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No. 73419-4

SUPREME COURT OF THE STATE OF WASHINGTON

PORT OF SEATTLE, a port district of the State of Washington,

Petitioner,

v.

THE POLLUTION CONTROL HEARINGS BOARD, an agency of the
State of Washington; AIRPORT COMMUNITIES COALITION; and
CITIZENS AGAINST SEATAC EXPANSION,

Respondents,

v.

STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY, an agency
of the State of Washington,

Respondent Below.

DECLARATION OF ROBIN V. KORDIK
IN OPPOSITION TO AIRPORT COMMUNITIES COALITION'S
MOTION FOR INJUNCTIVE RELIEF

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Robin V. Kordik declares under penalty of perjury of the laws of the State of Washington:

1. I am over 18 years of age, competent to testify, and have personal knowledge of the facts stated herein.

2. I am a Senior Environmental Program Manager, Aviation Division, for the Port of Seattle. In this capacity I coordinate all Clean Water Act 401 and 404 permit condition submittals to appropriate State and Federal agencies for the airport's Master Plan Update projects at the airport, and I serve as program manager of the wetlands program at the airport.

3. On August 12, 2002, the Pollution Control Hearings Board affirmed Ecology's decision to issue a 401 Certification to the Port of Seattle for its Master Plan Update projects, which include construction of a third runway at the airport. The Order included a number of conditions including Condition 11, which (1) urges the Port of Seattle to consider additional in-basin mitigation opportunities in the headwaters of Walker Creek, (2) requires a mitigation ratio of no less than 2:1, and (3) prohibits use of buffers or enhancement for calculating the mitigation ratios. The Order also urges the Port to consider additional in-basin mitigation opportunities prior to relying on out-of-basin mitigation.

4. To respond to these issues, in November 2003 I asked Parametrix, a firm of scientists and engineers with expertise in wetland science, to prepare the attached report. Parametrix completed the report in its current draft form on April 8, 2004. Specifically, the report looks at sites in the Walker Creek headwaters, as well as other in-basin sites in the Miller Creek watershed, Des Moines Creek watershed, and the non-headwater portions of the Walker Creek watershed.

5. The report assesses 89 locations but concludes that no new mitigation sites are available in the sub-basins where impacts occur. The potential mitigation sites in the affected sub-basins do not meet the PCHB's criteria of sustainability and public safety. One mitigation site in Auburn is located within the Third Runway project's Water Resource Inventory Area (WRIA 9) and does meet the Board's criteria; however, that site is already part of the Port of Seattle's Natural Resource Mitigation Plan for the project.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge and belief.

SIGNED at Seattle, Washington, this 8th day of April, 2004.


ROBIN V. KORDIK