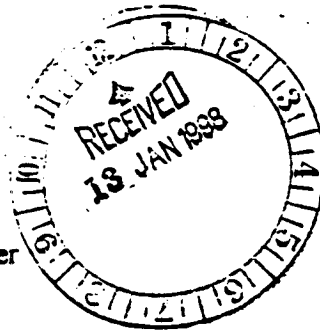
Sincerely,

Robert S. Oestreich
923 S. 245TH PLACE
DES MOINES WA 98198

AR 035787

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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Sincerely,

A handwritten signature in cursive script that reads "Leo Siebenaler".

Leo Siebenaler
22441 12th Ave S
Seattle WA 98198-6928

AR 035788

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

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Port of Seattle

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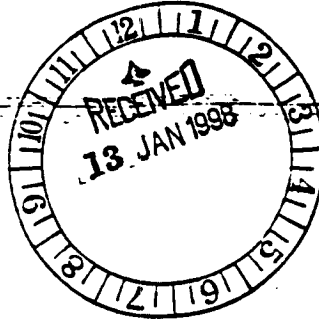
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Sincerely,

Eugene Koeliger
4126 S. 243rd PL
KENT, WA 98032

AR 035789

January 7, 1998



U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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Sincerely,

William A. Wattam
12301 - 4th So.
Seattle Wa. 98168

AR 035790

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

Dear Mr. Freedman:

This is a formal request for a public hearing regarding the referenced application for the Sea-Tac Airport Master Plan Update. Many individuals have collected an enormous amount of relevant data that the permit does not appear to have considered. The proposed public hearing would provide and opportunity to collect additional relevant data.

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Sincerely,

Shay SchualBerke

609 SW 206th St

Seattle WA 98166

AR 035791

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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Sincerely,

AJ Sacchetti
MARY & ADAM SACCHETTI
21311 3RD AVE S.
DES MOINES WA 98198
206-870-4091

AR 035792

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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Sincerely,

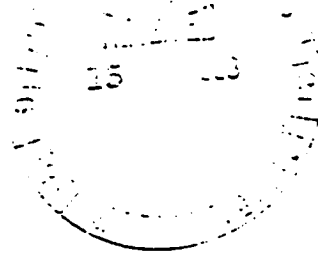
Dith E Meyers
14410 6th Pl. S.W.
Seattle, WA 98166

AR 035793

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager



Reference: 96-4-02325
Port of Seattle

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Sincerely,

Raymond P. Oberhoff
4448 So 175th
Seattle WA 98148

AR 035794

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

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Reference: 96-4-02325
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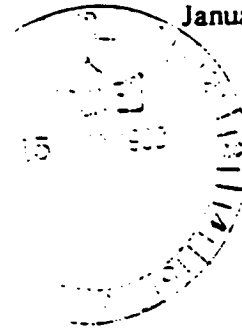
Sincerely,

Judson & Gary Versteeg
19001 46th Ave S.
SEA-TAC, WA 98188

AR 035795

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



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Reference: 96-4-02325
Port of Seattle

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Sincerely

Paul Neuss
20759- 2nd ave S.W.
Seattle, wa 98166

AR 035796

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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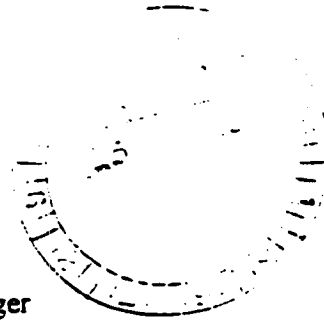
Sincerely,

Jeggi Nabela
P.O. Box 66146
SEATTLE WA.
98166

AR 035797

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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Sincerely,

J. Bauer
133 SW 192nd
Normandy Park
Washington 98166

AR 035798

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager



Reference: 96-4-02325
Port of Seattle

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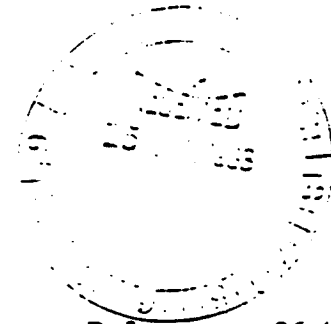
Sean L. Meyer
Robert J. Mays
2133 S.W. 173rd Pl.
Burien, WA 98166

AR 035799

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager



Reference: 96-4-02325
Port of Seattle

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Sincerely,

Richard C. Burrows

1431 SW 137th
Burien, WA 98166

AR 035800

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager



Reference: 96-4-02325
Port of Seattle

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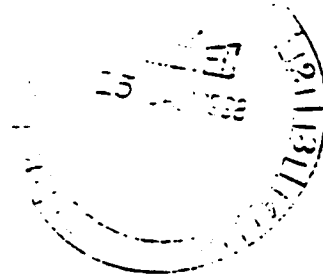
Helga J. Herrera
18821 5TH Ave S.
Sea, Wa 98148

AR 035801

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager



Reference: 96-4-02325
Port of Seattle

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Sincerely,

Keith W. Criss

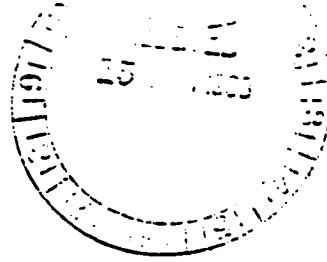
146 SW 166th Pl

Normandy Park, Wa. 98166

AR 035802

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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Sincerely,

Allen O. Bink
673 So 160th
SeaTac Wash
98148
(206) 246-6666

AR 035803

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

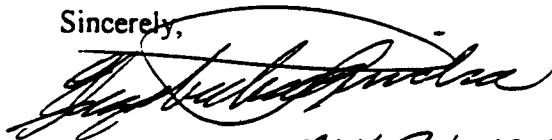
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Sincerely,



ELIZABETH M. W. PINCHA, GEOLOGIST & P.E.
1100 S.W. EASTBROOK RD
NORMANDY PK., WA. 98166-3622

P.S. MILLER CREEK FLOWS THROUGH MY BACKYARD.

AR 035804

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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Sincerely,

JOE MEOML FEUERSTEIN
15917 MAPLE WILD DR SW
SEATTLE, WA 98166

AR 035805

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

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Sincerely,

Maria C. Ritt
2650 SW 157th Pl.
Seattle 98166

AR 035806

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

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Port of Seattle

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Sincerely,

Beretta Perry
15407 11th SW
Seattle, WA 98146

AR 035807

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



Attention: Jonathan Freedman, Project Manager

Reference: 96-4-02325
Port of Seattle

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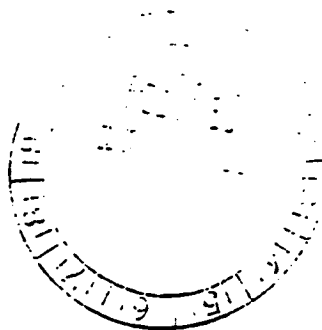
Sincerely,

Walter R. Egan
111 SW 194 ST
98166

AR 035808

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



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Reference: 96-4-02325
Port of Seattle

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Sincerely,

Mark Overholt
12611 4th S.L.
Seattle, WA 98146

AR 035809

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

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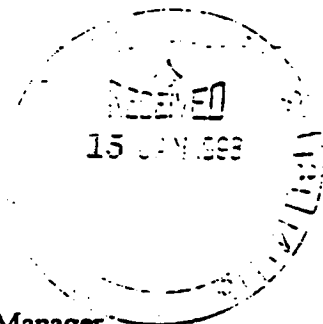
Sincerely,

Frances A. Wells
428 S.W. 124th St
Seattle
WA 98146

AR 035810

January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



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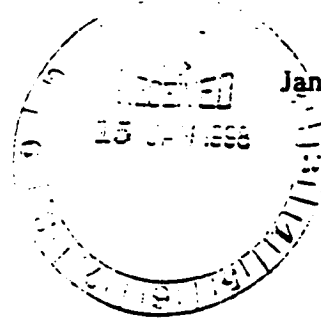
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Sincerely,

AH Wilson
19243 Edgemoor Dr SW
Seattle WA 98166

AR 035811

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255



January 7, 1998

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Sincerely,

Cheryl L. Bentley
12885 Shorecrest Dr. SW
Seattle, WA 98146

AR 035812



January 7, 1998

U.S. Army Corps of Engineers
Seattle District
Regulatory Branch
P.O. Box 3755
Seattle, WA 98124-2255

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Reference: 96-4-02325
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Dan Stille
12804 - 8th Ave S
Seattle WA
(Burien) 98148

AR 035813

**TRANSCRIPT OF JOINT CORPS/ECOLOGY PUBLIC HEARING
(APRIL 9, 1998)**

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U.S. ARMY CORPS OF ENGINEERS

PUBLIC HEARING

Washington State Quality Certification for proposed
construction at Sea-Tac International Airport

Foster Performing Arts Center
4242 South 144th Street
Tukwila, Washington 98168

April 9, 1998

COPY

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1 COLONEL MICHAEL RIGSBY: Good evening, ladies
2 and gentlemen. Welcome to the public hearing
3 sponsored by the U.S. Army Corps of Engineers and
4 the Washington State Department of Ecology
5 concerning the Port of Seattle's Sea-Tac airport
6 expansion project. Project features within the
7 jurisdiction of the U.S. Army Corps of Engineers
8 include the filling of approximately 11.42 acres of
9 wetland, the relocation of Miller Creek, and the
10 crossing of Des Moines Creek. My name is Colonel
11 Mike Rigsby. I am the District Engineer for the
12 Seattle District of the U.S. Army Corps of
13 Engineers. I will be conducting tonight's public
14 hearing. I will carefully consider your comments in
15 making my decision on this permit.

16 Before I proceed, I want to introduce some of
17 my staff from the U.S. Army Corps of Engineers and
18 the representatives from the Washington State
19 Department of Ecology. First, on my right here, I
20 have Mr. Tom Mueller of our Regulatory Branch of the
21 Seattle Engineering District. Mr. Jonathan Freedman
22 is the project manager for this particular permit.
23 Ms. Gail Terzi is our analyst.

24 Gail, are you here? I think she is in the back
25 still signing people up.

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1 Mr. Tom Luster seated here at the table from
2 the Washington Department of Ecology and an
3 environmental specialist who will be reviewing the
4 project for water quality certification.

5 The agenda for tonight's hearing will be as
6 follows: First, I will explain the hearing format;
7 next, I'll give you a short overview of who we are;
8 and then I'll explain the Army's regulatory
9 authority and Tom Luster, from the Department of
10 Ecology, will explain his agency's authority; after
11 that, I will describe the project for which the Port
12 of Seattle has applied for a permit; and finally, we
13 will accept comments from those individuals who have
14 indicated a desire to comment tonight. I will
15 adjourn this public hearing at 11:00 p.m.

16 I'd now like to explain some administrative
17 details for the hearing. The public hearing tonight
18 is being reported by our reporter, a representative
19 from Starkovich Reporting Services, will be making a
20 complete written transcript of the hearing. Copies
21 may be purchased from Starkovich Reporting Services
22 in about ten days. Their address is Post Office Box
23 22884, Seattle, Washington, 98122. Their address is
24 also posted on the registration table located just
25 outside the back door of this room. There will also

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1 be a copy of the transcript available for review in
2 our office in the Federal Center South in Seattle.

3 At the tables outside of this room as you
4 entered here tonight, you were given a registration
5 form, like this, on which you were able to indicate
6 your name and any affiliations and whether or not
7 you desired to speak at this hearing. If anyone has
8 not received such a registration card, please raise
9 your hand now, and we will provide you with one.

10 Anyone? Over here.

11 One of the purposes of this card is to have a
12 complete record of those in attendance. From these
13 cards, I will call on those who have indicated the
14 desire to speak. Please use the microphones located
15 here, in the aisle in front of you, for your
16 comments.

17 If you have a written statement and do not wish
18 to make an oral presentation, please turn in your
19 statement at the registration desk at the break or
20 before you leave. If you have a written statement
21 and wish to use it in your presentation, please hand
22 it into the Corps representative next to the
23 microphone after you have read or summarized it.

24 Since the written statement will be a part of
25 the official public record, we request that you make

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1 a brief oral summary in place of the full reading.
2 If your concern has already been stated by another
3 speaker, simply note that in your remarks and avoid
4 elaborating on them so that everyone who wishes to
5 gets a chance to speak.

6 The purpose of tonight's hearing is for me to
7 gather information, not to debate the pros and cons
8 of the project. Cross-examination of speakers will
9 not be allowed, and I will not answer questions
10 asked by speakers regarding the project. Written
11 and oral presentations will be given equal weight.
12 When you speak, please state your name and your
13 affiliation, if any. If you work for a particular
14 agency, please indicate if your presentation
15 reflects the official views of that agency or your
16 views as a private individual. I will ask the
17 speakers to please limit their comments to under
18 three minutes so that all of those who wish to speak
19 will have an opportunity to do so.

20 One of the federal laws which U.S. Army Corps
21 of Engineers implements is Section 404 of the Clean
22 Water Act. This law requires that a federal permit
23 be obtained from the U.S. Army Corps of Engineers
24 for the discharge of dredged or fill material in the
25 waters of the United States, including wetlands.

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1 Some people have expressed concerns about recent
2 work being done by the Port of Seattle around
3 Sea-Tac, specifically, the construction of the
4 airport employees parking lot. While this work is
5 being performed in uplands, the Corps is
6 investigating the complaint that some fill material
7 was falling down into the wetlands. In response to
8 the concerns, we asked the Port of Seattle to remove
9 this material and install silt fences to prevent any
10 further erosion in the wetlands. The Port has
11 removed the material and installed silt fences, and
12 no discharge of dredged or fill material is
13 currently occurring in the wetlands.

14 For all standard permits, the public notice is
15 issued for public review and comment. Generally,
16 the public notice comment period is 30 days. For
17 this proposal, we have already completed the 30-day
18 comment period for the public notice, which ran from
19 December 19, 1997 through January 20, 1998. This
20 public notice was widely distributed to federal,
21 state, and local agencies, Indian Tribes, adjacent
22 property owners, and interested citizens and groups.
23 Following this public hearing, the Corps will accept
24 additional public comments for an additional ten-day
25 period, until Monday, April 20, 1998. The

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1 Department of Ecology will accept additional
2 comments for a 20-day period, or until April 29,
3 1998.

4 Comments received, both in response to the
5 public notices and at the public hearings, become a
6 part of the public record and are considered in the
7 evaluation and final decision upon this permit
8 application.

9 I will consider all comments from citizens,
10 organizations, and local, state, and other federal
11 agencies in making my decision to issue or deny this
12 permit.

13 The reason we hold a public hearing is to
14 elicit new, significant information relevant to the
15 Port's proposal and its impacts which will help me
16 make a balanced decision.

17 The decision to issue or deny a permit is also
18 based on the probable impact of the proposed work
19 within the U.S. Army Corps of Engineers'
20 jurisdiction, its intended use, the benefits which
21 may be expected to accrue from the proposal, my
22 evaluation under the Section 404(B)(1) Guidelines of
23 the Clean Water Act, and the public interest.

24 The Section 404(B)(1) Guideline include a
25 review of alternatives to determine if the proposal

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1 is the least environmentally damaging, practicable
2 alternative. Public interest review includes the
3 analysis of impacts on wetlands, fish and wildlife,
4 threatened and endangered species, the aquatic food
5 web and ecosystem, water quality, safety,
6 aesthetics, and in general, the needs and welfare of
7 the people.

8 In 1996, the Port of Seattle, together with the
9 Federal Aviation Administration, completed an
10 Environmental Impact Statement, or EIS, on the
11 proposed expansion of Sea-Tac Airport according to
12 procedures of the National Environmental Act, or
13 NEPA. In 1997, based on new air travel demands
14 forecasts, the FAA completed a supplemental EIS.
15 The U.S. Army Corps of Engineers was a cooperating
16 agency in the EIS, to ensure that the methods used
17 in the analysis of information was consistent with
18 our regulations.

19 My evaluation must look at the benefits
20 expected from the proposal and weigh them against
21 the foreseeable detriments when making my decision.
22 If a determination is made that the project meets
23 the Section 404 (B) (1) Guidelines and evaluation of
24 the Clean Water Act and is not contrary to public
25 interest, a federal permit will be issued. I want

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1 to stress that while I give all comments full
2 consideration, the comments of federal, state, and
3 local agencies, as experts in their respective
4 fields, receive very careful attention.

5 I would now like to introduce Mr. Tom Luster
6 from the Washington Department of Ecology who will
7 briefly describe his agency's role in the permit
8 process. Tom.

9 TOM LUSTER: Thank you, Colonel, and thanks to
10 all of you for attending tonight's public hearing.
11 I am looking forward to hearing your comments and
12 concerns.

13 As the Colonel mentioned, I'll give you a brief
14 description as the ecology review of the proposed
15 project the water certification, and for consistency
16 with the State's Coastal Management Plan. Those are
17 the two decisions that we are taking comments on
18 tonight.

19 First, what is water quality certification? As
20 the Colonel mentioned, anyone wanting to do work
21 that involves discharge into waters of the U.S.
22 including wetlands must apply for a Section 404
23 permit through the Corps of Engineers. Section 401
24 of the Federal Clean Water Act requires that an
25 applicant who needs this permit must also receive

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1 certification from the State and that the proposed
2 project meets the State's Water Quality Standards
3 and other aquatic effected regulations. Here, in
4 Washington, the Department of Ecology makes those
5 decisions about certification.

6 This certification will cover both the
7 construction and the operation of a proposed
8 project, and the Corps of Engineers cannot issue its
9 final permit until the State certifies its proposal.
10 The State has up to one year from the public notice
11 date to approve, condition, or deny the
12 certification, and conditions of the State
13 certification come under the conditions of the
14 federal permit.

15 Ecology reviews the request for water quality
16 certification in compliance with a number of aquatic
17 resource related regulations. For this proposed
18 project, the review will include compliance with the
19 State Environmental Policy Act, the State Water
20 Quality Standard, several sections of the Federal
21 Clean Water Act, regulations related to fish and
22 wildlife protection, such as, the State's Hydraulic
23 Code and others.

24 Ecology will also be looking at this proposed
25 project for consistency with the State's Coastal

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1 Zone Management Program. This means that in
2 Washington's 15 coastal counties, including, King
3 County, proposed project requiring the Section 404
4 permit must also be found to be consistent with the
5 State's Coastal Zone Management Program. For a
6 proposal to be consistent with that program, it must
7 meet the requirements of the State Environmental
8 Policy Act, the State Shoreline Management Act, the
9 Federal Clean Water Act, and the Federal Clean Air
10 Act.

11 Ecology reviews the proposed project for
12 consistency with the above laws and generally
13 include the decision on coastal zone consistency
14 along with its decision on the 401 Water Quality
15 Certification. The CZM, the Coastal Zone Management
16 response, must be made within six months of the date
17 of the public notice or it is considered waived, and
18 then a federal agency can then make its permit
19 decision without State approval.

20 With that, I'll close. If you would like more
21 information or if you would like -- if you have
22 questions, please see me at the break or contact me
23 at Ecology. My address and e-mail should be up
24 there so thanks very much.

25 COLONEL MICHAEL RIGSBY: Now, I'll give you a

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1 brief description of the proposed project by Port of
2 Seattle.

3 The project is located at the Seattle/Tacoma
4 International Airport located in the City of Sea-Tac
5 in King County, Washington, with a wetland
6 mitigation site located about eight miles southeast
7 in Auburn, Washington.

8 The Port of Seattle has applied for a section
9 404 permit to fill approximately 11.42 acres of
10 wetland, relocate a reach of Miller Creek, and
11 construct a crossing over Des Moines Creek, together
12 with a number of improvements at Sea-Tac.

13 The project features consist of a new 8,500
14 parallel third runway west of the existing runways,
15 construction of Runway Safety Areas at the north end
16 of all existing runways, and development of an area
17 known as the South Aviation Support Area, which
18 includes cargo and other support facilities, south
19 of the existing terminal complex.

20 Other work proposed in the Port's Environmental
21 Impact Statement, prepared jointly with the Federal
22 Aviation Administration, includes construction of a
23 new passenger terminal north of the present
24 terminal. However, this work would occur on upland
25 areas in the Sea-Tac Airport and would not involve

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1 the discharge of dredged or fill material into
2 wetland. These terminal improvements can proceed
3 without a Section 404 permit from the Corps.

4 In-basin mitigation for impact to the creeks
5 includes habitat enhancement measures in a relocated
6 section of Miller Creek, reestablishment of riparian
7 buffers along a 2,600 foot section of Miller Creek,
8 removing culverts and establishing riparian buffers
9 in Des Moines Creek, stormwater runoff and water
10 quality treatment ponds would also be constructed in
11 both creek basins.

12 The Port of Seattle has also proposed an
13 off-site mitigation at a site in Auburn consisting
14 of 20.91 acres of wetland enhancement and
15 restoration, to include habitats of forested
16 scrub-shrub, emergent wetlands, open water, and
17 buffers.

18 The Corps made copies of the final EIS
19 completed jointly by the Port of Seattle and the FAA
20 entitled Proposed Master Plan Updated Development
21 Action dated February of '96 and the Final
22 Supplemental EIS completed in May of 1997, which
23 described the proposed actions in detail. These
24 documents are available for public review in the
25 Corps District Office in the Federal Center South in

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1 Seattle.

2 This concludes my description of the project
3 proposed by the Port of Seattle for expansion of the
4 Sea-Tac International Airport.

5 As I stated previously, the purpose of
6 tonight's hearing is for me to gather information,
7 not to debate the pros and cons of the project.
8 Please keep in mind that I am neither a proponent
9 nor an opponent of the project and neither for nor
10 against. My purpose tonight is to gather
11 information that I will use to make any decision.

12 Again, remember that cross-examination of
13 speakers will not be allowed nor will I or other
14 members of the panel answer questions asked by
15 speakers regarding the projects. Written and oral
16 presentation will be given equal weight.

17 I'll now call on those who have indicated the
18 desire to speak on their registration card. I will
19 follow this procedure until everyone is heard. We
20 will take a ten-minute break around 9:00 and then
21 resume the hearing. The hearing will end promptly
22 at 11:00 p.m.

23 Please be as concise as possible in presenting
24 your views on the project and limit your oral
25 comments to three minutes so that all who wish to do

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1 so may speak and focus on the issues pertinent in
2 this permit application. Please be courteous to
3 other speakers and identify yourself and state if
4 you are representing an organization.

5 The first speaker tonight will be State Senator
6 Julia Patterson, and she'll be followed by State
7 Senator Michael Heavey. We would ask that the first
8 speaker come down at this time, State Senator Julia
9 Patterson, and then the second speaker, State
10 Senator Michael Heavey.

11 Sir, if you would also come forward.

12 What we will do is call these speakers two at a
13 time so that as soon as the one finishes, we will be
14 able to immediately go to the next one so that as
15 many people as possible get a chance to speak
16 tonight. Yes, ma'am.

17 JULIA PATTERSON: Good evening. First of all,
18 I would like to thank you very much for having this
19 meeting here in our community. We are very
20 appreciable of that.

21 My name is Julia Patterson. I'm a State
22 Senator who represents the district in which Miller
23 Creek and Des Moines Creek wetlands are located. I
24 have lived here all my life, both as an elected
25 official and as a lifelong resident in this area.

