

## IN BRIEF

### *Top Environmental Specialist Leaves Port, Joins ACC Staff*

On 5 July, Barbara Hinkle, Senior Environmental Manager at Sea-Tac Airport, responsible for environmental oversight on all Airport expansion plans (including the third runway) left that job to join the staff of the Airport Communities Coalition, which is leading the legal fight against Sea-Tac expansion.

Ms. Hinkle became disenchanted with the mindset within the Airport staff toward the environmental rules that airport construction. She was quoted as saying that the Port does not follow through on its own environmental studies. Pressure from above to "get the job done", regardless of environmental consequences and applicable laws, was cited as a major factor in Ms Hinkle's leaving the Port. She said, "the pressure to put aside environmental concerns is growing, and with the number of projects coming on-line over the next several years, I can be more effective at the ACC, for the environment, than I ever could be at the Port of Seattle".

Announcing her employment change to the U.S. Environmental Protection Agency, she commented that she "could no longer work within a system that continually turned a deaf ear toward its obligation of public stewardship."

### **No interchange on SR 509 for third-runway fill trucks this year**

Port of Seattle plans to build its own private interchange on SR 509 at So. 174<sup>th</sup>, for the exclusive use of trucks hauling fill, have been stopped, at least for this year, by actions of the Department of Ecology, as the result of strong pressure from the Airport Communities Coalition (ACC).

In a sternly-worded letter, Ecology told the Port that the project requires a "major modification" of a critical environmental permit – a detail that the Port conveniently overlooked in its planning. In addition, the project requires a hydraulic permit from the Department of Fish & Wildlife. Ecology also advised the Port that no action should be taken until the U.S. Army Corps of Engineers has decided whether the project falls under the federal Clean Water Act (which it does). Construction was to have begun on 1 June, according to a mailing from the Port had written to the handful of folks still living in what is called the "Westside acquisition area".

# Truth in Aviation

*The Newsletter of the Regional Commission on Airport Affairs*

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## *FAA, Port Sued Over Violations of Federal Endangered Species Act*

The federal courts have been asked to order a halt to all Sea-Tac Airport construction projects until the Federal Aviation Administration has completed formal "consultations" with federal fish and wildlife agencies, as required by the Endangered Species Act (ESA). If endangered species exist in or near an area where a federal agency is sponsoring or funding a project, the sponsoring agency must complete a "consultation" with federal wildlife agencies as to the need for special protections before allowing work to begin (or to continue).

The endangered sea bird, the marbled murrelet, has been recently sighted within two two miles of the Airport by Audobon Society observers. Endangered chinook salmon are

known to spawn in the Green River, which receives Airport run-off water via Gilliam Creek, a tributary of the Green; juvenile chinook have been observed in the upper reaches of Gilliam by a City of Tukwila fish biologist. Whether chinook could spawn in Miller Creek is disputed. There is no dispute that bull trout, also listed, and coho, cut-throat, and other salmonid fish occur in local streams.

When advised of these concerns by the Airport Communities Coalition (ACC), the FAA sought to brush off the legal requirements. Correspondence and negotiations have not persuaded the FAA that it, too, is bound by federal law, and

*Continued on page 6*



*Photo credit: Chris Cowser*

*Photo of "clean fill" taken Wednesday, August 9, 2000 on S. 192nd Street, near the entrance to the Tye Golf Course. See story, p. 4*

## **Agencies Talk Tough As Deadlines Loom Over Sea-Tac Third Runway Project**

As this issue of *Truth in Aviation* heads toward the printer, major deadlines loom over the Sea-Tac third-runway project. By 28 September, the U.S. Army Corps of Engineers is to rule on the application of the Port of Seattle to fill in wetlands (a "section 404" permit). The Engineers are waiting for a ruling by the Department of Ecology as to whether the Port's project will meet water-quality standards ("section 401 certificate"). Ecology has given the Port till 5 September to file all complete, accurate documents in support of its plan. Ecology has pledged to issue its ruling by Friday, 8 September.

