

Elliott Bay/Duwamish Restoration Program 2000 Annual Report

Administrative Director
Elliott Bay/Duwamish Restoration Program
NOAA Damage Assessment and Restoration Center Northwest
7600 Sand Point Way Northeast
Seattle, Washington 98115-0070

Voice: (206) 526-4338 FAX: (206) 526-4321

Panel Publication 29
July 2001

Individuals and organizations needing further information about the Elliott Bay/Duwamish Restoration Program should contact the Administrative Director at the following address and telephone number:

Dr. Robert C. Clark, Jr., Administrative Director
Elliott Bay/Duwamish Restoration Program
NOAA Damage Assessment and Restoration Center Northwest
7600 Sand Point Way Northeast
Seattle, WA 98115 – 0070
(206) 526-4338 FAX: (206) 526-4321

The Panel of Managers holds regularly scheduled meetings that are open to the public. Technical Working Group and committee meetings are scheduled on an as-needed basis, and are also open to the public. Meetings are generally held at the National Oceanic and Atmospheric Administration, National Marine Fisheries Service - Regional Directorate Conference Room, Building #1, 7600 Sand Point Way NE, Seattle. The Panel recommends that you contact the Administrative Director at the above phone number to confirm meeting schedules and locations. The Panel also holds periodic special evening and weekend public information meetings and workshops.

General Schedule for Panel and Committee Meeting Dates

Panel: quarterly - first Thursday of January, April, July, October from 9:30 A.M. - 12:30 P.M.
Habitat Development Technical Working Group: scheduled as needed.
Sediment Remediation Technical Working Group: scheduled as needed.
Public Participation Committee: scheduled as needed.
Budget Committee: scheduled as needed.

Environmental Review of Specific Projects

Formal hearings and comment periods on appropriate environmental documents for proposed sediment remediation and habitat development projects will be observed. Please contact the Administrative Director for more information.

This information is available in accessible formats on request at
(206) 296-0600 (voice) and 1-800-833-6388 (TTY/TDD users only).

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Introduction

On March 19, 1990, the United States filed a complaint for the National Oceanic and Atmospheric Administration (NOAA) acting on behalf of the public as a trustee for natural resources. The complaint was filed under Section 107 of CERCLA, 42 U.S.C. § 9607 (a), to assess and recover damages for alleged injuries to United States' trust resources in Elliott Bay and the Duwamish River. The other natural resource trustees who were parties to the Consent Decree were: the U.S. Fish and Wildlife Service (USFWS), Washington State Department of Ecology (Ecology), The Suquamish Tribe, and the Muckleshoot Indian Tribe. The defendants named in the lawsuit were the Municipality of Metropolitan Seattle (King County) and the City of Seattle (City).

The lawsuit was settled by consent decree on December 23, 1991. The settlement stipulates that King County and the City will provide a combination of cash payments, real estate, and in-kind services with a total value up to \$24 million. Within the \$24-million budget, \$12 million is set aside for sediment remediation projects, \$5 million for habitat development projects, up to \$5 million for acquisition of real estate for habitat development, and up to \$2 million for source control measures in addition to those planned and implemented by the City and County. The Consent Decree and a detailed summary of the settlement appears in the *Elliott Bay/Duwamish Restoration Program 1992 Annual Report*, available from the Administrative Director.

From its inception through the present, the Panel of Managers (Panel) has selected sites for sediment remediation and habitat development activities and engaged in source control activities following substantial public review and comment. The Program's goals, organization, site selection process, public comments, and responses are presented in the Elliott Bay/Duwamish Restoration Program *Concept Document* (Panel Publication 7), published in June, 1994. Descriptions of sediment remediation and habitat development sites are provided in the *Concept Document* and addenda issued in 1996 and 1997.

This annual report summarizes implementation of the settlement during the ninth year of the Elliott Bay/Duwamish Restoration Program (Program). The report is divided into five

major parts. The Introduction provides a discussion of program organization and the geographic area covered by the settlement. An Executive Summary highlighting 2000 activities in all program areas is presented in the second section. The third section, 2000 Program Chronology, provides highlights taken from minutes of Panel and technical working group meetings. In the fourth section, working group and committee reports describe specific project activities and program developments. The final section provides text of resolutions passed by the Panel during 2000, as well as a report on cash disbursements from the Court Registry account. Appendix A, which includes an organizational chart and listing of Panel participants, is provided for readers who are interested in the Panel organization plan. Appendix B lists the Panel publications issued to date.

Elliott Bay/Duwamish Restoration Program Organization

The Panel was established by the Consent Decree to manage the implementation of the settlement reached between the natural resource trustees and King County and the City of Seattle. The Panel consists of designated voting representatives and alternates from all parties to the Consent Decree. In 1992, the Panel established a Sediment Remediation Technical Working Group (SRTWG), and a Habitat Development Technical Working Group (HDTWG) to advise the Panel. Also established were the Public Participation Committee and the Budget Committee.

NOAA, through its National Marine Fisheries Service - Restoration Center Northwest, General Counsel Natural Resources, and Damage Assessment Center representatives has been delegated by the Panel the duties and responsibilities of "Administrative Director" (Director). The Director manages and maintains the Administrative Record, is responsible for logistics and planning of Panel and Technical Working Group meetings, and for the dissemination of Panel documents and information requests. The Director is also responsible for tracking Panel resolutions and court registry account activity.

The Panel, Habitat Development and Sediment Remediation Technical Working Groups, Public Participation Committee, Budget Committee, and the Administrative Director comprise the managerial, technical, outreach, and administrative components of the Elliott Bay/Duwamish Restoration Program.

The Panel, through the independent actions of individual representatives, works cooperatively and monitors the process of others initiating restoration projects and other developments or policies affecting the Elliott Bay/Duwamish River ecosystem. The Panel has sponsored public meetings and outreach presentations.

Geographic Boundaries

The area encompassed by the settlement includes Elliott Bay eastward of a line between Alki Point and West Point including the shoreline ten meters upland from the mean high water line within Elliott Bay, and the Duwamish River from the river mouth to the head of navigation (see Figure 1). For purposes of habitat development, the covered area includes tributaries to the Duwamish River.

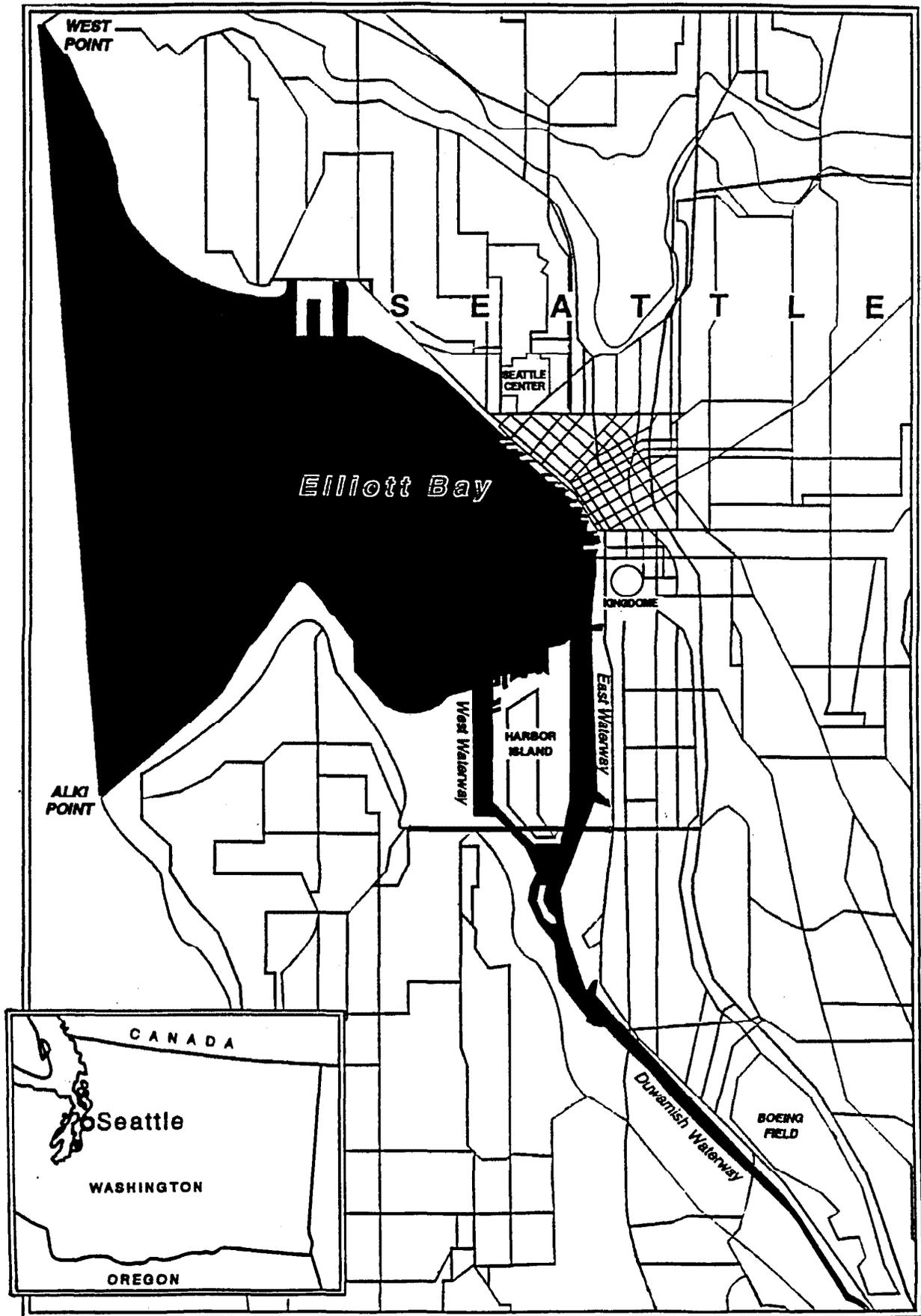


Figure 1. ■ Area Covered by Settlement

Executive Summary

2000 Activities

Activities in calendar year 2000 focused on supporting the implementation of planned sediment remediation and habitat development projects. Figure 2 provides the location of Panel projects in the area encompassed by the settlement, with the exception of the Porter Levee habitat acquisition site located at Green River mile 34.5 in King County.

Habitat Development

During 2000, the Habitat Development Technical Working Group, chaired by Curtis Tanner of the U.S. Fish and Wildlife Service (USFWS), continued to guide the Panel concerning habitat projects and acquisition of real property for the purpose of habitat restoration.

Monitoring efforts at the completed Elliott Bay Nearshore Substrate Enhancement Project indicate that the shell, gravel, cobble, and spall subtidal plots are continuing to provide habitat to a variety of marine organisms. Restoration project construction at the former Seaboard Lumber site continued with connection to the Duwamish Waterway accomplished in the Fall. Construction of the Hamm Creek project was completed in July. Environmental permitting for enhanced intertidal wetland areas at the former Kenco Marine site continued, as well as planning efforts for the construction of an intertidal basin for the North Wind's Weir project.

Sediment Remediation

During 2000, members of the Sediment Remediation Technical Working Group chaired by Pat Romberg, King County Department of Natural Resources, continued efforts supporting the proposed Duwamish/Diagonal sediment remediation project. Monitoring efforts continue at the Norfolk sediment remediation project site which was completed in 1999.