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1 Tonight I ask you to reject the Port of Seattle's
2 request for a Section 404 permit.

3 Best practices require that a project
4 environmental impact be thoroughly analyzed, and
5 this has not been done. Nine months ago the Federal
6 Government announced that numerous fish species,
7 including, Puget Sound Coho Salmon and sea-run
8 cutthroat trout were candidates to be proposed for
9 listing under the Endangered Species Act. Des
10 Moines Creek and Miller Creek are both homes to runs
11 of coho and wild-run cutthroat trout.

12 Now, the Port's Environmental Impact Statement
13 was completed two months before this federal
14 announcement, and it lacks any thorough analysis of
15 the harm to these potentially endangered species.
16 It has no analysis. The federal announcement
17 presented new information of potentially great
18 impact on our communities in this project, and for
19 this reason, this request should be denied and a
20 complete analysis should be performed.

21 Second point: Best practices require that a
22 thorough analysis of alternatives be presented
23 2 before a 404 permit is granted, and this has not
24 been done. Recently the Corps denied a 404 permit
25 for a landfill in Pierce County because of

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1 unacceptable wetlands impact and the availability of
2 other alternatives, and despite the applicants loud
3 denials of suitable alternatives, the Corps stuck to
4 its principles. I hope that the Corps will do the
5 same in this case.

6 Exhaustive alternative analyses have been
7 2 required for Emerald Downs Race Track in Kent, the
8 Weyerhaeuser Project in Vancouver, and the
9 corrections facility in Grays Harbor. Miller Creek,
10 Des Moines Creek, and the Sea-Tac communities
11 deserve the same protection as Kent, Vancouver, and
12 Grays Harbor. For this reason, this request should
13 be rejected.

14 Best practices suggest that wetland mitigation
15 be created on-site, and it's my understanding that
16 the Corps own policy identifies on-site mitigation
17 as a preferred course of action. Yet, the Port has
18 3 requested exactly the opposite. The Port wants to
19 destroy our wetlands in Des Moines and replace them
20 in Auburn. If on-site mitigation is the best
21 practice, off-site should be the worst, at least for
22 Des Moines and Miller Creek and the wetlands here.
23 For if this permit is granted, these wetlands will
24 be gone. The Port's request is to destroy.

25 Water, fish, and people are a part of the

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1 Northwest cycle of life, and like many in this room
2 I played in Miller Creek as a child. I have
3 wonderful memories of catching crawfish in this
4 creek, spending long summer days there. Miller
5 Creek and the surrounding wetlands are a special
6 part of my life and of my neighbors' lives. We want
7 them to remain for our children and for our
8 grandchildren, and they can remain for all of us if
9 we follow the best principles and use the best
10 practices of wetlands and watershed management.
11 There is much good that can be done. The first step
12 is simply to reject the Port's request for this
13 permit.

14 COLONEL MICHAEL RIGSBY: Mike Heavey followed
15 by Ms. Jennifer Holms.

16 MIKE HEAVEY: Thank you, Colonel. My name is
17 Michael Heavey. I'm a State Senator for the 34th
18 Legislative District which represents West Seattle,
19 Vashon Island, the majority of Burien, parts of
20 Sea-Tac, parts of Tukwila, and parts of Normandy
21 Park.

22 I strongly urge you to consider the do-nothing
23 alternative. Travel delays in Sea-Tac have
24 increased by 80 percent in the last ten years.
25 While we hear of impacts and delays in Chicago, New

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1 York, Denver, no one, no pilots, no frequent flyer,
2 4 no person that works for the airline has ever said
3 to me I'm concerned about air traffic congestion at
4 Sea-Tac. It simply pales in comparison to the other
5 airports we have around the United States.

6 Also, as a do-nothing, we have Paine Field
7 Boeing Field, and McChord Field all within the local
8 5 area. This was excluded from the analysis by the
9 PCRC and must be considered a supplemental airport
10 especially for commuter aircraft which comprise 40
11 percent of the landing. Easily half of the commuter
12 aircraft could go to one of those three fields.

13 I hope you heard from all applicable agencies.
14 The National Marine Fisheries I'm sure could inform
15 you of the threatened endangered status of the Puget
16 Sound Chinook Salmon. Its habitat in Miller Creek
17 is well supported, and the wetlands that cleanse
18 6 Miller Creek helps the habitat of Puget Sound
19 Chinook Salmon.

20 Mitigation in another watershed that is totally
21 unacceptable. It's can you try and grow old growth
22 forests in Los Angeles to help the spotted owl. It
23 simply will not help the Miller Creek Puget Sound
24 Chinook Salmon. In fact, mitigation presumes to 26
25 million cubic yards of fill. I know that the

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1 Colonel understands how much 26 million cubic yards
2 is. Where is that coming from?

3 Mitigation, period, is unacceptable. If you
4 destroy the habitat of an unthreatened species,
5 that's one thing. If you destroy the habitat and
6 the wetlands that support that habitat of a
7 threatened and endangered species, you've destroyed
8 that species. I urge you to sincerely consider the
9 comments of the National Marine Fisheries and the
10 Environmental Protection Agency.

11 Finally, I hope this is just not another drill
12 that we have been going through the last seven
13 years. We have only had a true independent panel
14 that the Corps wouldn't touch, and they were on our
15 side. They felt it was unnecessary, and there were
16 reasonable alternatives. I ask you to take a look
17 at those people and talk to them. You can find out
18 from the PSRC who their independent panel was. But
19 within the past, we have had a wing (sic) to the
20 Port. We have got to listen to the people, and
21 after that, we're going to decide in your favor.
22 They had strong political contacts working this
23 issue for years. I strongly urge you to consider
24 the Pacific Puget Sound Chinook Salmon and what this
25 does to their habitat. This will destroy their

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1 habitat in Miller Creek. Thank you very much.

2 COLONEL MICHAEL RIGSBY: Next will be Jennifer
3 Holms, and she will be followed by Mrs. Kathleen A.
4 Quong-Vermeire.

5 JENNIFER HOLMS: Good evening. My name is
6 Jennifer Holms, and I'm speaking on behalf of
7 Metropolitan King County Councilman Chris Vance.
8 Councilman Vance is Vice Chair of the County
9 Council. He also represents the cities of Sea-Tac,
10 Des Moines, and Normandy Park whose citizens will be
11 greatly impacted by the construction of the third
12 runway.

13 His remarks are as follows: I'm deeply
14 concerned by the constant attack on Miller and Des
15 Moines Creeks through the activities of the Port of
16 7 Seattle. With the current emphasis on meeting the
17 challenges posed by the listing of the Chinook
18 Salmon under the Endangered Species Act, I believe
19 the Corps needs to look with great skepticism upon
20 the Port's application for this permit.

21 The Port is already harming Miller and Des
22 Moines Creeks through the release of deicing
23 8 chemicals. Even though the Port has a process in
24 place, I have been told that a large percentage of
25 the chemicals are not captured. Our own State

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1 Department of Ecology has admitted that this
2 practice by the Port is a major concern.

3 Serious environmental harm, such as, loss of
4 fish and bird habitat, has occurred. We cannot
5 allow the degradation to continue. If these permits
6 are granted, the watershed around Des Moines and
7 Miller Creeks will suffer further harm. Both creeks
8 have been identified by the county's Central Puget
9 Sound Watershed Forum for enhancement and
10 restoration. However, King County sees no reason to
11 proceed since the Port's process is less than
12 satisfactory.

13 I feel that it is imperative that the Corps of
14 Engineers and the Department of Ecology address this
15 issue when they are reviewing the issuance of the
16 Port's permit applications.

17 Thank you for this opportunity to testify
18 before you.

19 COLONEL MICHAEL RIGSBY: Next is Mrs. Kathleen
20 A. Quong-Vermeire, and she will be followed by
21 Mr. Terry W. Brazil.

22 KATHLEEN QUONG-VERMEIRE: Hi. Good evening.
23 Kathleen Quong-Vermeire, Normandy Park's City
24 Council member, and I have pictures here. I would
25 like to direct your attention to the pictures and

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1 also the application for permit on Page 14, and it
2 is entitled "Impact to the Streams." It includes
3 statements in increases and TSS, which is Total
4 Suspended Solids, when erosion and sedimentation
5 will occur. I direct your attention to those
6 pictures because they happen to be the north
7 employees parking which shows tremendous amounts of
8 erosion, sedimentation flowing from that area which
9 eventually will impact Miller Creek and following
10 into the Puget Sound area.

11 Also, there is a picture of Lake Reba detention
12 facility which due to heavy siltation built up from
13 lack and inadequate erosion and sedimentation
14 control system during the construction of the north
15 10 employee parking lot. As a result, Lake Reba
16 detention facility is inoperable today. It also
17 states that the TSS increases will be short-term.
18 By the way, this diaster happened in September and
19 October, and Lake Reba Detention Facility is not
20 operating today. Is that a definition of
21 short-term?

22 As you know, the fines of these violations end
23 up in the State's General Fund. Normandy Park has
24 11 received no money for restoration or for damages.
25 The money should be given to the affected

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1 | jurisdictions to be used for its education or
2 | restoration within that watershed.

3 | It also states that there will be other impacts
4 | to the streams and wetlands in the Central Puget
5 | Sound watershed. As a member of the Central Puget
6 | Sound Watershed Forum, we will be submitting
7 | 12 projects from this watershed for funding. Will our
8 | watershed project be given lower priority ratings
9 | because of the stated construction impact in this
10 | wetland, or will the funding occur and the watershed
11 | project be completed just to see the dollars wash
12 | out into Puget Sound?

13 | Do not approve this permit based on the
14 | employee parking lot construction fiasco. According
15 | to Websters Dictionary, it's an ambitious project
16 | that ends as a ridiculous failure. That's just a
17 | 13 warning sign of things to come.

18 | The ESA has not been adequately addressed. In
19 | the affected jurisdictions, you see no help for
20 | restoration or education. The fact that the Central
21 | Puget Sound Watershed project low priority ratings
22 | will cripple the watershed's ability to compete for
23 | funding with other watersheds.

24 | Thank you.

25 | COLONEL MICHAEL RIGSBY: The next speaker will

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1 be Mr. Terry Brazil, and he will be followed by
2 Mr. Tony Piasecki.

3 TERRY BRAZIL: Colonel and panel, thank you
4 very much. My name is Terry Brazil. I am the Mayor
5 Pro Tem for the City of Des Moines. I'm here
6 representing the City Council who could not be here
7 tonight because they have a meeting going on right
8 now. They have excused me to be here to do this.

9 The City of Des Moines would like to reiterate
10 our strong opposition to the issuance of the 404
11 permit. Current studies of the Des Moines Creek
12 Basin Plan, 1997, indicated that Des Moines Creek is
13 in an extremely marginal state, particularly, during
14 the summer months. Low flows, reduced oxygen
15 14 levels, and higher temperatures are at critical
16 levels and in urgent need of remediation. The new
17 multi-jurisdictional basin plan provides for this
18 remediation and enhancement. Needless to say, the
19 wetlands provide essential storage, recharge, and
20 filtering functions for this particular creek. Any
21 or all of these wetlands would most likely be
22 destroyed if this permit is granted. The
23 destruction of Des Moines Creek is absolutely
24 unacceptable. It would undermine over 30 years of
25 local, state, and federal efforts to rehabilitate

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1 this creek and its habitat. It would be directly
2 countered to recent federal, state, and King County
3 initiatives to be proactive in enhancing salmon
4 habitat.

5 The enclosed letter, which I have and I will
6 leave a copy for you at the front desk, is a letter
7 from the EPA to the Army Corps of Engineers. It
8 15 clearly outlines that it is possible for replacement
9 wetlands to co-exist with nearby airports. It takes
10 some dedication and work by the the FAA and the
11 airport to properly design replacement wetlands and
12 manage bird habitat, but it can be and has been
13 throughout the country and the world.

14 In October, Vice President Gore announced the
15 Administration's clean water initiative. The
16 initiative goes beyond the former policy of "no net
17 16 loss" of wetlands. The initiative's goal is a net
18 increase of 100,000 acres of wetlands by the year
19 2005. This permit is completely contrary to that
20 goal, to the Corps' regulations, to the EPA's
21 guidelines, and to the environmental health of the
22 area.

23 We would urge in the strongest possible terms
24 17 that it is absolutely critical to require the Port
25 of Seattle and the FAA to develop replacement and

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1 management plans within the same drainage basins as
2 Miller and Des Moines Creeks. This can be done
3 safely if the agencies concerned genuinely want to
4 make it work. The Army Corps should require the FAA
5 and the Port of Seattle to work with local
6 jurisdictions to find, establish, and manage
7 replacement wetlands in the affected basins. Please
8 understand that the destruction of these wetlands
9 without appropriate replacement in their respective
10 drainage basins, could well doom Miller and Des
11 Moines Creeks as viable habitat. This habitat must
12 be preserved.

13 I personally have worked on the stream from
14 Trout Unlimited Salmon Chapter. We have Dolly
15 Varden. There are salmon in the stream. There are
16 cutthroat in the stream, and we have a very large
17 citizen effort to reestablish that wetland. If you
18 take the headwaters away, we don't have a creek
19 anymore. Thank you.

20 COLONEL MICHAEL RIGSBY: The next speaker will
21 be Mr. Tony Piasecki, and he will be followed by
22 Representative Karen Keiser.

23 TONY PIASECKI: Thank you, Colonel. Thank you
24 for pronouncing my last name perfectly. I am the
25 City Manager for the City of Des Moines. At the

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1 risk of being slightly repetitive, I simply cannot
2 stress enough what the destruction of the wetlands,
3 particularly, in Des Moines Creek, will have or
4 destruction of the wetlands will have on Des Moines
5 Creek.

6 The wetlands provide essential storage
7 recharging filtering process for the creek. Now,
8 that is particularly important during the summer
9 months. During the summer months, the flows are
10 very low. Most of the flow is coming from the
11 wetlands. Temperatures in the stream, particularly,
12 in the upper regions, can get near fatal
13 temperatures for some of the aquatic life. As
14 mentioned there is Coho, Chum, Pink salmon in the
15 creek. Without the wetlands, quite frankly, we
16 don't think that they would survive at all. With
17 them, we believe other wildlife would also go away
18 including eagles, herons, fox, raccoon, and muskrat.

19 The City of Des Moines firmly believes that the
20 wetlands can and should be relocated within the Des
21 Moines Creek Watershed, and we believe that this can
22 be done in such a way that the public safety
23 concerns and the FAA can be met along with our
24 environmental concerns, so we urge you to reject
25 this. Thank you.

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1 COLONEL MICHAEL RIGSBY: The next speaker will
2 be Representative Karen Keiser, and she will be
3 followed by Representative Jim McCune.

4 KAREN KEISER: Thank you. My name is
5 Representative Karen Keiser from the 33rd District
6 which includes these wetlands, and I want to thank
7 you tonight for this public hearing.

8 I want to request tonight that you formally
9 deny this Section 404 permit for construction of the
10 third runway at Sea-Tac Airport as has been
11 submitted by the Port of Seattle. I believe the
12 evidence presented by the United States Department
13 of Interior and the Environmental Protection Agency
14 should be heeded.

15 I think it is exceptionally revealing that the
16 two largest environmental watchdog agencies of the
17 federal government have requested this permit be
18 denied. The message from both the Department of
19 Interior and the EPA is simple: The Port plan fails
20 to properly mitigate our environment, and on that
21 basis alone, this permit should be denied.

22 I would also request one additional
23 stipulation, and that is that the Port be required
24 to include a financing plan for any mitigation
25 proposal. We need to know if the Port can afford to

1 do the job correctly before we allow the Port to dig
2 one hole in our community. You know, when you buy a
3 house, you have to first prove that you can afford
4 20 the mortgage before you allow the developer to dig
5 that first hole for the foundation. We, as
6 taxpayers, should be afforded the same protection
7 and information.

8 Now, while I'm not totally opposed to the
9 concept of off-site mitigation, I am opposed to the
10 proposed Port plan off-site mitigation. It is
11 proposing to replace eleven and a half acres of
12 Highline's wetlands with acreage in Auburn. Both
13 the EPA and the Department of Interior note the
14 Port's failure to explore mitigation opportunities
15 21 within the existing water basins, and the bogus
16 charge that a surge in the native bird populations
17 would occur if we replace existing is just wrong and
18 ridiculous. It has already been debunked by both
19 the Department of Interior and the EPA. For the
20 record, I would like to use their words, quote:
21 "The creation of restoration of wetlands within
22 10,000 feet of the active runway would not increase
23 wildlife attractants over existing levels but would
24 simply replace part of the habitat which has been
25 destroyed by the project."

1 We are not creating the Skagit River Valley or
2 bird sanctuary or a wildlife refuge in Des Moines or
3 Miller Creeks. We are just trying to maintain the
4 character of our community. The fact that existing
5 wetlands have coexisted with jets over 40 years
6 without incident is something you must consider, and
7 I think it is time now to stop insulting the airport
8 community. If you are going to put that runway in
9 our backyard, you can restore the wetlands in our
10 backyard.

11 The two points I simply want to reaffirm here
12 tonight are both the EPA and the Department of
13 Interior, the two biggest environmental watchdogs,
14 agree this plan does not adequately mitigate the
15 environment; and secondly, the Port plan does not
16 have adequate finance. We need to have those
17 answers before any permit is issued.

18 I believe unless we demand better strategies
19 and ideas, we won't get them.

20 COLONEL MICHAEL RIGSBY: I need you to go ahead
21 and summarize, ma'am.

22 KAREN KEISER: Yes, indeed. This year the
23 State of Washington was put on notice. We have only
24 one year to develop a comprehensive plan to save our
25 steelhead or chinook salmon and other fish runs.

1 You know, Miller Creek has the wild run seagoing
2 cutthroat trout. So if we don't take care of this,
3 22 the federal government will come in and dictate that
4 plan to us. We cannot afford to let that happen,
5 and I think it is our time for our voice to be
6 heard. Thank you.

7 COLONEL MICHAEL RIGSBY: Next speaker will be
8 Representative Jim McCune, and he will be followed
9 by Mr. Don L. Newby.

10 JIM MCCUNE: Good evening. For the record, the
11 cities I represent are Des Moines, Sea-Tac, Kent,
12 Renton, Burien, and Normandy Park. As a lifetime
13 resident of Washington State and have been
14 self-employed for 30 years, I have served on a board
15 of five world class hatcheries, and I have served on
16 Fish and Games Task Force Committee for better fish
17 in the environment. I'm here to speak in opposition
18 of granting the Port of Seattle a permit to remove
19 our prime wetlands.

20 The permit that the Port is asking for goes
21 right to the heart on the mitigation issues we
22 worked on this year. We have to take the first
23 steps of protecting our wetlands and ensure our
24 state fish recovery for salmon and steelhead becomes
25 reality. Truly Miller Creek is one of the these

1 areas.

2 Many of you might be aware that Miller and Des
3 Moines Creeks have new problems associated with
4 them. Independent tests show increasing levels of
5 glycols in the streams. This is a chemical compound
6 similar to antifreeze used in the deicer on
7 airplanes. The chemical glycol is supposed to be
8 drained into the collection system where we now know
9 23 that some of these chemicals are escaping into the
10 stream system and sweeping down in a very shallow
11 area in our Highline aquifer and could possibly
12 contaminate our valuable drinking water. Glycol is
13 deadly to salmon eggs and remains returning to our
14 ocean. This year in Olympia we passed a
15 comprehensive salmon plan which we believe would
16 help us in our efforts to keep our fragile balance
17 of wetlands and Miller Creek intact as we know it.

18 To prevent the federal government of listing
19 many of our salmon on the Endangered Species List,
20 we must manage our state fishes better by protecting
21 24 our habitat. The State also authorized thirty-six
22 million dollars for wild salmon recovery. This
23 money will be used to promote watershed planning,
24 removing poorly designed culverts, for volunteers in
25 planting trees and restoring habitat, to install

1 remote acreage sites. Dumping twenty-six million
2 cubic yards of dirt onto our streams and wetlands
3 will destroy our future plan in rebuilding one part
4 of our available fisheries.

5 Natural made wetlands cannot be removed or
6 replaced or manmade without destroying our natural
7 spring system and drinking water in the Highline
8 area forever. I'm asking you not to grant this
9 permit in the Port of Seattle and join together for
10 a better tomorrow to rebuild our watersheds, our
11 wetlands, and our salmon recovery. I'd appreciate
12 it. Thank you.

13 COLONEL MICHAEL RIGSBY: Next will be Mr. Don
14 Newby, and he'll be followed by Carolyn T. Read.

15 DON NEWBY: Colonel, panel members, my name is
16 Don Newby. I'm a member of the Burien City Council.
17 I have great respect for the Corps of Engineers. I
18 have a sister born in Fort Belvoir, and I've roomed
19 with two Army captains upon their return from
20 Southeast Asia. Ironically their job was building
21 landing strips.

22 I thought long and hard when we were granted
23 this hearing tonight as to what to say, and I didn't
24 know what to say until I went to my wife's classroom
25 Sunday to help her out. I saw an inscription upon

1 the wall that I missed for 18 years that she has
2 been in that classroom in the Highline School
3 District. I would like to paraphrase from that
4 inscription.

5 The Commissioners at the Port of Seattle send
6 word that they wish to move and buy our land. How
7 can you buy and move or sell the sky, the warmth of
8 25 the land? The idea is strange to us. Yet we do not
9 own the freshness of the area, the sparkle of the
10 water. How can you buy them from us? Every part of
11 Highline is sacred to my people. Every shiny pine
12 needle, every sandy - rocky shore, every mist in the
13 dark woods, every clearing and humming insect is
14 holy in the memory and experience of my people.

15 We know that the Port of Seattle Commissioners
16 do not understand our ways. One portion of the land
17 is the same to them as the next, for they are
18 strangers who come in the night and take from the
19 land whatever they need. The earth is not their
20 brother, but their enemy, and when they have
21 conquered it they move on. They leave our fathers'
22 graves, and their children's birthright is
23 forgotten.

24 There is no quiet place in the Commissioners
25 cities. No place to hear the leaves of spring or

1 the rustle of insect wings. But perhaps I am savage
2 and do not understand, the clatter only seems to
3 insult the ears. And what is there to life if a man
4 cannot hear the lovely cry of the whippoorwill or
5 the arguments of the frog along Miller Creek at
6 night.

7 The Port Commissioners too, shall pass, perhaps
8 sooner than other government officials, continue to
9 contaminate your bed and you will one night
10 suffocate in your own waste.

11 25 When the salmon and the trout are all caught
12 and the tall trees are all destroyed and every inch
13 of King County is filled with the scent of aviation
14 fuel and the view of the rip hills blotted by
15 wireless cell towers, where has the thicket gone?
16 Where has the eagle gone? What is it to say
17 good-bye to the swift and the hunt and the end of
18 the living and the beginning of survival?

19 That was from Chief Sealath in a letter in 1855
20 to President Franklin Pierce.

21 Chief Sealath had a vision. Many of us have
22 here tonight and many more who could not attend
23 would like to preserve some portion of that vision
24 for future generations. Thank you.

25 COLONEL MICHAEL RIGSBY: The next speaker will

1 be Carolyn Read, and she'll be followed by Mr. Eric
2 D. Johnson.