Ecology has repeatedly told the Port and its major water-quality consultant, Parametrix, Inc.,

about grave deficiencies in the supporting technical studies. On 11 August, the Corps of Engineers sent a 3-page letter covering a 19-page memorandum, pointing out in detail a long list of errors, inaccuracies, and so on in the paperwork filed with the Corps, and demanding that everything be tidied up as soon as possible.

The Engineers are plainly dissatisfied with the documents already submitted, and they are, in essence, demanding a major re-write. They politely say that the final document "will require some rethinking and the provision of a rationale and much added detail". They "look forward to receiving a comprehensive, better-organized and

*Continued on page 6*

## RCAA Website - Newer, Bigger, Better

By Labor Day, RCAA's website will be located at a new site and new webhosting company, a move to be accompanied by a major redesign, expected to be complete by the end of September. RCAA's webmaster, Beth Means, says "Our website was one of the first created by a citizens' airport group, and it is showing its age. At our new location, we will have an enormous increase in memory, room for many more documents, and we will have a crisper, more modern look, as well."

Newly-trained volunteers in the RCAA office will take over the task of posting current news and "action alerts" on the website. "Users can expect the website to be upgraded daily, if need be," said RCAA President Larry Corvari. Check out the site at:

[www.rcaanews.org](http://www.rcaanews.org).

## To our Federal Way readers:

For several years, RCAA has sent this newsletter to all active voters in Federal Way. Now, budgetary constraints require us to reduce distribution in Federal Way to those who actively support our work. So, if you wish to continue to receive this newsletter, please let us know: a note or postcard, a phone call, a FAX, an e-mail—any of these will suffice. All our addresses are listed in the box on p. 5. No contribution is necessary—just your indication that you do wish to continue receiving *Truth in Aviation*—news you won't find anywhere else.

## Angry Noise Victims Sue Port for Relief

Two groups are suing the Port Commission, challenging its failure to meet its responsibility to solve the noise problem.

The groups argue that the Port Commission failed to consider several common-sense solutions to the noise problem.

The plaintiffs are Citizens for Airplane Noise Equity (CANE), in Seattle, and ECAAN, an Eastside group, representing residents under the 'East Turn'.

CANE chairperson Janet Johnston said that the groups support a comprehensive set of short and long-term solutions to jet noise, including use of quieter aircraft, expanding and enforcing night-time flying restrictions, implementation of new technology, diversifying flight paths, maximizing land altitudes, and further use of additional airports.

# Can Flight Corridor Changes Reduce the Pain of Noisy Overflights? Pro & Con.

## Pro

Residents in and around Medina on the Eastside, and in neighborhoods from Beacon Hill to Madrona and Madison Park, have organized to urge changes in flight corridors for aircraft leaving Sea-Tac. Their position is as follows.

Under the 1990 four-post plan, certain neighborhoods were singled out by FAA—with no public input—to bear the burden of noise from jet planes leaving Sea-Tac Airport, while other neighborhoods were exempted. Again without public input, in the last 10 years the FAA and Port of Seattle have fostered huge increases in the number of jet planes using the narrow official corridors. During northerly departure conditions, as many as 225 flights a day hit Seattle neighborhoods from Beacon Hill through the Central Area, and along Lake Washington, and communities across the lake, with noise interruptions. There are no restrictions against night-time flights out of Sea-Tac, so excess noise can and does occur 24 hours a day.

### Interruptions Are the Problem

The worst part of jet noise is that it interrupts normal life, and the more interruptions, the worse the problem. The exact measurement of noise from any one overflight is much less important than the fact the overflight interrupts conversation, thought, peace and quiet. Jets depart over Seattle in good weather, when people are out of doors, trying to enjoy gardens, parks, beaches, golf courses, so northbound flights are particularly intrusive.