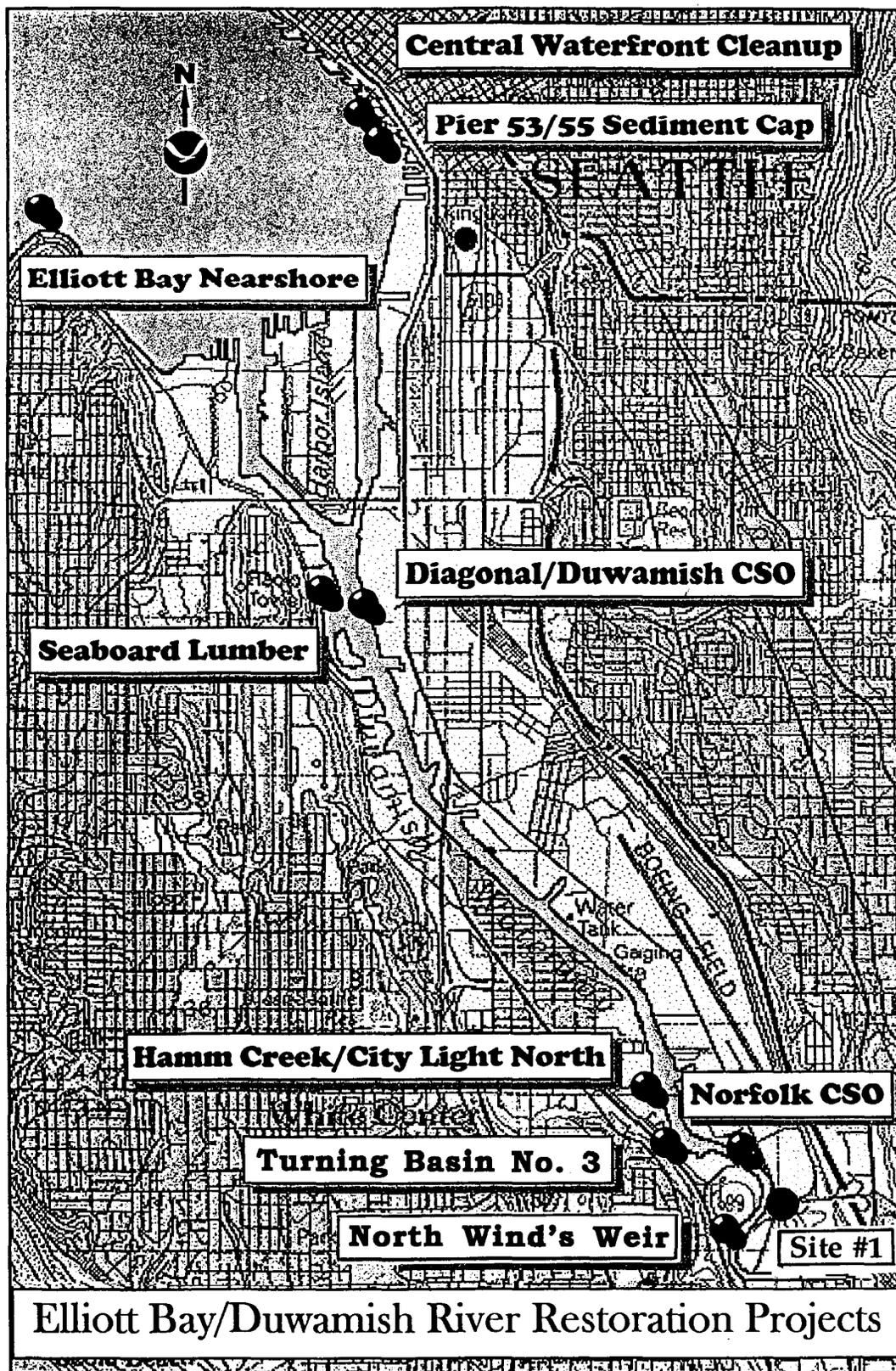


Figure 2.

Source Control

Source Control activities are discussed by the Panel pursuant to recommendations made by the City of Seattle and King County Department of Natural Resources in concert with members of the Sediment Remediation Technical Working Group. During 2000 the City of Seattle and King County continued their respective source control programs in the program area. At the close of 2000, the amount authorized against the up-to \$2.0 million obligation for source control activities totalled \$248,595.

Budget Committee

The Budget Committee, chaired by Margaret Duncan of the Suquamish Tribe, was established to assist the Panel and technical working group members in budget development and review of habitat and sediment remediation project scopes, schedules and budgets. The committee also tracks credits to the City of Seattle and King County for real property acquisitions and source control activities. King County received real estate acquisition credit in the amount of \$1,643,191 and in-kind service credit of \$1,769,751 for certain sediment remediation and habitat development projects during 2000. The committee's analysis of constraints posed by the limitations on planning and design monies in 1996 led to the Panel's successful pursuit of an amendment to the Consent Decree combining allocations for Planning and Design and Panel Function Support into one fund. Continued cost documentation and accounting reconciliation efforts have resulted in updated budget worksheets necessary to implement a planned allocation of the interest earned to date in the Court Registry Account between the Sediment Remediation and Habitat Development programs in January 2001. A total of \$870,619.44 was disbursed from the Court Registry Account during 2000 for project implementation and panel function support.

Public Participation Committee

The Public Participation Committee, chaired by Margaret Duncan of the Suquamish Tribe, advises the Panel on opportunities for public involvement and education in all Program activities. The committee implements the *Public Participation Plan* (1994), assists with the Administrative Record, annual report, mailing list, and general community outreach activities. Six Panel publications were prepared and distributed in 2000, and presentations at professional meetings and workshops were delivered concerning the

Elliott Bay/Duwamish Restoration Program sediment remediation and habitat development activities. Committee members hosted a display featuring Panel activities at the City's Longfellow Creek Celebration as part of "Creek Week 2000" and at the Westlake Transit Tunnel during "Washington Waterweeks 2000."

2000 Program Chronology

January

- Panel meeting held on January 6th, Sediment Remediation and Habitat Development Technical Working Groups met on January 20th.
- Continued construction of the Seaboard Lumber and Hamm Creek habitat restoration projects.
- Identified post-construction sampling sites for monitoring at the Norfolk Combined Sewer Overflow (CSO) sediment remediation site.
- Panel Managers discussed an expanded clean up at the proposed Duwamish/Diagonal CSO site.
- USFWS continued development of an intertidal habitat monitoring plan.
- The Administrative Director submitted a letter to King County supporting the acquisition of Site #1 for habitat development purposes.
- FishPro completed the Environmental Assessment for the Turning Basin #3 habitat restoration project.
- People for Puget Sound presented their Volunteer Salmon Habitat Restoration Monitoring Program to the Panel.

February

- Conducted post-construction sampling at the Norfolk CSO sediment remediation site.
- King County provided additional historical ownership and site-use information at the Duwamish/Diagonal CSO site.
- USFWS prepared a draft outline for the Intertidal Habitat Projects Monitoring Program.

March

- The Budget Committee and the Habitat Development and Sediment Remediation Technical Working Groups met on March 16th.
- King County completed a draft Monitoring Plan for the Elliott Bay Nearshore habitat enhancement project.
- The City of Seattle provided a status report of the Central Waterfront Cleanup Project and proposed reducing the project to an area associated with Piers 56/57.
- King County provided preliminary dredging cost estimates for an expanded Du/Di project.
- The Budget Committee updated project work sheets. The Consent Decree amendment provided approximately \$791K for planning and design. Discussed a preliminary allocation of interest earned in the Court Registry account.
- Released Panel Publication 23, *Intertidal Habitat Projects Monitoring Program*.

April

- Panel meeting held on April 6th, Sediment Remediation Technical Working Group held on April 20th.
- Public Participation Committee staffed an information booth at the Longfellow Creek Celebration as part of the City of Seattle's "Creek Week 2000."
- Vegetative planting of the Hamm Creek project began on April 12th.
- King County awarded \$500K from the Salmon Recovery Funding Board for the purpose of acquiring the Site #1 Duwamish property.
- King County released a draft report titled "Evaluation of Source Control Potential in the Norfolk CSO Drainage Basin."
- The City of Seattle and King County placed an oil boom in front of the Du/Di CSO due to oiling of tribal fishing nets.
- Approved Resolutions 2000-01 through 2000-04.
- EPA and DOE representatives met with SRTWG members to discuss actions in the lower Duwamish River and to learn about EB/DRP sediment remediation activities.
- Released Panel Publication 24, *1999 Annual Report*.
- Released Panel Publication 27, *Norfolk CSO Sediment Remediation Project Five-Year Monitoring Program: Six-month Post-construction Monitoring Report*.

May

- The Habitat Development Technical Working Group met on May 18th.
- King County presented a detailed funding strategy for Site #1 acquisition.
- Received revised estimates for the construction of the North Wind's Weir project independent of the adjacent King County park.
- Permitting discussions with the City of Tukwila and Seattle Public Utilities for the North Wind's Weir project raised issues relating to the relocation of water mains and utility lines.
- Released Panel Publication 25, *Elliott Bay Nearshore Substrate Enhancement Monitoring Plan*.

June

- The Habitat Development Technical Working Group met on June 15th.
- Released a final draft of King County's Biological Assessment for Listed and Proposed Threatened and Endangered Species - Cecil Moses Memorial Park (North Wind's Weir project) for review and comment.
- Completed NEPA documentation for the Turning Basin #3 habitat restoration project.
- King County Parks Department shared stewardship information as part of HDTWG efforts to develop a Stewardship Plan.

July

- Panel meeting held on July 6th.
- Distributed a revised “Draft Duwamish/Diagonal Site Assessment Report” for review and comments.
- The Army Corps of Engineers completed realignment of the channel at Hamm Creek. Completed the intertidal habitat and connection to the Duwamish River.
- USFWS submitted a letter of intent to the Panel to conduct the Intertidal Habitat Monitoring Program.
- Approved Resolutions 2000-05 through 2000-08.
- The Public Participation Committee conducted tours of Elliott Bay and the lower Duwamish River, July 17-21, aboard the R/V Karluk.

August

- Habitat Development and Sediment Remediation Technical Working Groups met on August 17th.
- Held a Special Panel meeting August 17th following the Sediment Remediation meeting to discuss the Duwamish/Diagonal CSO Alternatives Evaluation report and site designation.
- Approved Resolution 2000-09 funding the Intertidal Habitat Monitoring Program at a Special Panel Meeting on August 31st via conference call.
- Installed an irrigation system at the Hamm Creek site.

September

- The Sediment Remediation Technical Working Group met on September 27th.
- The Department of Ecology recommended the Du/Di CSO site be characterized by combining the King County and EPA data sets.
- Released the Biological Assessment for Listed and Proposed Threatened and Endangered Species - Cecil Moses Memorial Park (North Wind’s Weir project).
- The Public Participation Committee staffed an information display at the Westlake Transit Tunnel on September 21st as part of “Washington WaterWeeks 2000”.

October

- Held Panel and Habitat Development Technical Working Group meetings on October 5th.
- Completed ESA consultations for the Turning Basin #3 project.
- The City of Seattle continued to check storm drains in the Duwamish industrial corridor as part of ongoing source control efforts.
- People for Puget Sound and Cascadia Quest personnel planted the Hamm Creek site. The Corps of Engineers reported that the Hamm Creek project is complete.

- Installed an irrigation system at the Seaboard Lumber site.
- Released Panel Publication 28, *Norfolk CSO Sediment Remediation Project Five-Year Monitoring Program: Annual Monitoring Report - Year One*.
- The Project Manager for the North Wind's Weir project reported that permitting issues will delay construction for one year.

November

- The Habitat Development Technical Working Group met on November 30th.
- Project Managers completed stewardship sheets for each of the habitat restoration projects.
- King County made an offer for a conservation easement at the Site #1 property.
- USFWS Western Regional Office geared up to implement the Intertidal Habitat Projects Monitoring Program.
- Observed salmon spawning at the Hamm Creek site.

December

- The Habitat Development Technical Working Group met on December 14th.
- The Public Participation Committee reported on project signage discussions.
- Seattle Parks Department began the Seaboard Lumber site-naming process.
- Discussed options for construction of the North Wind's Weir project.
- Released Panel Publication 26, *Elliott Bay Nearshore Substrate Enhancement Project Monitoring Report: evaluation of the utilization of substrate diversity and the production of prey taxa important to juvenile salmonids in 1998 and 1999*.

Public Participation Committee 2000 Summary

Chair: Margaret Duncan, The Suquamish Tribe
Telephone: (360) 394-5254

The Public Participation Committee was established by the Panel in accordance with the settlement agreement to assist in the development and implementation of the Panel's Public Participation Plan. The Plan, published in June 1994, provides for public comment, education and involvement in all aspects of the Panel's activities, including project selection and planning, implementation and where appropriate, long-term stewardship. The following objectives were adopted:

- Inform the public about the Panel's Program and its goals, plans and activities;
- Encourage public comment about proposed goals, plans and activities as they are being developed; and
- Involve the public in the Program to the extent possible.

The Public Participation Plan focuses on five areas: meetings; public outreach and education; encouraging environmental review and comment on specific projects; program evaluation; and an administrative record.

2000 Activities

Administrative Record and Annual Report

The 1999 Annual Report was prepared and distributed through the joint efforts of representatives of NOAA and the Suquamish Tribe. Throughout the year, committee members continued to work with NOAA concerning the maintenance of the Administrative Record.

The committee also continued discussions with the Habitat Development Technical Working Group members about the development of interpretive signage and displays concerning habitat functions and values for restoration projects undertaken in the Lower Duwamish.

Public Participation Committee members attended a tour of Elliott Bay and the Duwamish River aboard the R/V Mary K hosted by Adopt-A-Beach (Puget Sound Chapter) on April 8, 2000

Outreach and education efforts included hosting tours of Elliott Bay and the lower Duwamish River aboard the R/V Karluk July 17-21, 2000. Committee members provided background information on the Panel's sediment remediation and habitat restoration projects along the Lower Duwamish River.

Presentations

Representatives of Panel members presented aspects of the Panel's projects at professional meetings and workshops as reported below:

Clancy, T.J. 2000. "Spearheading Restoration in Elliott Bay and the Duwamish River" The Coastal Society , 17th International Conference, July 9-12, 2000 at Portland, Oregon.

Publications

During the year, six Panel publications were prepared and distributed:

Publication No 23: *Elliott Bay/Duwamish Restoration Program - Intertidal Habitat Projects Monitoring Program.*

Publication No. 24: *Elliott Bay/Duwamish Restoration Program - 1999 Annual Report.*

Publication No. 25: *Elliott Bay Nearshore Substrate Enhancement Monitoring Plan.*

Publication No. 26: *Elliott Bay Nearshore Substrate Enhancement Project Monitoring Report: evaluation of the utilization of substrate diversity and the production of prey taxa important to juvenile salmonids in 1998 and 1999.*

Publication No. 27: *Norfolk CSO Sediment Remediation Project Five-Year Monitoring Program - Six-month Post-Construction Monitoring Report, October 1999.*

Publication No. 28: *Norfolk CSO Sediment Remediation Project Five-Year Monitoring Program - Annual Monitoring Report - Year One, April 2000.*

Please refer to Appendix B for a full listing of Panel publications.