3 CAROLYN READ: Good evening. I'm Carolyn Read
4 from the Federal Aviation Administration.

5 The mission of the FAA is to provide for a safe
6 and efficient air transportation system. Wildlife
7 and bird strikes can be a serious safety problem for
8 an airport. We work with the airport to take
9 necessary steps to prevent potentially unsafe
10 conditions. We believe that mitigation plan
11 developed by the Port of Seattle complies with our
12 criteria.

13 I would like to now read a letter signed by
14 Lowell Johnson, who is the manager of Airports
15 Division for the Northwest Region. The federal
16 Aviation is pleased to provide comments concerning
17 the Port of Seattle wetland aviation program for the
18 Master Plan Update improvements at Seattle-Tacoma
19 International Airport.

20 As indicated in our July 3, 1997 Record of
21 Decision, the FAA has reviewed all of the options to
22 avoid or reduce wetland fill. We documented our
23 determination that there is no other viable
24 alternative which meets the project purpose and
25 needs identified in the 1996 Final EIS and 1997

1 Final Supplemental EIS. We continue to believe that
2 no viable option exists for this project other than:
3 No. 1, the proposed mitigation of the appropriate
4 stream and wetland impacts in the airport vicinity;
5 and No. 2, mitigation of wetland habitat, which
6 would be a wildlife attractant, at a distance of ten
7 thousand feet or more from the airport due to safety
8 concerns.

9 The proposed wetland mitigation program
10 developed by the Port of Seattle and achieves the
11 desired mitigation of hydrologic functions of
12 wetlands and streams in the immediate airport
13 vicinity. This mitigation includes on-site
14 replacement of storm water detention, groundwater
15 discharge, flood storage, and stream habitat
16 functions. The Port proposes mitigation that will
17 enhance creek habitat for fish, such as, stream
18 buffers and removal of detrimental land uses. The
19 remaining habitat functions of the affected wetlands
20 are to be established at a mitigation site in
21 Auburn.

22 This approach complies with the letter and
23 intent of the FAA's Advisory Circular 150/5200-33,
24 entitled Hazardous Wildlife Attractants On or Near
25 Airports. As this advisory circular states, quote:

1 "During the past century, wildlife-aircraft strikes
2 have resulted in th the loss of hundreds of lives
3 world-wide, as well as billions of dollars worth of
4 aircraft damage. Wetland mitigation should be
5 designed so it does not create a wildlife hazard,"
6 unquote.

7 Therefore, in citing mitigation wetlands, the
8 FAA has established several criteria: One, a
9 distance of five thousand feet recommended for
10 airport served by piston-powered aircraft; two, a
11 distance of ten thousand feet recommended for
12 airport served by turbine-powered aircraft, such as,
13 jets; and three, a distance of five miles if the
14 wildlife attractant may cause hazardous wildlife
15 movement into or across the approach or departure
16 airspace.

17 We are pleased to see that the Port of Seattle
18 has developed a comprehensive mitigation plan that
19 protects Miller and Des Moines Creeks from continued
20 degradation and has refined its wetland mitigation
21 plans to comply with these aircraft safety concerns.
22 Lowell Johnson. Thank you.

23 COLONEL MICHAEL RIGSBY: Next will be Mr. Eric
24 D. Johnson, and he will be followed by Mr. Randy
25 Taylor.

1 ERIC JOHNSON: Thank you, Colonel. My name is
2 Eric D. Johnson. I'm the Environmental Fair
3 Director for the Washington Public Ports
4 Association, and I'm probably one of the braver guys
5 here tonight since I'm here in strong support of
6 this permit application.

7 I urge the Corps to permit as it is set forth
8 in this application, because this is a proposal that
9 is totally in keeping with both state and federal
10 resource protection policies, and it is fully
11 protected for the environmental conditions of the
12 general vicinity of the airport.

13 Why shouldn't the state's habitat mitigation
14 policies, which are codified in Washington Law in
15 90.74 of RCW, acknowledge that the basis for
16 compensatory habitat mitigation in Washington State
17 is a water resource area, which is a very large
18 area. For this project, that would include the
19 entire Duwamish and Green River watershed, but for
20 this project, the Port of the Seattle is not going
21 into the far regions of the Duwamish and Green River
22 basin. They are proposing to replace on-site the
23 lost hydrologic and water quality functions within
24 the Miller Creek basin. This includes improving
25 fish habitat, including, buffer zones, and creating

1 five new acres of pools and flood plains within the
2 Miller Creek basin.

3 I also believe that the Port is to be commended
4 on this project because of a search for mitigation
5 opportunity has been complicated by FAA
6 prohibitions, by creating new habitat transformation
7 in close proximity to airport runways. The Port has
8 developed a proposal that would replace the wetlands
9 within a very large nearby system in Auburn, and
10 this proposed mitigation is in a single large
11 parcel. Single large parcels are generally
12 acknowledged by habitat and wetland mileage as being
13 preferable to fish and wildlife habitats because the
14 habitat is put into a larger system which enables
15 the wildlife to have a better place to live and
16 breed.

17 The Port of Seattle has developed this
18 application in a conscientious and responsible
19 manner, and the alternatives analysis has been more
20 than thorough. It has been exhaustive. It's
21 important for citizens throughout the State of
22 Washington. This proposal comes up after eight
23 years of public process and debate. It's an
24 opportunity to improve fish and wildlife habitat in
25 King County while proceeding with the construction

1 of a critically important public airport facility.

2 The proposal is the least environmentally
3 damaged and practical alternative. It's consistent
4 with the guidelines of the Clean Water Act and the
5 Coastal Management Act. Our association urges the
6 Corps to approve it. Thank you.

7 COLONEL MICHAEL RIGSBY: That's enough. If we
8 can't do this and be courteous to the speakers, we
9 will be forced to stop. We need to let everybody
10 have their say. If you don't do that, we will stop.

11 Next will be Mr. Randy Taylor, and he'll be
12 followed by J. Gary Oldenburg.

13 RANDY TAYLOR: Hi, Colonel, and thank you for
14 having me here. I'm Randy Taylor, a commissioner of
15 Highline Water District, and Kathleen Vermeire is
16 also a commissioner with the Highline Water
17 District. I'm not much of a public speaker, so she
18 is going to help me out if I get in trouble.

19 What I would like to say is our water district
20 -- first of all, we're here representing ourselves.
21 We have discussed this at the water commission, and
22 we are concerned about our aquifer, but we haven't
23 designated this to be a Highline Water District
24 policy. It is a concern of ours, and that is what
25 we are here about.

1 Our district represents parts of Sea-Tac,
2 Burien, Des Moines, Federal Way, Kent, Normandy
3 Park, Tukwila, King County, and the Port of Seattle
4 itself. We had an intertie with the Port of Seattle
5 that serves as a back up source of supply if they
6 have an interruption with their Seattle pipeline.

7 Our main concern right now and what we have
8 heard addressed here is the mitigation concerning
9 the contamination of our aquifers and the water
10 supply. We have talked about the wetlands and the
11 regeneration and where this ground water goes, but
12 nowhere have I seen in a report how it would affect
13 or how we would be compensated if that aquifer is
14 destroyed.

15 Highline Water District obtains 20 percent of
16 its water supply from that aquifer. Seattle itself
17 also has wells in that district in that aquifer, and
18 I haven't seen that addressed either. Water today
19 is expensive. If we have to bring in a new source
20 of water, we are looking at approximately 40 million
21 dollars per MGD. We got a million gallons of day.
22 That's what it would cost to create new
23 transportation pipelines, you know, and the pump
24 stations and all the associated hardware.

25 Anyway, that is my main concern, and that's why

1 I would like to have you deny this permit, you know,
2 until a more study is done and the protection of the
3 aquifers.

4 Also, one last statement I would like to say is
5 that mitigating wetlands by moving it to an area
6 outside this area will not help us recharge our
7 aquifers.

8 Kathleen, did I miss anything?

9 KATHLEEN VERMEIRE: I think Randy did a superb
10 job tonight. He did voice his concerns with the
11 Highline Water District, and I can't probably add
12 too much more than that other than we were excluded
13 from the process. The Highline Water District was
14 never brought to the table to discuss any kind of
15 mitigation concerning this third runway issue. Yes,
16 we have a limited supply of water, and we need to
17 protect that source of water. Thank you.

18 COLONEL MICHAEL RIGSBY: Next will be J. Gary
19 Oldenburg, and he'll be followed by Mr. Mike A.
20 Linnell.

21 J. GARY OLDENBURG: Thank you. I'm Gary
22 Oldenburg. I'm the State Director for Wildlife
23 Services who basically is a federal agency that is
24 to help private, state, and federal agencies
25 mitigate wildlife hazards. Basically our only input

1 into this is to say that on-site mitigation at the
2 airport is not in the spirit of public health and
3 safety. To say that there is no strikes at the
4 airport, which was indicated before, is false, and
5 basically, you know, from our standpoint, the
6 mitigation should be off-site. We have memorandums
7 by both the FAA and numerous Corps of Engineers
8 sites as well. Basically our position on this
9 particular situation is very firm that we do not
10 recommend the mitigation sites be on the airport,
11 and it should be at least ten thousand feet away
12 from center line of the runways.

30

13 Basically the Airline Pilots Association has
14 given testimony to the House committee indicating
15 that basically wildlife and the airports are
16 incompatible, and we strongly support that. The
17 position that we have with FAA is we are their
18 experts in the recommendations on these things.
19 Basically we have looked at this situation and our
20 position is that, and that's the only position we
21 are taking now is from the public. The public
22 safety standpoint is that the mitigation should not
23 be on-site.

24 I do appreciate the opportunity to make that
25 position known. Thank you.

1 COLONEL MICHAEL RIGSBY: The next speaker will
2 be Mr. Mike A. Linnell, and he will be followed by
3 Dan N. Caldwell.

4 MIKE LINNELL: I'm with with the USDA, and Gary
5 just pretty much represented what our position is.

6 COLONEL MICHAEL RIGSBY: Mr. Caldwell.
7 Mr. Caldwell will be followed by Mr. Randall L.
8 Parsons.

9 DAN CALDWELL: I'm Dan Caldwell. I am a former
10 commissioner of the Highline Water District, past
11 president of boards, the past chairman of the Ground
12 Water Association of South King County as well as
13 I'm a past member of the AWWA and so forth.

14 We have a long history of battling the people
15 trying to get into that aquifer. Several years ago
16 we had a first class meeting with the Metro which is
17 now incorporated with King County. They tried to
18 dewater the aquifer. That aquifer is supplying the
19 water that you are drinking right now. We had a
20 subsequent battle with the City of Seattle over the
21 landfills because of the pollution of the landfills
22 would penetrate the aquifers.

23 Highline has two wells directly south the
24 airports. North of the airport the City of Seattle
25 has a recharge well which is new because we are

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running into a shortage of water in this area.

The time I left the water district there were still major problems in getting water. I don't think you'll hear from the City of Seattle because the City of Seattle Water Department works with Paul Schell. Paul Schell is the guy who proposed this idea to begin with. He is now the mayor of Seattle.

32

Again, we have a major water shortage coming up, and this is one of the last Cedar River supplies to start with, but there are several stream problems. I can't understand this got as far as it gets. They are planning to strip the earth down to the first aquifer, this blow area so-called, this would continue to endanger the first aquifer. The water in these aquifers recharges -- the service areas recharges the aquifer. Right now the first aquifer is shot. The second aquifer is also contaminated and the third aquifer is in use now. It's one hundred feet below sea level. The upper aquifer has slowed down.

33

The Port has never complied with any of the ground water environment to cleanup the area. There is 2,500 acres at Sea-Tac and everything else. They are endangering this whole regions water supply. I don't know how the water permits got this far along,

1 but it's got to stop somewhere while we still have
2 some water. Thank you.

3 COLONEL MICHAEL RIGSBY: Next will be Randall
4 Parsons, and he will be followed by Ms. Lee Anne
5 Walker.

6 RANDALL PARSONS: Colonel and others, I would
7 like to introduce myself. I'm Randall Parsons. I'm
8 the planning commission chairman for the City of
9 Burien, and by occupation, I'm the watershed
10 management CIP manager for King County's DNR. I'm
11 speaking on behalf of my position as the planning
12 commission's chairman for Burien.

13 I would like to present to you excerpts from
14 the comprehensive plan that Burien has developed and
15 approved since last November after about four years
16 of a lot of public process and a lot of input and a
17 lot of meetings. It's not quite this large, but
18 some is just interesting. I would like to highlight
19 to you our concerns that the measures that we are
20 trying to do to protect wetlands ourselves are going
21 to be seriously undermined if you proceed with this
22 mitigation out of the basin.

23 The highlights that I want to note is that
24 34 | essentially our four key policies include that we
25 | will assure no net loss of wetlands function and

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1 values, that all wetland functions will be
2 considered in evaluating wetland mitigation
3 proposals, including, fish, wildlife, habitat, flood
4 storage, water quality, recreation, education, and
5 the studies; thirdly, that the City will protect
6 34 this wetland by maximizing infiltration
7 opportunities and promoting the conservation of
8 forest cover and native vegetation; and fourthly,
9 the mitigation for any permanent impacts on wetlands
10 should be provided in the same basin for which the
11 impacts occur.

12 A couple points I wanted to make is in our
13 comprehensive plan you'll note that we have
14 identified a number of opportunities for wetland
15 enhancement and restoration in the Miller Creek
16 35 basin, particularly, farther north of this
17 particular area that you are looking at the
18 immediate impacts and to the west. I think that if
19 there was further analysis, you would find that you
20 may be able to deal with some concerns with the bird
21 issue and still mitigate functions and values in the
22 basin.

23 Lastly, I think it's very misleading on all the
24 36 maps that we see. We always see the area west of
25 the proposed runway in green, and that's somehow

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1 infers open space, but in reality all of the
2 proposals we have seen propose converting that into
3 airport related business and manufacturing and
4 airport uses. I think that's another factor that
5 36 you've got to consider that the additional loss of
6 vegetation cover and all the other functions of the
7 natural environment in that area, and that's not
8 been addressed at all in the airport EIS or any of
9 these proposals.

10 The upland watersheds, from all of my work in
11 King County, are critical to sustaining any type of
12 37 fish runs. I would like you to take a look at that
13 in considering your analysis. Thank you.

14 COLONEL MICHAEL RIGSBY: Next is LeeAnne
15 Walker, and she'll be followed by Mr. John L.
16 Rankin.

17 LEEANNE WALKER: Good evening. My name is
18 LeeAnne Walker, and I'm representing the Washington
19 Airport Management Association.

20 We understand that the Port of Seattle is
21 asking for a permit to fill wetlands on-site and to
22 create new wetlands, some of which are off-site.
23 While mitigating in basin is desirable, its not
24 always possible at Sea-Tac because the Federal
25 Aviation Administration prohibits the creation of

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1 new wetlands within two miles of the airport.
 2 Wetlands attract large birds which pose a safety
 3 risk to aircraft.

4 I would like to read a statement supporting the
 5 Port of Seattle's wetland mitigation project on be
 6 half of Colin Clarke, the president the Washington
 7 Airport Management Association. The Washington
 8 Airport Management Association, or WAMA, is a
 9 non-profit organization established to promote the
 10 public's understanding of the value of aviation and
 11 and an airport to the community and to promote the
 12 highest standards possible in all technical
 13 operations necessary for public safety and efficient
 14 airport control. Our membership is rather diverse
 15 and includes representative of 40 airports in the
 16 State of Washington, including, large commercial
 17 airports as well as small general aviation airports.

18 On behalf of the WAMA membership, I wish to
 19 recognize and support the wetland mitigation project
 20 that the Port of Seattle has developed for the
 21 wetland fill requirements and it's long-range Master
 22 Plan improvements. We understand that the Port's
 23 Master Plan requires the filling of approximately
 24 eleven acres of wetland in order to develop a new
 25 parallel runway and expanded terminal and landside

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AR 035865

1 facilities. While wetlands proved valuable
2 ecological benefits to an immediate area and
3 region, these resources also represent wildlife
4 attractants that can affect aviation safety. The
5 Washington Airport Management Association commends
6 the Port of Seattle for developing a mitigation
7 approach that removes unsafe wildlife attractants
8 from the airport environment and provides new and
9 enhanced habitat at a location away from the
10 airport. We also commend the Port for using an
11 approach that maximizes in-basin mitigation for the
12 select functions that will not have an adverse
13 impact on the safety of the airport. Sincerely,
14 Colin Clarke, Washington Airport Management
15 Association. Thank you.

16 COLONEL MICHAEL RIGSBY: Next will be Mr. John
17 L. Rankin to be followed by Representative Dow
18 Constantine.

19 JOHN RANKIN: Good evening. My name is John
20 Rankin. I am the chairman of the Executive Board of
21 the Airport's Communities Coalition, and I'm a
22 council member of the City of Normandy Park.

23 You've probably heard already from a number of
24 very angry citizens and probably will hear from many
25 more very angry citizens in the balance of the

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1 evening. You may find yourself wondering what it is
2 that makes these citizens so angry. We have,
3 through the ACC, included a lot of documentations
4 and comments that are written, which we have
5 submitted to you, but I would like to address
6 another issue at this time, and that is the problem
7 of your process.

8 The process as it is set out allows no point of
9 access for the communities that are being affected
10 by this project. In fact, when this permit was
11 contemplated and developed, it was developed between
12 the Port of Seattle, its consultants, and the Army
13 Corps of Engineers in private. That seems to me to
14 be a gross distortion of the public process.

15 39 If you on the one hand the Port of Seattle
16 which wants to destroy the wetlands -- that's really
17 what they want to do. Let's make no bones about it.
18 And on the other hand, the communities who depend on
19 those wetlands and the environments created by those
20 wetlands to enhance their communities, it would seem
21 to me that the reasonable process would be to have
22 both advocates at the table instead of just one.

23 You currently are in possession of letters from
24 the Department of Interior, fisheries and wildlife,
25 federal, and the Environmental Protection Agency of

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1 the United States of America that recommend denying
2 this permit.

3 In order to work out the details for the
4 trouble that is being caused about the specifics of
5 the permit, currently you are meeting with the Port,
6 its consultants, representatives from EPA Region 10,
7 U.S. Fish and Wildlife Service, Washington State
8 Fish and Wildlife Service, and King County Basin
9 Stewart Masters. It would seem to me that there
10 should be at least one representative from the
11 communities who are being affected by this project.
12 39 Now, I don't understand why they are constantly
13 being denied access. It's very fashionable to refer
14 to us as NIMBIs. We don't want the airport in our
15 backyard, but the fact is we are given no say in
16 what happens to our communities.

17 I would seriously request that for future
18 meetings when you are discussing how to work out
19 these little details in the problems of the permit,
20 that you request a representative from our
21 communities so that we can at least have a say in
22 what is done in terms of in-basin mitigation. At
23 least if you're going to deny us any satisfaction,
24 you can tell us to our faces. Thank you very much.

25 COLONEL MICHAEL RIGSBY: Next will be

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1 Representative Dow Constantine, and he'll be
2 followed by Mr. Stuart J. Creighton.

3 DOW CONSTANTINE: Thank you, Colonel, members
4 of the panel, for having this hearing. I'm
5 Representative Dow Constantine from the 34th
6 District which includes West Seattle, Burien, Vashon
7 Island. Senator Heavey, who spoke second tonight,
8 is my senator.

9 Rather than getting in the way of the eighty
10 some people who have signed up to testify tonight
11 and not wanting to try to live up to the wonderful
12 speech that we've just heard, let me simply share
13 with you a summary. I don't represent Des Moines
14 where the wetlands will be destroyed, and I don't
15 represent Auburn where they will apparently attempt
16 to mitigate that destruction. I do represent in my
17 district citizens who are very concerned by the loss
18 of wetlands and the decline of environmental quality
19 generally.

20 For the reason stated by Senator Patterson,
21 Senator Heavey, by Representative Keiser, and by so
22 many citizens who have come here tonight, the
23 issuance of this permit and the destruction of those
24 wetlands and the destruction of Miller and Des
25 Moines Creeks are contrary to the Clean Water Act

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1 and more fundamentally would be contrary to the
2 interests of citizens including those I represent
3 who value our water quality, who are concerned about
4 our endangered salmon, and who more generally are
5 40 very worried about the destruction of our natural
6 environment and the degradation of their quality of
7 life. I join those citizens, and so many have
8 spoken here today, and ask that you deny this
9 permit. Thank you.

10 COLONEL MICHAEL RIGSBY: Next is Mr. Stuart J.
11 Creighton, and according to the Corps, I have, I
12 believe, the last of the elected officials.

13 Is there any other elected officials who wish
14 to speak that haven't had a chance? If you'll come
15 up here, we will make sure that we will work you in.
16 Otherwise, Mr. Creighton will be followed by
17 Mr. Bill Arthur.

18 STUART CREIGHTON: Thank you, Colonel. I'm
19 Stuart Creighton, and I'm a city council member for
20 the City of Normandy Park. We have significant
21 interest here. Chiefly, we are down stream from the
22 Port so we get the majority of the large problems
23 there.

24 What I'd like to address very quickly, first,
25 is endangered species or species that are not

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1 endangered and that is the red herring. We have
2 heard quite a bit tonight about the FAA and this
3 prohibition of the wetland problems close to the
4 runways. Well, that particular advisory circular,
5 that is, 150, 5200-33, is in fact the criteria and
6 the recommendations and guidelines. It's not a
7 directive. It's not a requirement. It's not a
8 demand. Even following the recommendations and the
9 guidelines, the Miller Creek watershed from the
10 centerline of Sea-Tac Airport probably runs between
11 seven and ten miles to the north. On-site
12 mitigation, if you want to call it on-site, could
13 certainly go outside of the ten thousand feet and
14 still be well within the Miller Creek watershed.

15 42 The Miller Creek watershed is very, very large.
16 The Des Moines Creek watershed is very, very large.
17 The need to go outside of our watershed down to
18 Auburn is astounding. We have significant wetlands
19 that could be enhanced. We have significant areas
20 that could be enhanced. Going ten thousand feet
21 from centerline to runways is not a problem. It is
22 only a problem if you want to go out and find some
23 green areas and start building out there where, in
24 fact, it does nothing for our watersheds, but we
25 have had in the City of Normandy Park, as you've

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1 stated earlier, three accidents last year from the
2 employee parking lot. That is not so much as the
3 wetlands as dumping into the streams.

4 In the last few years we have had jet fuel,
5 deicing liquids. Des Moines Creek was almost
6 completely depopulated with fish. Our communities
7 have been damaged and damaged severely by spills,
8 43 accidents, and just out and out irresponsible
9 behavior. We do not appreciate this irresponsible
10 plan being put forth and actually being looked at as
11 if it were an acceptable piece of activity.

12 The wetlands, the fill in, the stream problems
13 they affect all of our cities. They affect our
14 communities, and it is significant damage being
15 44 proposed with no mitigation plan whatsoever, but the
16 mitigation that is being proposed is going way
17 outside of our aquifer, way outside of our
18 watershed, and it is doing nothing whatsoever to
19 help or repair our communities. It is absolutely
20 crazy. Thank you.

21 COLONEL MICHAEL RIGSBY: Next we have will
22 Mr. Bill Arthur, and he will be followed by J.
23 DelVento.

24 BILL ARTHUR: Good evening, my name is Bill
25 Arthur. I'm here representing Segale Business in

1 Tukwila. Thank you for holding a hearing to receive
2 public comments for the proposed Port of Seattle
3 project to fill approximately eleven acres of
4 wetlands from the web site of Sea-Tac Airport to
5 construct the third runway.