Sending a large part of the flights out the Duwamish and Elliott Bay would remove many interruptions per day from most of the city. Dispersing the remaining flights headed east would reduce the number of interruptions to a more bearable number. Four to five interruptions per hour is about as many as most folks can tolerate, and the proposal from the consultant would bring the number of flights per hour to that level for most people most of the time. The proposal would share the noise equitably over most of the area north of Sea-Tac, rather than focussing it on some and exempting others. There would be no new flights impacting the Rainier Valley, for all north-departing planes are heard there now; some of those planes would turn sooner and lower, and more would turn higher and farther away; there would be fewer interruptions from those turning farther north.

The problem in Federal Way is somewhat different. Planes depart to the south over Federal Way and vicinity between 65 and 70 percent of the time, but during poor weather, when people tend to be indoors. Sleep disturbance from departing planes is very common in Federal Way, however. Diverting south-departing traffic to the Kent valley would bother very few residents and make a great difference for the better for half the residents of Federal Way.

## Con

Changes in flight corridors are not appropriate ways to reduce the impact of noisy overflights, according to representatives of Mercer Island, Bellevue, Lakewood Seward Park and other neighborhoods in South East Seattle.

These groups were very visible and vocal in meetings of the Sea-Tac Part 150 study, and at hearings and lobbying of the Port Commission, while the flight-dispersion recommendations of the Part 150 study were being debated. They argue as follows.

### Too Many New Flights

During northerly departure, 125 new flights per day would be routed over Rainier Valley, Columbia City, and Seward Park. More than 55,000 additional people would experience jet noise loud enough to interrupt conversation, noise above 65 decibels, for more than 30 minutes per day, an increase of nearly 50 percent. The number of people possibly awakened by jet noise would increase by 30 percent. The Rainier Valley and other South-East Seattle neighborhoods would have more loud overflights than any other neighborhood east of Beacon Hill. Rainier Valley and Seward Park would have more than double the number of people "highly annoyed" by jet noise.

Shifting noise is against Port policy and was originally not supposed to be permitted in the Part 150 study.

### Split Turn Boosts Expansion

If a new lower east turn were created, it would fill to capacity as airplane traffic increases in general, which would result in new, higher noise levels.

People now living in quiet areas who moved to avoid airplane flight tracks should not be punished by having a new concentrated noise corridor route over their heads. This would be grossly unfair.

The analysis of noise impacts from new flight corridors is flawed because the consultant did not take into account noise from other sources, especially from Renton Municipal Airport and Boeing Field. Seward Park and near-by areas already receive more than their fair share of noise from all sources.

### Relief for All

Instead of re-arranging flight corridors the Part 150 study should have offered measures that reduce airplane noise for everyone, not those that benefit some at the expense of others.

The City of Mercer Island suggested that the Port "should consider meaningful sanction for airlines that ignore noise abatement procedures and fly outside the published and authorized air corridors". The City also proposed a night-time curfew on east turn flights. These proposals are echoed by two groups supporting the split turn—see story in column 1 of this page.

# Why Changes in Sea-Tac Flight Corridors Are Not The Final Answer to Our Perennial Noise Problem

During the Sea-Tac Part 150 study, RCAA carefully expressed no opinion about the proposals for changes in flight corridors. The study's joint advisory committee, a very knowledgeable group, worked long and hard to find some way to achieve real reductions in neighborhood noise impacts. Their proposals were vehemently attacked by a few neighborhoods that now experience little overflight noise, and by some ill-informed politicians. The staff of the Port of Seattle, for obscure reasons, decided that relief from aircraft noise was not desirable and persuaded the Port Commission to reject out of hand the carefully developed recommendations from the Part 150 study.

The fact is that dispersion of departing flights, as the advisory committee recommended, could have a huge beneficial effect for many parts of the

metropolitan area, at the cost of modestly increased noise for a very few neighborhoods. Unfortunately, the local FAA office was and is unwilling to do anything at all to reduce noise, and worked publicly and privately to prevent the recommendation of the Part 150 committee from bearing fruit.