Budget Committee 2000 Summary

Chair: Margaret Duncan, The Suquamish Tribe
Telephone: (360) 394-5254

The Budget Committee was established by the Panel to assist with annual budget development and status reporting, and the exploration of alternatives and solutions to the limitations posed by the \$3 million planning and design budget (Consent Decree, ¶10[b]). The Committee was also tasked with the development and review of project scopes, schedules and budgets, and summary worksheets for source control and real estate acquisition credits to King County and the City of Seattle in fulfillment of Consent Decree obligations.

2000 Activities

Consent Decree Amendment

At the close of 1997, Panel members agreed unanimously to seek specific amendments to the Consent Decree which would allow the Panel to supplement planning and design funds (capped at \$3 million) with unspent Panel function support funds (capped at \$2 million) and interest earned on monies deposited in the Court Registry account.

During 1998, the Panel developed a management plan and project-specific scopes, schedules, and budgets in conjunction with the technical working groups and budget committee. In January 1999, following discussions, deliberations, and resolution of in-kind-service credits and cash payments due under the terms of the Consent Decree, the Panel requested that counsel to the parties to the Consent Decree request that the Department of Justice proceed with the Consent Decree amendment process (Resolutions 1999-03).

On October 8, 1999 a proposed amendment to the consent decree was lodged with the United States District Court for the Western District of Washington. Notice was given in the Federal Register.

In January 2000, following a 30-day public comment period, the Department of Justice approved amendments to the consent decree as amended.

Allocation of Earned Interest

The Consent Decree specifies that interest earned on monies paid into the registry account for habitat development must be spent on habitat project implementation, and that interest earned on monies paid into the registry account for sediment remediation must be used for sediment

remediation project implementation (Consent Decree, ¶4[c]). Separate accounts are not maintained for the programs; accordingly, the Panel requested the Budget Committee to provide a recommendation concerning the allocation of interest earned between the two programs.

In January 1999, the Panel adopted the Committee's interest allocation recommendation (70.6% to the sediment program and 29.4% to the habitat program) to be applied to the total amount of interest earned and in the court registry account on December 31, 2000 (estimated at \$2.5 million). The amount calculated for habitat would thereafter be reserved for habitat projects only, and the amount calculated for sediment remediation would be used for sediment remediation projects only.

The method for insuring the availability of the separate allocations, whether by separate account or by tracking by NOAA, would occur in accordance with the advice of the Administrative Director and assigned NOAA staff. It was further agreed that all interest accrued after December 31, 2000 would be allocated and used for sediment remediation projects.

Reconciliation of accounting for King County and the City of Seattle; Project Implementation

Under the terms of the consent decree, King County (then Metro) and the City of Seattle each agreed to pay \$6 million dollars in funds and services for the remediation of sediments, and \$2.5 million dollars in funds and services to be applied to the costs of habitat development (Consent Decree, ¶19 and ¶27). Amounts to be paid into the court registry account for years 1992 through 1996 were identified, and in 1997, balances of the required total contribution were due. Required amounts were duly paid into the account, and in January 1999, the Panel confirmed cost documentation and in-kind service credits for the period 1992 through 1997.

During calendar year 2000, King County submitted additional documentation. The Panel confirmed the cost documentation and granted in-kind service credits for certain sediment remediation and habitat development projects (Resolution 2000-01), and credit for real estate acquisitions (Resolution 2000-05).

No reimbursement documentation was received from the City of Seattle during calendar year 2000.

Current reconciliation of accounting for King County and the City of Seattle to date concerning in-kind services, credits, source control, real property, and cash payments is as follows:

| | |
|---------------------------------------------------------|----------------|
| Panel Function Support | \$ 63,073.00 |
| Planning and Design | \$1,500,915.17 |
| Habitat and Sediment Remediation project implementation | \$2,125,345.00 |

Source Control: In-kind service credits

As part of the settlement agreement, King County (then Metro) and the City of Seattle each agreed to make available in-kind services with a value of up to \$1 million to engage in any activities needed to preserve natural resources and prevent recontamination of sites selected for sediment remediation or habitat development in the Panel's covered area (Consent Decree, ¶34). No in-kind service credits were granted during calendar year 2000. To date the Panel has approved requests for source control in-kind service credits totaling \$103,236.51.

Credit for the Acquisition of Real Property Interests

Under the terms of the settlement agreement, King County (then Metro) and the City of Seattle each agreed to make real property with a value of up to \$2.5 million permanently available for habitat projects selected by the Panel. Panel members anticipated receiving a formal request for full credit, including appropriate documentation, in 2000. The City anticipated submitting a full request for its \$2.5 million contribution with the purchase of the Seaboard Lumber site for habitat development.

King County submitted a credit request of \$1,643,191.77 towards its \$2.5 million contribution with the purchase of real property interest in sites along the Lower Duwamish River and the Green River (see Habitat Development Technical Working Group Summary).

The Panel approved the request via Resolution 2000-05.

Although the City anticipated submitting a full request for its \$2.5 million contribution with the purchase of the Seaboard Lumber site for habitat development, no request was submitted to the Panel.

Program Budget Summary Worksheets

Throughout the year, the committee continued the process of ensuring that budget summary worksheets for each program element were updated. Readers are referred to the Habitat Development section for the real estate acquisition budget summary and to the Source Control section for the source control budget summary.

Cash Disbursements from the Court Registry Account

During 2000, the Panel approved Resolutions 2000-02 and 2000-03 totaling \$86,784.82 for Panel Function support costs associated with Trustee personnel participating in Panel activities; salary and expenses for an Administrative Director; and costs associated with administering the Court Registry Account.

Resolution 2000-04 authorized the Muckleshoot Indian Tribe's reimbursement request of \$62,617.62 for certain Turning Basin #3 project planning and design expenses for the period January 1, 1998 through April 30, 2000.

Resolution 2000-09 authorized the transfer of monitoring program funds in the amount of \$721,271.00 from the Registry of the Court to the U.S. Department of the Interior - Natural Resource Damage and Restoration Fund for the U.S. Fish and Wildlife Service - Western Washington Office to implement the EB/DRP Intertidal Habitat Projects Monitoring Program.

Habitat Development Technical Working Group 2000 Summary

Chair: Curtis D. Tanner, U.S. Fish and Wildlife Service
Telephone: (360) 753-4326

In previous years, the Habitat Development Technical Working Group (HDTWG) has identified and developed habitat restoration projects for completion under the EB/DRP. Much of that work has been completed, and we are now meeting with Project Managers to work through remaining issues so that implementation may proceed. With an eye toward the future of habitat projects following construction, the focus of 2000 HDTWG work was post-project "follow through" activities, including monitoring program and stewardship program development.

The following is a summary by project activity of major HDTWG activities in 2000.

Elliott Bay Geographic Focus Area

Elliott Bay Nearshore (Figure 3)

Project Manager: Randy Shuman, King County Water and Land Resources Division (WLR)

Project Coordinator: Margaret Duncan, The Suquamish Tribe

Monitoring of substrate enhancement activities continued, with substantial support from volunteer divers. In addition to video transects, invertebrate samples were collected to evaluate prey resource production. King County distributed draft monitoring reports for HDTWG review. Comments were incorporated into a final report that was distributed in December. Additional project work was discussed by HDTWG, King County, and the Corps of Engineers.

Kellogg Island Geographic Focus Area

Seaboard Lumber (Figure 4)

Project Manager: Kevin Stoops, City of Seattle, Department of Parks and Recreation

Project Coordinator: Curtis Tanner, U.S. Fish and Wildlife Service

Construction activities, initiated in 1999, continued through the winter. Site planting was completed in the spring. Goose excluder boxes were installed on portions of the intertidal area of the site. Glen St. Amant, Muckleshoot Indian Tribe, raised concerns with the goose 'boxes' excluding fish and wildlife species from habitat utilization. Dr. Clark provided a slide presentation of the various types of goose exclusion devices used at restoration sites throughout Puget Sound. Discussions followed relating to the use and experimentation of the goose exclusion boxes. It was decided that the boxes should be removed following an initial period of experimentation to determine appropriate intertidal plant species for the site.

Seattle City Parks issued a press release in late November, requesting public input for a new name for the site. Discussions with Muckleshoot and Suquamish tribal archeologists lead to

identification of several appropriate names for the site. These names were forwarded to Parks by the Panel for their consideration.

Turning Basin Geographic Focus Area

Hamm Creek Estuary (Figure 5)

Project Manager: Mike O'Neil, King County DNR

Project Coordinator: Dr. Robert C. Clark, Jr., NOAA

Jody Heintzman informed the HDTWG that the King County DNR held a half-day retreat at the Hamm Creek site on April 12th to conduct plantings along the street-side of the restoration project. The Corps of Engineers completed excavation of the stream realignment in mid-July, finalizing the construction phase of the project. Construction contingency funds were utilized to remove several hundred fish (cutthroat trout and coho salmon) from the old channel and for touch-up grading on areas of City Light property. Tom Dean, People for Puget Sound, reported that an irrigation system is being installed and a volunteer planting session occurred October 14-17 in areas where excavation had been recently completed.

Turning Basin No. 3 (Figure 6)

Project Manager: Roderick Malcom, Muckleshoot Indian Tribe

Project Coordinator: Joanne Polayes, Ecology

The Project Manager continued to work through environmental compliance activities, including completion of an Environmental Assessment for NEPA compliance, and a Biological Assessment for ESA consultation. FishPro was contracted to create construction bid documents, review bids, and to assist in awarding a construction contract.

North Wind's Weir (Figure 7)

Project Manager: Michael Lozano, King County Dept. of Construction and Facility Mgmt.

Project Coordinator: not yet assigned

As the project Manager continued to work on environmental compliance activities, new issues have been raised. City of Tukwila staff raised concerns about the stability of the new bank, and requested "indemnification" for project failure since we are not using riprap to stabilize the channel sides where the project connects to the river. This requirement was later dropped after discussions between project geotechnical consultants and City engineers. The Biological Assessment for the project underwent review by King County's Biological Review Panel, necessitating several revisions to the draft document before final approval was given to proceed with ESA consultation.

The Project Manager reported that construction costs have increased due to inflation and loss of cost-sharing envisioned with concurrent park construction. Costs now tied to estuary construction include asphalt demolition and removal; tree, brush, sod, and debris removal; temporary erosion control; earthwork excavation and haul; removal and replacement of significant trees; and permitting requirements. A revised project cost estimate was provided. The group agreed that decoupling construction of the estuary from the park would increase the cost of the

project cost, and what is important now is getting to construction. Mike Lozano and Robert Swartz stated that project construction was planned for Fall 2000.

Late in the year, Seattle Public Utilities - Water Department identified issues associated with a 20-inch water line that passes near the proposed restoration area. These and other issues lead to a delay in project construction.

In response to questions raised by Margaret Duncan regarding site stewardship, Deb Snyder, King County Parks, was designated as the person in charge of stewardship at North Wind's Weir and participated in the working group discussion about stewardship and monitoring for each of the projects. She also described her agency's resources and needs.

Real Property Acquisitions for Habitat Development Purposes

Site #1

Robert Swartz provided a memorandum from Linda Hanson outlining a funding strategy for the acquisition of Site #1. Panel funds currently obligated for this would be reallocated to Site #1 acquisition. The County proceeded with raising additional funds necessary for site acquisition, and began negotiations with the property owner.

Green River Acquisitions

King County completed acquisition of parcels at the Porter Levee site (Figure 8); Linda Hanson reported the final cost accounting for the site was \$241,226.70.

Monitoring Program

The HDTWG met with People for Puget Sound (PPS) to discuss their "Volunteer Salmon Habitat Restoration Monitoring Program." The groups discussed possibilities for cooperation, and the areas of overlap between EB/DRP monitoring and stewardship and PPS activities. Because no monitoring was to occur in 2000, Project Managers were encouraged to cooperate with PPS, so that some information on the development of habitat at the Seaboard and Hamm Creek sites would be gathered. These sites were included in PPS's efforts during 2000, and PPS dedicated significant amounts of volunteer stewardship time to the Hamm Creek site for installation and care of vegetation and goose exclusion.

The Intertidal Habitat Projects Monitoring Program underwent external review, and some changes to the original document were incorporated into the revision. These include elements related to groundwater sampling and program management. USFWS management suggested that, for safety reasons, it would be necessary to budget for a minimum of two biologists for field activities requiring "in-water" work.

The Panel approved Resolution 2000-08 adopting the FWS document Intertidal Habitat Projects Monitoring Program (Panel Publication 23) in July. At their October meeting, the Panel approved USFWS management of the project, and authorized release of funds from the Court

Registry Account to a Department of Interior - Natural Resource Damage Assessment Restoration account. Interest accrued from monitoring program funds will be used to supplement Panel monitoring funding. Any funds remaining in the account following completion of the monitoring program will be dedicated to additional Duwamish River estuary restoration activities.

