

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

**COMMISSION AGENDA**  
**ACTION ITEM**

<b>Item No.</b>	<u>4d</u>
<b>Date of Meeting</b>	<u>December 8, 2015</u>

**DATE:** November 30, 2015  
**TO:** Ted Fick, Chief Executive Officer  
**FROM:** Stephanie Jones Stebbins, Director, Maritime Environmental and Planning  
George Blomberg, Sr.Environmental Program Manager, Maritime Environmental  
**SUBJECT:** Muckleshoot Indian Tribe and Port of Seattle; Fish and wildlife habitat rehabilitation project, Terminal 105 public shoreline access site

**Est. Total Contract Cost:** No new funds requested

**Source of Funds:** Muckleshoot Indian Tribe

**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 construction of a fish and wildlife habitat rehabilitation project at the existing Terminal 105 public shoreline access site. Port management and construction costs will be reimbursed by Muckleshoot Indian Tribe, using restoration grant funds received by the Muckleshoot Indian Tribe. No new funding is requested.

**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 East and West waterways, and the Duwamish Waterway. The Port owns marine terminal facilities, shoreline, and aquatic area within the Muckleshoot Indian Tribe 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 operations. The Tribe and the Port propose to construct fish and wildlife habitat improvements at Terminal 105, implementing habitat restoration beneficial to their mutual interests.

**SCOPE OF WORK:**

The Muckleshoot Indian Tribe has received grant funding for fish and wildlife improvements in the Duwamish Waterway and has proposed working with the Port to construct habitat improvements at Port-owned Terminal 105 property. Staff proposes that we work with the Tribe to implement this habitat restoration. The Tribe will provide project funding, including paying for Port staff time and Terminal

## **COMMISSION AGENDA**

Ted Fick, Chief Executive Officer

November 30, 2015

Page 2 of 3

105 site work conducted by Port Construction Services. 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 Tribe and the Port have identified three habitat restoration actions for the Terminal 105 site located on the west bank-line of the Duwamish Waterway, approximately River Mile 0.6. Restoration actions would affect approximately 1.3 acres, shallow sub-tidal and inter-tidal aquatic area, and approximately 225 linear feet of shoreline area. Project activities intended to enhance and improve estuarine aquatic resource values in former marine industrial aquatic area and shoreline include the following:

- (1) Piling and debris removal: The primary activity includes extraction/removal of derelict creosote piling (up to approximately 250 derelict former shipway and marina piling) and associated intertidal/shallow subtidal debris.
- (2) Clean sand cover: Void spaces and irregular surfaces remaining due to piling and debris removal will be receive clean sand cap material, matching adjacent substrate areas.
- (3) Bank-line stabilization: Following piling and debris removal, approximately 250 linear feet of existing eroding upper bank-line area will be stabilized with anchored large-woody-debris and native riparian vegetation.

City, state, and federal authorizations for the proposed Terminal 105 habitat restoration project are expected in December 2015. Rehabilitation project construction would begin in January 2016, concluding in June 2016.

Up to \$300,000 in grant-funds from the Muckleshoot Indian Tribe will be used for project actions. Terminal 105 aquatic area and shoreline rehabilitation actions will combine to remove physical impediments to migratory salmon and resident fish and wildlife, while improving estuarine natural resource functions and quality. In addition, the 1.3 acre site will be cleared of obstacles and debris, aiding Muckleshoot Indian Tribe fishing/harvest access in the Duwamish Waterway. Project design and construction techniques are intended to avoid and minimize future maintenance needs

Please note that the existing Terminal 105 public shoreline access site has received previous grant-funded fish and wildlife habitat improvements, provided by a combined U.S. Fish and Wildlife Service, Environmental Protection Agency, U.S. Army Corps of Engineers initiative. In 1996-1998, the port constructed an approximately 0.7 acre, 950 feet long, inter-tidal channel, buffered with approximately 1.2 acres of native riparian vegetation. Additionally, in the past five years the site has benefited from approximately 1200-1500 hours of citizen volunteer riparian habitat maintenance work.

### **FINANCIAL IMPLICATIONS:**

Source of Funds:

No new funding is requested. Funding provided by the Muckleshoot Indian Tribe will provide port staff resources necessary for project design, city, state, and federal permit review, and project management. In addition, all construction costs will be reimbursed using grant funds.

Costs:

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. Please note that the

## **COMMISSION AGENDA**

Ted Fick, Chief Executive Officer

November 30, 2015

Page 3 of 3

previous fish and wildlife habitat restoration area has not required maintenance associated costs in the past 17 years.

### **ALTERNATIVES CONSIDERED AND THEIR IMPLICATIONS:**

#### **(1) Accept Terminal 105 fish and wildlife habitat restoration opportunity with the Muckleshoot Indian Tribe**

- This project will provide approximately 1.3 acres 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 work on a cooperative project benefiting fishing access and habitat with the Muckleshoot Indian Tribe.
- This may lead to future opportunities to use other agreements for mutual benefit, expanding scope for potential settlement agreements.
- This opportunity underscores importance of “government-to-government” interactions.
- No cost to the Port except the cost of land.

**This is the recommended alternative.**

#### **(2) Decline opportunity**

- Lost opportunity to for cooperative government-to-government action.
- Port will retain potential for future restoration work
- Diminishes ability to expand scope of future settlement agreements, including potential economic, cultural, and environmental actions.
- Lost opportunity for highly visible Duwamish Waterway project contributing to Century Agenda restoration goal.

**This alternative is not recommended.**

### **OTHER DOCUMENTS ASSOCIATED WITH THIS REQUEST:**

No other documents apply to the present request.

### **PREVIOUS COMMISSION ACTIONS OR BRIEFINGS:**

No other previous Commission requests, actions, or briefings apply to the present request.