## No Solution

However, even if the Part 150 committee had achieved all its goals, the results would *not* have been a solution to the aircraft noise problem. There would have been temporary relief for the worst-hit areas in Federal Way and parts of Seattle and the Eastside. But the Port of Seattle and the FAA would continue their mindless drive to expand Sea-Tac Airport to the bursting point, cramming more and more flights, day and night, into already-overcrowded skies—and runways.

The real problem is not so much flight corridors but the “giant noise-generating machine in the heart of the city”. Sea-Tac Airport is in the wrong place to serve as the major airport for our metropolitan area, and the region. If the 25-plus cities in this area are to have relief from overflight noise, the Port and FAA must drop their plans to *expand* Sea-Tac, and must at last, and in good faith, join the effort to find sites for the new, 21<sup>st</sup> Century airports that we in Western Washington and Western Oregon desperately need. While that search goes on, the Port Commission and more importantly the FAA need to make a genuine commitment to quieting Sea-Tac. Changes in flight corridors must be a part of that effort, but they are simply the pain-killer, to be administered for temporary relief while the doctors look for the real cure.

## Port Commission Rejects Work of Sea-Tac Study

To receive federal tax money to buy more land and to fund noise-insulation programs, airports must periodically go through the motions of studying ways to reduce their noise. These are known as ‘Part 150 studies’. They are usually tightly controlled by the airport – as is the case in the study now under way at King County International Airport. These studies usually end up with recommendations that simply support what the airport wanted to do in the first place—buy more land on the perimeter and do just enough insulating to avoid catastrophic lawsuits by the nearest neighbors not yet bought out.

### Citizens Take Control

These studies are actually done by airport consultants, whose bread-and-butter depends on doing just what the clients want. But there is always some sort of advisory committee, to give a faint color of public participation. Once in a great while, a Part 150 study gets out of control and looks seriously at the noise problem. Such is the case for the study just now winding down at Sea-Tac. Under pressure from the Puget Sound Regional Council, seats on the citizens’ advisory committee were allotted several cities, including the six cities closest to the Airport and to the 13 King County councilmanic districts, and most of the people appointed to those spots were active citizen volunteers, with long-standing interest in airport issues. The citizen group well outnumbered the technical advisory committee, made up of folks with a strong pro-airport bias, and was able to have dominant influence on the study. Rose Clark, now deputy mayor of Burien, and formerly a Board member of RCAA, was the chairperson of the citizen group, and provided firm leadership for a thorough study, including a

look at the possibility of undoing some of the harm resulting from the four-post plan imposed by the FAA in 1990.

Oddly, the recommendations of Part 150 studies go the airport, which has almost no power to do anything to reduce noise, and not directly to the FAA, which controls the money and makes all the decisions about the way that aircraft approach and leave an airport.

At the insistence of Port staff, all of the committee’s recommendations about flight corridors were finalized first, and have already been sent to the Port Commission for its action. The rest, mostly having to do with buy-outs and insulation programs, and some minor on-the-ground operational matters, is waiting final committee action in September.

### Dispersion Favored

The advisory committee was strongly committed to dispersing the present highly concentrated departure corridors, to spread out jet-plane noise to the point that it was only a minor intrusion in most people’s daily lives. As the result of the four-post plan, departures (which are noticeably noisier than arriving jets) are heavily concentrated. Southerly departures spew noise on Des Moines and then on Federal Way and parts of Pierce County, on a ‘West Turn’. Similarly, northerly departures (the ‘East Turn’) are tightly compressed over parts of Seattle (Beacon Hill, the Central Area, and several lakeside neighborhoods) and communities on the other side of Lake Washington. The consultant, after discussions with a reluctant local FAA office, reported that on northerly departure the FAA would not rule out a three-way split: 1) additional traffic out Elliott Bay, 2) the largest share of the traffic

turning east higher and farther north, and a portion turning east lower and more southerly. The study committee agreed that a three-way split should be considered seriously. Neighborhood groups on Seattle’s lake shore, central area, and elsewhere welcomed the possibility of a better Elliott Bay route coupled with a split east turn, as did Eastside residents north of downtown Bellevue. They organized to support the proposal.