Stewardship Program

The working group discussed stewardship issues related to Panel projects. In March, questionnaires were distributed to Project Managers to help identify the types of stewardship activities necessary for their respective projects. Margaret Duncan circulated and received these worksheets from all Project Managers and incorporated them into a stewardship planning document. This document will help identify specific project stewardship-funding needs which the EB/DRP Panel can address. The HDTWG developed a stewardship budget for the Hamm Creek estuary site and the Panel approved it. Budgets for other projects will be developed in the near future.

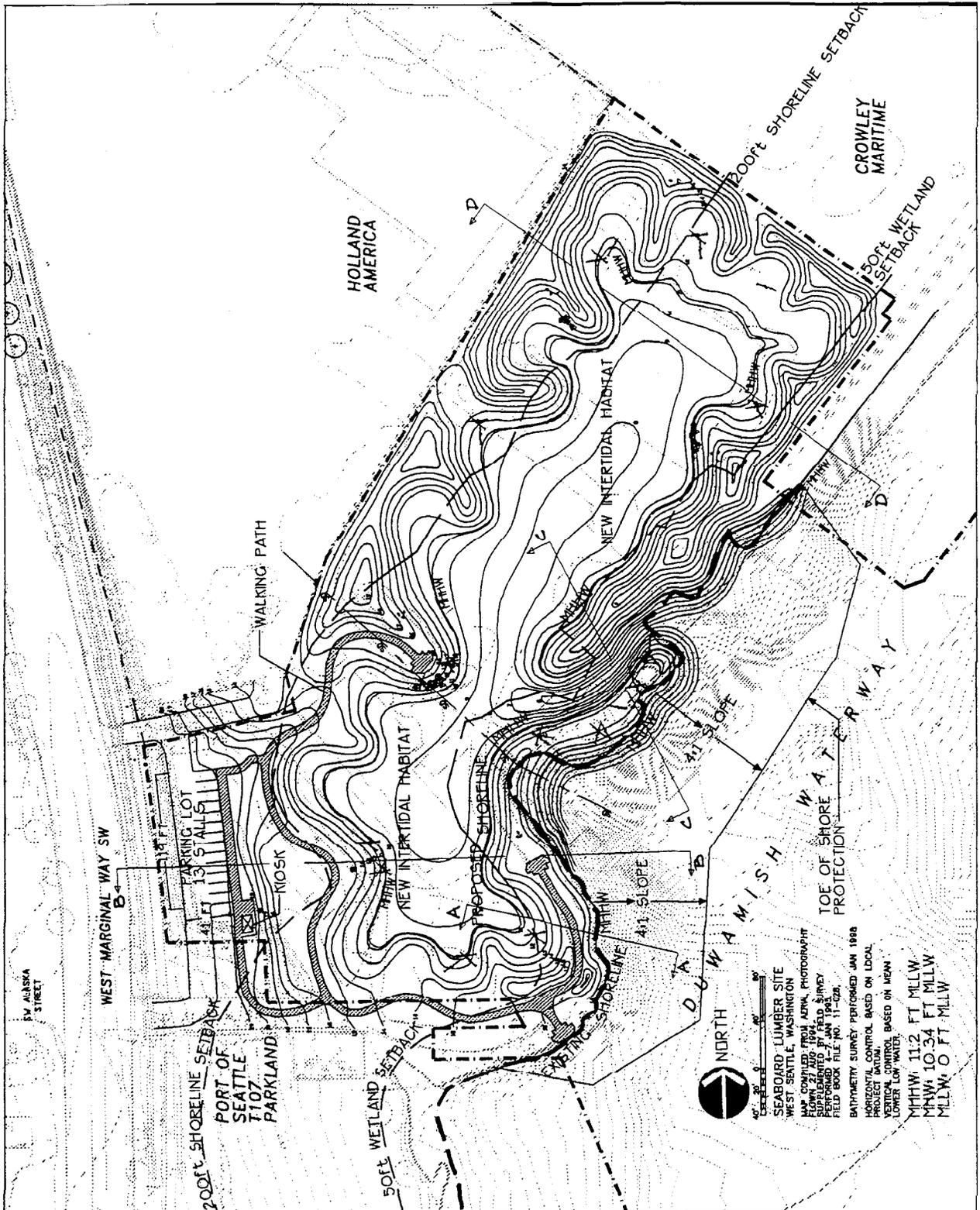
Agency contacts for stewardship were identified as follows:

Hamm Creek Estuary: Mike O'Neil, King County
Turning Basin No.3: Glen St. Amant, Muckleshoot Tribe
North Wind's Weir: Deb Snyder, King County Parks
Seaboard Lumber: Kevin Stoops, Seattle Parks



Figure 3.

Elliott Bay Nearshore Habitat Enhancement Project Location



PROPOSED:
 INTERTIDAL MARSH CREATION
 WITH VIEWPOINTS
 IN: CITY OF SEATTLE
 AT: SEABOARD LUMBER SITE
 COUNTY OF KING STATE WA
 APPL. BY: SEATTLE PARKS +
 RECREATION
 DATE: JANUARY 30, 1998
 FIGURE: 4 OF 12

CITY OF SEATTLE
 DEPARTMENT OF PARKS
 AND RECREATION
 3811 SECOND AVE. 4th FLOOR (864-7031)

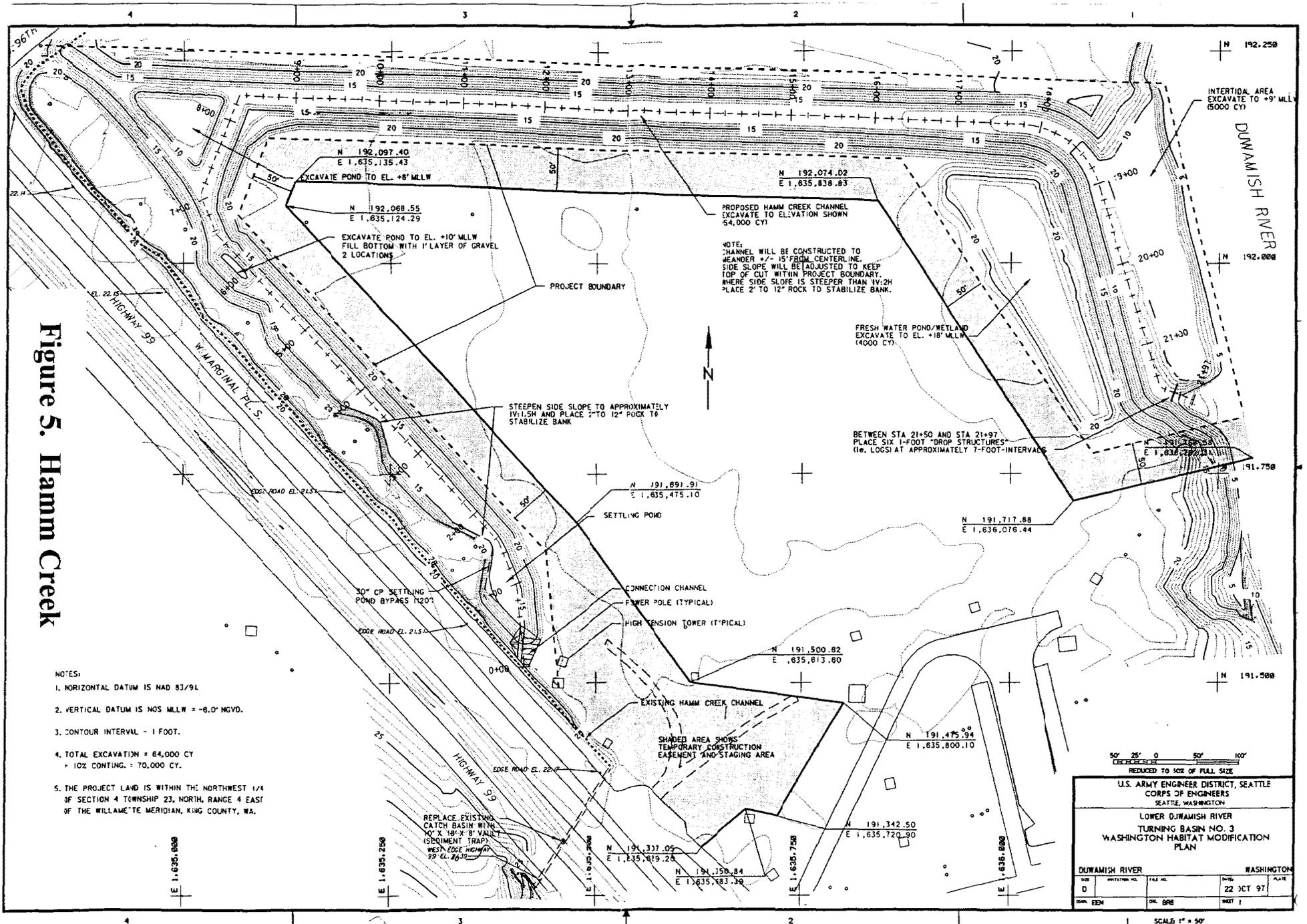
FACILITY TITLE
SEABOARD LUMBER
 AQUATIC HABITAT RESTORATION

PURPOSE:
 FISHERIES HABITAT ENHANCEMENT,
 PUBLIC VIEWING + EDUCATION
 DATUM: MLLW=0.0 (N.O.S.)
 ADJ. WATERFRONT PROPERTY OWNERS:
 HOLLAND AMERICA, PORT OF SEATTLE,
 + CROWLEY MARITIME

PREPARED BY:
Lee/Brennan Associates
 E C G International Inc.

Figure 4.

Figure 5. Hamm Creek



- NOTES:
1. HORIZONTAL DATUM IS NAD 83/91
 2. VERTICAL DATUM IS NOS MLLW = -6.0' MGVD.
 3. CONTOUR INTERVAL - 1 FOOT.
 4. TOTAL EXCAVATION = 64,000 CY
+ 10% CONTING. = 70,000 CY.
 5. THE PROJECT LAND IS WITHIN THE NORTHWEST 1/4 OF SECTION 4 TOWNSHIP 23, NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, KING COUNTY, WA.

50' 25' 0' 25' 100'
SCALE 1" = 50'

REDUCED TO SIZE OF FULL SIZE

U.S. ARMY ENGINEER DISTRICT, SEATTLE
CORPS OF ENGINEERS
SEATTLE, WASHINGTON

LOWER DUWAMISH RIVER
TURNING BASIN NO. 3
WASHINGTON HABITAT MODIFICATION
PLAN

| | | | |
|----------------|-------------|------------|-----------|
| DUWAMISH RIVER | | WASHINGTON | |
| DATE | REVISED NO. | FILE NO. | DATE |
| D | | | 22 OCT 97 |
| DRN. EEM | CHK. BRB | | SHEET 1 |

