

**PORT OF SEATTLE**  
**MEMORANDUM**

**COMMISSION AGENDA**

**Item No.** 7b

**Date of Meeting** May 5, 2009

**DATE:** April 14, 2009

**TO:** Tay Yoshitani, Chief Executive Officer

**FROM:** Eric Hanson, Manager, Seaport Planning  
Joseph Gellings, Seaport Senior Planner

**SUBJECT:** Lower Duwamish River Habitat Restoration Plan  
Briefing—plan background and preparation, public outreach, and habitat restoration potential

**PURPOSE OF THE PLAN**

As a complement to and in support of the Port's 2007 "cleanest, greenest, most energy efficient port" initiative, the Port has compiled the Lower Duwamish River Habitat Restoration Plan. The Port determined that it was appropriate at this time to take the lead in preparing a habitat restoration plan for the Duwamish Waterway, establishing a forward-looking strategy for restoration of fish and wildlife habitat, while ensuring that marine industrial and other waterway users would not be impeded and would continue alongside efforts to restore shoreline and aquatic area natural resources. While the timing is right for a plan that clarifies the scope and location of potential fish and wildlife restoration sites throughout the Duwamish Waterway, this plan does not propose specific habitat restoration projects or prescribe the implementation details of individual habitat projects. The plan serves an important role in demonstrating that there are many locations for habitat on Port-owned land without constraining water navigation to the maritime businesses.

The Lower Duwamish River was listed as a federal Superfund site in 2001. At present, federal and state agencies and natural resource trustees are preparing technical evaluations and plans for cleanup of environmental contamination in the Duwamish Waterway and subsequent determinations for compensation for natural resource damages. In addition to Superfund decision-making other mechanisms drive habitat restoration projects in the river, including the recently distributed Puget Sound Partnership action agenda, endangered species requirements, and mitigation for adverse environmental effects due to new marine development projects.

Anticipating upcoming Superfund cleanup and natural resource damage decisions, regional and local restoration efforts, and the need for project mitigation for new water-dependent marine industrial development, and in light of the port's most recent environmental initiatives, it is timely that the port prepare a habitat restoration plan and inventory of potential restoration sites.

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All of these forces point to a proliferation of habitat projects along the river in the coming years and, as a principal property owner in the Duwamish Waterway, a habitat restoration plan is a necessary first step.

## **STUDY AREA**

The study area for the Lower Duwamish River Habitat Restoration Plan includes port-owned aquatic area and shoreline adjacent to the Duwamish Waterway navigation channel, extending from the south tip of Harbor Island to Turning Basin Number Three, a total distance of approximately 4.6 miles. Port-owned properties along the river take one of two forms. The first are upland properties that currently function as marine cargo facilities, cargo facility support areas, or as locations committed to public shoreline access, for example Terminals 108, 107, 115 and 117. The second consists of port-owned “ribbon properties” along the shoreline of the river. Ribbon properties exist based on a condition where the present shoreline is located within the 500-foot-wide Port-owned waterway parcel originally established for construction of the Duwamish Waterway navigation channel. The Port possesses these shore land ribbon properties as an artifact of the location of the historic Duwamish River meander channel, the survey of the Duwamish Waterway right-of-way, and the constructed dimensions of navigation channel and associated filled former estuarine aquatic area. Overall, approximately two-thirds of the present Duwamish waterway shoreline consists of Port-owned ribbon properties. In the restoration plan, Figures 7 through 10 starting on page 30 illustrate the configuration of the ribbon properties. From an environmental perspective, portions of existing port marine terminal facilities and the ribbon properties have substantial potential to host fish and wildlife habitat improvements.

## **OUTREACH PROGRAM**

Public outreach activities began in April 2008 as a first step in preparation of the Lower Duwamish River Habitat Restoration Plan. Port staff crafted the outreach program by starting with an identification of stakeholder types. These included maritime businesses as well as the owners of shoreline industrial land not currently used for water-dependent marine industrial development. Ongoing Superfund-related planning aided in the identification of community and environmental organizations. Finally, Treaty tribe interests and key public agencies were identified.