### No Relief in the North

Splitting the east turn would have sent more planes over parts of Mercer Island and Seattle that now are immune from Sea-Tac noise. That was unacceptable to Mercer Island, and they organized large delegations of their own residents and people in the Lakewood Seward park area of Seattle to appear to oppose any change. Port staff opposed the change, and the commissioners voted against it. The only relief offered for Seattle and the Eastside is the possibility (now quite faint) of increased use of the Duwamish corridor.

### No Relief in the South

Southerly departures could be dealt with by sending some traffic east over the Kent valley, and splitting the west turn. A three-way split ran into strong opposition from Des Moines. The advisory committee therefore recommended a two-way split, with some flights passing and the remainder heading southerly. The Port staff opposed this plan, and the commissioners voted it down. No counter proposal has been suggested. Federal Way must endure the West turn.

The committee is studying plans to increase funding for insulation, so that \$418.5 million would be available in the next eight years. If implemented, this would include \$200 million for Highline School District.

## CASE Notifies Port of Federal Lawsuit Over Sea-Tac Discharges

Citizens Against Sea-Tac Expansion (C.A.S.E) has notified the Port of Seattle that it has 60 days to clean up its stormwater or face another clean-water suit in Federal Court. C.A.S.E. says that the Port's stormwater monitoring confirms the presence of illegally-high levels of copper, lead, and zinc discharged from Sea-Tac into local streams.

C.A.S.E. will be kicking off a fundraising campaign in September for the legal action. C.A.S.E. meets at the ERAC building, 15775 Ambaum S.W., Burien on the first Wednesday of each month.

## The Clean Fill Problem

No one wants poison in drinking water or in streams, so the Department of Ecology is supposed to review all shipments of fill material for the third runway at Sea-Tac, to ensure that only "clean" fill is used.

That system seems to have broken down, as the photo on page 1 so dramatically illustrates. Tires do not meet anyone's requirements for "clean" fill.

As this newsletter was going to press, reports became available showing that at least 80,000 cubic yards, possibly more, of contaminated fill material have been moved to Sea-Tac Airport. Reports show that the fill is contaminated with persistent biocumulative toxins, such as PCBs & DDT, at levels that could be an environmental problem. The fill may contain other toxins and metals. Toxin levels could be higher if the fill sent to Sea-Tac was from a "hot spot." The bulk of the contaminated fill comes the Hamm Creek Restoration site in the Duwamish Valley run by the Army Corps of Engineers.

Incidents like these make it all the more important that the hydrology of the Airport area be thoroughly understood. Will contamination enter the Highline aquifer? Will pollution from fill work its way into surface streams, already under stress from Airport contaminants? Will fill dumped today and left uncapped for many years leach into the soils and streambeds forever?

This year, about 860,000 cubic yards of fill are to be moved to the runway site, or 4.3% of the required material. Port contractors are making two large piles, just outside protected wetlands. These piles will have no use if the necessary permits are not granted. So. 188th at the south end of the airport and So. 154th are seeing several hundred truck trips per day.

# How Safe Is Sea-Tac Airport? How Safe Is Any U.S. Airport?

Runway near-collisions at U.S. airports are on the rise. In 1999, 321 incidents were reported. The National Transportation Safety Board, an independent federal investigative agency, recently expanded its long-standing call for the Federal Aviation Administration to design a warning system that would alert aircrews to a pending risk of encroaching on another aircraft while taxiing around an airport. The NTSB recommends that pilots stop every time they reach a runway intersection and radio to an air-traffic controller for permission to cross. At present, pilots receive clearance to taxi and may cross any runways that are on their route without further clearance.