TURNING BASIN #3 RESTORATION SITE PLAN - OPTION 1

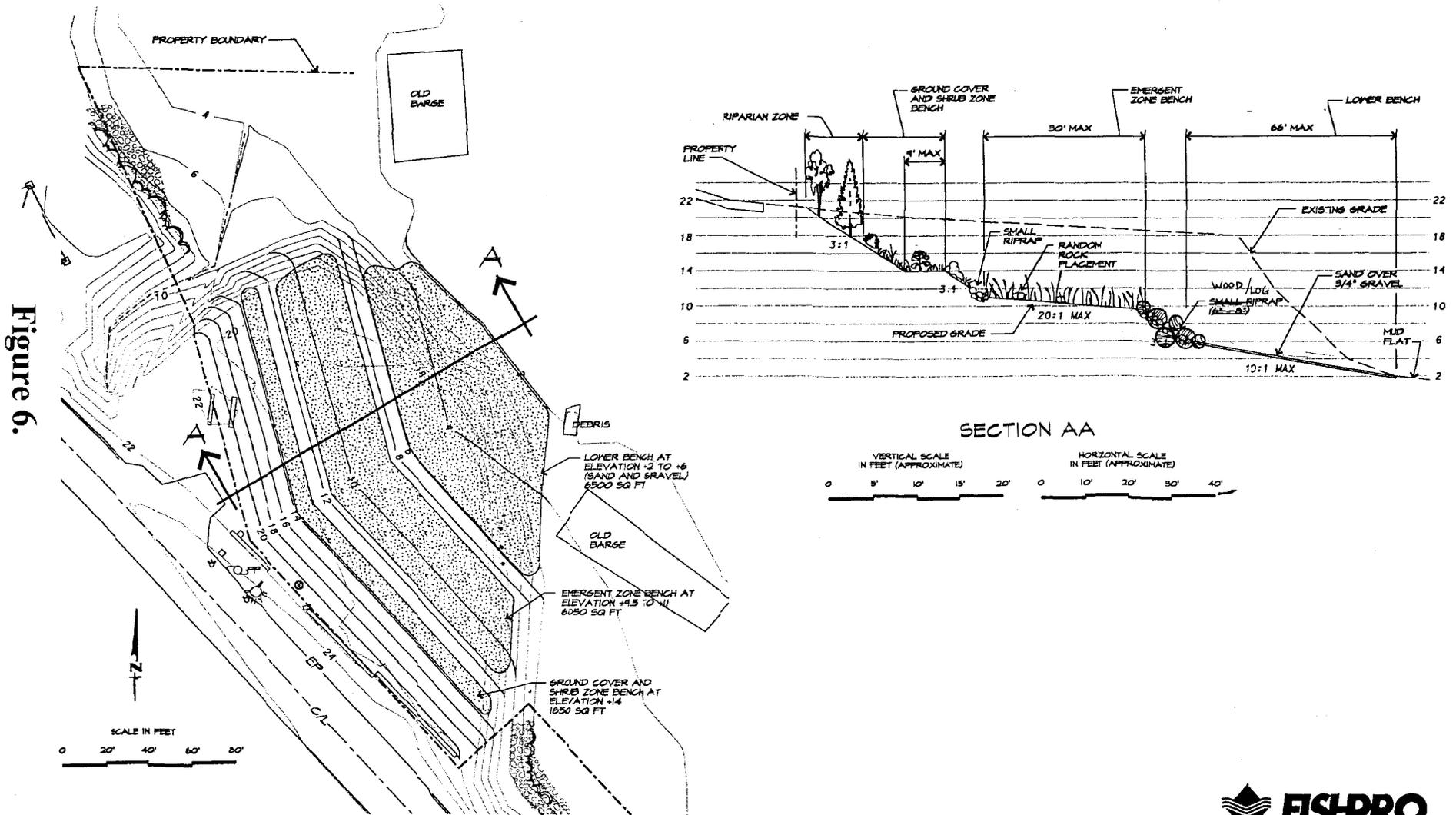
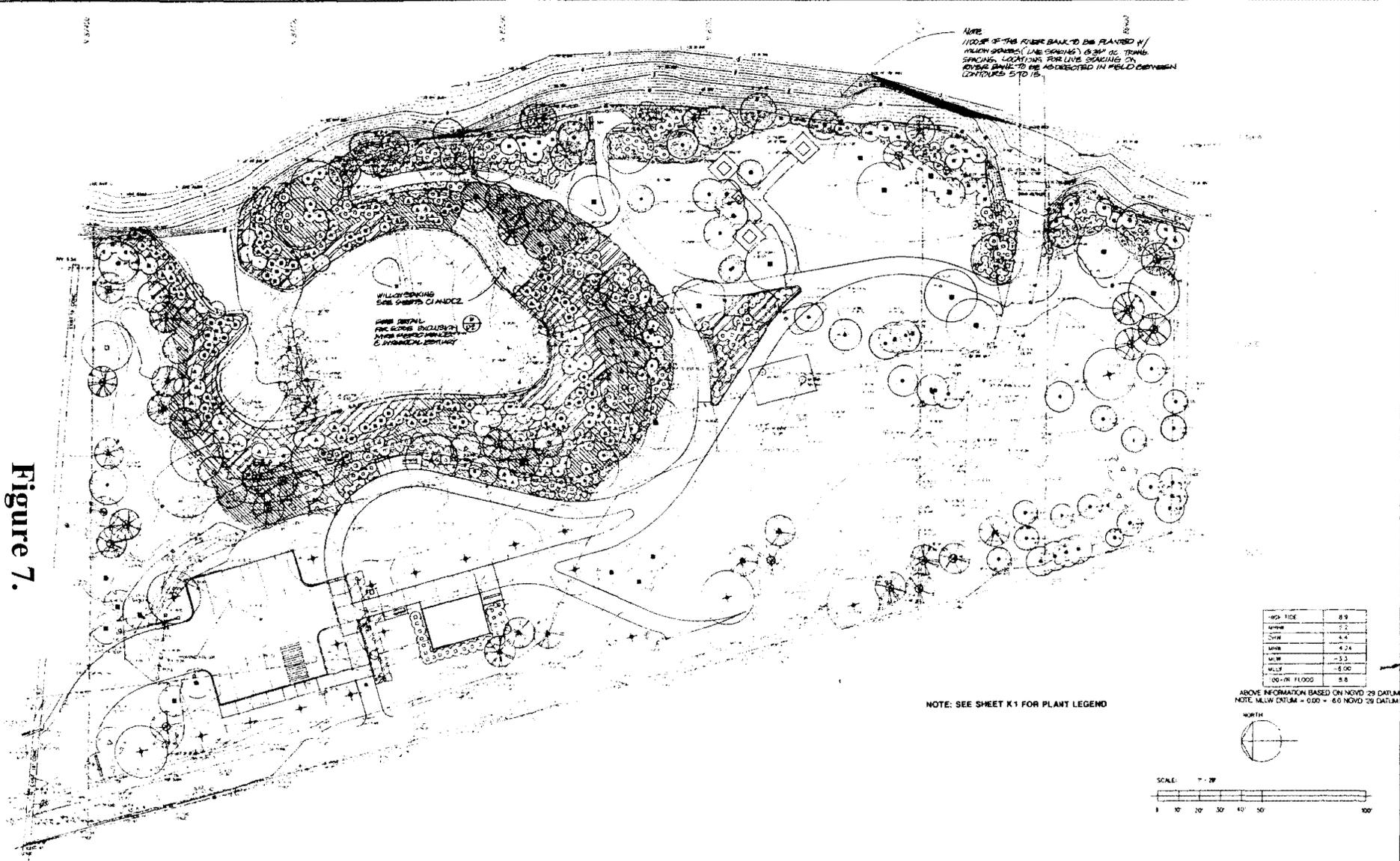


Figure 7.



| | |
|--------------|-------|
| HIGH TIDE | 8.9 |
| LOW TIDE | 7.2 |
| CYM | 4.4 |
| MWB | 4.24 |
| MLW | -3.3 |
| MLF | -6.00 |
| 00' OR FLOOD | 5.6 |

ABOVE INFORMATION BASED ON NOV 29 DATUM
NOTE: MLW DATUM = 0.00 = 6.0 NOV 29 DATUM



NOTE: SEE SHEET X1 FOR PLANT LEGEND

| | | | | | | |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|----------------------------|
| | <p>CLIENT AGENCY: KING COUNTY DEPARTMENT OF PARKS, CULTURAL AND NATURAL RESOURCES 1100 SMITH TOWER 300 3RD AVENUE SEATTLE, WA 98104</p> | <p>KING COUNTY FACILITIES MANAGEMENT DIVISION-PARKS CIP 300 King County Administration Building Seattle, Washington 98104 Telephone (206) 296-0648 Fax (206) 296-0186</p> | <p>STATE OF WASHINGTON DEPARTMENT OF ECOLOGY LANDMARKS & HERITAGE DIVISION CONTRACT NO. 134</p> | <p>MacLeod Reckford Landscape Architects 3000 University Street Seattle, WA 98108 206.461.1200</p> | <p>NORTH WIND'S WEIR PARK</p> <p>PLANTING PLAN</p> | <p>sheet L5</p> |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|----------------------------|

Porter (Slaughterhouse) Levee: Phase 1

Location: King County

Cost- Recommended Contribution:
\$390,000 (COE Section 1135, Elliot Bay/Duwamish Restoration Panel)
Other Funds: \$50,000 (Trout Unlimited, Mid-Sound Fisheries Enhancement Group, Muckleshoot Indian Tribe)

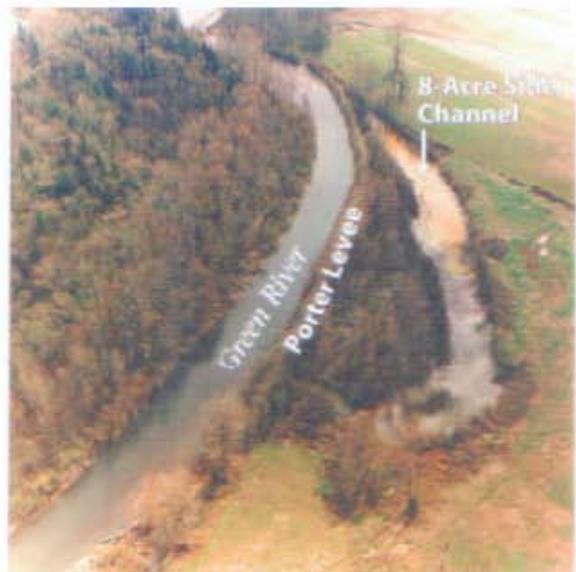
Lead Agency: Corps of Engineers

Schedule: 1997 1998 1999 2000

| | 1997 | 1998 | 1999 | 2000 |
|--------------|----------|------|--------|------|
| Scoping | Complete | | | |
| Acquisition | | █ | | |
| Design | | █ | | |
| Construction | | | █ Or █ | |

This project involves purchasing a 30-acre parcel adjacent to the Green River on the left bank just upstream of Highway 18, and restoring the river's connection to an isolated side channel. The side channel would be connected by excavating a notch in the Porter Levee at the downstream end of the project site, and excavating a channel connection with a possible control weir and log and rock fishway. An upstream connection through a culvert or permeable rock weir may be necessary to provide flow-through. The side channel would then be enhanced through the addition of snags and other habitat features, and the entire site would be replanted in native riparian and wetland vegetation. This reconnection would establish fish access to an 8-acre side channel, and would enhance 13 additional acres of riparian wetland.

Side channel habitat, allowing for salmon refuge from high flows and overwintering habitat for juveniles, is currently extremely limited along the middle Green River. This project would demonstrate an approach to restoring these functions.



Phase 1 of the Porter Levee project would excavate a channel opening at the downstream end of the levee (bottom center), linking this side channel with the Green River. Purchase of the entire 30-acre parcel would allow for wetland restoration as well.

Figure 8.



Porter Levee Property



Map produced by:
Visual Communications & GIS, Inc.
Public Outreach Section
Northbrook, IL 60062



0 500 1000 Feet

Sediment Remediation Technical Working Group 2000 Summary

Chair: Pat Romberg, King County Water and Land Resources Division
Telephone: (206) 296-8251

The sediment remediation technical working group (SRTWG) assists the Panel in planning and designing sediment remediation projects and in recommending goals and activities regarding King County's (formerly METRO) and the City of Seattle's source control programs.

2000 Activities

Duwamish/Diagonal CSO and Storm Drain Sediment Remediation Project (Figure 9)

Project Manager: Priscilla Hackney, King County DNR

Project Coordinator: Glen St. Amant, Muckleshoot Indian Tribe

Additional funding for planning and design (P&D) activities was restored at the start of 2000 due to the passage of the Consent Decree Amendment. Shortly after work resumed in 2000, it was determined that significant revisions were needed to the 1997 Draft Site Assessment (SA) Report to include important new sediment chemistry data. Analysis and results of the expanded data set were included in the draft 2000 SA Report dated October 2000. This new information raised different options about what area should be addressed in the Alternatives Evaluation (AE) Report. By the end of 2000, the SRTWG had developed a recommendation for the Panel to have the AE Report address the 5-acre area directly in front of the outfalls as a "hot-spot" cleanup action.

During 1998 an unrelated EPA-funded study analyzed sediment chemistry at a total of 300 sediment chemistry stations located in the lower Duwamish River. About 50 of these stations were near the Duwamish/Diagonal site and provided more information about the extent of area exceeding sediment standards in this section of the river. PCBs became the chemical of focus for evaluating the site due to the size of area, because PCBs are a human health concern without a set state sediment standard value.

King County took the lead in revising the SA report to minimize cost and to allow the Ecochem/Anchor consulting team to be used for other required activities. The October 2000 draft SA Report documented that when both the EPA and EB/DRP data sets were combined, the stations exceeding the sediment quality standards (SQS) for PCBs covered a total area of about 22 acres. For planning purposes, the 22-acre area was divided into 6 boxes, which included 3 boxes east of the navigation channel and 3 boxes within the navigation channel (see Figure 10). To assist the EB/DRP Panel in making a decision about which boxes to include in the AE Report, the Panel requested that the consultant develop preliminary cost estimates to perform sediment

remediation at each of the 6 boxes. The cost estimates were prepared in August 2000 and indicated the total remaining EB/DRP sediment remediation funds could cover the cost of remediation for about one box.

Regulatory agency staff (EPA and Ecology) were consulted regarding the feasibility of obtaining the required project permits to perform an interim or partial cleanup action focused on a chemical "hot spot" at the site. To help facilitate a decision regarding "hot spot" cleanup, Ecology staff requested sediment chemistry contour plots of the combined EPA and EB/DRP data for the four chemicals of concern (PCBs, bis(2-ethylhexyl)phthalate, butyl benzyl phthalate, and mercury). After the consultant team completed the contour plots, the SRTWG met with regulatory agency staff in December 2000 to discuss the result. At this meeting, it was agreed that it would be acceptable to have the AE Report focus on the 5-acre area directly in front of the Duwamish/Diagonal outfalls as a "hot spot" cleanup action. This proposal was prepared for presentation at the next Panel meeting scheduled for January 2001.

Copies of the two information packets distributed regarding remediation cost estimates and contour plots are included as attachments to the October 2000 draft SA Report. This report will remain in draft form until it is eventually combined with the AE Report resulting in a combined SA/AE Report (referred to as the "Cleanup Study Report"). This final combined report will assist the Panel in selecting their final recommended sediment remediation project for the Duwamish/Diagonal site. The report will be submitted for public viewing and a public meeting will be held for the project according to the approved Public Participation Plan.