6 We support issuance of a U.S. Army Corps of
7 Engineers Section 404 permit and the related
8 Washington State Water Quality Certification for the
9 proposed construction. We are aware of several
10 wetland construction and improvement projects
11 involving Port permits, and we recognize that the
12 Corps of Engineers is very thorough in its function
13 to issuing Section 404 and other permits concerning
14 wetlands. We have every confidence that the
15 authorization to fill wetlands and the related
16 requirements for mitigation will be carefully
17 reviewed and the environmental impacts will be given
18 proper consideration.

19 We understand that this situation that
20 mitigation and replacement of the wetland which
21 would be lost if the project goes forward will not
22 occur in the same ownership. We believe that
23 wetlands should be replaced in the effective
24 drainage basin, but in this case, the safety of
25 aircraft and passengers must also be considered.

1 The Sea-Tac International Airport is where it is,
2 and as a community we must focus on meeting the
3 needs of our region while at the same time reserving
4 environmental amenities. We believe that this
5 proposal strikes the balance between these two.

6 While the proposed mitigation may not be ideal,
7 we understand that it has been the subject of
8 careful and coordinated planning among the Port of
9 Seattle and regulators. We support the completion
10 of the proposed mitigation measures within the
11 Miller and Des Moines Creek basins to the extent
12 45 that they are practical. We also support the plans
13 to replace the eleven acres of low level wetlands to
14 be lost as a result of the construction with the
15 higher value wetlands and forest buffers on the
16 Green River.

17 In combination of work within the affected
18 watershed and outside of it will undoubtedly benefit
19 the environment. Preserving small isolated and
20 heavily disturbed wetlands with lower functions and
21 values does not seem to be preferable alternatives
22 to allow the permits to be issued for the projects
23 with the related wetland mitigation and other
24 regulatory requirements which will provide
25 environmental protection and benefits.

1 With respect to the necessary water quality
2 certification, we support its issuance with the
3 understanding that the Department of Ecology
4 proposed conditions it deems appropriate to
5 accomplish this process.

6 In conclusion, we believe that the Port of
7 Seattle's proposal is both reasonable -- and reasons
8 under these circumstances, therefore, we are in
9 support of the Corps of Engineers and the Department
10 of Ecology to issue the necessary permits so that
11 the proposed construction can proceed. I have
12 previously given copies of this to your Corps.
13 Thank you.

14 COLONEL MICHAEL RIGSBY: Next is Mr. J.
15 DelVento to be followed by Mr. John Wiltse.

16 JOHN DELVENTO: I'm citizen John Delvento.
17 Many years of analysis of the Port's endless
18 questionable practice. The following are my
19 opinions, but I will submit them as comments of the
20 record. The comments they reflect a hint of
21 cynicism but be assured they are from the heart.
22 These comments are not meant to be frivolous. The
23 Port of Seattle, hereinafter referred to POS, attack
24 upon our quality of life is no joking matter. This
25 evening's flash point needs immediate smothering.

1 More fundamentally we need to attack the root of the
2 problems unless we forget who the instigators are.

3 The Corps of Engineers are just the fall guys
4 for the imperious arrogance of the POS. The POS
5 assumes a divine right to be able to levitate our
6 local wetland area and to transport them intact to a
7 remote Auburn area. As a way of off loading some of
8 its soiled hands, the POS tends to pay all the good
9 citizens of Auburn if they will receive the
10 questionable goods. Above all, the POS is divine to
11 install a magic wand to wave over in an attempted
12 construction of a third runway on top of an
13 apparently unstable artificial plateau.

14 The Corps, with its historically high levels of
15 accomplishment for the US of A, can do a lot better
16 than to submerge its good name as a bedfellow to the
17 POS in a narrowly focused self-serving scheme. Is
18 there no shame to the POS and its supporters attempt
19 to deflect money and resources away from a more 21st
20 Century statewide airport infrastructure?

21 It is a national embarrassment to Washington
22 State in this era of tight budgets and fiscal
23 restraints. We can stop these scams and charades
24 now. Similar national and international citizens
25 movements are on our side. We are organized with

1 this through the ACC, RCAA, CASE, and other
2 organizations.

3 Folks, we deserve to win this one against an
4 entranced arrogant establishment. Today it is the
5 national movement of the citizens.

6 COLONEL MICHAEL RIGSBY: Next will be Mr. John
7 Wiltse to be followed by Mr. Tom D. Roush.

8 JOHN WILTSE: Good evening. I'm John Wiltse,
9 the mayor of Normandy Park. The ex-mayor, John
10 Littons, is a hard tough act to follow so I don't
11 think I'll try to top him.

12 I'm glad my colleague, Mr. Creighton, clarified
13 an issue that was confusing me regarding the FAA's
14 advisory regarding location of wetlands and the
15 concern over bird strikes. I heard words such as
16 "prohibited" and "mandatory" from some other
17 speakers tonight, so I'm glad that Mr. Creighton
18 evidently clarified that situation for everybody.

19 I also noted with interest comments made about
20 the exhaustive alternatives that the Port of Seattle
21 has spent looking at alternatives. In the Monday
22 47 Post Intelligence concerning Mr. Leach, who is a
23 spokesman for the Port, was quoted as saying options
24 including developing wetlands in Auburn or buying
25 homes just beyond a two-mile circle around Sea-Tac,

1 knock down buildings, and build wetlands there.
2 That appears to be the Port's solution to any
3 problem that faces them regarding this third runway.
4 I think most of us are getting a little bit tired of
5 being bullied and threatened by those types of
6 statements.

7 To paraphrase a statement that we often hear
8 supporters of the airport extension say, the
9 wetlands were there before you moved into the
10 neighborhood. Learn to live with them. Thank you
11 very much.

12 COLONEL MICHAEL RIGSBY: Next will be Tom D.
13 Roush, and he will be followed by Mr. Charles Frame.

14 TOM ROUSH: My name is Tom Roush, and I'm here
15 as a representative of the Sea-Tac Business
16 Committee which is a subcommittee of the Southwest
17 King County Chamber of Commerce.

18 We are in support of the issuance of the 404
19 permit for the following reasons: To comply with
20 the Clean Water Act, the Port of Seattle is required
21 to mitigate and replace the wetlands lost.
22 Typically the mitigation and replacement occurs in
23 the same drainage basin as the wetlands being
24 filled. In the case of this project, this cannot
25 occur because the Federal Aviation Administration

1 recommends prohibition of creating of wetlands
2 within two miles of the runway. Construction of new
3 wetlands in the area in the same watershed as those
4 being filled while desirable is not possible because
5 of this FAA recommendation.

6 Wetlands do serve numerous important habitat,
7 water quality, and flood control functions, and
8 should whenever possible be protected. Even in a
9 rapidly growing region, such as, ours, filling
10 wetlands must be avoided whenever possible, but if
11 they must be filled, they should be replaced.

12 The Port of Seattle has worked for several
13 years on a mitigation plan and has spent two million
14 dollars in land and studies for creating the
15 wetlands in Auburn. In exchange for filling these
16 eleven acres wetlands, the Port of Seattle plans to
17 create 22 acres in a forested buffer area outside of
18 the water basin. We understand this.

19 While it would be ideal for this wetland
20 ecosystem to be near the airport and in these
21 communities, this is not possible. This is an
22 appropriate trade off that balances the needs of the
23 environment with those of a rapidly growing entire
24 Puget Sound region. Thank you.

25 COLONEL MICHAEL RIGSBY: Next will be

1 Mr. Charles Frame to be followed by Mr. Bruce A.
2 Robertson.

3 CHARLES FRAME: Thank you. My name is Charlie
4 Frame. I represent Baker Commodities located at
5 5795 S. 130th, Tukwila. Tonight I'm here to
6 encourage you to approve this 404 permit. First,
7 it's an environmentally sound solution; second, to
8 leave wetlands near the airport creates a safety
9 hazard.

10 The Port of Seattle has worked for several
11 years on mitigation plan and has spent more than two
12 million dollars in land studies for creating
13 50 wetlands in Auburn.

14 And that's not to say that there is no
15 mitigation occurring in the Miller or Des Moines
16 Creek Basins. In fact, the Port has committed to
17 substantial work there. The hydraulic and water
18 quality functions of the affected wetlands will be
19 replaced. The flood control functions are being
20 replaced within the basin with the creation of more
21 than five acres of new pools and floodplains.
22 Habitat is being improved within the basin with the
23 new 50-foot buffer of native plants and grasses on
24 both sides of Miller Creek, and fisheries habitat is
25 being improved along portions of the creek.

1 Wetlands do deserve protection because they
2 fulfill important functions within the local
3 ecology. The Port has proposed replacing the ones
4 in this area with 47 acres of wetlands and forested
5 50 buffer. Of course, it would be ideal if the new
6 wetlands could be existing near the airport, but it
7 simply can't.

8 And the safety concerns proposed by creating
9 wetlands near the airport are real and documented.
10 I urge to please not overlook the serious danger
11 caused by bird strikes and airports all over the
12 country. Why would we choose to resolve an
13 important environmental issue by creating a
14 potentially deadly safety issue?

15 It seems to me the Port has created an
16 appropriate balance between the needs of the
17 environment and the safety issues associated with
18 the wetlands near airports.

19 Finally, I would like to remind you that in
20 1996, 86 percent of the Puget Sound Regional Council
21 approved the Master Plan of Sea-Tac Airport. I
22 think it is time we allowed this project to move
23 forward. Thank you very much.

24 COLONEL MICHAEL RIGSBY: Next will be Mr. Bruce
25 A. Robertson to be followed by Mr. Bruce F. Harpham.

1 BRUCE ROBERTSON: Hi. My name is Bruce
2 Robertson, and I'm a resident of Federal Way. I've
3 heard a lot of talk tonight about the proposed
4 replacement relocation of wetlands, and I would like
5 just to remind the Board that replacing an ecosystem
6 is not as simple as just building a lego set. I
7 would just like to remind that at a time when we are
8 51 considering the destruction of our salmon
9 populations by development and, you know, this type
10 of development, this is a terrible thing to do.
11 It's basically just a poor excuse for development.
12 Thank you.

13 COLONEL MICHAEL RIGSBY: Next will be Mr. Bruce
14 F. Harpham to be followed by Mr. James J. Lilje.

15 BRUCE HARPHAM: Good evening. I would like to
16 thank you for this opportunity to speak on this
17 issue. I'm Bruce Harpham, and I don't live anywhere
18 within ten miles of the airport so I'm not a NIMBI
19 type of person here. I want that understood also.

20 I've served on the citizen's advisory committee
21 for the Mill Creek Special Area Management Plan. We
22 are talking now of dismembering that plan. I
23 started that process about five years ago and put in
24 a lot of personal time and energy managing. I know
25 that the Corps has got a lot of time energy and

1 money spent on that and so does the other agencies,
2 both state and local. This is not -- the site plan
3 here is not consistent with SAMP. I know that the
4 City of Auburn is unhappy about that situation, too.

5 52 All the time and energy that has been put into
6 that SAMP is now being destroyed. When you say that
7 the airport has done a good job of looking to
8 mitigation and so on, why weren't they looking at
9 that issue instead of picking a site that is not
10 consistent?

11 A couple of other things is we are very much in
12 favor of not destroying any wetland at all. When
13 you have to do it -- and supposedly you have to, but
14 we would like to believe that you'd never have to
15 53 touch a wetland. If you have to, it should stay in
16 the subbasin or else you're losing the system for
17 that subbasin. You shouldn't rob from Peter to pay
18 Paul. This is going out of basin. It is going out
19 of the watershed. It's totally ridiculous.

20 Some of the other issues, though, water
21 pollution impacts. Every time or time and time
22 54 again -- I shouldn't say "every." Sometimes people
23 do a good job of controlling the pollution, but time
24 and again we see the process fail. To clean it up,
25 it takes years. Sometimes it will never get fixed.

AR 035883

1 Siltation of streams, I see it all the time. It's a
2 54 problem. They say they are going to do it, but
3 there is not adequate penalties. We need to improve
4 that, not only on this issue but all other issues.

5 One of this things is ratios. The Miller Creek
6 salmon requires three to one. This is talking about
7 55 much less than that. We would like to see it five
8 to one because of the failure rate of mitigation
9 sites.

10 As far as the airport safety issue goes, I
11 would like to ask if they are serious, why do they
12 build and expand airports like San Francisco and all
13 the other airports around the country, JFK and so
14 56 on. that are sitting on the edge of wetlands. If
15 water is such an issue, Renton Airport -- are we
16 talking about draining Lake Washington to provide
17 safety for Renton Airport? Are we talking about the
18 averting the Duwamish River to provide safety for
19 the Boeing Field? It's bogus. It doesn't fit.

20 COLONEL MICHAEL RIGSBY: Next is Mr. James J.
21 Lilje to be followed Mr. Steven E. Leahy.

22 JAMES J. LILJE: Good evening. My name is
23 James Lilje. I am a captain with United Airlines
24 based here in Seattle. I'm currently flying Boeing
25 737s and our shuttle by United operations.

AR 035884

1 I'm here tonight to encourage you to approve
2 the 404 permit for the Port of Seattle, because as a
3 pilot, I'm keenly aware of the very real dangers
4 posed by bird strikes.

5 Wetlands attract large birds like geese and
6 ducks as well as flocking birds like starlings.
7 When a modern jet aircraft collides with a bird, the
8 encounter is not only fatal for the bird but also
9 often causes severe damage to the airplane.
10 Components frequently damaged in bird strikes are
11 the windshield, engines, nose, and wings. During
12 the five-year period from 1992 to 1996, 16 percent
13 of the bird strikes reported to the FAA resulted in
14 damage, with an average monetary loss of over
15 \$108,000.

16 Bird strikes not only cause economic loss but
17 have the potential of putting the passengers and the
18 crew of the aircraft in peril. The flight controls
19 can be damaged. Birds can be ingested into the
20 engines causing inflight failures. A large bird can
21 penetrate the windshield injuring and possibly
22 disabling the pilots.

23 The FAA reported that 14 percent of bird strike
24 incidents had an adverse affect on the flight. Over
25 the years, more than two hundred people in this

AR 035885

1 country have lost their lives in bird strike related
2 crashes. Most recently, in September of 1995, a
3 U.S. Air Force E-3B, which is a Boeing 707
4 derivative, crashed just after takeoff from
5 Elemendorf Air Force Base when it struck a large
6 flock of Canada Geese. Geese were ingested into two
7 of its engines causing both to lose power. The
8 aircraft was destroyed and all 24 people on board
9 were killed. Just last week, a jet departing
10 Sea-Tac Airport collided with a Canada Goose and had
11 to return to the airport to be checked out.

12 The closer to the ground an aircraft is, the
13 greater its exposure to bird strikes. 88 percent of
14 all bird strikes occur at an altitude of less than
15 2000 feet above the ground. 55 percent of all bird
16 strikes occur either when the aircraft is on the
17 ground during takeoff or landing roll are at an
18 altitude of less than 100 feet.

19 The only time that an air carrier aircraft
20 routinely operates at less than 2000 feet is during
21 takeoff and landing operations. It's obvious if
22 bird activity increases near an airport the
23 potential for bird strikes can rise greatly. This
24 is the reason the FAA has prohibited airports for
25 creating new wetlands within two miles of the

AR 035886

1 airport. It's my understanding that the Port of
2 Seattle was unable to find a potential site in the
3 Miller Creek basin large enough to accommodate the
4 new wetlands which is also more than two miles from
5 the airport.

6 As a pilot and on behalf of the passengers who
7 fly through Sea-Tac each year, I encourage you to
8 seriously consider the safety implications and
9 approve this permit. Thank you.

10 COLONEL MICHAEL RIGSBY: Next will be
11 Mr. Steven E. Leahy to be followed by Mr. Michael L.
12 Anderson.

13 STEVEN LEAHY: Colonel, thank you very much.
14 My name is Steve Leahy, and I'm the executive vice
15 president of the greater Seattle Chamber of Commerce
16 which has about 3,000 business members in the
17 Central Puget Sound area.

18 The rumble in the room recognizes the fact that
19 many of us have been in similar meetings like this
20 one over the last decade. Very few minds have been
21 changed. Much of what I would say tonight is
22 consistent absolutely with the position that the
23 regional business community has had the need for
24 expansion of our recent mitigation capacity for that
25 period of time.

AR 035887

1 As has been characterized by a previous
 2 speaker, 87 percent of this region's leaders is far
 3 beyond just the commissioners from the Port of
 4 Seattle that decided that expansion at Sea-Tac
 5 Airport was both the most economically viable and
 6 the environmental responsible to serve the entire
 7 Northwest and Western Washington needs.

8 Lots of comments here tonight are focused on
 9 very specific issues of environmental challenges and
 10 degradation. In the much broader study that was
 11 done in trying to look for sites for supplemental or
 12 new airports in this region there was far more
 13 massive environmental degradation than what we are
 14 talking about here that would have been at issue.
 15 This region's leaders decided a few years ago that
 16 this, while not a perfect solution, was the most
 17 viable and should be the one that we acted on.

18 We believe that there has been a good faith
 19 effort by both the Port of Seattle and numerous
 20 consultants engaged in exhaustive and comprehensive
 21 studies of this over the last number of years to
 22 finds ways to mitigate the wetlands, loss in the
 23 footprint of the land that needs to be filled.

24 As has already been said, this is not ideal,
 25 but it looks in our view to be practical and

AR 035888

1 reasonable and in doubling of the area that will be,
2 58 in fact, lost. On that basis, the greater Seattle
3 Chamber would hope that you would approve the
4 permit.

5 COLONEL MICHAEL RIGSBY: The next speaker will
6 be Mr. Michael L. Anderson to be followed by
7 Ms. Becky T. Cox.

8 MICHAEL ANDERSON: My name is Michael Anderson.
9 I'm a resident of Burien and and a member of CASE.

10 The Port of Seattle is proposing the
11 elimination of several acres of irreplaceable
12 wetlands in the process of constructing the third
13 runway at Sea-Tac Airport. The Port's plan to
14 59 create a wetland area in another watershed in no way
15 replaces the environment lost in the Miller and Des
16 Moines Creek Basin. The characteristics of the
17 impacted watersheds will have been changed in ways
18 that are unknown at this time and apparently the
19 Port has no intention of finding out the specific
20 details of this impact.

21 The magnitude of the project and its incomplete
22 description render its environmental impact
23 uncertain and potentially catastrophic. The effects
24 of adding millions of tons of fill on top of the
25 many underground watercourses are anyone's guess.

AR 035889

1 Perhaps a miracle will happen and nothing unforeseen
2 will occur during the proposed project. Even so,
3 the elimination of natural cover and modification of
4 60 the existing flowing surface streams will forever
5 reduce the possibility of restoring the Miller and
6 Des Moines Creek watersheds as viable salmon
7 spawning areas.

8 The proposed 26 million cubic yards of fill
9 will come from somewhere, and in Western Washington,
10 that somewhere is likely part of or in close
11 61 proximity to a wetland with problems of its own. No
12 planning has been forthcoming to prevent impacts to
13 those areas, but the proposed use of fill from Maury
14 Island has the potential for introduction for
15 62 arsenic contamination into the wetlands to be
16 filled. The consequences of this are unstudied and
17 unknown.

18 Aside from the fact that investigations of
19 alternative wetland mitigation have been inadequate,
20 even more basic alternative analyses have also been
21 given no consideration. For example, to justify the
22 project, the Port leans heavily on plans on claims
23 that Sea-Tac Airport operations are drastically
24 restricted due to visibility limitations and bad
25 weather.

AR 035890

1 The Port does not mention in its plan that the
2 FAA is part of its long range plan is proposing to
3 make a Global Positioning System, GPS, the nation's
4 primary aircraft sensor system but the year 2010.
5 GPS will make possible reduced visibility landings
6 in locations like Sea-Tac. The GPS based concept
7 called Local Area Augmentation System, LAAS for
8 short, is expected to be available and certified
9 before the end of the year 2000. At the very least,
10 the Port and the FAA should provide an analysis of
11 the improved approach and landing capabilities to be
12 achieved at Sea-Tac with the use of LAAS.

13 In summary, the project as proposed is poorly
14 planned and contains the seeds of potential
15 environmental consequences as yet undefined. If
16 allowed to proceed, the proposed wetland
17 construction will be a step toward the sterilization
18 of Miller and Des Moines Creeks and the eventual
19 destruction of the natural habitat they support.

20 Finally, in full analysis of option to the
21 project itself may reveal the third runway and its
22 associated environmental insults to be unnecessary.
23 All options must be thoroughly evaluated before
24 irreversible actions are taken. Granting the
25 requested permit will merely encourage huge

AR 035891

1 environmental, financial, and social costs with
2 little real benefit.

3 Please act to prevent further destruction of
4 our environment and deny the requested permit.

5 Thank you.

6 COLONEL MICHAEL RIGSBY: Next will be Becky T.
7 Cox, and she will be followed by Mr. Philip C.
8 Emerson.

9 BECKY COX: I am Becky Cox, representing the
10 League of Women Voters of King County, which is
11 comprised of the League of Women Voters of King
12 County South, the League of Women Voters of Seattle,
13 and the League of Women Voters of Lake Washington
14 East.

15 The League of Women Voters has had a long
16 standing environmental positions at local, state,
17 and national levels supporting the protection of
18 watersheds, maintenance of stream flows, protection
19 of aquifers as well as support for protection of
20 endangered species.

21 We believe the Port of Seattle has a unique
22 opportunity to demonstrate how protection of
23 watersheds, stream flows, aquifers, and endangered
24 species can be successfully integrated into a master
25 plan for Sea-Tac Airport. With the announcement

AR 035892

1 that the Chinook Salmon could be listed as an
2 endangered species in as few as twelve months, it is
3 even more critical for the Port to take the
4 initiative in this arena.

5 The three Leagues are requesting that revisions
6 be made to the Port of Seattle's application for
7 permits in accordance with Section 404 and a State
8 Water Qualification Certification.

9 We are specifically requesting that wetlands
10 numbered 1-15 and 34 not be part of the mitigation
11 process of the permit and the Port of Seattle should
12 be required to keep these wetlands in their natural
13 state. The wetlands are at the edge of the Port of
14 Seattle's proposed northern footprint and represent
15 29.28 acres or 20 percent of the wetland acreage
16 identified in the permit. The League can see no
17 danger to anyone or anything if the wetlands are
18 retained in the areas specified. We can see immense
19 benefit to the area both now and in the future.

20 The permit as presented to the Army Corps of
21 Engineers shows the upper portion of Miller Creek
22 with a straightened flume type channel. Without the
23 wetlands and with a straightened channel, the water
24 will run faster and cause downstream flooding. The
25 plan in the permit also shows storm water from a

AR 035893

1 proposed service road being sent directly into
2 Miller Creek. Science tells us that the most minute
3 quantity of the wrong chemical can mean the end of a
4 stream. Experience tells us that it happens. A
5 small amount of chlorine was inadvertently put in a
6 storm drain recently and everything was killed in a
7 Highline area stream.

8 The League requests that Miller Creek should
9 not be moved nor should it be the recipient of any
10 untreated waste water or storm water which might
11 contain contaminants. The Port of Seattle is an
12 up-stream user and is responsible for the quantity
13 and quality of the water for the down-stream users.
14 The same is true for Des Moines Creek.