Such a rule would impose new burdens on the FAA's already hard-pressed air-traffic controllers and the radio system that they use. Thomas Farrier, safety co-ordinator for the National Air Traffic Controllers Association has been quoted as commenting, "Any time you require an additional task, you will take attention away from other tasks." In response, Jim Hall, chairman of the NTSB said, "It is not our intention to add unnecessary burdens." But he admitted that there would be not only more work but additional delays,

expected that the Port would urge FAA to allow use of all three principal runways, as the skies over Sea-Tac become ever more crowded. The potential incursions are more likely to occur in foggy weather.

A documentary on KIRO-TV (Channel 7) in early Summer reported that the number of near-misses at Sea-Tac was on the rise. They also found that air crews often choose to report these incidents to the National Aeronautical and Space Agency (NASA), rather than to FAA, and thus FAA statistics seriously understate the problem.

No safety studies have been published on the impacts of a stop-and-call-in rule on a three-runway Sea-Tac. RCAA has written to U.S. Senators Slade Gorton (R) and Patty Murray (D), asking for a nationwide investigation of the near-miss problem. U.S. Rep. Adam Smith (D, 7) has joined in the request. Sen. Gorton has replied, saying that there is more safety risk from aircraft being delayed in landing than in increased traffic with a third runway. Sen. Murray has ignored the RCAA letter.

The diagram below shows the proposed third runway in gray and outlines the four locations where on-the-ground collisions are most likely to occur.

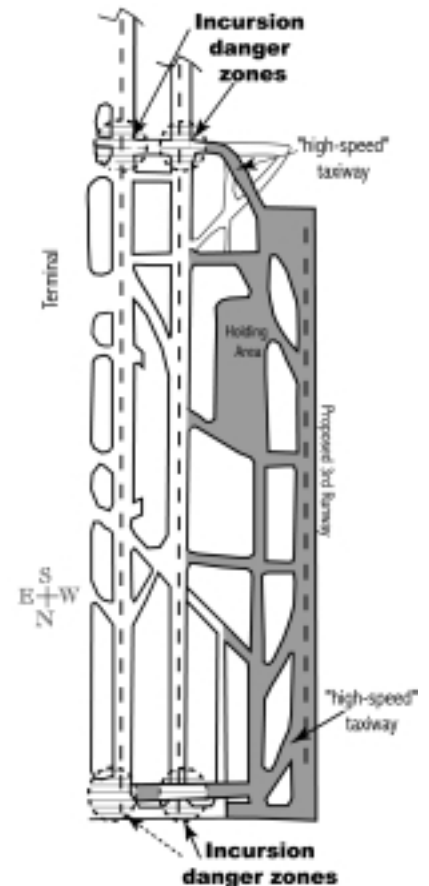
### What happened at Tenerife

On 27 March 1977, two Boeing 747s collided on the ground at Tenerife Airport, in the Canary Islands, with a loss of 582 lives, the most people ever killed in an aviation disaster. The Tenerife airport, like Sea-Tac, was set up with parallel runways operating simultaneously, so that one 747 had to cross the path of another.

which he said were not too great a sacrifice for safety.

The proposed Sea-Tac third runway would create additional potential safety hazards of the type that concern NTSB, called "incursions," when the three parallel runways cause aircraft on the ground to cross active runways and risk colliding. The Tenerife disaster, the worst ever in civil aviation, involved just such a situation.

While planning documents state that the third runway would only be used almost exclusively during bad weather, and only for arrivals from the north, there is no legal restriction on actual use. That is entirely at the discretion of the FAA on a moment-to-moment basis. Most observers simply do not believe that the FAA and Port of Seattle plan to spend \$2 billion for a runway that would have such limited use, and it is generally



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## Artificial Wetlands: A Doubtful Tool

To replace wetlands that would be lost to the Sea-Tac third runway, the Port of Seattle proposes to build new, artificial wetlands in Auburn. These wetlands must work if the Port's plan for mitigating environmental harm is to succeed.