Norfolk Sediment Remediation Project Monitoring (Figure 11)

Construction Project Manager: Priscilla Hackney, King County
Monitoring Oversight: Pat Romberg and Scott Mickelson, King County

King County is conducting post-construction monitoring at the Norfolk to identify any recontamination of the site. During 2000, there were two monitoring reports produced for the Norfolk CSO sediment remediation project. The report dated April 2000 presented the six-month post-construction monitoring data (Panel Publication 27). The report dated October 2000 was the official Annual Monitoring Report (Panel Publication 28) and presented the one-year post-construction data collected April 2000. Results basically showed the only significant recontamination was from PCBs near the Boeing storm drain (SD) pipe. In addition to this sediment monitoring, the Ecochem project team conducted an evaluation of the drainage basin looking for any identifiable significant sources of bis(2-ethylhexyl)phthalate to the Norfolk drainage basin. The conclusions of this work were that no identifiable source of the phthalates was found and the potential need for more source control should be based on the results of recontamination modeling.

A mathematical model had predicted in 1998 that storm water discharged out the Norfolk CSO/SD outfall contained concentrations of bis(2-ethylhexyl)phthalate that were high enough that this source might cause recontamination of sediments within one year. To investigate this possibility, King County decided to conduct a preliminary sampling event six months after remediation was completed at the site. Surface grab samples were collected at a total of four stations that were positioned based on the observed course the discharge water traveled over the site. Inspection at low tide revealed the discharges from the two outfalls had produced small channels in the surface of the sand backfill material. However, instead of proceeding perpendicular to shore, the channel from the Norfolk CSO was angled down river and joined the channel from the Boeing SD that was angled up river. Sampling stations (NFK501 and NFK503) were placed in each channel before they joined and on station (NFK502) was placed in the single channel after they joined (see Figure 11). The fourth sampling station (NFK504) was placed near the up-river side of the backfill and away from the channels.

Results of the six-month post-construction sampling event did not reveal any significant recontamination by bis(2-ethylhexyl)phthalate as was predicted. However, the results indicated the presence of detectable levels of PCBs at all four monitoring stations. The PCB concentrations were highest at the two stations associated with the channel from the Boeing SD (NFK503 and NFK502) and samples at these two stations exceeded the SQS.

To verify the PCB results, King County and Boeing conducted a supplemental sampling event in February 2000. Two stations on the backfill were resampled for 0-2 cm deep samples and included one station in the Boeing SD channel (NFK501) and one station in the Norfolk CSO channel (NFK502). A new station (NFK505) was placed down river of the Boeing channel to see if PCBs were outside the channels (0-2 cm depth). Three new stations (NFK506, NFK507, and NFK508) were sampled inshore of the remediation area near the Boeing SD pipe and samples were 0-10 cm deep. Boeing collected sediment from a storm drain catch basin (NFK509) located upstream in a parking lot. Both Boeing and King County analyzed splits of the samples separately. Complete information regarding this February 2000 sampling event has been included in Appendix C of the Norfolk Annual Report issued October 2000.

Specific results of the February 2000 samples show that PCBs were associated primarily with the area directly in front of the Boeing SD pipe. No PCBs were detected at station NFK501 located in the channel in front of the Norfolk CSO/SD nor were they found at station NFK505 located in the backfill a short distance down river of the channel from the Boeing storm drain. Surprisingly high PCB levels were found in all three of the stations located directly in front of the Boeing SD pipe (NFK506-NFK508). These three stations are located inshore of the remediation area boundary. The dry weight values range from 4,900 ppb to 8,500 ppb and the TOC-normalized (total organic carbon) values range from 385-480 ppm/kg TOC. All three stations are 6 to 7 times the cleanup screening level (CSL) value of 65ppm/kg TOC. On the remediation site, the sample from the Boeing SD channel (NFK503) had much lower PCB values than the three inshore stations, but this station still exceeded the SQS value. The normalized value was 42 ppm/kg TOC, which corresponded to a dry weight value of 180 ppb.

Results from the catch basin sediment value were inconclusive because the King County laboratory obtained a dry weight value of 256 ppb, but the analysis performed for Boeing obtained 27,900 ppb. The TOC normalized value was 1.35 ppm/kg TOC (below the SQS), but the Boeing normalized value was 116 ppm/kg TOC (above the CSL). The catch basin sediment sample was unusual because it contained about 90% water and had an exceptionally high TOC value of 19%.

The sediment chemistry data shows that the most likely source of PCB recontamination to the backfill is from an area of contaminated sediment directly in front of the Boeing SD pipe. This sediment is located inshore of a row of pilings at the inshore edge of the remediation area. The distance between the end of the Boeing SD pipe and the pilings is about 15-20 feet. It appears that the discharge of the storm water from the pipe is sufficient to wash contaminated sediment out onto the backfill material. Recontamination appears to be limited to the channel made by the storm water discharge. A Boeing Company representative (Mr. Skip Fox) was notified of the PCB recontamination situation at the Norfolk sediment site. He told King County staff that his company would hire a consultant firm to evaluate the situation and recommend a solution to stop the PCBs from being washed onto the Norfolk backfill. Regulatory agencies have been informed of the PCB recontamination via transmission of the Norfolk Annual Report that contained this information.

Project permits require an annual monitoring schedule, so the one-year sampling was conducted April 2000 at the same four stations sampled after six months. At each station a 0-2 cm deep sample was taken to reflect current change and a 0-10 cm deep sample was taken to allow comparison with sediment management standards (SMS). Values for metals in all samples were found to be similar to the baseline values measured one year earlier. For organic chemicals, the 0-2 cm samples had the most detected chemicals, which corresponds to a higher amount of fine material and generally higher TOC values (0.34 to 0.79% TOC compared to 0.14 to 0.24% TOC in 0-10 cm). The PAHs involved one LPAH (phenanthrene) and three HPAHs (chrysene, fluoranthene, and pyrene), but values were well below the SQS (typically, less than 10% of the SQS value). Low levels of bis(2-ethylhexyl)phthalate were detected and the concentrations were not statistically different from those detected in the analytical method blank. The only high PCB values were at the two stations located downstream of the Boeing SD. These two stations (NFK502 and NFK503) exceeded the SQS as in earlier samples and the 1-10 cm sample at NFK503 exceeded the CSL. The PCB values at these two stations appear to remain about the same as observed during the six-month sampling event.

Due to the concern about potential recontamination by bis(2-ethylhexyl)phthalate, the Ecochem consultant team was directed to investigate the Norfolk storm water basin for potential significant sources of this chemical. During the first quarter of 2000, the Ecochem team completed their report titled "Evaluation of Source Control Potential in the Norfolk CSO Drainage Basin" (results presented at the SRTWG meeting April 20, 2000). A detailed review of various storm drain maps showed that the true basin size was about 65 acres. Previous efforts to

calculate storm water runoff volume had used a basin size that was about one-third larger (92 acres). The effect of using a one-third larger basin size in previous modeling would be to over-estimate the calculated storm water volume by one-third and subsequently over-estimate the annual chemical loading by one-third.

The Ecochem team used several approaches to look for potential chemical sources in the drainage basin including the following: 1) field reconnaissance in the drainage basin, 2) inspection of reports from City of Seattle Drainage and Wastewater Utility, 3) review of Ecology records, and 4) review of historical maps. When the investigation was complete, the Ecochem team concluded they could not find any major industrial or commercial operations in the drainage basin likely to be sources of bis(2-ethylhexyl)phthalate.

The report provides a recommended approach for future work. The first recommendation is to use the annual monitoring data to verify that bis(2-ethylhexyl)phthalate is actually causing recontamination as the model predicted. If recontamination does not occur, then this would indicate the mathematical model is too conservative or that incorrect input values were used. If recontamination does occur, the report recommends an initial bioassay investigation to verify that the bis(2-ethylhexyl)phthalate is causing toxicity. The need to consider further source control would be based on the toxicity testing results.

Because the one-year monitoring event at Norfolk has not shown any significant recontamination by bis(2-ethylhexyl)phthalate, there is no need to recommend any bioassay testing at this time. The source of PCB recontamination has been linked to the area directly in front of the Boeing SD pipe so no further action has been taken by the EB/DRP program other than to notify a Boeing Company representative. The two-year post-construction monitoring event is scheduled for April 2001 and will determine whether chemical levels have changed at the four monitoring stations.

Pier 53-55 Sediment Cap and Enhanced Natural Recovery Area Monitoring (Figure 12)

Project Manager: Cheryl Paston/Martha Burke, City of Seattle Public Utilities

Monitoring Oversight: Pat Romberg and Scott Mickelson, King County

The Pier 53-55 Sediment Cap and Enhanced Natural Recovery Area sediment remediation project was completed in March 1992. The project entailed clean-up of a 4.5 acre area located offshore of Piers 53, 54, and 55 in downtown Seattle. Project permits required a ten-year monitoring program to determine the extent of recontamination and verify that the project continues to function as designed. Previous monitoring events occurred in 1992, 1993, and 1996. The ten-year monitoring event is scheduled for 2002.

Past experience has shown that activities at the adjacent Washington State Ferry Dock can effect the Pier 53-55 remediation project. In 1993, piling-removal activities on the north side of the ferry dock caused recontamination of the Pier 53-55 remediation project. A major expansion

project planned for the ferry dock could have the potential to effect the Pier 53-55 remediation project. However, at the present time, the expansion plans for the ferry dock have been canceled due to a large funding shortfall that resulted when voter Initiative 695 (reduced vehicle license plate fees) was approved.

Elliott Bay Central Waterfront Clean-up Study (Figure 13)

Project Manager: Martha Burke, City of Seattle Public Utilities

Project Coordinator: not yet assigned

Some EB/DRP Panel members requested that the City provide an update regarding plans for any potential sediment remediation project on the Seattle Central Waterfront. At the March 16, 2000 SRTWG meeting, Martha Burke presented a status memo summarizing past studies, field samplings, and a history of negotiations with the U.S. Army Corps of Engineers up to the point where Planning and Design (P&D) funds were exhausted in 1997. She discussed results of the most recent sediment sampling event and provided copies of the surface grab sample analytical results (chemical and bioassay) and a King County technical memorandum reviewing the sediment analytical data. Also, she presented three potential scenarios for the Central Waterfront project as follow: 1) Do not do any more work on the Central Waterfront; move remediation funds to expand the Duwamish/Diagonal project, 2) Reduce the project area to the area associated with Piers 56-57; evaluate remediation alternatives sufficiently to determine if we want to proceed with any, and 3) Proceed with the Central Waterfront project as originally proposed.

Martha discussed the pros and cons of each scenario and recommended further work on Option 2 (focus on Piers 56-57). She provided a short scope of work prepared by Anchor Environmental. The main activities in the scope of work included: 1) Evaluate in more detail the engineering feasibility and cost associated with sediment remediation in the Option 2 focus area, 2) Discuss with WDNR their willingness to accept capping as a remediation alternative, 3) Determine the short and longer-term plans anticipated by owners of the Piers, and 4) Report information back to the SRTWG.

After some discussion, the consensus of the SRTWG was to continue refining the alternatives analysis and cost estimates for the Duwamish/Diagonal project before revisiting the options presented for continuing the Central Waterfront cleanup project.