15 The permit touched very lightly on the salmonid
16 population of both Miller Creek and Des Moines
17 Creek, we consider both of significance.

18 The wetlands are also closely linked to the
19 Highline Aquifer. The areas we designated are part
20 of the recharge area for the aquifer. The State
21 Water Use Assessment Program addresses concern about
22 aquifers and their ability to be recharged. The
23 Port of Seattle, the Army Corps of Engineers and the
24 State Department of Ecology should also be concerned
25 about the Highline Aquifer. It has been noted in

AR 035894

1 the ground water plan put forth by the Port that jet
2 fuel has been found in the southern wells of the
3 aquifer. there is no good scientific information to
4 prove that this fuel will never migrate to the
5 aquifer. A good example of how little is known
6 about underground migration is the migration of
7 atomic waste from Hanford toward the Columbia River.
8 As more of the area above the Highline Aquifer is
9 covered with impervious surfaces, less water is
10 available to recharge the aquifer.

11 COLONEL MICHAEL RIGSBY: Ma'am, if you could go
12 ahead and summarize, please.

13 BECKY COX: In summary, we are asking that the
14 permit not be issued as currently presented. We
15 want you to maintain wetlands 1-15 and 34 in their
16 natural state, retain the natural bed of Miller
17 Creek and keep it from being a repository for
18 service road run-off, provide the protection of the
19 Chinook Salmon, and address the availability and
20 protection of water for the recharging of the
21 Highline Aquifer.

22 COLONEL MICHAEL RIGSBY: Next will be
23 Mr. Philip C. Emerson to be followed by Candice L.
24 Corvari.

25 PHILIP EMERSON: The FAA did not say don't put

AR 035895

1 a lake or open water within ten thousand feet of a
2 runway. They said don't build a runway within
3 10,000 feet of water. Not many airport authorities
4 listened to the FAA or there wouldn't be so many
5 airports right on our oceans around the country.
6 For example, Renton Airport is right on the southern
7 end of Lake Washington. I don't hear them
8 complaining about birds.

9 70 If you look in the center map there, if the
10 Port wants to remove all of the water within ten
11 thousand feet of the runway, they better be prepared
12 to fill in the ponds on the golf course out by the
13 airport, Arrow Lake in Normandy Park, Lora Lake,
14 Lake Reba, Tub Lake, Arbor Lake, Bow Lake, small
15 sections of the Green River, Lake Burien, Angle
16 Lake, and portions of Puget Sound. Are they ready
17 to do that?

18 I have seen claims from the Port, or close to
19 the Port, saying they were going to fill in 7.6
20 acres and then 15 acres and then we don't know how
21 71 many acres because we don't have access to the
22 lands. I don't think permits can be issued when the
23 people don't even know what they are going to do.
24 Manmade wetlands fail too often to be considered as
25 replacement. When the replacement is ten miles away

AR 035896

1 from the drainage area, it is unacceptable.

2 Just a short side, there is another set of
3 wetlands in danger here also. The proposed borrow
4 sights in Des Moines where the Port wants to borrow
5 dirt for this project just happen to lie just east
6 of a fairly extensive set of wetlands. If the Port
7 takes much dirt out of those borrow sights as they
8 seem to want to, there will be some rather large
9 holes in the earth down there and guess what? Water
10 will run down hill. Pretty soon there will be big
11 mud holes and the wetland will be dry and then
12 they'll will have to fill in those big mud puddles
13 so that the birds can't hangout there, right? Now,
14 whoever is planning all this stuff needs to stop the
15 nonsense and find something to do.

72

16 We get our drinking water from aquifers that
17 are under this proposed runway. Seattle uses these
18 aquifers in the summer to supplement their water
19 supply. So far we are lucky enough that Sea-Tac
20 Airport has not polluted all of the aquifers, but
21 if they remove the recharge system and pile 26
22 million cubic yards of dirt on them, that's about 80
23 million tons or so, what's going to happen to those
24 aquifers? We will all end up buying bottled water
25 which is 600 times more than what we are paying now.

73

AR 035897

1 If the Port of Seattle is allowed to destroy
2 these wetlands, there will be nothing to filter the
3 pollutants out of the creeks and instead of killing
4 all the fish once every couple of years, the airport
5 will kill the creeks for good. Say goodbye to the
6 salmon, the herons and everything else that lives on
7 or in those creeks.

8 I have seen letters from the EPA and the
9 Department of the Interior stating the fact that the
10 Clean Water Act will be violated and unlawful
11 pollution will occur if these wetlands are destroyed
12 and we also saw their recommendations that this
13 permit should not be issued. I believe the Corps of
14 Engineers would be more than justified in denying
15 this permit.

16 I stand before you today and ask you to please
17 do the right thing, say no to the Port of Seattle,
18 and tell them to leave our wetlands alone by denying
19 this 404 permit. Thank you.

20 COLONEL MICHAEL RIGSBY: Next will be Candice
21 L. Corvari, and she will be last speaker before we
22 take a short break.

23 CANDICE CORVARI: My name is Candice L.
24 Corvari. Thank you, Colonel. Thank you all for
25 coming to this meeting and this hearing. I

AR 035898

1 appreciate your presence here. I'm copresident of
2 CASE, Citizens Against Sea-Tac Expansion. I come
3 here as a concerned citizen, a voice that will speak
4 the truth on behalf of CASE. We are engineers,
5 accountants, lawyers, teachers, parents, and
6 grandparents. Just like any other community, but we
7 have something no other community has to experience,
8 the loss of quality of life, our health environment,
9 and children's education.

10 I'm sure you all are aware of the definition of
11 hearing, a session for listening to arguments or
12 testimony, and that the definition of hear is to
13 listen to attentively, to learn by hearing. That is
14 why we are all present here tonight. To listen and
15 to learn.

16 The Port speaks of the public need for a third
17 runway. Yet they waste public money on \$1,000
18 chairs, marble floors, and a stream running through
19 their building. We need the streams running through
20 our communities.

21 The Port's scope of work is generalized, some
22 say manipulated. The Port says we have no
23 alternatives. I say yes, we do. The Port cannot be
24 trusted to know what is best for us. Please be our
25 mediator and have focus on the work and not the

AR 035899

1 Port's scope of work that is driven by ego and greed
2 without a clear vision of our environment.

3 What I do not understand is to have compassion
4 for a subject or point of view, you have to be
5 directly affected. I think it's ironic no Port
6 official or anybody else that is seeking for this
7 404 permit lives directly or is affected in the
8 community like Normandy Park, Burien, or Des Moines.

9 I'm very concerned with habitat degradation.
10 Specialists say that our aquifers are all connected.
11 That the peat bogs and wetlands are our kidneys. I
12 76 say we need healthy kidneys and that we have to be
13 very careful because the Port is the cancer that
14 would destroy our wetlands.

15 We love our community and want to see the our
16 habitat to be preserved. What is going to happen if
17 all that fill is placed on the aquifer? The weight
18 77 of the proposed fill will cause springs to erupt god
19 knows where. Is there a bottom to the peat bogs?
20 If the Port doesn't know, how much more fill is
21 going to be required and at what cost? US Fish and
22 Wildlife stated wetlands have to be replaced in the
23 same area. Isn't that what the Corps recommends as
24 78 well? How is making wetlands in Auburn help us?
25 Our Children? Our habitat?

AR 035900

1 What about seismic anomalies and faults that
2 run under the existing airport? Are they testing or
3 79 proposing to test determinations that will happen
4 with the proposed fill in an earthquake? What is
5 going to happen with the proposed stream removal?
6 The Port plans say there will be significant silt
7 runoff and sedimentation problems during
8 80 construction. What is significant? How much damage
9 or permanent losses? What happens to shellfish, eel
10 grass when this hits Puget Sounds? How will all of
11 this affect the eagles, blue herons, frogs, fish,
12 and other aquatic life?

13 If the wetlands are removed, it reduces the
14 aquifer recharge, therefore, there will be less
15 drinking water. We will all have to buy bottled and
16 81 at what cost. I happen to believe if we mess up our
17 wetlands and streams and let the Port of Seattle
18 pipe the runoff directly into the Sound without the
19 natural filtering system, we will be facing a whole
20 other issue in the future.

21 If they fill the wetlands, so far there is not
22 enough fill, and the fill that they have is from
23 82 contaminated sites on Maury Island that is arsenic
24 laced and these contaminates will end up in our
25 aquifers and pollute our drinking water supplies.

AR 035901

1 Bottom line is the Port wants to destroy something
2 that can't be replaced.

3 And to think all of this could be avoided
4 83 because we have feasible alternatives. Don't you
5 think it's ironic that we, as unpaid, educated
6 citizens have solutions for the Port?

7 COLONEL MICHAEL RIGSBY: We need you to go
8 ahead and summarize, please.

9 CANDICE CORVARI: But they aren't open to our
10 suggestions. GPS, other sites costing less money
11 83 and in less populated existing airports, high speed
12 rail, Mag/lev to Moses Lake.

13 My children are here tonight and as a mother,
14 I'm concerned about their health and welfare. What
15 happens to them if the water is polluted, the air is
16 polluted, and the classrooms are continually
17 polluted by noise? What legacy am I leaving for
18 them? We all, all of us in this room, are supposed
19 to be stewards of the land, the environment. What
20 kind of steward ruins, destroys the environment for
21 the sake of a few egos, for greed, for money, for
22 power?

23 I also want to comment to most of the people
24 that spoke in regards to accepting the 404 permit.
25 What's behind it? What do they have to lose?

AR 035902

1 Nothing. They are after the money. That's the
2 ultimate.

3 COLONEL MICHAEL RIGSBY: At this point we are
4 going to take a ten-minute break, and the first
5 speaker after the break will be Mr. Paul D. Tappel.

6 [Off the Record - Recess]

7 COLONEL MICHAEL RIGSBY: I need to tell you
8 that so far we have about 33 speakers. We have
9 about 55 people who have indicated a willingness to
10 speak. So in the order of time, I would ask you
11 that if a particular point that you want to make has
12 already been made multiple times, you can be sure
13 that we have noted that and we have it in the record
14 and we will be sure that that point is addressed.

15 If you could summarize quickly and not go over
16 some of the material that has been presented many
17 times, it will give us an opportunity to hear from
18 more speakers with the idea that the information we
19 have from the variety points of view on the balance
20 of this issue will definitely result in us being
21 able to make the decisions we need to make. If a
22 point has been made several times, could you
23 summarize quickly. We'll try to get as many
24 speakers, but we will stop at 11:00 p.m.

25 Mr. Tappel will be followed by Mr. Richter.

AR 035903

1 PAUL TAPPEL: I'm Paul Tappel. I'm a fisheries
2 biologist and a civil engineer, and I make my living
3 working on salmon enhancement projects and have in
4 the Pacific Northwest for the last 16 years, so I
5 thought I would start this session off with
6 something a little different. I've got some
7 technical information related to the permit.

8 I have looked at Miller Creek, and I'm going to
9 address, first of all, the Port's claims for storm
10 flow detention. They followed the WDOE guidelines
11 for the design of storm basins. Actually, resulting
12 from airport expansion, there would be a decrease
13 from five to twenty percent in ~~deep~~^{peak} flow runoff.
14 84 The technical details are in the EIS, but I wanted
15 to point that out tonight. Consider that a benefit
16 for the stream of undoing a little bit of the
17 cumulative impacts in the basin caused by all human
18 uses.

19 Also, the Port has proposed a three-quarter
20 mile by a hundred foot wide buffer zone along part
21 85 of Miller Creek. Several people have mentioned
22 that. That would be a benefit to the stream by
23 allowing recovery of the riparian area.

24 The proposed relocation of the stream that has
25 been discussed. The existing stream is a small

AR 035904

1 channel that was excavated by people. It's not a
2 natural channel. It will not be a natural channel
3 86 when the airport expansion is done. My opinion as a
4 professional biologist is that this is a minor
5 detrimental impact to the stream.

6 The last issue I want to talk about is directly
7 related to the 404 section permit is the estimated
8 decrease in late summer flow in the creek caused by
9 filling wetlands and the loss of infiltration. I
10 made a minor adjustment and calculations in the EIS.
11 87 I'm a number cruncher and so I went through and
12 using the methodology in the EIS, I think, were
13 appropriate. The loss of late summer stream flow in
14 Miller Creek would be estimated about 26 percent,
15 and the other seven percent loss of the flow
16 estimated in the EIS is related to filling upland
17 areas, not wetlands.

18 I wanted to talk briefly about endangered
19 species. They have been mentioned several times.
20 Chinook Salmon, which are proposed for listing as a
21 threatened, do not exist in Miller Creek. Miller
22 88 Creek will not be designated as critical habitat so
23 any discussion about Chinook Salmon is inappropriate
24 for these systems. There are other species where
25 listings may come up in the next few years, and we

AR 035905

1 can look ahead and think about that. In general,
2 the requirements after critical habitat is
3 designated is that there be no net loss of habitat
4 or population for that specific species, and that
5 would be through several consultations with the
6 Corps.

7 I think that the Port has met that threshold
8 requirement in that I see that the minor changes to
9 Miller Creek -- there is two changes that are
10 89 positive and two that are negative, and I consider
11 all of them relatively minor given the large scale
12 large term impacts of development throughout the
13 entire watershed. Thank you.

14 COLONEL MICHAEL RIGSBY: The next speaker will
15 be Russ Richter to be followed by Mrs. Rose B.
16 Clark.

17 RUSS RICHTER: Gentlemen, thank you. Sea-Tac
18 Airport has constructed a waterproof concrete
19 structure over some of their real estate and intends
20 additional expansion. This roofing will never
21 90 purify water, be a storage cistern, provide flood
22 control, or furnish clean water for humans and
23 wildlife. The water runoff from Sea-Tac Airport has
24 polluted the aquifer beneath the airport, the same
25 aquifer from which or communities get their water

AR 035906

1 supply. Sea-Tac runoff also flows into a natural
2 wetland which contains cattails, bushes, sedges,
3 grasses, willows, and alders in a swampland with
4 91 millions of tiny living organisms that provide us
5 with an urgently needed water resource. This
6 wetland has existed for centuries, set in a specific
7 location, providing layers of natural pollutant
8 strainers, and an organic sponge which cleans and
9 stores our diminishing water resource.

10 Some assume that this wetland harbors ducks
11 which endanger flying aircraft. As a result, they
12 advocate destruction of the ecosystem. This wetland
13 does not support a threatening duck, crow, or
14 92 seagull populations. The birds that I have been
15 able to track, fly from Puget Sound to Angle Lake.
16 I have never heard of any waterfowl/aircraft
17 collisions nor heard explosive charges which are
18 common at Boeing Field International to discourage
19 ducks at Seat-Tac Airport. I do not advocate
20 destroying Puget Sound or Angle Lake because of
21 their duck population.

22 I was pleased to review the U.S. Army Corps of
23 Engineers' service to the Nation brochure, and its
24 pledge concerning preservation and protection of
25 wetlands. It fortifies both Vice President Gore's

AR 035907

1 and my opinion on wetland preservation. King County
2 is rapidly growing in population. As a result, our
3 need for water increases; preservation is crucial.
4 The Sammamish Plateau and the Covington area are
5 already experiencing water shortages. I urge the
6 U.S. Army Corps of Engineers to protect and not
7 destroy this wetland.

8 It is impossible to relocate a wetland to a
9 completely different watershed and consider it
10 mitigation for the loss of wetland in the original
11 watershed; such reasoning is folly. A wetland
12 filled in the guise of relocation will only remove
13 its existence. Man and his machinery do not belong
14 on wetlands. Please heed Oregon's warning
15 concerning destruction of the Willamette River and
16 Valley, and their effort now to rebuild what has
17 been destroyed. Don't destroy our wetlands.

18 In conclusion, what cost-effective study
19 alternatives do you have to avoid wetland
20 destruction? I recommend adherence to your pledge
21 93 to protect wetlands. Do not allow the power of
22 commercial enterprise to taint your decision.
23 Please reject the Section 404 permit submitted by
24 the Port of Seattle. Thank you.

25 COLONEL MICHAEL RIGSBY: Next will be Mrs. Rose

AR 035908

1 E. Clark to be followed by Chris Clifford.

2 ROSE CLARK: Thank you. Do you feel the anger
3 of my fellow citizens tonight? It is because we
4 have experienced Port of Seattle's mitigation all of
5 our lives. You need to know that the Port of
6 Seattle has been on top of our aquifer for 50 years.
7 They had a handshake mitigation deal with King
8 County and the local communities when they expanded
9 in the 70's, and they did nothing that they promised
10 to these communities as far as mitigation efforts go
11 until they decided that they needed a third runway.
12 That includes doing nothing when they spilled many
13 94 times into our creeks, at one point 17,000 gallons
14 of jet fuel. I don't think the fish like that too
15 well. The local folks didn't like it either, but
16 they had to clean it up. There was no help. Their
17 track record protecting our wetlands and streams is
18 horrible. We have it to look at that, and you
19 should look at that also.

20 The firm of Lonestar Northwest, a Japanese
21 firm, this is not the Lonestar Northwest that we're
22 used from years ago, is seeking to update its 1970's
23 air permit for gravel mining on Maury Island. They
24 seek to move 7.5 million cubic yards of gravel per
25 year for three years. This gravel is only suitable

AR 035909

1 for fill. It is estimated that this fill contains
2 three times the normal amount of arsenic. While the
3 removal of this fill from the top of the 50-foot
4 95 aquifer on Maury should require your attention, it
5 also deserves your attention as potential fill on
6 top of our aquifer where we will more than likely
7 need to be drawing water and also the streams that
8 come and go through the homes of many folks.

9 The Port of Seattle admitted in its
10 environmental impact statement that filling wetlands
11 96 will mean sediment, deicing chemicals, and heavy
12 metals will reach Miller and Des Moines Creek. They
13 ignore Walker that is there also.

14 We ask that you insist that mitigation for
15 streams and wetlands that are already damaged by the
16 Port of Seattle begin immediately on these very
17 97 streams, and you could begin with one located in
18 Burien between 168th and 176th S. from Des Moines to
19 509. It's already been severely impacted. If a
20 devastating thing happened since these wetlands are
21 filled, it's a more acceptable mitigation site than
22 Auburn. Thank you.

23 COLONEL MICHAEL RIGSBY: The next speaker will
24 be Chris Clifford to be followed by John T. Welch.

25 CHRIS CLIFFORD: You know, I'd just like to

AR 035910

1 point one a couple of the comments I have heard
2 tonight. I heard the FAA come up here tonight and
3 say we continue to believe that no viable
4 alternative exists.

5 Well, sir, the reason they don't believe that
6 is because they haven't done an alternative
7 analysis, and I would like you to look at this.
8 This is the alternative analysis that you require
9 for the Auburn race track, Emerald Downs. This is
10 not in the file of the Port of Seattle because they
11 haven't done this at all. They have not shown
12 conclusively that this is the most economically
13 viable alternative accoupled with the environmental
14 damage that they are doing.

15 The other one I have heard is that the FAA
16 decides that they don't want to have runways built
17 with wildlife within 10,000 square feet. Where are
18 you going to build your runway, Chernobyl? What a
19 ridiculous assumption. To talk about mitigation
20 here and bird strikes where in Washington we exist
21 right in the middle of a major migratory waterfowl
22 migration route, please give us a break. What State
23 are these people living in, because they obviously
24 don't live locally.

25 The other thing is I would ask you: If a

AR 035911

1 private developer came and asked you for this permit
2 and said, okay, I want to fill the headwaters of a
3 couple of creeks and bury them under 20.6 million
4 cubic yards of dirt. I want to show you -- not
5 doing alternative analysis. I don't want to show
6 you that it's the least harmful and economically
7 viable alternative. I want to do off-site
8 mitigation, which by the way make it more difficult
9 for people to develop and mitigate in the Green
10 River Basin; and also, ignore my history, ignore the
11 history that I cheated when I did the noise study
12 impact by having the flight paths altered so they
13 didn't go over the noise meters. Forget the fact
14 that I have been discharging pollutants into those
15 two creeks. I guess that's one way to get rid of
16 that wildlife that's around. How about the failure
17 that I had to mitigate as I promised to do over 20
18 years ago and have yet complete that mitigation as
19 promised. By the way, just overlook all those
20 public comments about my declared limits on what I'm
21 going to spend and do in terms of mitigation for
22 this project. Just ignore that. Okay? Knowing
23 you, you would tell that private developer to please
24 take a very serious hike off a very short dock.

25 We are trusting in you to apply the law fairly

AR 035912

1 and not look at this 800 pound gorilla sitting on
2 this plateau, but look at it and say have you
3 followed the law? Is this in the best interest of
4 the welfare of the people? Have you answered where
5 the fill will come from? Have you answered the
6 questions about the creeks and the mitigation? Have
7 you done the alternative analysis? Have you shown
8 that it is economically the most viable alternative,
9 because they haven't. Madigan is more viable,
10 Everett more viable, Paine Field. By the way, this
11 is only a 15-year solution. The Port says that in
12 their EIS. This will only solve their problem for
13 15 years, and you are going destroy this environment
14 forever.

15 I don't believe that when I do the check and
16 balance on all of this that it weighs out fairly. I
17 would urge you to either deny the permit outright or
18 in the very least make them do what you have made
19 others do before them, an alternative analysis and
20 the economic feasibility versus environmental harm
21 and show why this is not a boondoggle and why we
22 can't do it more cheaply at Paine Field or down at
23 Madigan. Thank you.

24 COLONEL MICHAEL RIGSBY: Next will be
25 Mr. Lawrence J. Corvari to be followed by Mrs. Sandy

AR 035913

1 J. Miedema.

2 LAWRENCE CORVARI: I know those Italian names
3 always screw people up. You've pronounced it
4 correctly, and I want to thank you.

5 My name is Larry Corvari. I'm co-president of
6 CASE. You've heard the better half already speak to
7 you. You've already heard and will continue to hear
8 from people tonight and groups tonight that stand to
9 make a significant financial gain if this permit is
10 approved. People from the trucking industry, Port
11 interests and lobbyists, downtown greater Seattle.
12 Lesser Seattle in my mind.

13 I'm here to express community interest,
14 interests having to do with saving what cannot be to
15 reproduced or replicated. The group I represent has
16 no financial interest in seeing the permit approved.
17 Our members of CASE, which is about a thousand, are
18 concerned citizens in the Southwest King County.
19 They have been fighting this battle for over 20
20 years. Their members include current and retired
21 water commissioners, current and retired sewer
22 commissioners, environmentalists, aerospace
23 managers, engineers, and physicists, who envision
24 that this will be so expensive that it will hurt the
25 aerospace industry, State of Washington senators and

1 representatives as well as locally elected officials
2 as well as consultants.

3 Regarding the destruction of the wetlands and
4 construction of the third runway, this may make it
5 impossible to implement the "A" card plan to be
6 developed under the new NPDES permit by eliminating
7 land and using resources that otherwise could be
8 used to control pollution, such as, deicing pads.
9 The permit consideration should be delayed until
10 resolution of significant technical and cost issues
11 that could eliminate the possibility of a third
12 runway, including, determining the impact of
13 proposed endangered species destination for salmon,
14 complete in 1997 ground water study required by the
15 Department of Ecology agreed order 97TC-9122,
16 reconcile the discrepancies between EIS landslide
17 hazards and King County maps, including, Miller
18 Creek land site scars, conduct soil and erosion
19 studies based on the fact that the EIS states that
20 the 1952 data is believed to be invalid for the area
21 south of 192nd, complete the University of
22 Washington earthquake fault study and resolution of
23 current proposed to increase the uniform building
24 code for Puget Sound seismic reading from three to
25 four.

