

PORT OF SEATTLE
MEMORANDUM

COMMISSION AGENDA
ACTION ITEM

Item No. 4c
Date of Meeting May 17, 2016

DATE: May 9, 2016
TO: Ted Fick, Chief Executive Officer
FROM: Stephanie Jones Stebbins, Director, Maritime Environment and Sustainability
George Blomberg, Sr Environmental Program Manager, Maritime Environment and Sustainability
SUBJECT: Muckleshoot Indian Tribe and Port of Seattle; Fish and wildlife habitat rehabilitation project, Terminal 105 public shoreline access site, additional funding

ACTION REQUESTED

Request Commission authorization for the Chief Executive Officer to prepare and sign an interlocal agreement with the Muckleshoot Indian Tribe, substantially as described in this memorandum, allowing for additional shoreline fish and wildlife habitat rehabilitation actions at the existing Duwamish Waterway Terminal 105 public shoreline access site.

SYNOPSIS

The Muckleshoot Indian Tribe, a federally recognized sovereign Indian Tribe (Tribe), and the Port share important interests in Elliott Bay and the Duwamish Waterway. The Muckleshoot Indian Tribe has treaty reserved rights and resources, including usual and accustomed fishing areas, in Elliott Bay, the shoreline, and aquatic area within the Tribe's treaty reserved protected rights and resources area. Stewardship of these shared resource areas is critically important to the welfare of the Tribe and its members as well as essential to the Port's strategic facility, business, and environmental objectives.

The Tribe and the Port have worked cooperatively in recent years to sustain treaty fishing rights and efficient, productive Port maritime facilities and operations. The Tribe and the Port propose to conduct additional shoreline rehabilitation actions at Terminal 105, adding to and enhancing existing rehabilitation work that was made possible by commission authorization to establish an interlocal agreement in December 2015. Please note that the Terminal 105 habitat restoration made possible by the December 2015 interlocal agreement approval was completed in February 2016.

Port management and construction costs will be reimbursed by the Muckleshoot Indian Tribe, using restoration grant funds the Tribe has received. The Commission previously authorized use of an interlocal agreement with the Muckleshoot Indian Tribe for Terminal 105 habitat rehabilitation, December 8, 2015, including up to \$300,000 in funds provided by the Muckleshoot Indian Tribe. Additional grant funds are now available from the Muckleshoot Indian

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Tribe and the present request increases the total amount of the interlocal agreement to \$390,000. As with the previous approval no port funding is requested.

BACKGROUND

The Tribe and the Port previously identified three habitat restoration actions for the Terminal 105 site located on the west bank-line of the Duwamish Waterway at approximately River mile 0.6. Identified restoration actions included: (1) removing derelict piling and industrial debris; (2) placing clean sand cap material in inter-tidal areas disrupted by piling and debris removal; and, (3) stabilizing upper bank-line areas with anchored re-used logs and native riparian vegetation. The rehabilitation actions included approximately 1.3 acres of shallow sub-tidal and inter-tidal and inter-tidal aquatic area, and approximately 225 linear feet of shoreline area. Project rehabilitation activities completed in February 2016 included the first two identified actions: (1) piling and debris removal: approximately 351 piling were removed, with a combined total of approximately 110 tons of creosote and concrete debris removed; and (2) clean sand cover: approximately 85 tons of clean sand cap materials were placed as substrate restoration.

The work was completed using less funds than anticipated, with approximately \$90,000 remaining in the previously approved interlocal agreement budget.

PROJECT JUSTIFICATION AND DETAILS

The Muckleshoot Indian Tribe has additional grant funds available for use in habitat restoration at the Terminal 105 site. Staff proposes that we work with the Tribe again, building on the success of recently completed work to conduct additional habitat restoration improvements. As with the December 2015 interlocal agreement, the Port will provide the land and will manage the construction work, being reimbursed by the Tribe for costs other than cost of land.

The additional funds would be used for the bank-line stabilization task identified in (3) above.

Project Objectives

To stabilize approximately 225 linear feet of eroding Terminal 105 bank-line.

Scope of Work

The proposed additional rehabilitation actions include stabilization of approximately 225 linear feet of existing eroding upper bank-line area with anchored buffer logs and installation of native riparian trees and shrubs. Up \$90,000 additional grant-funds from the Muckleshoot Indian Tribe will be used for bank-line stabilization.