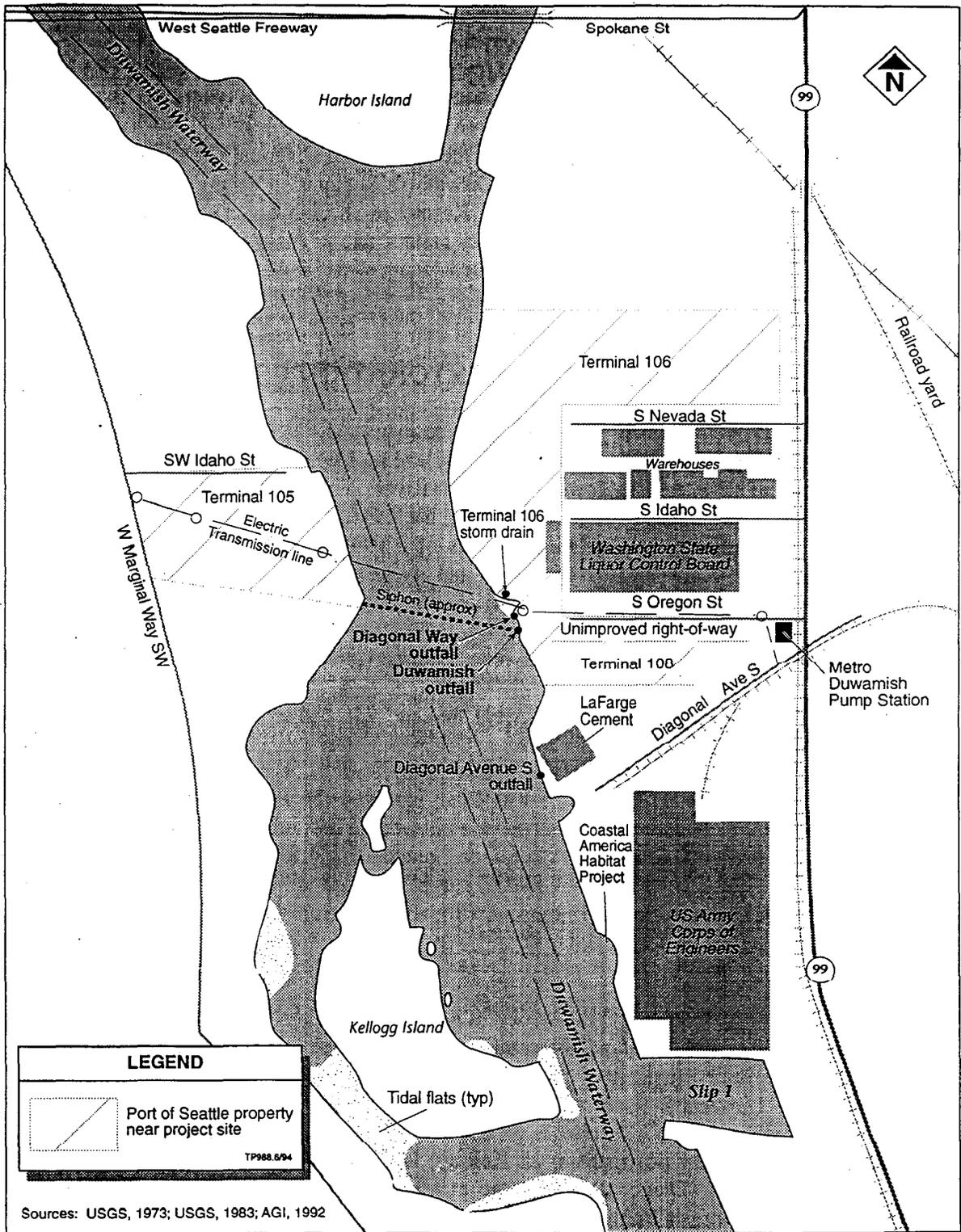
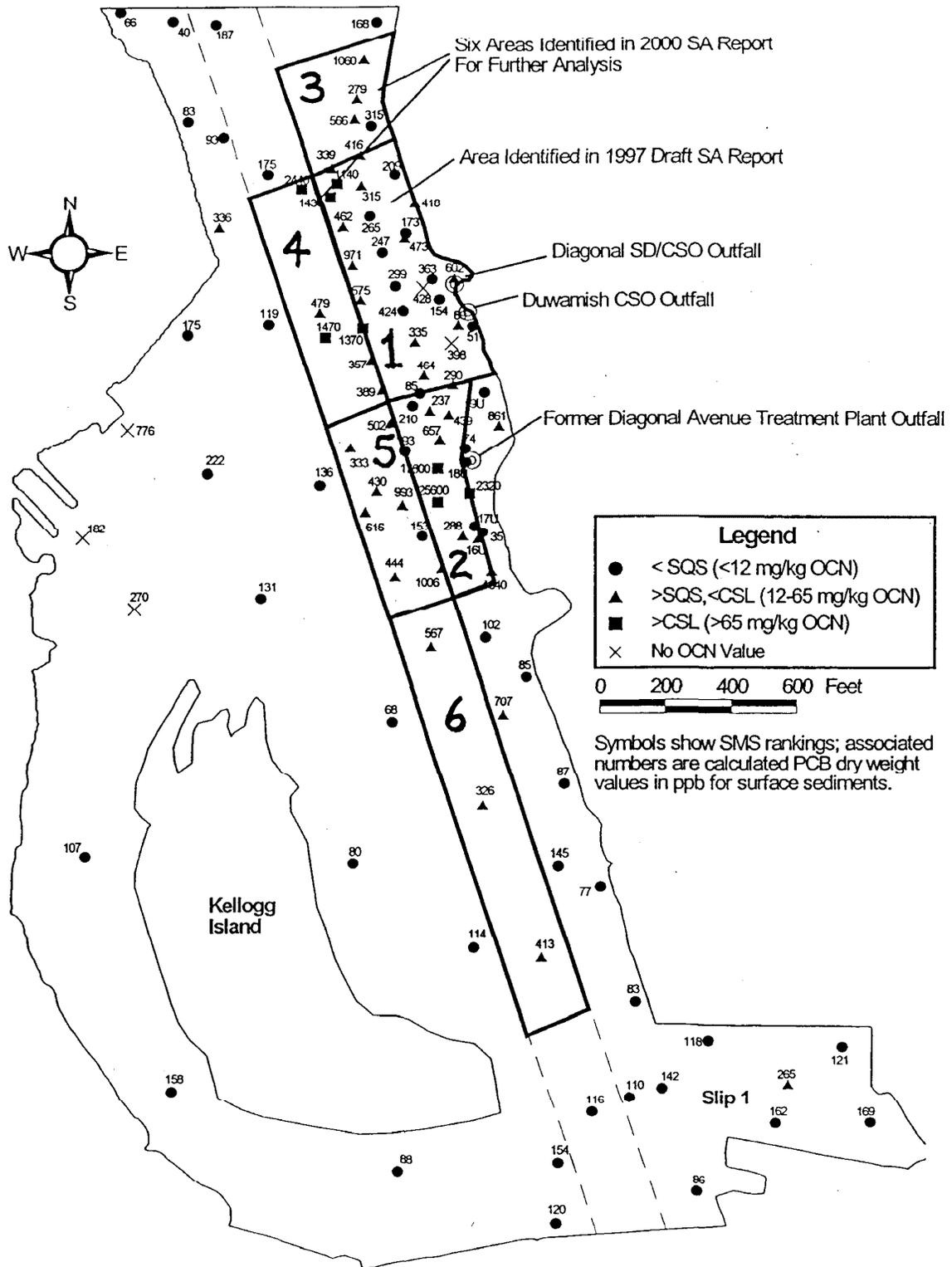


Figure 9. Duwamish/Diagonal CSO/SD



| | |
|-------------------------------------------------------------------------------------|----------------------|
| <p>Duwamish Diagonal Sediment Cleanup Study</p> | <p>Figure</p> |
| <p>Area of Focus Expanded to Include Most Stations that Exceed SQS/CSL for PCBs</p> | <p>10.</p> |