In June, the Department of Ecology released a report on the first phase of a study of artificial and restored wetlands. That report simply covers compliance with permit requirements.

Ecology studied 45 sites & learned that "Most wetland compensatory mitigation projects are failing to meet basic permit requirements," according to Gordon White, Program Manager for Shorelands and Environmental Assistance.

Of the 45 sites studied, 10 involved completely artificial wetlands, & only one of those was implemented to plan.

## Airport Pollutants' Impact On Green River Ignored

Polluted waters from Sea-Tac Airport flow, indirectly, from Gilliam Creek to the Green River, home of endangered salmon. None of the Port of Seattle's environmental studies for any of the proposed construction projects at the Airport has discussed possible impacts in that basin. RCAA is strongly urging the Department of Ecology and the U.S. Army Corps of Engineers to require the Port to provide scientific analysis of this problem. The Green, like most streams in King County, is already stressed hard by pollution from many sources. How much more can it take?

## RCAA Needs You! *Your contributions and participation are vital.*

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### Port's Water Woes

## New Public Meeting Set for Review of State's Highline Hydrology Study

On Thursday, 14 September, at the Highline Performing Arts Center, 401 So. 152<sup>nd</sup>, Burien, the Department of Ecology will host a second public meeting to review the results of a recent study of the possible impacts of Sea-Tac Airport expansion on ground water and streams in the Highline district. The meeting is scheduled from 7 to 9 p.m.

An earlier meeting on June 27th was poorly publicized, and attended by only a dozen members of the public. So, Ecology has agreed to host another meeting, this time with better notice. (Postcards announcing time, date, and place are on their way to members of C.A.S.E.)

Sea-Tac Airport's plan for a massive embankment, the home for the proposed third runway, poses threats to the water supply of the Highline district and to the future of Miller, Walker, and Des Moines creeks. These problems were not seriously addressed in the Port/FAA environmental studies. The Legislature in 1999 provided \$250,000 for an independent study of the hydrology of the Highline district, to be conducted by outside consultants and overseen by the Department of Ecology.

As explained to the public at the June meeting, the report points out significant problems with the Airport's modelling of local hydrology. That makes it impossible for Ecology and the Army Corps of Engineers to know if the Airport's plans will actually work to protect Miller, Walker, and Des Moines Creeks from low stream flow, flash floods, and excessive sedimentation—all of which are highly damaging to fish and other aquatic life.

The report concluded that the runway fill (27 million tons' worth) will staunch the flow of groundwater into nearby streams.

RCAA Vice President Allan M. Furney said after the June meeting, "The basic conclusion of this report is that the Port hasn't done its homework." The report will be of assistance to King County Surface Water Management personnel,

who are reviewing the third-runway stormwater plan to see if it will actually protect the local creeks from flooding.

John Glynn, from Ecology's Water Quality section, said during the first meeting that if the state ignored its own hydrology-study findings (by certifying that there is reasonable assurance that water quality will not be impaired by the project), Ecology could be inviting a lawsuit.

The risks to the local hydrology from the project are numerous: contamination of aquifers; alteration of groundwater flow; increases in contamination in runoff from new runway surfaces into streams; reduction of overall groundwater flow (raising stream temperatures to unacceptable levels); removal of the natural buffers of wetlands, thus raising the risk of flash floods—which scour out salmon beds?) and do much other harm in the streams and adjoining shallow waters of the Sound.

Portions of the report are available on the internet at the "Reports" page of [www.thirdrunway.homestead.com](http://www.thirdrunway.homestead.com), and the entire report is available at the RCAA office.

## Seattle Drinking Water To Augment Miller Creek?

In order to maintain stream flow in Miller Creek, the Port of Seattle originally planned to buy water rights from Highline Water District.

The agreement of the District to this deal touched off a vigorous controversy last Winter, leading to a lawsuit. Now it appears that the District had long since abandoned the water rights at issue, and so had nothing to sell to the Port.

