

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

January 17, 2002

The regular study session of the Des Moines City Council was called to order by Mayor Wasson at 7:38 p.m. in the Council Chambers, 21630 11th Avenue South.

PLEDGE OF ALLEGIANCE to the Flag was led by Councilmember Sheckler.

ROLL CALL - Present: Mayor Don Wasson, Mayor Pro Tem Richard Benjamin, Councilmembers Gary Petersen, Bob Sheckler, Maggie Steenrod, Scott Thomasson, and Susan White. Also present were City Manager Bob Olander, City Attorney Gary McLean, and Deputy City Clerk Angela Chaufy.

Seattle Tacoma International Airport

City Manager Olander introduced Dr. Steven Hockaday and Attorney Peter Eglick.

Dr. Hockaday informed Council that he is a Civil and Environmental Engineer, an Airport Planner, and a Professor at CalPoly University. He stated his opinion that a third runway at Seattle Tacoma International Airport (Sea-Tac) was not needed, caused harm, and was not in the public interest. He felt that ACC had a strong case against the third runway as better alternatives were available. Through a Power Point presentation, Dr. Hockaday explained that a third runway was not needed as delays at Sea-Tac were at an acceptable level today, future delays would be less due to technology advancements, and aircraft demand was decreasing due to more passengers per aircraft. He noted that a FAA benchmark report showed low Sea-Tac arrival delays while Department of Transportation information indicated that Sea-Tac arrivals were delayed upstream, rather than at Sea-Tac. In regard to weather conditions, Dr. Hockaday explained that the Port of Seattle's FEIS used a non-standard definition of "poor" which exaggerated the capacity problems. He displayed data illustrating that good summer and daytime weather coincided with peak traffic periods. Dr. Hockaday noted that the FAA had already committed to a 5% capacity increase at Sea-Tac to be derived through technology. He cited the use of Localizer Directional Aid procedures at Lambert-St. Louis Airport as an example of an airport increasing capacity through technology. Dr. Hockaday stated that a third runway was harmful for the following reasons:

- A third runway is inefficient.
The Flight Plan Project states that airspace interactions will cause one-for-one loss of operations at Boeing Field for each poor weather operation on a third runway. Resources would be expended without any increase in capacity. Waiting to taxi across two active runways and taxiing an extra ½ mile to the terminal will also cause at least five minutes more delay.
- Significant safety problems exist.
Use of a third runway increases runway incursion problems as planes must cross two active runways. Multiple airspace interactions between Boeing Field and Sea-Tac would be increased. Studies show that aircrafts involved in accidents often go outside of the runway safety area. Outside of the proposed third runway safety area is a 170' vertical drop. The potential of wind-shear problems due to the 170' wall has also not yet been adequately studied.
- Regional impacts are severe.

Construction of a third runway would consume scarce regional financial resources, fail to provide a long-term solution, delay regional decisions and increase ground access problems. The third runway would also maintain high ticket prices due to a lack of competition.

- Major environmental problems exist.
The third runway would cause the disruption and fill of acres of wetland area, increase aircraft noise, create air and water pollution, and increase the potential for stormwater and groundwater failures.

Dr. Hockaday noted that the Puget Sound Regional Council has recognized that it is not likely Sea-Tac would be able to accommodate the region's long-term demands. The agency has asked the state to undertake a comprehensive, long-range planning process for meeting long-range demands. Dr. Hockaday highlighted the following alternatives to the third runway:

- Load more passengers on larger aircrafts.
- Identify other regional airports.
- Construct shorter, lower Sea-Tac runways.
- Do nothing.
- Do a combination of the alternatives.

Based upon the information available, Dr. Hockaday stated his belief that a third runway was not in the public interest.

Dr. Hockaday informed Council that the FAA had defined a "practicable no-runway alternative" in their August 8, 2001 Record of Decision. In the Record of Decision, the FAA identified the following options if a third runway was not constructed:

- "FAA would take actions (such as air traffic instrument procedures. . .) to enable more landings to occur during poor weather.
- "the Localizer Directional Aid (LDA) approach would be instituted
- "other technological improvements may ... increase the number of hourly landings during poor weather
- "as many as 19,100 aircraft operations could be accommodated at existing airports."

Dr. Hockaday informed Council that the FAA Record of Decision estimated that LDA approaches would increase Sea-Tac capacity by 6.5%, other technology improvements would increase capacity by 5%, and demand management would reduce Sea-Tac demand by 29,060 aircraft operations (19,100 at other regional airports and 9,960 eliminated by more passengers per aircraft).

In regard to the Army Corps of Engineers and FAA, Dr. Hockaday explained that Executive Order 11990 requires that federal agencies must "avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative."

In summary, Dr. Hockaday stated his belief that the ACC has a strong case as a third runway is not needed, it is harmful, and better alternatives are available. New information such as the

FAA's August 8, 2001 Record of Decision defining a practicable no-runway alternative and the documented reduced demand and delay at Sea-Tac (both before and after 9/11), serve to reinforce the ACC's position.