Schedule

Commission Approval May 10, 2016

Complete ILA (Interlocal Agreement) May 2016

Begin Work May 2016

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Complete Work June 2016

FINANCIAL IMPLICATIONS

<i>Budget/Authorization Summary</i>	Capital	Expense	Total Project
Original Budget	\$0	\$0	\$0
Previous Authorizations	\$0	\$0	\$0
Current request for authorization	\$0	\$90,000	\$90,000
Total Authorizations, including this request	\$0		
Remaining budget to be authorized	\$0	\$90,000	\$90,000
Total Estimated Project Cost	\$0	\$0	\$0

All current and previous costs are 100% reimbursable

<i>Project Cost Breakdown</i>	This Request	Total Project
Construction	\$0	\$70,500
Construction Management	\$0	\$3,500
Design	\$0	\$0
Project Management	\$0	\$5,250
Permitting	\$0	\$0
State & Local Taxes (estimated)	\$0	\$10,750
Total	\$0	\$0

All costs are 100% reimbursable

Budget Status and Source of Funds

No funds are requested. Funds provided by the Muckleshoot Indian Tribe will allow for additional habitat restoration construction, including project management and staff resources, with all costs reimbursed using grant funds the Tribe has received.

All port staff, project management, and construction costs will be reimbursed with funds from the Muckleshoot Indian Tribe. Future maintenance costs are anticipated to be minimal.

Financial Analysis and Summary

CIP Category	N/A
Project Type	Expense
Risk adjusted discount rate	N/A
Key risk factors	
Project cost for analysis	
Business Unit (BU)	
Effect on business performance	
IRR/NPV	
CPE Impact	

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Lifecycle Cost and Savings

Future maintenance costs are anticipated to be minimal.

STRATEGIES AND OBJECTIVES

- This action will improve fish and wildlife habitat conditions at the project site and help to ensure continued beneficial use of the existing Duwamish Waterway Terminal 105 public shoreline access site.
- The completed project will enhance approximately 1.3 acres of habitat and supports progress towards the Century Agenda restoration goal of creating, restoring, or enhancing 40 acres of habitat in the Green Duwamish watershed.
- This provides an opportunity to add to recently completed cooperative efforts improving fishing access and habitat with the Muckleshoot Indian Tribe, and continues to enhance our relationship with the Muckleshoot Indian Tribe.

ALTERNATIVES AND IMPLICATIONS CONSIDERED

Alternative (1) – Decline the funding opportunity.

Cost Implications: No port staff or construction funds would be committed. The ability to make use of substantial outside funds for beneficial Duwamish Waterway shoreline habitat improvements would be foreclosed.

Pros:

- (1) Port will retain potential for future restoration work.

Cons:

- (1) Lost opportunity for cooperative government-to-government action.
- (2) Diminishes ability to involve community and environmental groups in Duwamish Waterway shoreline habitat restoration.
- (3) Lost opportunity for outside funding for highly visible Duwamish Waterway project contributing to Century Agenda restoration goal.

This is not the recommended alternative.

Alternative (2) – Accept funding opportunity from the Muckleshoot Indian Tribe for use in Terminal 105 fish and wildlife habitat restoration.

Cost Implications: All port staff and construction costs would be reimbursed using additional funds made possible by the interlocal agreement. No additional cost to the port would result.

Pros:

- (1) The completed project will enhance approximately 1.3 acres of habitat supporting progress towards the Century Agenda restoration goal of creating, restoring, or enhancing 40 acres of habitat in the Green Duwamish watershed.

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- (2) This provides an opportunity to add to recently completed cooperative efforts benefiting fishing access and habitat with the Muckleshoot Indian Tribe.
- (3) This may lead to future opportunities to use other agreements at other Duwamish Waterway initiatives for mutual benefit, expanding scope for potential settlement agreements.
- (4) This opportunity underscores importance of “government-to-government” interactions.
- (5) No cost to the Port except the cost of land.
- (6) No additional cost to the Port.

Cons:

- (1) Diminishes ability to make maximum use of Terminal 105 in potential natural resource damage settlements.

This is the recommended alternative.

ATTACHMENTS TO THIS REQUEST

- Interlocal Agreement

PREVIOUS COMMISSION ACTIONS OR BRIEFINGS

- December 8, 2015—previous Commission ILA approval, Terminal 105, fish and wildlife habitat restoration project, grant funds provided by Muckleshoot Indian Tribe