1 I'm doing a quick editing here. I'm losing
2 time fast. I see the sign. Basically we have made
3 the compelling argument against granting of the
4 Section 404(B)(1) permit. We have provided
5 documentation to that extent to your staff.

6 Our position is that there is already
7 sufficient data available to warrant denying the
8 permit. However, if it is the intent of the Corps
9 of Engineers to grant the permit to delay its
10 issuance, we respectfully request that a special
11 technical forum be held so that our technical
12 experts can discuss the issue with the Corps of
13 Engineers effectively.

14 On behalf of CASE, thank you for holding this
15 public hearing. Take the reasonable fact based
16 morally correct action and don't allow the Port of
17 Seattle to forever destroy what nature has provided
18 us. Save our water. Save our valuable wetlands. I
19 repeat, save our water. Save our wetlands. Thank
20 you.

21 COLONEL MICHAEL RIGSBY: The next speaker will
22 be Mrs. Sandy J. Miedema to be followed by Mr. Jeff
23 Ferrell.

24 SANDY MIEDEMA: My name is Sandy Miedema. I'm
25 a resident of Burien. Most of my speech has already

1 been covered. I just want to say enough
2 environmental harm has already been done in the
3 past, and it's time to leave or natural environment
4 alone before it's too late. Therefore, I am opposed
5 to the issuance of permit 404 to the Port.

6 COLONEL MICHAEL RIGSBY: Next is Mr. Jeff
7 Ferrell to be followed by Mrs. Mary R. Witting.

8 JEFF FERRELL: Good evening, Colonel. Thank
9 you for the opportunity to address you this evening.

10 First, I would like to make a couple of
11 comments, from a gentleman, Mr. Segale, who
12 represents Segale Business Park. I would like to
13 call it what it really is, it's Segale Construction,
14 Segale Sand and Gravel in Auburn, Segale dump trucks
15 that are running in out of Sea-Tac off 188th 24
16 hours a day seven days a week. I would also like to
17 ask him a question, and he can answer me after this,
18 is that how much of this mitigation is currently
19 owned by Segale Incorporated?

20 Now for my statement. Thank you. My name is
21 Jeff Ferrell. I'm a private citizen, and I ask you
22 to reject this and all future applications for a 404
23 permit. I do not live in Auburn. I do not live in
24 Sea-Tac. I live in the City of Burien.

25 The destruction of these wetlands affect many

1 diverse communities other than Sea-Tac and Auburn.
2 Also, Emerald Downs wetland mitigation was within a
3 stones throw. According to recent studies, hundreds
4 of Washington State businesses, plants, and animal
5 life, besides fisheries that are currently on the
6 endangered list, are being recklessly destroyed
7 every year. Species that are violating the human
8 health care research.

9 Sufficient studies have not been done to
10 evaluate the existence or nonexistence of these
11 endangered species as well as studying the
12 affectiveness of relocating or repopulating any of
13 this endangered species to a specific wetland
14 mitigation.

15 I would like to also find out if there -- are
16 there any citizens that is for the degradation of
17 this valuable wetland? I don't see any here, or is
18 it that we all suspect, only by the Port of Seattle
19 and their own representatives.

20 Again, reject this application. Thank you very
21 much.

22 COLONEL MICHAEL RIGSBY: The next speaker is
23 Mrs. Mary L. Witting. Mrs. Witting? Next is
24 Mr. Simon J. Miedema to be followed by Mr. Stuart P.
25 Weiss.

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SIMON J. MIEDEMA: I have been asked to represent the Sierra Club in opposing the destruction of the wetlands for the third runway. Several important issues must be addressed which would require an EIS review. No. 1, since the port has not submitted procedures to excavate, transport and the placement of the fill material, what will be the adverse effects on the environment, wetlands, plant, animal, aquatic life, water, and air quality surrounding both the borrow sites and the haul routes? How will the aforementioned be protected?

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No. 2, will the placement of the fill dirt on the existing wetlands provide a stable foundation that would not be subject to seismic activity, such as, placing a stack of cookies on a bowl of jello?

109

No. 3, what effects will the fill dirt compacted to 98 percent and other nonporous, concrete, et cetera, material have on the recharging of the aquifer?

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No. 4, why has the Port not explored expanding or enhancing existing wetlands in the same watershed?

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No. 5, why has the Port not attempted to make a detailed short or long term plan to establish and maintain viable wetlands in the Auburn area?

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1 Until the funding for the entire project and
2 the consent of the airlines, both of which are in
3 question, is resolved, the issue of a 404 permit is
4 premature. This probable defunct project would
5 cause irreversible damage to the environment.

6 Also, as a personal note, I sincerely believe
7 that there must be -- the Port must have a secret
8 agreement with these contractors as they will go
9 through hell and high water and spend millions of
10 dollars to fulfill their agreements. Thank you.

11 COLONEL MICHAEL RIGSBY: The next speaker will
12 be Stuart P. Weiss to be followed by Juleen H.
13 Mattern.

14 STUART WEISS: I'm Stuart Weiss a lifelong
15 resident of SE Seattle whose home lies within the
16 jet plane blast zone.

17 Filled-in wetland and impervious ground
18 coverings will reduce surface water available to
19 supply the underground aquifers around Sea-Tac
20 Airport. These are the source of domestic water
21 supplies for surrounding communities and the City of
22 Seattle. This may lead to water shortages and
23 possibly no water periods. The Auburn wetland
24 replacement will do nothing to replace the lost
25 surface water needed to recharge the local aquifers.

1 Sea-Tac Airport presently does a poor job of
2 controlling poison which drain into streams and the
3 earth. Among these are kerosene jet fuel, deicing
4 glycols, and lubricants. It is reported that some
5 airlines use glycols the year around to protect
6 planes against icing at high altitudes. Other
7 reports indicate that jet plains routinely dump fuel
8 into the atmosphere when they arrive with too much
9 fuel weight for the poorly designed landing gear to
10 handle safely.

11 Please require the Port of Seattle to
12 immediately provide funding for a project and gather
13 all surface water from present and future Sea-Tac
14 Airport facilities including runways and taxi
15 strips. This water must be stored and treated to
16 one hundred percent purity so that it can be fed
17 back into the aquifers and/or domestic water
18 supplies. This should be under direct control of
19 the U.S. Army Corps of Engineers for design,
20 construction, and operation. the Port of Seattle
21 cannot be relied upon to do a satisfactory job.

22 Probably over a million people in and between
23 Seattle and Tacoma are being blasted by jet plane
24 noise and poisoned by jet fuel air pollution. The
25 third runway will make it worse.

1 Please examine all possible environmental
2 impacts including traffic, noise, storm water
3 runoff, atmospheric pollution, and fish habitat.
4 The Sea-Tac Airport violates all known laws on
5 noise, air, water, earth pollutions. If it were a
6 private business, it would have been closed down a
7 long, long time ago. Thank you very much.

8 COLONEL MICHAEL RIGSBY: Next is Juleen H.
9 Mattern to be followed by Mrs. Molly J. Nordhaus.

10 JULEEN MATTERN: Yes. Thank you, Colonel, for
11 allowing the opportunity to be here tonight. My
12 name is Juleen Mattern, and I'm a resident of
13 Normandy Park. When I and my family moved to
14 Normandy Park in 1981, the audible evidence of
15 Sea-Tac Airport was minimal. Today, rarely a
16 moment passes, either day or night, that the
17 airwaves fail to reverberate with the pollution
18 noise of landing and departing aircraft, spewing
19 toxic fumes of jet fuel exhaust onto and into our
20 homes.

21 If that weren't enough, the third runway
22 airport expansion, already declared out of control
23 by the Port Authority itself, threatens to swallow
24 up residents of the area, water supplies and wetland
25 alike as it moves ever westward. Not long ago we

1 are promised that there would never be a third
 2 runway. If the third runway is built, might there
 3 not be a fourth and a fifth built over the false
 4 promises of the agency deciding these matters?

5 We have heard tonight that the third runway
 6 construction project seriously threatens a major
 7 119 aquifer, the source of an essential water supply
 8 which lies directly under the proposed third runway
 9 construction site. Add to this the total and
 10 irreversible destruction of a vast wetlands and
 11 120 natural creeks supporting fish and wildlife and
 12 species of unique plant life. If a permit to build
 13 the third runway is issued, these will be destroyed.

14 To allow this to happen flies in the face of
 15 what is reasonably and fair and openly violates the
 16 mores of conscionable persons whose aim is to
 17 preserve our natural habitat, not to destroy it.
 18 When viewed in their proper perspective, these
 19 issues alone should provide sufficient cause for the
 20 U.S. Army Corps of Engineers to deny issuance of a
 21 permit to build a third runway.

22 We have been told by the media press that the
 23 third runway will require the purchase, hauling, and
 24 dumping of millions of tons of fill dirt to serve as
 25 base for the runway. Add to this the millions of

1 tons of poured concrete for the runway itself. This
 2 raises several serious questions, none of which have
 3 been answered but which need to be resolved fully
 4 before any permits are issued.

5 Question: What is the supply source of the
 6 fill dirt? What is its quality? Also, what is the
 7 cost? It is reasonable to believe that the Port
 8 Authority will purchase fill dirt at the cheapest
 9 rate available. It is rumored that one source from
 10 a nearby island contains toxins such as arsenic.
 11 121 Perhaps there is a contaminated waste dump that lies
 12 undetected but needs cleaning up. Would that be
 13 used? And who would monitor the quality of the fill-
 14 dirt. What if toxic wastes are used. What is to
 15 contain them from leaching onto the adjoining lands
 16 and into the aquifer and the creeks cited earlier?

17 Question: What is the amount of fill dirt
 18 required to complete the third runway and related to
 19 122 this is the time element allotted to haul in and
 20 dump the fill dirt? To date no specific amount or
 21 time has been forthcoming.

22 Question: What, if anything, would we know
 23 about the environmental impact on abutting lands to
 24 123 the project? What do we know about the
 25 substructures beneath where the tons and million f

1 tons of fill and concrete are to be placed? The
2 wetlands area contains a peat bog on which there is
3 a sewer line. where might the sink holes develop as
4 the millions of tons of fill dirt settle over time?

5 Question: How can a permit be issued when our
6 very own King county Council has come out against
7 filling in our wetlands?

8 COLONEL MICHAEL RIGSBY: Sir, we need you to
9 summarize.

10 JULEEN MATTERN: Question: Why does the
11 Seattle Port Authority speak on the one hand of
12 mitigation while on the other hand favoring the
13 destruction of our wetlands? Mitigation means to
14 make whole not destroy. Again, once our wetlands
15 are destroyed, they are gone forever along with the
16 ecology they support, the wildlife, fish, frogs,
17 small animal life, the fertility generated to
18 nourish surrounding areas, the air we breathe, and
19 the visual beauty that enriches our landscape.

20 While the FAA may rule that no airport should
21 be within 10,000 feet of lakes, streams, and/or
22 wildlife habitats, the administration would do well
23 to understand that our wetlands in question have
24 been here long before Sea-Tac Airport was conceived.
25 So were the FAA to act responsibly in this matter,

1 it would recognize this fact and recommend the
2 reduction in size of the Airport, abatement of the
3 noise pollution, air pollution and the ethylene
4 glycol pollution that encroach our air.

5 Ladies and gentleman, distinguished members of
6 the U.S. Army Corps of Engineers, the questions I
7 have raised and the issues cited all of which to
8 date are unanswered renders nonsensical the issuing
9 of any permit since to date no one really knows that
10 the permit allows. It is imperative that all
11 interested parties be apprised of the permits
12 contents prior to any issuance, and that ample time
13 and effort be expended to study and thoroughly
14 examine all evidence surrounding the issues. Both
15 the immediate and the potential long range problems
16 associated with this project are serious enough to
17 warrant their resolution in a manner resulting in
18 the least amount of damage and/or suffering both to
19 the environment and to the citizens residing in the
20 area. Thank you.

21 COLONEL MICHAEL RIGSBY: Next is Molly J.
22 Nordhaus, and she will be followed by Pamela A.
23 Jordan.

24 MOLLY NORDHAUS: I'm Molly Nordhaus and a
25 resident of Burien. We first moved to the High in

1 area 35 years ago, and at that time people and
2 nature lived fairly harmoniously together. I
3 remember watching a family of ducks waddling from a
4 lake above us down to Puget Sound.

5 Nowadays we see far fewer ducks in the air and
6 the water, fewer foxes on land, fewer fish in the
7 streams. Part of this loss is due to more people in
8 the area, but much is also because of the
9 destruction of wetlands.

10 The Port of Seattle's airport expansion project
11 will further degrade our area if this Section 404
12 permit application is granted. We can look forward
13 to eventually an asphalt desert, a grey ghetto far
14 worse than that in Los Angeles today. Everyone who
15 lives in Seattle and loves this city should be up in
16 arms, not just those of us living south of Seattle.

17 The decision of the Port of Seattle to give our
18 wetlands to Auburn is a political decision and
19 completely unfair to the Highline area of people.
20 We have aquifers that need to be recharged, surface
21 drainage water that needs to be purified, flooding
22 that needs to be controlled by means of wetlands.
23 Wetlands destroyed are gone forever. Even
24 replacement in the same watershed is a chancy
25 business as any environmental scientist can tell

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1 you, but it should be at least considered.

2 Filling in 11.42 acres of wetlands, plus
3 filling and relocating parts of Miller and Des
4 Moines Creeks leaves little chance for endangered
5 salmon and other aquatic life to survive. Piling 23
6 million or more cubic yards of dirt onto our fragile
7 ecosystem is contrary to any concept of
8 environmental justice or fairness.

9 We believe that our governmental agencies
10 should be supporting healthy ecosystems, not just
11 for plants and animals, but also for the quality of
12 people's lives.

13 COLONEL MICHAEL RIGSBY: Next is Pamela A.
14 Jarvis. Pamela Jarvis? Next is Ms. Ingrid W.
15 Hansen. Ingrid Hansen? Next is Ms. Joanne E. Cox,
16 and she'll be followed by Charles T. and Charolette
17 M. Sullivan.

18 JOANNE COX: Thank you, Colonel. I need to say
19 that I am supportive of all of the speakers tonight
20 who have opposed this permit. I strongly object to
21 the permit that allows this destruction of these
22 creeks and the wetlands and move to a totally
23 unrelated watershed. It's ridiculous to think that
24 moving this natural wetland to a totally different
25 area is going to be viable. It won't be there fo:

1 the long-term.

2 There are in place rules, regulations, and
3 policies, some of the Corps, some of the State's,
4 some of the local municipalities, regarding
5 wetlands. We have to live by the rules established
6 by these organizations. The Port needs to learn to
7 live by those same rules. I would encourage that
8 the rules and regs that we have on the books be
9 implemented.

10 The Port of Seattle has been contemptuous of
11 these rules and regs that are in place to protect
12 our environment and our communities. The Port is
13 required by law to fix the environment that it
14 damages and it has destroyed. That doesn't mean to
15 destroy to fix the environment in another area.

16 The logistics of the Sea-Tac expansion, which
17 is the largest move in this country that you have
18 ever seen, is beyond this scope and capability of
19 the Port according to our own papers. The extent of
20 the potential for damage to our water supply, the
21 quality of air we breathe, and the general health of
22 the community is really unknown at this time.
23 Certainly the potential for damage of our
24 environment is supposed to minimize by the Port's
25 EIS.

1 Those who carefully analyze the Port's EIS
2 deliberately disorganized or are misleading based on
3 this information designed to fit the Port's agenda
4 regardless of the damage. However, it does admit
5 that those wetlands means more sediment, deicing
6 chemicals, and heavy metals in our local streams and
7 water supply. The logistics of transporting the
8 dirt that goes on top of the aquifer is overwhelming
9 and further threatens the environment with the
10 levels of the dirt dust left behind.

11 Regardless of what we have heard here from
12 people who are concerned about job security, my
13 concern is the health of this community and this
14 environment. Thank you.

15 COLONEL MICHAEL RIGSBY: The next speaker are
16 Charles T. Sullivan, to be followed by Ruth
17 Williams.

18 CHARLES SULLIVAN: I am Charles Sullivan, and I
19 am a resident of Normandy Park. I have a prepared
20 statement which I have submitted, and I would just
21 simply like to state that my wife and I are of the
22 opinion that this permit should be denied based on
23 what those who are opposed to it previously have
24 said. Thank you.

25 COLONEL MICHAEL RIGSBY: The next speaker is

1 Ruth Williams. Ruth Williams? Next is Vincent M.
 2 Matthews. Vincent Matthews? Next is Mr. Pierre H.
 3 Matthews to be followed by Mr. Al Furney.

4 PIERRE MATTHEWS: I'll have to abbreviate. My
 5 name is Pierre Matthews. I live at 15929 Maple Wild
 6 Ave., SW. That's Burien.

7 A lot of what I intended the say has been said
 8 tonight. I do have a few things to say, though.
 9 The proposed scheme for rerouting Miller and Des
 10 Moines Creeks, it ignores the devastating affects in
 11 rerouting, because to prepare the site, to receive
 12 the runway bill, hundreds, perhaps thousands of
 13 yards of unsuitable fill is going to have to be
 14 moved to provide for the structural base for the
 15 fill material. The area is going to be like a strip
 16 mine, and the way strip mines work they destroy
 17 everything down stream so that once they strip it
 18 out, it is going to be gone. Of course, the Port
 19 and the FAA saying no problem, but then they are
 20 dealing in hot air so they are not associated with
 21 the ground work.

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22 You know, the streams that we have are modest,
 23 but the same rules that apply to the Colorado, the
 24 Columbia, or the Sacramento River should apply here
 25 as well. I mean there should be no distinction from

1 the waterways for size. It's procedures and the
2 methods used to control and mitigate these things.

3 Another item that was unmentioned by the FAA is
4 the fact that Auburn also has an airport that is
5 fairly so close so that if they are going to move
6 the birds from the Sea-Tac area, they are moving
7 them to Auburn which also has an airport which means
8 that the Port and the FAA are for the birds.

9 COLONEL MICHAEL RIGSBY: Next is Mr. Al Furney
10 to be followed by Mr. Wallace K. Meyers.

11 AL FURNEY: That's a hard act to follow. Thank
12 you. Good evening, Colonel, and panel. My name is
13 Al Furney, and I'm serving as the president of the
14 Regional Commission on the Airport Affairs which is
15 a nonprofit organization involved in airport
16 transportation planning issues here in Puget Sound
17 Region.

18 We have have been closely following the Sea-Tac
19 expansion issue here for the last four to five
20 years, and I have some submitted comments to you
21 previously, several hundred pages, in fact, and I
22 would just like to summarize my comments here
23 because you will be provided some more comments to
24 you here in the near future in written form.

25 Briefly, the Port of Seattle is proposing to

1 elimination of an as yet undetermined number of
2 acres of wetlands and as yet undetermined length of
3 streams and creeks located in both the Miller Creek
4 and Des Moines Creek basin systems. I emphasize the
5 term "undetermined" because of the extent of the
6 wetlands and streams which the Port of Seattle
7 proposes to destroy are, by the Port's own
8 admission, unknown at this time.

9 Please note that in the footnote on Page 1 of
10 the permit application which the Port has provided
11 to the Corps, the Port states in the small footnote,
12 the quantity of wetlands to be filled is based on
13 the best information at this time. It is possible
14 that some additional wetland areas and acreage could
15 be identified when access is available to all
16 wetlands in the future project area. By access,
17 what the Port is referring to is the green area
18 which you see to the north of the yellow boundaries
19 in Sea-Tac Airport which is designated in the
20 comprehensive plan as the local City of Sea-Tac as
21 the west side area. It constitutes an area of
22 approximately 240 acres most of which has not been
23 purchased yet by the Port.

24 I should emphasize that I'm speaking to you as
25 a public organization. I have to summarize very

1 quickly there.

2 The Port has not even studied the impacts of
3 the area. It has not acquired yet. I would raise
4 the question why should this permit entail an area
5 that the Port currently does not own. The scope of
6 the permit is uncertain.

7 The FAA advisory circular bears certain
8 scrutiny. I think the misinformation that has been
9 provided by some of the testifiers here needs to be
10 articulated more carefully. There is a difference
11 between mandatory law as required to be complied
12 with by the Corps of Engineers. The regulatory
13 advice in the form of an advisory circular promoted
14 by a federal agency that is not mandatory federal
15 law that the Corps of Engineers is obligated to
16 require the permittee to comply with.

17 Also, in the interest of remedy, I would like
18 to ask the Corps and the Department of Ecology to
19 take judicial notice of the permit appeal that has
20 been filed recently against the Port of Seattle
21 NPDES permits. We'll be submitting copies of that.
22 Until that is resolved, the Section 401 water
23 quality certification should be put on hold pending
24 resolution of that appeal and the other issues that
25 have been raised at this public comments.

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1 I'm going to submit to you in form of our
2 written comments, the passenger facility charge
3 application that's been recently filed by the Port.
4 That indicates very clearly the tenuousness of this
5 runway project. The financing scheme is a deck of
6 cards.

7 I don't know if the United Airline pilot is
8 here, but I would like to inform him that his
9 employer has officially gone on the record as
10 disapproving this project, and many other air
11 carriers of Sea-Tac are expressing grave concerns
12 about the feasibility of the third runway project.

13 This bears on what Representative Keiser stated
14 to you earlier that there has been no mitigation
15 funding for the impacts of wetlands on the local
16 vicinity. There has about been no financial
17 arrangements to schedule a mitigation scheme that
18 can be adequately funded. Thank you for letting me
19 go overtime so I could get these comments in the
20 record.

21 COLONEL MICHAEL RIGSBY: Next is Mr. Wallace K.
22 Meyers to be followed by Mayo Alberigi.

23 WALLACE MEYERS: Colonel, my name is Wallace
24 Meyers. My name wife's name is Edith. We live in
25 Burien. Transferring the wetlands acreage to the

AR 035935

1 Green River basin particularly in the ratios as
2 proposed is rationally arbitrary and wrong. The
3 Green River basin is an extremely large basin, and
4 143 the proposed relocated wetlands would be in an
5 already existing flood plain wetland. Does this
6 make any sense? Absolutely not other than to make a
7 good show and a nice pot for Auburn.

8 The proposed wetlands would be no -- the
9 proposed wetlands transfer would be no wetland or
10 significance to the large Green River basin. In
11 addition, I found no guidelines, ratios, for making
12 such transfers. It would be helpful to know the
13 total acreage of wetlands in the Des Moines the
14 144 Miller Creek so that relatively percentages of
15 wetland acreage losses and gains under
16 consideration can be determined. Good guidelines
17 must be established. The best is not to allow any
18 transfer.

19 FAA has suggested the wetlands be transferred
20 for safety reasons. Please note that the wetlands
21 will still exist near the runway and locating the
22 145 third runway 2,000 feet from the other runways into
23 the wetland area is obviously a hazard to the
24 airplane safety. Thus, the FAA, a reason seems
25 invalid and only a superficial excuse for the

AR 035936

1 transfer of the wetlands.