The methods for public participation included announced/advertised citizen meetings and correspondence. Public outreach as an element of restoration plan preparation was also shaped by early discussion and feedback from Duwamish-based community groups. Public participation started in April 2008, first with a series of lunch hour meetings for water-dependent industry and with an evening “open house” style public meeting in the Georgetown neighborhood. As the program moved forward, staff incorporated citizen suggestions for making subsequent public meetings more engaging through a series of three “planning workshops” in summer 2008. The workshops yielded valuable input from the surrounding neighborhoods, however, business

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interests were relatively small in the make-up of the participants. This led staff to assemble a mail-back customized map/survey questionnaire for the businesses in the Duwamish study area, substantially increasing participation. After the release of the first draft of the plan in October a second project open house meeting was held in the Georgetown neighborhood on November 12. The aggregate number of attendees to sign-in to one of the public meetings was approximately 120.

The outreach program relied heavily on email and the internet. A project email distribution list was compiled from the outset and was very effective in updating interested parties on meetings or plan development milestones. Staff also gained extra exposure when the Duwamish River Cleanup Coalition forwarded our meeting notices to their extensive email list. A project website has been maintained within the Port's site throughout the plan development.

## **PLAN CONTENT**

Staff are pleased to report that Duwamish business representatives have been, generally, very receptive to having the plan designate habitat areas in proximity to their docks and other marine infrastructure. As a result, the final plan identifies a total of 31 habitat project sites. The majority of the sites are on ribbon properties, representing potential shoreline corridor enhancements along the Duwamish Waterway, improvements which would also be beneficial to adjacent aquatic life in the river. In addition, several potential restoration sites include existing upland areas where previously placed fill material could be removed to create substantial new inter-tidal, shoreline, and riparian resource values. These larger restoration sites are a unique opportunity to provide space, cover, and nutrition to resident and migratory fish and wildlife.

The layout of the plan's 31 habitat sites represents an opportunity to restore important environmental resources throughout the Duwamish Waterway, providing continuity of habitat enhancement across the 4.6 miles of the study corridor. Identifying potential habitat restoration actions in shoreline areas fronting non-water-dependent businesses is straightforward, in contrast to facilities that require connections between upland areas and the navigation channel for the purpose of cargo/materials transshipment. An early concern identified during workshop activities was a gap in habitat restoration potential between river miles 2.0 and 3.0, because of the density of water-dependent businesses in this area. Nevertheless, in working with business owners, several opportunities for habitat restoration were identified in proximity to existing marine facilities. In some cases existing businesses were supportive of restoration actions described directly adjacent to and landward of their mooring dolphins. This corresponds to a situation where the access to the vessel berth is water-side only.

## **COMPLIANCE WITH STATE ENVIRONMENTAL POLICY ACT**

Because the Lower Duwamish River Habitat Restoration Plan is a policy document, its adoption is accompanied by a programmatic environmental review pursuant to the State Environmental

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Policy Act (SEPA). The “programmatic” environmental evaluation means that individual construction projects at potential restoration locations identified in the plan will be subject to additional, specific environmental review at the time of implementation. After the second open house, staff issued a Determination of Non-significance (DNS) for the adoption of the plan. The comment period ended on January 7, 2009 and the Determination of Non-significance was retained.

### **NEXT STEPS**

Following this briefing staff will return to the commission asking that it adopt this plan as a Port policy document. The adopted plan will provide a valuable framework to support the creation of habitat along the overall river.

Beyond adoption of the January 13, 2009 final draft of the plan, staff also recommends that the Commission adopt one minor amendment to that plan draft, which is related to input from a maritime business owner on the river. The owner of the marine construction businesses currently operating at 523 and 582 S. Riverside drive has informed staff of his intentions to add an equipment dock to each of the properties. As a result, Project 15 in the plan should be altered to omit the habitat designation on the entire river frontage of both parcels. Each frontage is approximately 150 feet in length. The effect of this on the river-wide tally of habitat designation is a reduction by one percent.