

Appendix H





U.S. Department
of Transportation
**Federal Aviation
Administration**

Seattle Airports District Office
1601 Lind Avenue SW, Ste 250
Renton, WA 98057-3356

September 28, 2017

Mark Cook, P.E.
Kittitas County Public Works Director
411 N Ruby St, Suite 1
Ellensburg, WA 98926

Dear Mr. Cook:

Re: Bowers Field (ELN) Airport, Ellensburg, Washington - Proposed Landfill Transfer Station

It has come to our attention that Kittitas County (County) is considering a location on Bowers Field airport property to site a new landfill transfer station facility.

The Federal Aviation Administration (FAA) strongly objects to the County's plan of relocating and expanding its landfill transfer station facility on airport property. Bowers Field is an important part of the FAA's National Plan of Integrated Airport System (NPIAS), which identifies airports important to the national air transportation system. Locating a transfer station facility in proximity of active runways poses a potential hazard to aircraft due to this type of facility being a wildlife hazard attractant that could increase the risk of collisions between birds and aircraft.

Grant Assurance 20, *Hazard Removal and Mitigation*, requires airport sponsors to protect terminal airspace. Accordingly, the sponsor must protect instrument and visual flight operations, including established minimum flight altitudes. Adequate protection includes the clearing, removing, lowering, relocating, marking, lighting, or mitigating of existing airport hazards. It also includes protecting against establishment or creation of future airport hazards, including wildlife hazards.

We understand that the proposed transfer station facility may be located south of Bowers Field flight line, and south/southeast of active Runway 7/25 and Runway 11/29. The transfer station would allow for: (1) several buildings for waste, receiving storage, and handling, loading areas, and contractor offices; (2) outdoor composting operation area; (3) administrative building for County staff and visitors; (4) indoor/outdoor scale houses; (5) recycling drop-off depot; and (6) household hazardous waste building.

It appears that the County's proposed development is incompatible with safe flight operations. Conditions that are not compatible must be eliminated, or in this case, not established. Even if the transfer station facility is not in the approach path of the airport's runway, it still poses a bird strike hazard because of the birds' ability to fly away from the County's facility and into the path of oncoming planes.

Development on airport property must be carefully coordinated with the FAA to ensure the proposal is not in conflict with the County's Federal obligations. This coordination has not been done for the transfer station facility. Among the issues we are concerned about and would require FAA approval are the following:

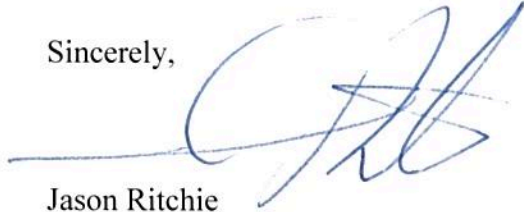
- The FAA cannot approve any development proposal that is not in conformity with Kittitas County's approved Airport Layout Plan (ALP), and not consistent with the outcome of the County's on-going Airport Improvement Program (AIP) master plan update (MPU) study. Also, to safeguard the airport's continued ability to accommodate future aeronautical needs, the Sponsor's Master Plan Update should assess alternatives that will help protect assets beyond the 20-year planning period.
- Once we are satisfied Kittitas County's obligations are met and the master plan forecast and alternative analysis is complete, the construction proposal must be submitted for National Environmental Policy Act (NEPA) and FAA airspace review
- Lease agreements must be submitted for review. The provisions of the Quitclaim Deed for airport property and grant assurances gives the FAA the authority to review any lease or other rental arrangement at Bowers Field. The purpose of our review is to ensure the commitments made are not contrary to your grant obligations, because the agreements could have the effect of:
 - (a) Placing contractual and legal encumbrances or conditions upon the airport property, in violation of Grant Assurance 5, *Preserving Rights and Powers*;
 - (b) Limiting the airport's ability to ensure safe operations in both movement and non-movement areas, in violation of Grant Assurance 19, *Operation and Maintenance*;
 - (c) Weakening the airport's ability to protect the terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes), and remove and mitigate hazards and incompatible land uses, in violation of Grant Assurance 20, *Hazard Removal and Mitigation*.
 - (d) Making it more difficult for an airport sponsor to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft, or making it difficult to implement future security requirements that may be imposed on airports, in violation of Grant Assurance 21, *Compatible Land Use*.
 - (e) Affecting the airport's ability to be self-sustaining, in violation of Grant Assurance 24, *Fee and Rental Structure*.
 - (f) Encouraging alteration in the airport or development of facilities not in conformity with approved airport layout plan (ALP), in violation of Assurance 29, *Airport Layout Plan*.

We know airports must find new and innovative ways to maintain a fee and rental structure which will make the airport as self-sustaining as possible and this can be a challenging task. However, land use decisions have long term consequences for airports. As a recipient of Federal aid grants and surplus property, the County has provided written assurances to the United States Government to protect the airport, abide by its grant assurances and FAA regulations; and ensure the safety, security, utility and efficiency of Bowers Field, Ellensburg, Washington.

For additional information see [49 U.S.C. § 44718\(d\)](#), Advisory Circular (AC) [150/200-33B](#) entitled "[Hazardous Wildlife Attractants On or Near Airports](#)", AC 150/5200-34A, entitled [Construction or Establishment of Landfills near Public Airports](#). Federal Aviation Administration (FAA) web site provides additional guidance at https://www.faa.gov/airports/airport_safety/wildlife/.

If you have any questions or would like to discuss please do not hesitate to contact us.

Sincerely,



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cc: WSDOT – Aviation Division, Mr. David Fleckenstein, Director,
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