2 Taking about 12 acres out of the Des Moines and
3 Miller Creek basin should not be permitted. The 12
4 146 acres in a wetlands is a large area in the wetlands
5 of these two small basins, and they're essential to
6 Des Moines and Miller Creeks basin and the headwater
7 ecosystem.

8 Proposed mitigations for the loss and
9 elimination of the wetlands as proposed are merely
10 attempts to get by. A mitigation measure must
11 147 reestablish the full acreage within Des Moines and
12 Miller Creek. We care about the wetlands in Des
13 Moines and Miller Creek. The permit as written
14 should not be allowed. Thank you.

15 COLONEL MICHAEL RIGSBY: Next is Mr. Mayo
16 Alberigi to be followed by Ms. Loretta M. Bowers.

17 MAYO ALBERIGI: My name is Mayo Alberigi. I'm
18 one of these angry individuals, I think, as we have
19 heard before.

20 The Port Seattle permit proposes destruction of
21 our wetlands and and turns Miller and Des Moines
22 148 Creeks into what I would call a drainage ditch. The
23 proposed mitigation is not acceptable because the
24 new wetlands should be in our existing Miller and
25 Des Moines Creeks watershed.

AR 035937

1 Miller Creek and its aquatic life will be
2 destroyed from the silt coming from the rechanneled
3 section and of course the silt will come from the
4 149 proposed third runway. The same thing will happen
5 to Des Moines Creeks as a result of borrowing and
6 land filling. There is no mitigation proposed for
7 the destruction of both Miller and Des Moines
8 Creeks.

9 The proposed permit should be denied based on
10 150 the destruction of the wetlands and creeks and
11 inadequate mitigation. Thank you.

12 COLONEL MICHAEL RIGSBY: Next is Mrs. Loretta
13 M. Bowers to be followed by John R. Newmaster.

14 LORETTA BOWERS: My name is Loretta Bowers. My
15 husband is George. We have lived in the Burien area
16 for about 12 years. We belong to the CASE
17 organization, and it has been very, very
18 151 enlightening experience to me, and I plan to stay in
19 until we do what we want to do which is disallow the
20 building of the third runway.

21 Colonel, I appreciate very much for giving us
22 this time to let us have our say. I have already
23 turned in my paperwork in the interest of time
24 better spend for you. It's been a long evening.
25 Thank you, again. I too am very much against the

AR 035938

1 building of the third runway. Good night.

2 COLONEL MICHAEL RIGSBY: Next is John R.
3 Newmaster to be followed by Edmund L. Ryder. John
4 Newmaster? Edmund L. Ryder? And following him will
5 be Mr. Dennis L. Robertson.

6 EDMUND RYDER: Colonel, gentlemen on the panel,
7 ladies and gentlemen, I have been a King County
8 resident for 70 years. My wife has been a Burien
9 resident for 65 years. I have been working driving
10 between Seattle, Tacoma, Burien for 50 years. I
11 have seen the damage to the shoreline and the roads
12 and homes located along these routes by unlimited
13 growth. Des Moines, Sarawood, Seahurst Park, and
14 adjoining areas have been devastated by these
15 growth.

16 I have been finding water damage in my own home
17 here in Burien with the development of the area as
18 ground water keeps coming into my basement. I have
19 stopped most of it, but it's an ongoing battle. By
20 152 eliminating the wetlands to absorb the excess water
21 coming into the area, trees are constantly falling
22 onto the roads in all of these areas. Anybody in
23 this area can tell you that. Seahurst Park
24 especially. Sometimes I'm almost afraid to drive
25 down there. I wonder what would happen if we had a

AR 035939

1 real El Nino rain up here which so far we have been
2 lucky. It hasn't gotten to be a problem. It never
3 will, but this area would be completely devastated
4 if it ever did.

5 Slides are a big example of overdevelopment,
6 and the citizens who bought that development area
7 over there -- the hundreds and maybe thousands of
8 apartments that they built over there, and it wasn't
9 very long that they lost that pipe and Meyers Way
10 slid down the thing. Most of you that have driven
11 on that freeway have seen it.

12 I'm here to suggest that we save our way of
13 life. We do away with this idea of building a third
14 runway that isn't going to work. Let's save our
15 quality of life in this area and all this and move
16 all this earth moving to somewhere else. The third
17 runway will only work for a few short years. What
18 else will we destroy in this area when that is over?
19 Let's worry about people survival in this area as
20 well as the fish, birds, and life.

21 When we look at the long range planning that
22 will make your life heaven on earth, take a long
23 look at the I-5 corridor between Seattle and Tacoma,
24 and you'll see what long-term planning does. Thank
25 you.

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1 COLONEL MICHAEL RIGSBY: Next will be
2 Mr. Dennis L. Robertson to be followed by Captain
3 Henry E. Gresham.

4 DENNIS L. ROBERTSON: My name is Dennis
5 Robertson, and I'm a private citizen only
6 representing myself. However, I have served two
7 terms in the Tukwila City Council. Unfortunately, I
8 think some of the information that presented to you
9 tonight, while very interesting, probably isn't
10 relevant to the decision you are going to make.
11 What does seem relevant is that the two streams that
12 we are talking about, Des Moines and Miller Creek,
13 are marginally functional salmonid streams, very
14 marginal.

15 The destructions of the wetlands that are
16 talked about definitely makes them less functional
17 that's a fact. Adding or moving the wetlands to a
18 different subbasin while may be legal, and meet
19 legal requirements, doesn't change the fact it would
20 further damage marginal streams.

21 The two decisions, I think, you guys could
22 make, and I really haven't looked at the laws
23 affecting, are first, have all the alternatives been
24 looked at? I hope that you look at that hard
25 because it would be very nice if we could find an

AR 035941

1 alternative that didn't make those streams less
2 functional.

3 Second, I think that ultimately are you going
4 to be faced with the hard decision all of us sitting
5 in that chair are going to be faced with is does the
6 benefits outweigh the costs? Well, factually they
7 almost always do. Developers present, and this is a
8 development, proposals that make the wetlands that
9 we have to destroy not look nearly valuable as the
10 proposal, whether it's a shopping center, addition
11 to housing area, a few more houses in that swamp
12 that nobody liked, or a highway or an airport. The
13 benefits almost outweigh what we destroy. The
14 problem is that cumulative effects destroy them
15 significantly. You guys know that.

16 The other point is people like myself that are
17 part-timers don't quite have the power that you do.
18 We're not the professionals and we don't represent
19 the state or the federal government, but we make
20 lots of little decisions. This a big one. If you
21 guys don't find the way to find an alternative to
22 destroying this, it becomes that much harder for the
23 rest of us sitting up there making those small
24 decisions facing those Segales and all the other
25 Tukwila businesses -- well, I sat in front of them

AR 035942

1 for a number of years and their consultants are much
2 harder for the rest of us.

3 Boys, if you have got the room to look for and
4 find an alternative, it would sure help the thousand
5 of other people sitting in those chairs trying to
6 make the same decision. Good luck.

7 COLONEL MICHAEL RIGSBY: Next is Captain Henry
8 Gresham. Captain Gresham? Next is Ms. Jane A.
9 Rees. Jane Rees? She'll be followed by Ms. Nancy
10 A. Clemingshaw.

11 JANE REES: Yes. My name is Jane Rees, and I
12 am from Seattle. I speak as a private citizen. I
13 speak to say that even in Seattle, light is being
14 shed on the abuses of people and land and water and
15 wildlife. This project has been carried out for a
16 long time, and I do belong to many organizations who
17 are seeing that light. We are able to communicate
18 via web site and other kinds of information that
19 have not been open to citizens in the past. I think
20 that days when these abuses could be carried on in
21 the dark are beginning to be over. You might even
22 notice that light shines on city halls these days
23 sometimes in Seattle.

24 What I would like to say is that as a frequent
25 traveler, I know that this project is not going to

AR 035943

1 in any way enhance my ability to travel nor is it
2 failure to be in access going to impede my travel.
3 Therefore, there is certainly no justification for
4 156 wrecking the wild areas that are a part of my
5 heritage as much as other people who live in this
6 area. We expect you to protect it for us all us and
7 deny this permit.

8 COLONEL MICHAEL RIGSBY: Next is Ms. Nancy A.
9 Clemingshaw to be followed by Kenneth E. Wooding.

10 NANCY CLEMINGSHAW: I'm Nancy Clemingshaw. I'm
11 a Seattle resident and not directly affected by the
12 third runway. Nevertheless, also I'm outraged by
13 the possible destruction these wetlands. As an
14 inhabitant of this earth, I'm affected by
15 environmental degradation as is everyone. How can
16 the Port propose filling eleven and a half acres of
17 wetlands thereby destroying wildlife including
18 endangered salmon possibly destroying the water
19 supply and most certainly destroying quality of life
20 157 of area residence. What are the data for
21 reestablishment and relocated species? Who will
22 reprogram salmon as they return to their spawning
23 grounds? Who will supply the area with water should
24 the supply be tainted by the lost? This permit must
25 be denied. Thank you.

AR 035944

1 COLONEL MICHAEL RIGSBY: Next is Kenneth B.
2 Wooding to be followed by Scott A. McBreen.

3 KENNETH WOODING: My name is Kenneth Wooding.
4 I live on Lora Lake. I'm a representative of the
5 Lora Lake homeowners. I just want to make a few
6 comments. I am being forced out my place. I don't
7 want to move really. I asked the Port what they are
8 going to do with the animals on there. We have got
9 otters out there. We have got muskrats. We have
10 158 miniature herons and large heron and all kinds of
11 possum and stuff like that. They said they'll be
12 moved out. I said where? How are you going to move
13 them out? They couldn't answer that. When I called
14 today, they said they weren't even going to fill the
15 lake.

16 I mean, I tell you can't talk to any two people
17 at the Port and get the same answer. I have talked
18 to all kinds of them. I call them on the phone, and
19 they won't even talk to you. They say leave your
20 name. If you've been talking in some meeting, they
21 won't call you back. I'll tell you that. I mean,
22 they are very difficult people to work with.

23 Anyway, it's my little world in that lake. I
24 just can't figure what they're going to do with the
25 animals and stuff. Now, they say they aren't even

AR 035945

1 going to fill it. I guess it's wetlands, isn't it?

2 Thank you.

3 COLONEL MICHAEL RIGSBY: Next is Scott A.
4 McBreen to be followed Herbert Theil.

5 SCOTT MCBREEN: Well, I was a lot more alert
6 three hours ago. I live on Miller Creek. This is a
7 sample of Miller Creek first week in October 1997
8 from the north parking lot. It sort of resembles
9 chocolate milk if you look at it. Maybe I'll put it
10 up here for you.

11 I have enjoyed Miller Creek and its beauty and
12 the wildlife for 20 years. It's a special waterway
13 to be enjoyed for all seasons. Some of the wildlife
14 I have seen over the years have been blue herons,
15 river otters, believe it or not, ducks, crawfish,
16 and other assorted fish.

17 The river bed is a natural drainage area for
18 Burien, Sea-Tac, and Normandy Park. I have seen
19 Miller Creek in the worst of floods handle up to
20 five hundred cubic feet of water per second with
21 very little evidence of overflow. It is an
22 excellent natural drainage casum not to be tampered
23 with. Therefore, to move the drainage area of
24 Miller Creek for a proposed runway is a major
25 mistake.

AR 035946

1 There is also a proposal to widen the S. 156th
2 Avenue Bridge over Miller Creek. This would wipe
3 out to 100 extra feet of the pristine waterway. The
4 ¹⁶⁰ area north of this bridge is a prime wildlife
5 section for ducks, blue heron, river otters, and
6 crawfish. The portion of Miller Creek would be
7 covered with a new bridge and lost forever to
8 viewing. Also, lost in this needless construction
9 will be a host of water lilies, water irises,
10 flowering brush, grass, and many others.

11 In the fall of 1997, Miller Creek was deluged
12 with mud from the north airport parking lot
13 construction. The creek looked like heavily creamed
14 coffee for weeks at a time beginning in October.
15 The creek remained muddy throughout the winter and
16 into the spring. It has just now started to clear
17 up some seven months after the start of
18 ¹⁶¹ construction. If this is what parking lot
19 construction can do, what will a third runway with
20 over seven Kingdomes full of dirt do to Miller
21 Creek? The proposed runway will be approximately
22 200 to 250 yards from present Miller Creek. The
23 creek will never be the same again if the runway
24 would be allowed to be built.

25 I reckon transferring wetlands from Burien to

AR 035947

1 Auburn is like trying to recreate the North Cascade
2 National Park in Missouri.

3 COLONEL MICHAEL RIGSBY: The next is
4 Mr. Herbert Theil. Mr. Theil? Mr. Paul Nuff. Paul
5 Nuff? Mrs. Mary E. Seccetti. Mary Seccetti? And
6 she will be followed by Pat J. Pompio.

7 MARY SECCETTI: I'm not much a speaker, but I
8 would like to say our wetlands are God's creation.
9 What are they going to do with the little wildlife
10 that is located there now. Are they going to put
11 162 them on a bus and take them to Auburn? What are
12 they going to do with them. Are they just going to
13 start filling in the dirt on top of the little
14 animals. That's all I have to say. Thank you.

15 COLONEL MICHAEL RIGSBY: Next speaker will be
16 Pat Pompio to be followed by Mr. Jim Bartlemay.

17 PAT POMPIO: I'm Pat Pompio. We lived in our
18 home at Normandy Park for over 45 years. Water is a
19 precious commodity, and we have all been encouraged
20 to use it wisely. Airport pollution has
21 contaminated the aquifer and its recharge area. How
22 163 long will it take for the glycol and any other
23 contaminates to reach the aquifer where we get our
24 water supply? How long will that take? Can you
25 answer that?

AR 035948

1 There is a sewer interceptor by Lora Lake at
2 about 169th Street, and I understand that the Port
3 plans to deposit fill dirt within 50 to 100 of this
4 pipeline. I have been told that the pipe is resting
5 on solid ground, but it's covered with the wetlands
6 material and water. Can we be assured that the
7 pressure of dumping the fill dirt will not dislodge
8 or damage that pipe in any way? Could the pipe
9 float or break from that disturbance. Could that
10 possibly add sewage to the other contaminants that
11 are already there in the wetlands? Can damage to
12 the aquifer and recharge area have an affect on
13 Angle Lake? How many tons of dirt can be dumped on
14 the water system before its natural functions are
15 disruptive or destroyed.

16 Disregarding the value of Miller Creek, Des
17 Moines Creek, and even others in the area,
18 disregarding those for fish reproduction is a
19 terrible mistake. Repairing those little streams
20 and others around Puget Sound can be done maybe
21 faster and possibly more cost effective than saving
22 all of the money to work on the huge rivers and
23 would probably take longer to get the rivers
24 reestablished than using the small streams and the
25 fish being distributed all throughout the Puget

AR 035949

1 Sound.

2 What's happened to the frogs that were in Tum
3 Lake? They are gone, even the deformed ones. Now,
4 it's been decided that the birds are in danger.
5 They were there before the airport was ever built.
6 Aren't there other places for the extra airport and
7 167 services that we need. Some have been suggested
8 tonight.

9 We gave our children lots from our own property
10 to build their homes on and raise their families
11 here as we have very happily done with our own.
12 Please protect us and our natural wetlands. We
13 don't want our offspring to live in an area without
14 our birds, trees, frogs, and fish and water to
15 drink. Thank you.

16 COLONEL MICHAEL RIGSBY: Next is Jim Bartlemay
17 to be followed by Mr. Chase H.W. Calvin

18 JIM BARTLEMAY: Thank you. My name is Jim
19 Bartlemay, and I live in Des Moines. I recently
20 retired after 34 years of engineering and
21 engineering management and the project chief
22 engineer for the Boeing Company working primarily
23 military programs and projects.

24 I have submitted written data and I have some
25 additional comments that I would like to say.

AR 035950

1 Primarily the federal agencies, including, the FAA
2 and Port of Seattle and other agencies, are
3 obligated to preserve the natural benefits of all
4 the wetlands that exist, and they are prohibited
5 from destruction of these wetlands unless they have
6 got an unconditionally proven alternative and
7 alternative analysis that it can't be avoided.

8 I heard stated in here that the PSRC had
9 conducted with the Port that analysis and this
10 project was the solution. I maintain that that
11 analysis hasn't been done. That decision made by
12 the 87 percent of the PSRC was a political decision.
13 You won't find any trade data on costs, on schedule,
14 what it does to the environment, what it does to the
15 traffic. That data doesn't exist. Try to find it
16 if you can.

17 The other thing is that I believe that
18 mitigating the destruction of wetlands in this
19 watershed in Auburn doesn't make any sense at all,
20 but I think most of all your problem being a
21 military organization that likes to know what they
22 are doing, when they are going to do it, what is it
23 going to cost, what the rules of engagement are, you
24 don't have that data with this project.

25 The Port of Seattle does not know what they are

AR 035951

1 doing. They don't know what its going to cost.
2 They don't know where they are going to get the
3 dirt. They don't know how many years it is going to
4 take to haul that dirt. I have been to every Port
5 of Seattle commission meeting this year with the
6 exception of one, and I have heard that they don't
7 have the staff to maintain this program along with a
8 number of the other ones. They have got to hire
9 more staff. I have heard that they have been
10 working two years at whether they are going to truck
11 this dirt, whether they are going to conveyor belt
12 it. They don't have that. Trucks will make a
13 difference on the destruction to the wetland and so
14 well a conveyor belt.

15 I urge the Army, the military organization that
16 I have worked all these years with, that you cannot
17 define this permit. You cannot define a permit that
18 they don't even know what they are doing. In fact,
19 they wanted to make the project as they go, as they
20 get finances, and they have said in their Port of
21 Seattle commission meetings that they will -- some
22 projects will be slowed down. Some will be sped up.

23 I went there personally on the 10th of February
24 and said don't enter into that local agreement with
25 Auburn until this permit shall is established. Ten

AR 035952

1 minutes after I made all my arguments that they
2 171 didn't have to spend 108 million dollars, or
3 whatever it was, with Auburn until knew what you
4 guys were going to do, they approved it.

5 The Port of Seattle definitely believes that
6 they have the influence over this organization as
7 well as they have had over ever other one that they
8 172 are big enough to do what they want to do
9 independent whether they know what it is or what
10 it's going to cost. The cost of their construction
11 has gone from 23 percent overrun to 48 percent from
12 a range--

13 COLONEL MICHAEL RIGSBY: Sir, go ahead and
14 summarize.

15 JIM BARTLEMAY: I think you've got my point. I
16 hope that you'll be military mind and look at this
17 thing.

18 COLONEL MICHAEL RIGSBY: The next speaker is
19 Mr. Chase H.W. Calvin to be followed by Ms. Debbie
20 L. Reimer.

21 CHASE CALVIN: Good evening, Colonel. I'm
22 Chase H.W. Calvin. I'm a 31 plus year resident of
23 the City of Seattle, and I'm a private citizen in
24 this regard. My comments will be a little disarray,
25 but I will submit a more extended written comment

AR 035953

1 before the period is over.

2 You have heard more testimony and information
3 tonight on the environmental consequences of the
4 third runway than the PSRC ever heard. I attended,
5 I believe, every public meeting of the executive
6 committee and general assembly for the last several
7 years when the third runway issue is being
8 discussed. You have heard far more than I have
9 heard. I've seen most of the working papers that
10 were sent out. There were no environmental
11 decisions in those papers. No environmental
12 decision was made by the PSRC. Whoever said it was
13 a political agenda is entirely correct.

14 I would request that when you'd review the
15 environmental impact statements, that were prepared
16 by the FAA and the Port, that you look not only at
17 these three gray areas, but at the approached
18 transitional zone here, which does not appear, is
19 mandated by FAA regulation and the comparable ATC
20 (sic) at the south end which is equally mandated.
21 The Port hopes that it will escape those mandates
22 because that is a substantial block of property that
23 they have to acquire, and it's a substantial
24 additional impact on the natural habitat and
25 developed habitat that is under consideration in

AR 035954

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this process. That's a document that you should look at with care.

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You should also look with care at the transcript, the Port Commissioner was referring to earlier, in Section (C,) I believe I'm referring to the same. It's on Page 6 of the Port's summary on this for the airlines. The costs versus the benefit is discussed and paraphrased by the Port's salmon based on the comments of UAL and Delta. Look at those with care. There is no substantial benefits from this project unless you were a contractor or an employee of the Port.

175

Finally, I would like to address the birds. Take a very serious look at the advisory circular. Read it with care. Read what they are concerned about. They are concerned about four things, burying stumps, sewage lagoons, agriculture next to runways, and golf courses. There is a golf course next to this runway. It's never come up in this discussion. This whole business of the birds never came up until they suddenly realized they had to go over some wetland, and now all of a sudden the birds are in danger. There's no concern about those birds. We aren't talking about new birds here. We are talking about the same old birds.

AR 035955

1 Finally, the FAA has not been heard to say
2 there is a concern. We have had two FAA
3 representatives sign up. One of them didn't speak,
4 and the other said and only said that the mitigation
5 in Auburn met their requirements. Did not say,
6 cannot say, will not say that there is a problem in
7 violation of this circular. Read it carefully.

8 COLONEL MICHAEL RIGSBY: The next speaker is
9 Debbie L. Reimer, and she'll be followed by John L.
10 Vontam.

11 DEBBIE REIMER: Hi. I'm speaking as the
12 co-vice president of CASE but also as a co-vice
13 president of a new national organization that was
14 formed last August that is networking with a large
15 number of airport activists groups across the
16 country and linked with other airport activists
17 groups around the world. They represent over a
18 million people in 23 European countries, Canada,
19 Australia, Africa. We are all concerned about
20 safety, environment, loss of quality of life, noise,
21 and intrusion that airports have on our health and
22 our future.

23 The one thing that Carolyn Rees said when she
24 came up as that FAA is concerned about bird
25 attractants at airports. I have a web site -- this

AR 035956

1 is part of this networking now that we are all doing
2 is that the web site picture that came up on Jocol
3 Marsh, that's a wildlife preserve, is located right
4 at the end of Runway 22 right at JFK Airport in New
5 York. I have another attached picture of a plane
6 177 that is on fire from 1975 that ingested birds into
7 its engines. The airport continues to operate that
8 runway even though it is right next to a wildlife
9 preserve and has caused numerous engine problems and
10 tires and aircraft safety problems all this time.
11 Two decades worth of problems, and they refuse to
12 close that runway.

13 If the FAA were concerned about safety, then
14 why would they build a third runway at Sea-Tac
15 Airport because the Port of Seattle FAA own EIS says
16 that a third runway would increase that accident
17 178 potential rate on an airfield by 21 percent due to
18 crossing two active runways, and it would also
19 require a airspace flag between it a Boeing Field's
20 flight traffic because there is a conflict in the
21 airspace. Those two situations that are both safety
22 hazards don't exist now.

23 On the front of my comments, I have a list of
24 detriments of the project, which is a whole page
25 long, balanced with the benefits of the project.

AR 035957

1 They want to alleviate airplane delays, but their
2 third runway is separated in a way that will not
3 create dual simultaneous landings. So the landing
4 that they are predicting to increase in the future
5 will be just as constrained as they are with the
6 airfield today. They will create short-term mostly
7 construction related jobs. They will provide an
8 economic benefit for the region which is not
9 outweighed by the local losses to our community, and
10 they will provide some Auburn/Green River
11 enhancements.