City Manager Olander noted that Dr. Hockaday has presented this information to the Army Corp of Engineers as well.

In regard to potential capacity at Paine Field, Dr. Hockaday noted that several carriers were quickly moved to Paine Field after last year's earthquake. He also said that new security needs have increased Port of Seattle costs.

Councilmember Sheckler said that the ACC is working toward insuring that the Army Corp of Engineers does not issue the 404 Permit for the project.

City Manager Olander commented that Dr. Hockaday's resume and qualifications were available upon request. He then introduced ACC's Lead Counsel Peter Eglick, an attorney with Helsell Fetterman.

Mr. Eglick informed Council that he has been working with the ACC for the last few years after the ACC and citizens had unsuccessfully tried to convince other cities that construction of a third runway was not a good policy decision. His role is to review data, scientific information, and Federal laws that govern the project. Mr. Eglick then proceeded to chronologically report the following significant events of the fight against the third runway:

Fall, 1999 – The ACC gathered a team of independent, qualified experts to review the proposed project. This team reviewed documents submitted by the Port of Seattle to the Army Corp of Engineers (responsible for issuance of a 404 Permit) and the Department of Ecology (responsible for the 401 Certification Program). Their purpose was to identify and raise issues of concern.

September, 2000 – The Port of Seattle had not yet received project approval from the Department of Ecology. As they were up against a one-year deadline for their 401 Certification, the Port of Seattle withdrew their application. The Port of Seattle then filed a new application with the Department of Ecology, the second application was similar to the first.

Fall, 2000 – Department of Ecology's Senior Environmental Specialist Tom Luster was removed from the third runway application review team. Mr. Eglick has obtained data that suggests that Mr. Luster was removed from the project as he would not compromise Federal law. Discovery data has also suggested that the Department of Ecology was given by higher authorities a deadline to approve the application.

August 10, 2001 – Department of Ecology issued a 401 Certification for project.

August 14, 2001 – Department of Ecology officials attend Port of Seattle Commissioner's meeting. During the meeting, they are told by the commissioners that the requirements of the certification were too tough.

September 21, 2001 – The Department of Ecology weakens the 401 Certification requirements.

Fall, 2001 – The ACC appeals the August, 2001 and September, 2001 Department of Ecology decisions to the Pollution Control Hearing Board. The Board recognized the following three issues raised by the ACC:

- Water rights – Port of Seattle cannot place a lien on stormwater that they do not own the water rights to.
- Fill Standards – The Department of Ecology approved bogus contaminate standards for the fill. For example, a very high level of petroleum contamination in fill dirt was deemed “natural” and thus allowed.
- Insufficient Wetland Mitigation – Twenty acres of prime wetland area would be exchanged for the development of wetlands in an area outside of the affected basin area.

December, 2001 – The Pollution Control Hearing Board grants the ACC’s request for a stay. Also, the Citizens Against Sea-Tac Expansion (CASE) had filed an appeal of the Port of Seattle’s National Pollutant Discharge Elimination System permit. The Pollution Control Hearing Board acknowledged one of the issues raised by CASE and the Port of Seattle’s NPDES permit was remanded.

Mr. Eglick told Council that stopping construction of the third runway would not be a quick victory but events were looking more positive. The ACC has asked the Army Corp of Engineers to delay their ruling on the 404 permit until the Pollution Control Hearing Board issues their decision regarding the 401 permit. The Army Corp of Engineers has not indicated whether they will honor the request.

City Manager Olander stated that he would distribute Mr. Eglick’s letter to the Army Corp of Engineers to Council. He said that the Pollution Control Hearing Board decision would be posted on the City’s website.

Mr. Eglick said that, if necessary, the ACC would appeal the Army Corp of Engineers’ decision to a Federal District Court.

Councilmember Sheckler noted that twice the Army Corp of Engineers has publicly told the Port of Seattle that they are stockpiling fill at their own risk.

Councilmember Steenrod encouraged concerned citizens to call and write Governor Locke asking him to view Dr. Hockaday and Mr. Eglick’s presentations.

City Manager Olander noted that the following hydraulic issues also surrounded the third runway project:

- Miller Creek could dry up entirely
- Pollution spill study results were not yet identified
- Due to seismic and geological concerns for the wall, the Port of Seattle has said that they would excavate the wall’s base and refill the area. This would affect the water’s ability to flow to the creeks for two to three years

Advisory Boards and Council Committee Appointments

City Manager Olander distributed the completed Human Services, Senior Services, and Library Board applications to Council.

Mayor Wasson asked Council to review the applications and contact him with recommendations. The appointments would be made at the next meeting. Councilmember Wasson also asked Council to submit their Council Committee assignment selections to him.

NEXT MEETING DATE – Regular Meeting, January 24, 2002

ADJOURNMENT

The meeting adjourned at 9:35 p.m.

Respectfully submitted,

Angela M. Chafty
Deputy City Clerk