



**COMMISSION**  
**AGENDA MEMORANDUM**

**Item No.** 8j

**ACTION ITEM**

**Date of Meeting** November 16, 2021

**DATE:** November 16, 2021

**TO:** Steve Metruck Executive Director

**FROM:** Pete Ramels, General Counsel  
Stephanie Jones Stebbins, Managing Director, Maritime Division  
Sandra Kilroy, Sr. Director, Engineering, Environment & Sustainability

**SUBJECT: Commission Authorization to Execute a Settlement Agreement to Resolve Litigation**

**Amount of this request:** \$642,000

**ACTION REQUESTED**

Request Commission authorization to execute a settlement agreement with the Center for Biological Diversity (CBD) to resolve litigation associated with Seattle Harbor Navigation Improvement Project. The authorization requests up to \$642,000 in spending on Southern Resident orca conservation initiatives and signature authorization for all related agreements necessary to transact the funding.

**SUMMARY**

In acknowledgment of and in exchange for actions described in the Settlement Agreement, the Center for Biological Diversity (CBD) will release the defendants and the Port from all existing and future claims related to the Seattle Harbor Navigation Improvement Project. The actions include projects and initiatives that benefit Southern Resident orcas estimated to cost \$642,000. These projects and initiatives, which are in various stages of planning, include:

- Provide continued funding for the Quiet Sound program (\$42,000)
- Conduct an in-situ dredge noise monitoring study (\$25,000)
- Fund a study of the hydrophone network in Puget Sound (\$200,000)
- Develop an underwater noise mitigation and management plan (\$75,000)
- Fund a shoreline habitat improvement project at sbəq̣waʔ Park/Terminal 108 (\$200,000)
- Fund a scoping study for habitat improvements at Terminal 5 Southeast (\$100,000)
- Report progress on the above projects and initiatives to CBD semi-annually

The Port denies CBD's allegations relating to the Seattle Harbor Navigation Improvement Project. However, considering the costs of litigation that would be needed to take this matter to trial, and associated project delays, the settlement is recommended.

This matter was discussed in executive session. There are no attachments to this memo.