12 The list of detriments to our communities, our
13 179 children, our schools, our environment, our health,
14 our watershed, our creeks, our salmon, endangered
15 species, our hearing, our sleep, our recreational
16 land, illness from air pollution, which is the new
17 information that I provided to the Army Corps a week
18 ago, that they described the most hazardous air
19 pollutant ever known to man coming from diesel haul
20 trucks. They bring a thousand of those trucks into
21 our most densely populated community in the State of
22 Washington at a rate of a thousand per day or more
23 for years. We are going to be subject to a much
24 higher cancer risk increase than the average person
25 in the region. All this destruction weighed against

AR 035958

1 the benefits. It doesn't balance.

2 I have an alternative. Moses Lake Airport that
3 I'm submitting as a tape. It's the only one I've
4 got. It says they want maintenance and cargo. They
5 want it. They have state-of-the-art airport with no
6 wetlands. I have a tape on glycol pollution in the
7 creeks locally. A national news broadcast on NBC's
8 newsradio.

9 COLONEL MICHAEL RIGSBY: Next will be Ms. Maria
10 C. Little. Maria Little? Next is Warren R. Pugh.
11 Warren Pugh? Gloria J. Goolswensen (phonetic)? And
12 she will be followed by Anna J. Hansen.

13 ANNA HANSEN: Hi. I'm a resident of Burien and
14 I represent PARKA, a nonprofit organization.
15 interested in park and recreation issues. I'm not
16 here tonight with any political agenda. I'm here
17 solely to address the proposed mitigation plan
18 associated with the destruction of Miller and Des
19 Moines Creek wetlands.

20 The proposed mitigation plan is an easy
21 solution to the Port of Seattle. You have heard
22 tonight how the destruction of the wetlands and the
23 impacts to the creeks would possibly impact our
24 community aquifers, destroy fish and wildlife
25 habitat, and remove the cleansing properties of the

AR 035959

1 functioning wetland system.

2 Mitigation should occur within the impacted
3 watersheds and not eight miles away in Auburn. As I
4 said the proposed mitigation plan is an easy
5 solution. It would be easy to construct since it is
6 not connected to any drainage system where existing
7 181 fisheries would complicate or restrict this
8 destruction. Neither would the proposed new
9 wetlands in Auburn create fish habitat. This is not
10 a one for one mitigation plan. This is a plan that
11 would allow the Port destroy functioning fish and
12 wildlife habitat clearing way for the third runway
13 in the ultimate use of the land between Des Moines
14 and the airport into commercial development for the
15 airport.

16 The airport runoff will continue to go directly
17 into both Miller and Des Moines Creeks. Wetlands
18 182 are known to be pollution filters. The mitigation
19 should occur within the existing basins and
20 destruction of these wetlands should not occur.

21 It has been suggested tonight that you look
22 into a wide variety of issues concerning the
23 construction of the third runway. They are all
24 reasonable. If they are part of your preview, I
25 encourage you to consider them. If not a simple

AR 035960

1 proposal to mitigate the destruction of these
2 wetlands and drainage basins are far outside the
3 impacted subbasin presented of the Corps own policy
4 and should be denied as proposed. Thank you.

5 COLONEL MICHAEL RIGSBY: Next will be William
6 Clark Grant, and he will be followed by Mr. Harvey
7 Rowe.

8 CLARK GRANT: Colonel, my name is Clark Grant,
9 and I'm speaking against the permit application.
10 I'm a pilot for a major airline, and I have flown
11 out of the Sea-Tac Airport extensively. I fail to
12 see the urgency for this project. The proposed
13 183 runway will not provide relief from delays as
14 promised. We already have two good runways at
15 Sea-Tac. There are other viable alternatives that
16 don't include so much environmental destruction as
17 this proposed runway has.

18 As a pilot, I would be concerned about landing
19 on a runway that is on the edge of a promontory
20 184 where we have our strong prevailing southwest winds
21 up and over that promontory creating routers and
22 wind shears.

23 Colonel, I'm also a member of the Airline
24 Pilots Association and I have served on the Board of
25 Directors and I can tell you that the Airline Pilots

1 Association has not taken a position on the Port of
2 Seattle's third runway as perhaps has been suggested
3 tonight.

4 I'm also a former aviation safety inspector,
5 Colonel, working in airline operations. I can tell
6 you that the FAA has an ethical conflict in its role
7 of regulating aviation and its other role of
8 promoting aviation. Which role was the FAA
9 spokesperson person promoting tonight? Perhaps we
10 don't know. Perhaps some of us could guess.

11 The bird strike issue is a discongenuous red
12 herring. I find it amusing that the FAA comes here
13 and wants to keep me and my airplanes 10,000 feet
14 away from birds but seems to keep me 2,500 feet
15 laterally away from another heavy aircraft in the
16 clouds both of us traveling at 175 miles an hour.

17 This airport is already operating in a
18 watershed. Proper management techniques will keep
19 bird threats to a minimum. You don't build garbage
20 dumps off the end of the runways like they used to.
21 That's the source of almost all of the major area
22 diasters involving birds. You mow the grass
23 regularly, especially during the summer. You use
24 airguns. There is other proper ways of keeping
25 birds to a minimum. We already have an operating

AR 035962

1 wetland environment, and it's working fine.

2 We have heard evidence tonight from a captain
3 about a bird strike with a Canadian Goose. That's a
4 serious size bird to hit. The captain didn't tell
5 187 us over whose property that bird strike occurred. I
6 can tell you that I know as a fact bird strikes have
7 happened up to 15,000 feet. I have had them there.

8 The FAA also fails to mention that the proposed
9 runway configuration having to cross two active
10 runways before you get to your runway is a very
11 dangerous configuration, and it is rarely ever
12 built. There is a few of them but not many.

13 They also fail to tell you that more people
14 188 have been killed in a runway incursion that have
15 ever been killed in bird strike problems. Just to
16 take one example alone, Teneriffe. Pan/Am and KOM.
17 think about Wayne Airport in Detroit where they've
18 had the runway incursions. We are going to build
19 runway incursions here. To me, in my way of
20 thinking, that's a greater threat than birds.

21 Colonel, the Port of Seattle has not been a
22 good neighbor. It hasn't even completed the
23 189 mitigation for the second runway yet. Oftentimes
24 when I've driven home by the southeast corner of the
25 airport, I smell strong kerosene smells and called

AR 035963

1 and reported it to the airport. I read in the
2 newspaper about fish gills in all the creeks. I
3 189 know that glycol just runs all over the ramps out
4 there when we deice our airplanes. I drink water
5 from this watershed. I'm concerned.

6 Colonel, our wetlands are already severely
7 impacted. What we need is mitigation for the
8 current activity not more destruction. I think the
9 integrity of the process requires that the permit be
10 denied. Thank you.

11 COLONEL MICHAEL RIGSBY: Next will be
12 Mr. Harvey Rowe to be followed by Arlene Brown.

13 HARVEY ROWE: I am here to ask you to deny the
14 404 permit to the power hungry Port of Seattle.

15 Wetlands are an essential part in the proper
16 balance of nature and history has proven over and
17 over again that we neglect or destroy them that we
18 eventually pay very high price for our mistakes.
19 190 Wetlands cannot be moved across town or miles away
20 as if we move a tree from one part of the park to
21 another. It takes years and years to truly
22 reestablish such a thing and most often it's a total
23 failure and too late.

24 Of all places, over drinking water aquifers and
25 in the midst of essential wetlands they want to

AR 035964

1 crowd in another dependent runway. Dependent is to
2 closest to other runways for independent all weather
3 landings and takeoffs. The Port of Seattle is
4 definitely not designing runways and airports by us
5 191 flight crew members that have to put our lives on
6 the line and the safety of hundreds of passengers.
7 They seem to be trying to compete using this postage
8 stamp area with Dalles and Denver Airports that have
9 50,000 acres for 10 runways or so.

10 This City of Seattle only allows escorted tours
11 in their watershed for Seattle Water and never
12 glycols exhaust fumes and et cetera being allowed in
13 the area. Even in the open water reservoirs in
14 Seattle they install mechanical bird scare devices
15 192 to keep the ducks and pigeons out of the drinking
16 water and are starting to put rubber tarps over the
17 surface in addition just for extra precaution of
18 safe drinking water for the Seattle water users. I
19 wish you people would maintain the same safe
20 standards for the people that live around the
21 airport here.

22 I have been a commercial pilot for eight years,
23 like several other people have been, most of my life
24 and have flown all around the world for years.

25 Another concern I have is the glycols and so on

AR 035965

1 that are being used in deicing the planes before
2 takeoff. The Port of Seattle seems to think that
3 all glycol will be recycled and caught in the drain
4 basins before taxiing out, but in my opinion they
5 193 are still coming off the planes for miles during the
6 takeoff of each flight and this ends up in the
7 wetlands, homes, yards, schools, businesses, and
8 eventually winding up in the drinking water aquifers
9 that the current airport is sitting upon.

10 I also understand that a runway cannot be built
11 with 10,000 feet of wetlands. If you allow the
12 194 filling of the wetlands with millions of yards of
13 soil then remember that Angle Lake and part of Puget
14 Sound should be filled in as well. Let's keep the
15 Port of Seattle to the same high standards that the
16 rest of us need and have to live by.

17 What will happen to the drinking waters with
18 the additional weight alone of three millions of
19 195 yards of soil and hoping it is clean soil and not
20 contaminated. What is going to happen to the
21 percolation and stability of the base and nearby
22 soils? I question this intently.

23 As a professional aviator, I of all people
24 should be for this runway addition with my love for
25 aviation, but I am not because I feel that the Port

AR 035966

1 of Seattle does not listen nor care about the
2 neighbors. There are many noise and pollution
3 violations the Port doesn't take care of so far.
4 The Port of Seattle promised no more than two
5 runways when the second runway was built and now
6 they want the most expensive runway in the United
7 States and it's only 8,500 feet long. If this is
8 built they will immediately claim it is not fully
9 usable because it is too short and will want to
10 build an extension to 15,000 feet because of the
11 necessary length needed for planes like the 707
12 (sic) and bigger. I also understand they already
13 have plans for fourth and fifth runways. What a
14 waste of tax payers money in this area.

15 What we need is a new separate airport with at
16 least 50,000 acres so there won't be so many hazards
17 for the flight crew, airplanes, passengers,
18 neighborhoods, and et cetera. Thank you.

19 COLONEL MICHAEL RIGSBY: Next is Is Arlene
20 Brown to be followed by Derrick Brown.

21 ARLENE BROWN: I appreciate your staying so
22 late. I'm Arlene Brown, 239 SW 189th Pl., Seattle,
23 Washington, 98166.

24 Fact or fiction? The EIS's treatment of
25 engineering data borders on criminal. I say that as

AR 035967

1 an aerospace engineer seconded (sic) by waterfront
2 vacation property that I've been paying for the time
3 I've put in so far.

4 I also worked on one of those bird strike
5 investigations that was mentioned earlier tonight,
6 and I guarantee you it has no relationship to this
7 situation here.

8 The gentleman that testified earlier that they
9 have to cross to two active runways is incredibly
10 dangerous is accurate. That's why the Pilots
11 Association sent in a petition saying this should
12 not be approved because of its marginal safety.

13 198 A speaker mentioned earlier there is a 21
14 percent increase in the risk of accidents on the
15 ground according to the FAA report, and that was
16 using a low number of operation. If the FAA used
17 the right number of operation, it would be much
18 larger than 21 percent.

19 The EIS is very confused. It accidentally
20 attributes the advantages of extending the existing
21 runway to the third runway. The EIS data says the
22 199 third runway increases the risks of accidents, is
23 too short for big jets, and will exceed practical
24 capacity before it is open all according to the FAA
25 estimates. Of course, the Port had ignored the FAA

AR 035968

1 estimates just like they did for the second runway.
2 that's why we are here today and why we will be here
3 again, unless you put a stop to this
4 irresponsibility.

5 Unless it goes down first after the hearing, it
6 doesn't make much difference to capacity. It's
7 dependent in the air and dependent on the ground.
8 200 It reduces the capacities of the two existing
9 runways at Sea-Tac as well as Boeing Field
10 capacities. All through the FAA. If you read this,
11 it's about 13 volumes between the draft and the
12 final and supplementary, and if you read them all,
13 there is no way you could approve this runway. They
14 201 have sought traffic congestion, provided all of us
15 next century vehicles with low emissions, reduced
16 the rainfall to low July levels so its easier to
17 design pollution containment systems.

18 I'd like to put up this chart. That's this
19 permit the CASE is appealing. You can use 1.4
20 inches of the design for the containment. Yet, as
21 you can see, virtually all months except July exceed
22 that amount rainfall for a six month twenty four
23 202 hours. You can go through the entire thing. It
24 doesn't matter what subject. You can pick. It
25 doesn't not factual engineering.

AR 035969

1 The hydrology problems, we have the sinking of
2 First Ave, spring popping out of nowhere causing
3 Miller Creek sediment problems, fluctuating levels
4 in Angle Lake, flooding. Knowing the retaining wall
5 is not sloped properly, it violates civil
6 engineering rules. It's so massive that a landslide
7 is inevitable with a small earthquake. The wrong
8 conductivity was used when calculating these
9 contamination to the aquifer. Instead of using nine
10 inches -- they used nine inches. That's the
11 difference between basically this room in
12 contamination analysis.

13 I'll be submitting comments. I appreciate the
14 time. I would really appreciate if you'd look at
15 the engineering data instead of looking at the
16 propaganda. Thank you very much.

17 COLONEL MICHAEL RIGSBY: Next is Derrick Brown.
18 Derrick Brown.

19 DERRICK BROWN: I just want to say that it's my
20 future and everybody else's future that is in this
21 room that's going to be living up or growing up
22 here. It's their choices and the government and big
23 companies, whoever is going to change our future.
24 The rest of my time will be donated to my mom.

25 COLONEL MICHAEL RIGSBY: Next is Rose Marie

AR 035970

1 McKinnen, and we only have just a hand full of cards
2 so we will continue a few more minutes.

3 ROSE MCKINNEN: Thank you for being here and
4 giving us this opportunity to speak. I'm not a
5 speaker, and this is going to be as fast as I can
6 go, and we will all be grateful.

7 This is about the FAA. I took this from my
8 daughter, by the way, because I ask what would be
9 the the most important thing to discuss with you
10 since time the limited, and she gave me a list of
11 about five things that are crucial to us. This is
12 the most. FAA biolife attraction means garbage
13 landfills. The SCIS (sic) interpretation of the
14 wildlife rules is different than the verbal
15 204 interpretation the FAA gave my daughter in 1994.
16 They told her it only applied to things like garbage
17 landfills and the fact that we have wetlands, bald
18 eagles, and a stoop of restaurants adjacent to the
19 airport was irrelevant. They noted that bald eagles
20 do not prevent the bird strike magnet. That geese
21 do because of where and how they fly.

22 She gave me a little list which I'll tell you
23 about, and it's very short. I feel like I should be
24 saying good morning. I know we are all tired.

25 This is the wildlife attractants of wetlands

AR 035971

1 water. The third runway should not be built.
2 Examples of items within ten thousand feet: One,
3 there is a bald eagles nest on Angle Lake just 3,907
4 from the airport; two, there is a bald eagles nest
5 205 in Normandy Park. That's where I'm from. Normandy
6 Park, hiking trails in the forest, Burien Park,
7 Marine View Drive park, hiking trials and forest in
8 and along the water, the Puget Sound, many lakes,
9 and several creeks including Miller, Des Moines, and
10 Walker.

11 That's what I have to say, but I wanted to say
12 one little thing is I hope -- I know it's a hard
13 decision that you have and that you consider many
14 things and a lot of us are emotional. Although what
15 we say may appear to be emotional, we have all
16 different means. We have looked at the facts and
17 the technical information. It's really not
18 supportive of what the Port wants to do. I realize
19 that its the technical information that you really
20 have to base your decision on. We all want to have
21 clean water and air. What was said tonight sounds
22 emotional, but it is also factual.

23 I want to say that along time ago a lot of
24 small people had certain things they wanted to stand
25 up for and a lot of powerful people said they had

AR 035972

1 certain ways they must go, but those little people
2 all banded together and they started the United
3 States. I hope, sir, that you can vote no on the
4 permit. Thank you.

5 COLONEL MICHAEL RIGSBY: Next is Mr. John
6 Wictse. John Wictse? Next is Douglas Osterman, and
7 he'll be followed by the final speaker Shirley
8 Baxula.

9 DOUG OSTERMAN: I'm Doug Osterman. I'm a fish
10 and wildlife manager with 16 years of environmental
11 planning and managing experience. I also live in
12 the community of Normandy Park. I'll summarize my
13 comments because a lot of people have spoken
14 specifically about some of these comments, so I will
15 summarize for you tonight, but I don't think they
16 have been articulated quite like I have got it
17 summarized here for you.

18 I have four issues I want to summarize. One of
19 which is carrying and capacity. Obviously, from the
20 discussion you have heard tonight and the
21 information that you can read in the environmental
22 documentation, the small urban streams in Des Moines
23 Creek and Miller are beyond their capability and
24 further environmental degradation. They are beyond
25 the carrying capacity to accommodate further

AR 035973

1 hydrologic changes needed to accommodate this
2 proposal. It is a mistake to fill and pave the
3 upper parts of these watersheds even if mitigation
4 206 could be accommodated within the watersheds. The
5 propose fill and pavement in these watersheds is
6 proposed their impacts to be mitigate in an area 20
7 miles away is simply unacceptable.

8 The second issue is cumulative impacts. I do
9 not believe that these streams can handle the
10 magnitude of change that will occur by dumping
11 almost 21 million cubic yards of fill into their
12 headwaters and topping it with an airplane runway.
13 207 The cumulative impacts that cannot be mitigated by
14 this intrusion of fill and impervious surfacing will
15 include significantly increased stream flows,
16 destroyed fish habitat, degraded water quality,
17 increased flood hazards, decreased ground water
18 recharge and decreased water supply, and increased
19 transport of sediment and pollutant to Puget Sound.
20 These cumulative impacts are not in the interest of
21 anyone in the Puget Sound ecosystem.

22 Third, the scale of the ecosystem benefit.
23 Adding 22 acres of creative wetlands to the Green
24 River system will have a very small or insignificant
25 benefit to that system. The 22 acres of wetland

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1 mitigation within the Miller and Des Moines Creek
2 watersheds would have a substantial positive impact
3 208 on fish and small urban systems and the small urban
4 systems that they depend upon and have been so
5 severely degraded.

6 The fourth issue is community stewardship and
7 education. We put a lot of efforts in our
8 communities to increase environmental awareness and
9 instill a stewardship ethics into the citizens and
10 209 especially young children, such as, the one that
11 spoke just recently. This proposal based on
12 previously comments will serve to set us back every
13 step we take forward will set us back if this is the
14 kind of ethic that we want to show them.

15 Granting the permit for the proposal that's on
16 the table tonight is not in the best public
17 interest. Simply stated if wetland mitigation does
18 not fit, then it must not permit.

19 COLONEL MICHAEL RIGSBY: Next is Shirley Baxula
20 (phonetic)

21 SHIRLEY BAXULA: Thank you for this opportunity
22 to speak with you. I am deputy mayor of Burien.
23 Burien is a small area that has been heavily
24 impacted by the airport. We have very serious
25 flooding runoff and landslide problems with no

AR 035975

1 mitigation available from the causes.

2 I recently did a survey of the history of our
3 area. Before we became a city, the children in the
4 local school had to go out and fish for salmon on
5 their lunch hours. The problem with the plan is
6 there is no plan. There is no concrete information
7 210 on where the dirt comes from, where it is going, how
8 it is going to get there. There is nothing for us
9 to say, yes, that will work, or no, that won't work.

10 You have before you two issues. One is
11 alternatives. If the runway were built on the east
12 side, it would not impact the wetlands as it will.
13 211 There is more than adequate room, and I believe it
14 would cost a great deal less. This has never been
15 considered.

16 The real reason for the third runway is
17 political. If you do not allow the third runway to
18 212 be built, then the only alternative is outside of
19 King County which would not allow the Port of
20 Seattle control of it. It is political.

21 The costs for the mitigation to the citizens of
22 Burien is on the back of her citizens. There is no
23 213 proposal whatsoever to help those citizens mitigate
24 their loss of their wetlands and their properties.

25 What hasn't been mentioned is the danger to the

AR 035976

1 schools. The airplanes now fly over a great deal of
2 clear land, but they are not going to be buying out
3 214 the clear lands underneath the new runway. We have
4 already had parts fall from the airplanes on our
5 play fields.

6 The second issue you must discuss or consider
7 are the benefits versus the costs. The costs are on
8 our citizens, and the benefits are for the airport.
9 I understand that you are being asked to approve
10 215 transferring a small wetland to a very large one.
11 That does not help our community. That would be
12 like saying let's impact Washington and turn Oregon
13 into a wilderness area. The wetlands are our
14 wetlands and we need them. We need them for our
15 aquifer. We need them for our citizens.

16 The last issue is the impact on the aquifer.
17 We drink that water, and it's already badly
18 216 contaminated. We need responsibility. I would be
19 more than willing to discuss this individually with
20 you if you have any questions. Thank you.

21 COLONEL MICHAEL RIGSBY: I recognize that there
22 may be other people who would have liked to speak
23 had we had more time, and I remind you that the
24 Corps of Engineers will hold the public hearing
25 record open through Monday, April 20th. Written

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1 comments may be sent to the U.S. Army Corps of
2 Engineers until that date. Our mailing address is
3 as shown on the screen and on the public notice
4 available at the registration table at the back of
5 the room.

6 The Washington State Department of Ecology will
7 hold their public record open through Wednesday
8 April 29, 1998. Their address is also shown on the
9 screen and on the public notice available at the
10 registration table at the back of the room.

11 Following the close of the comment period, we
12 will evaluate the impact of the proposed project
13 taking into conversation the comments received. I
14 will then prepare to make my permit decision. I
15 will consider all comments received, both those
16 delivered tonight and those in writing. Your
17 comments will also be provided to the Department of
18 Ecology.

19 I will ultimately be responsible for
20 determining whether or not this project is in the
21 overall public interest and if a Department of the
22 Army permit is warranted. A very important factor
23 in this determination will be our evaluation of the
24 comments and opinions in response to the public
25 notice and comments presented by you here tonight at

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1 this public hearing or submitted in writing to our
2 office by April 20th, 1998.

3 On behalf of the U.S. Army Corps of Engineers
4 and the Department of Ecology, I wish to thank you
5 all for coming and participating in tonight's
6 hearing, and this hearing is now adjourned.

7 [HEARING ADJOURNED AT 11:15 P.M.]

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AR 035979

C E R T I F I C A T E

1
2 I, the undersigned officer of the Court, under
3 my commission as a Notary Public in and for the State of
4 Washington, hereby certify that the foregoing public
5 hearing upon oral examination of the public herein was
6 taken stenographically before me and thereafter
7 transcribed under my direction and that the transcript of
8 the public hearing is a full, true, and correct
9 transcript of the testimony.

10 IN WITNESS WHEREOF, I have hereunto set my hand
11 and affirmed my Official Seal this 14th day of April
12 1998.

13
14 

15 KATRINA A. SMITH, CSR# SMITHKA302N9
16 Notary Public in and for the State
17 of Washington, residing in
18 Port Orchard.

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