Accordingly, the Port fell back to Plan B—to buy drinking water from the City of Seattle. That water is chlorinated and fluoridated, fine for people but bad for fish. Now the Port must present workable plans to remove chlorine, to remove fluorides, and to guarantee that Seattle with its growing thirsty population will share its limited water supply with Highline fish—forever. p5

# Truth in Aviation

Regional Commission on Airport Affairs

<http://www.rcaanews.org/rcaa>

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## Inside:

Endangered Species p.1

Port Permit Deadlines Loom p.1

Port Official Jumps Ship p.1

Noise Study Stopped p.2

Focus on Safety Issues p.4

## *Continued from page 1* **FAA, Port Sued**

must stop all Sea-Tac expansion until consultations have been completed. ACC then sued the FAA in U.S. District Court in Seattle, asking the court to follow numerous precedents by ordering a shut down of any expansion work. The Port of Seattle asked the court for permission to participate, and is now a party in the case.

### **No Federal Funding, Says Port**

The Port claims that there is no federal money involved in the airport-expansion projects, and therefore the ESA does not apply. What happened to the \$161 million grant promised by the FAA as its share of third-runway costs? The Port also claimed that the lawsuit had to be brought in the U.S. Court of Appeals, in San Francisco. So, ACC filed a second case in that court to accommodate the Port. The Port now claims that the Court of Appeals also does not have jurisdiction.

U.S. District Court Barbara Rothstein has stayed the case in her court until the Court of Appeals acts. ACC expects that court to rule in September or October on the question of which court has jurisdiction.

If the courts order the Airport to “consult” with U.S. Fish & Wildlife Service or National Marine Fisheries Service, or both, the process will be lengthy and Sea-Tac expansion derailed for many months.

## *Continued from page 1* **Deadlines Loom**

accessible mitigation package in the near future”. But time is very short. The letter makes a point of noting that the Corps has been reviewing materials related to this project for over four years. Their patience is beginning to wear thin.

### **“May not work”?**

The Port’s project severely impacts wetlands West of the existing airport. It proposes to build artificial wetlands in Auburn and to do some other mitigation work in the area of the Airport, amounting to 100 acres of mitigation. But the Engineers are worried: “... we conclude that 100 acres of proposed mitigation may barely compensate for all the impacts resulting from implementation of the Master Plan Update Improvement projects. At this time, we believe that if we approve this plan, there remains a substantial risk that portions of it may not work.”

Neither the Engineers nor Ecology can approve a mitigation plan that “may not work”. The 19-page memo is full of pointed & painful comments and questions. Just one, for example, referring to the Natural Resource Mitigation Plan Revised Draft noted, “...numerous errors... inaccurate status reports or descriptions, erroneous numbers, and several assumptions which we believe are unsubstantiated.” This on a *revised* draft submitted in support of a *second* application, after four years

of review of documents, and the anniversary date of the second application only 48 days away!

Ecology has said that it will issue a ruling (though it has the right to defer to the Engineers). Its rulings can be appealed to the Pollution Control Hearing Board. If the Port cannot cobble together a functional package for the Engineers in time, it might withdraw its application a second time, and try again later in the Fall. But the Engineers are said to have the option of denying the application “with prejudice”, meaning that it could not be re-submitted for a third try. The Port could appeal such a ruling to Federal court.

### **Groups Call for Fresh Start**

The Airport Communities Coalition and RCAA each have asked that the agencies not approve the pending application, and at the least, require the Port to submit a new, complete, application, with a new round of public hearings and comments. RCAA has criticized the process since last Fall on the basis that the Port has not submitted complete technical reports – they are all labelled ‘draft’, ‘revised draft’, ‘addendum’, and so on, and new materials are being submitted all the time. How can the public meaningfully comment on the details of an application that is supported by studies that are in a constant state of flux? What will the courts say about that?

The next few weeks will be—interesting. p6