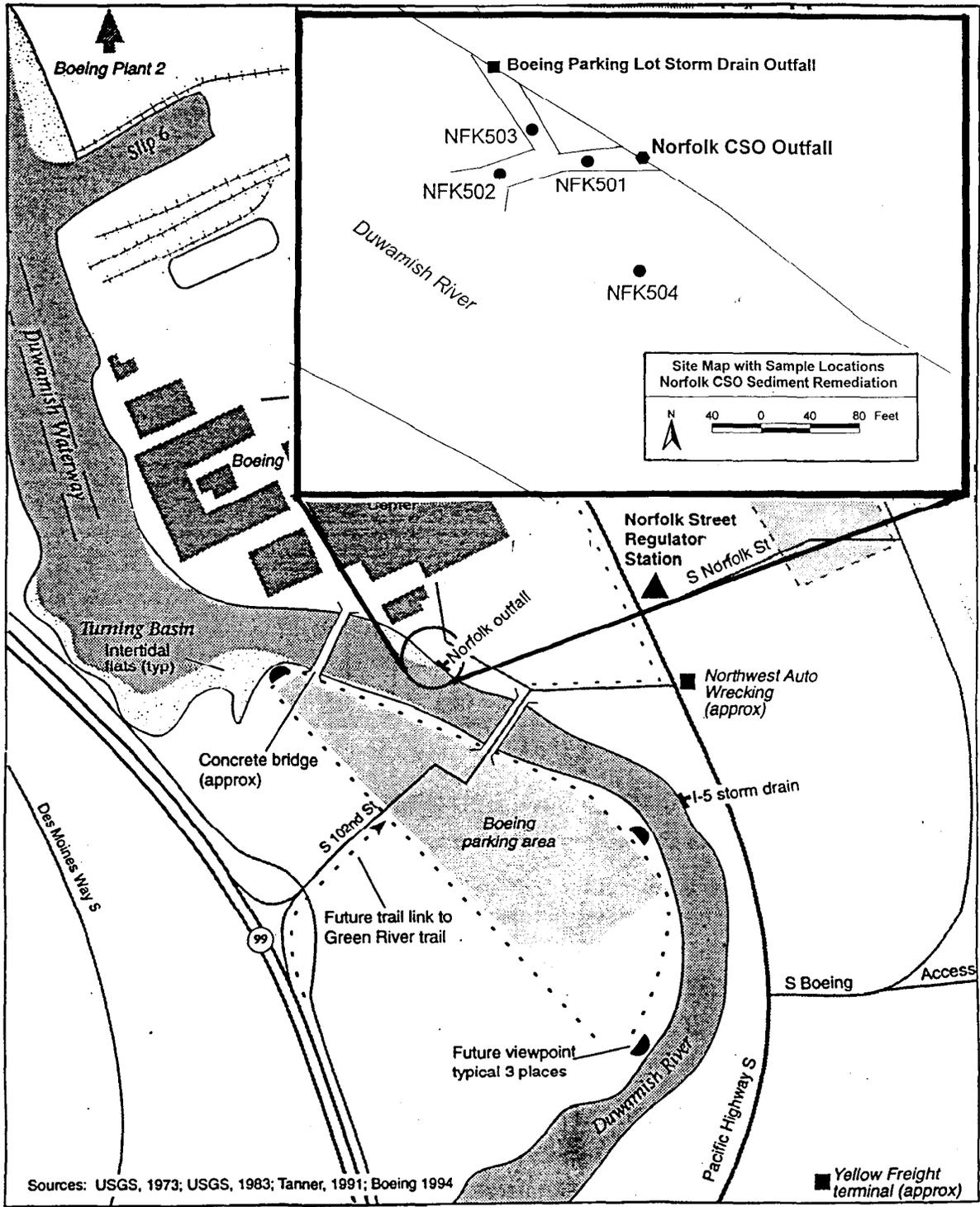


Figure 11. Norfolk CSO

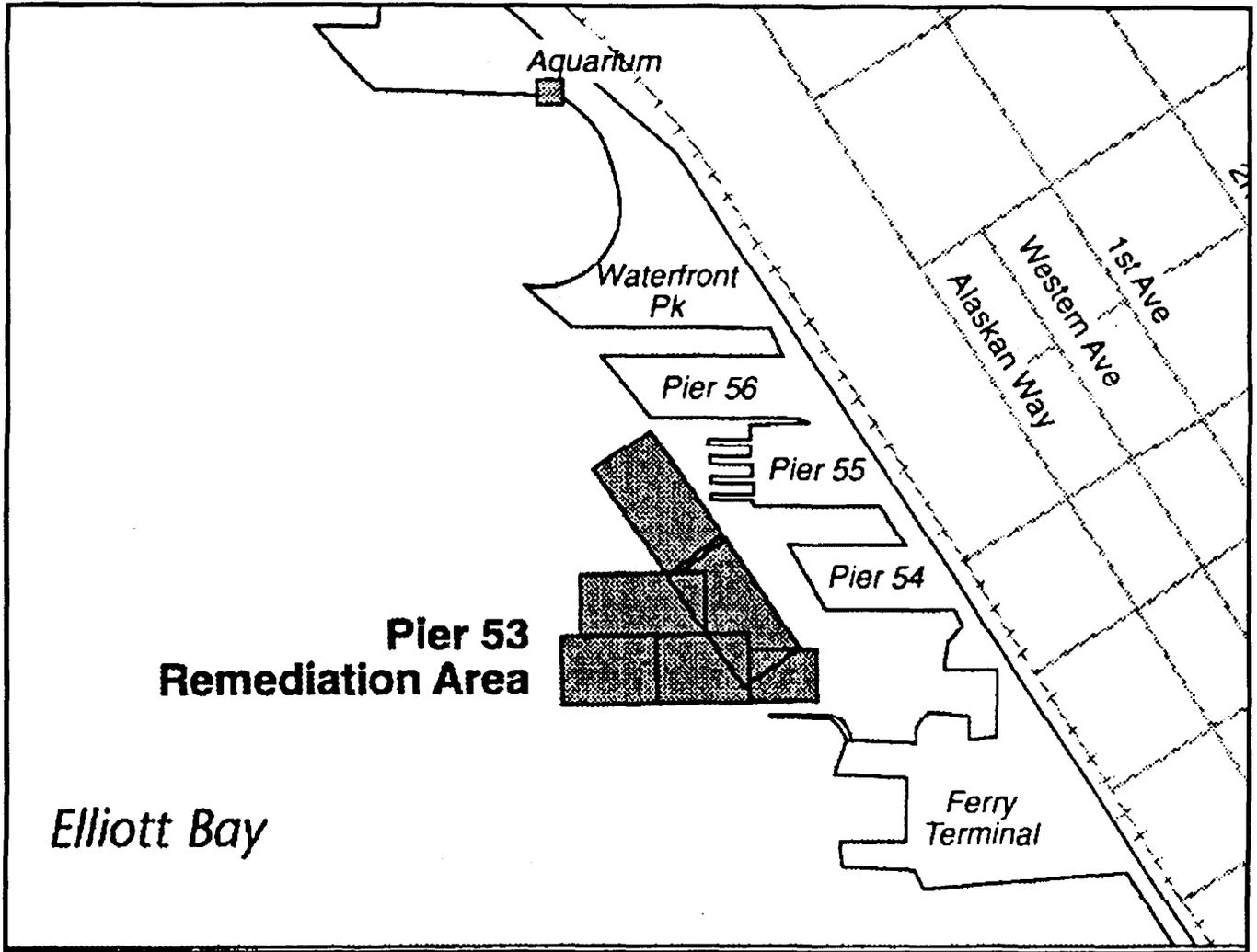


Figure 12. Pier 53/55 Sediment Cap

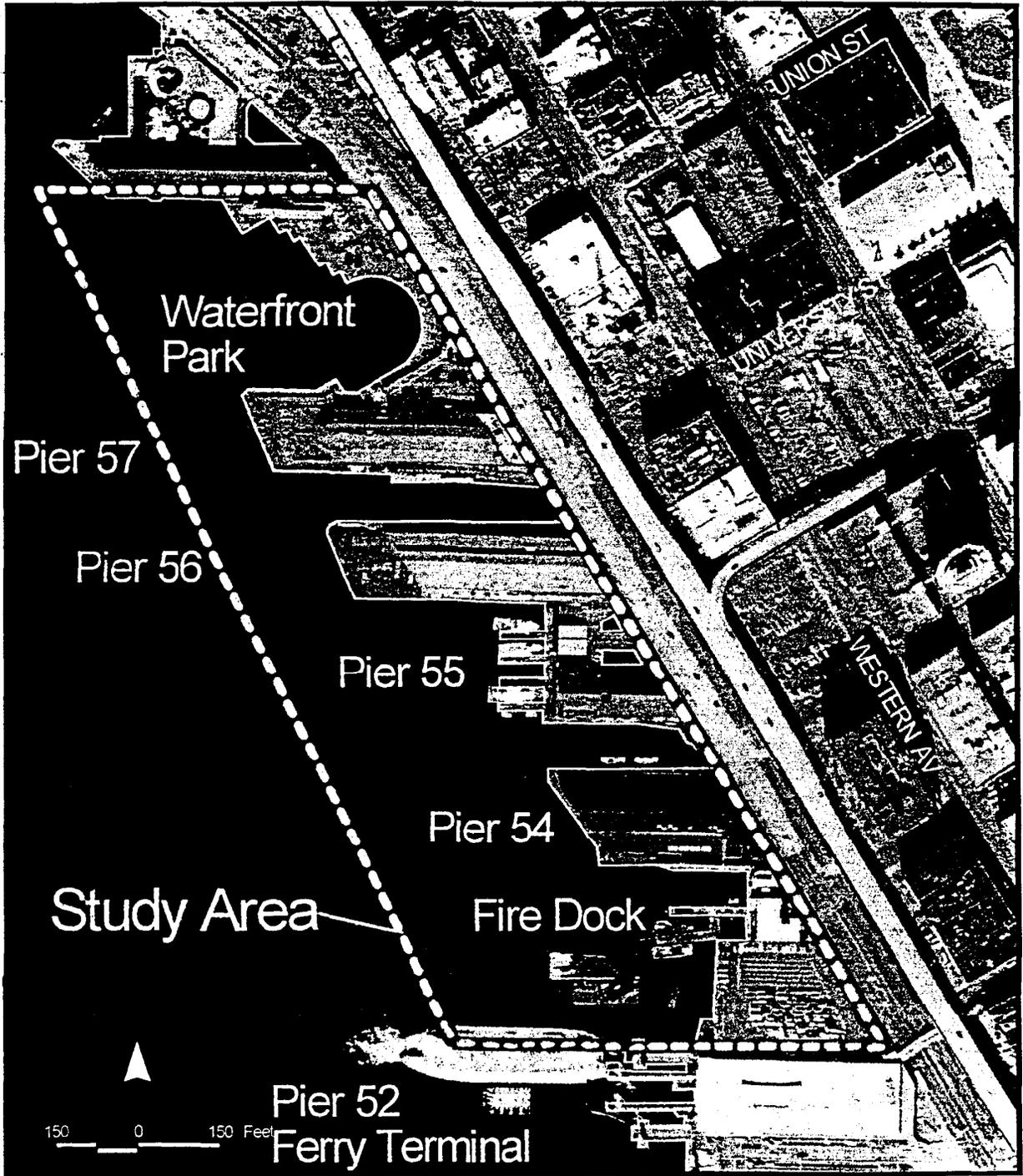


Figure 13. Central Waterfront Cleanup

Source Control 2000 Summary

**Project Manager: Martha Burke, City of Seattle Public Utilities
Telephone: (206) 684-7686**

The Consent Decree establishing the Elliott Bay/Duwamish Restoration Program provides for the development of Source Control Goals to protect natural resources and prevent recontamination of sites selected for sediment remediation and habitat development in the covered area.

In accordance with the settlement agreement, King County Department of Natural Resources and the City of Seattle, through Seattle Public Utilities (SPU), are charged with determining what changes and new activities, if any, are needed in addition to their ongoing source control programs to protect natural resources and prevent recontamination of Panel projects. The two agencies are then responsible for presenting recommendations for changes and actions to the Sediment Remediation Technical Working Group and the Panel for review and comment, and taking actions approved by the Panel.

2000 Activities

Norfolk CSO

Sampling activities continued at the Norfolk sediment remediation project site as part of the post-construction monitoring. Results indicate that no significant recontamination, particularly by bis(2-ethylhexyl) phthalate, is occurring.

Duwamish Pump Station/Diagonal CSO/SD

Based on the results of previous evaluations of recontamination potential and discussions at various Panel and Sediment Remediation Technical Working Group meetings, progress continues to complete the Site Assessment Report.

Seattle Public Utilities continued source identification, business inspections, and enforcement work in the drainage area feeding the Diagonal storm drain. These actions complement business inspections that began in 1997. During 2000, the City was able to identify two sources that were contributing pollutants to the outfall. A berm was installed to intercept and collect oils and grease exiting the outfall in addition to cleaning of the storm drains.

Elliott Bay/Duwamish Restoration Panel 2000 Resolutions

Contained in the following pages are the nine Elliott Bay/Duwamish Restoration Program Resolutions for 2000. The attachments have not been included here for the sake of brevity. The attachments, which are contained in the Administrative Record for the Program, may be reviewed at the offices of the Administrative Director upon request.

Panel Resolution 2000-01

Reconciliation of accounting authorizing In-kind services credits (\$1,769,751.00) to King County for certain *Sediment Remediation and Habitat Development projects during 1998 and January - October 1999.*

Adopted: 06 April 2000

Consent Decree: ¶ 10 (b), planning and design support
¶ 12 expenditure tracking
¶ 13 in-kind services
¶ 34 source control

References: Attachment 1. King County Memorandum dated February 8, 2000
In-kind Service Work, 1998 - October 1999

| | |
|---------|--------------------------------------------------------------------|
| 1997-08 | Norfolk Sediment Remediation Project |
| 1997-13 | Elliott Bay Nearshore Enhancement Project |
| 1997-14 | Transition Management Plan |
| 1998-08 | Pier 53/55 Sampling |
| 1999-01 | Reconciliation of Accounting for King County 1991-1997 |
| 1999-02 | Reconciliation of Accounting for City of Seattle 1991-1997 |
| 1999-03 | Final Reconciliation of Accounting for Consent Decree Amendment |

The purpose of this Resolution is to approve in-kind services credits for work performed by King County on sediment remediation and habitat development projects for the Elliott Bay/Duwamish Restoration Program during 1998 and January - October, 1999.

Granting of credit is based on the Panel's review and approval of the documentation provided by King County (Attachment 1). This information will be used to update the accounting of King County in-kind services credits, Source Control, Real Property, and cash payments as required by the Consent Decree.

The documentation provided by King County requesting in-kind services credit for the period January 1, 1998 through October 31, 1999 can be summarized as follows:

| Project | Planning and Design | Implementation |
|-------------------------------------------------|----------------------------|------------------------|
| Norfolk CSO (Sediment Remediation) | 7,767.00 | 1,678,706.00 |
| Duwamish/Diagonal CSO (Sediment Remediation) | 37,923.00 | 0 |
| Pier 53./55 (Sediment Remediation) | 0 | 2,338.00 |
| Elliott Bay Nearshore (Habitat Development) | 8,579.00 | 34,438.00 |
| Total | \$ 54,269.00 | \$ 1,715,482.00 |

Combining this information with that provided in Resolution 1999-01, the total King County In-kind services credits authorized by the EB/DRP Panel of Mangers to date is as follows:

| Supporting Documentation | Panel Function | Planning and Design | Implemen- tation | Source Control | Real Property |
|----------------------------------|-----------------------|----------------------------|-----------------------------|-----------------------|----------------------|
| Resolution 1999-01 Resolution | 63,073.00 | 1,309,982.00 | 409,863.00 | 12,994.00 | 0 |
| Resolution 2000-01 | 0 | 54,269.00 | 1,715,482.00 | 0 | 0 |
| Total | 63,073.00 | 1,364,251.00 | 2,125,345.00 | 12,994.00 | 0 |

Elliott Bay/Duwamish Restoration Program Panel Resolution 2000-02

Adopted: 06 April, 2000

Consent Decree: ¶ 10(a) Trustee Reimbursements

In accordance with Consent Decree paragraph 10(a), the Elliott Bay/Duwamish Restoration Program Panel has received and reviewed Trustee cost documentation for the period January - December, 1999. The Panel authorizes disbursement from the Registry of the Court to the payees listed below for those costs. Supporting invoices and memoranda are included in the Administrative Record.

| <u>Payees</u> | <u>Amount of Disbursement</u> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| Washington State Department of Ecology Post Office Box 5128 Lacey, Washington 98509-5128 Attention: Cashiering Section Account Number: 001T000019-AA | \$ 5,358.73 |
| Muckleshoot Indian Tribe 39015 172nd Avenue S.E. Auburn, Washington 98092-9763 Attention: Gerald Henke, Comptroller | \$ 1,086.78 |
| The Suquamish Tribe P.O. Box 498 Suquamish, Washington 98392 Attention: Randy Hatch | \$28,716.15 |
| National Oceanic and Atmospheric Administration NOAA Finance Services Division SSMC4, Room 9331 1305 East-West Highway Silver Spring, MD 20910-3281 Attention: Kathy Salter, DARRF Manager | \$ 8,063.86 |
| U.S. Department of the Interior NBC/Division of Financial Management Services Branch of Accounting Operations, Mail Stop 1313 1849 C. St. NW Washington, D.C. 20240 | \$11,113.00 |

**Elliott Bay/Duwamish Restoration Program
Panel Resolution 2000-03**

Adopted: 06 April, 2000

Consent Decree: ¶ 10(a) Trustee Reimbursements

In accordance with Consent Decree paragraph 10(a), the Elliott Bay/Duwamish Restoration Program Panel hereby authorizes disbursement from the Registry Account to the payee specified below for the purpose of reimbursement for calendar year 1999 Administrative Director costs. Supporting invoices and memoranda are attached.

| <u>Payee</u> | <u>Amount of disbursement</u> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| National Oceanic and Atmospheric Administration NOAA Finance Services Division SSMC4, Room 9331 1305 East-West Highway Silver Spring, MD 20910-3281 Attention: Kathy Salter, DARRF Manager | \$32,446.30 |

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. The Panel of Managers has reviewed the trustee reimbursement request and associated documentation submitted and requests that this documentation be filed in the Administrative Record.
2. The Panel herein approves the reimbursement request in the amount listed.
3. The U.S. Department of Justice is requested to apply to the U.S. District Court for an order directing disbursement from the Registry account in connection with United States, et al. v. City of Seattle and Metro (King County), Civ. NO. C90-395WD (W.D. Wash., Dec 23, 1991), in the particulars specified above.

Elliott Bay/Duwamish Restoration Program Panel Resolution 2000-04

Authorizes planning and design expenditures (up to \$39,300.00) by King County to increase the dollar amount and tasks of the existing Ecochem contract to allow for an expanded area of focus in the Duwamish/Diagonal Alternatives Evaluation Report.

Adopted: 06 April 2000

Consent Decree: ¶ 10 (b), planning and design support

References: 1993-11B Designating Manager of Sediment Remediation Projects
1993-20 Site Selection, Development of Cleanup Study Workplans
1995-20 Attachment 1, Scope of Work, Environmental Services
for Diagonal/Duwamish and Norfolk Sediment
Remediation Projects

The Elliott Bay/Duwamish Restoration Program Panel hereby authorizes King County to expend up to \$39,300.00 of planning and design funds to increase the dollar amount and tasks for consultant services beyond the up to \$445,200.00 previously authorized by Resolution 1995-20. This increase is needed to allow the contractor to expand the area of focus for the Duwamish/Diagonal Alternatives Evaluation Report from the original size of about 5 acres, in increments, to a new and larger area of about 23 acres.

The Alternatives Evaluation Report will provide an analysis of potential cleanup alternatives and provide cost estimates for these alternatives. This information will be used by the EB/DRP Panel to recommend a preferred cleanup option for the Duwamish CSO Outfall and Diagonal Way CSO/SD Outfall (Duwamish/Diagonal) Sediment Remediation Project.

Work plans, contractor deliverables, and final cost invoices shall be submitted to the Panel for review and approval prior to a request for reimbursement from the Registry of the Court.

Elliott Bay/Duwamish Restoration Program Panel Resolution 2000-05

Reconciliation of accounting authorizing credit (\$1,643,191.77) to King County for making permanently available real property for habitat development projects.

Adopted: 17 August 2000

Consent Decree: ¶ 27 Habitat Development and Real Estate Acquisition
¶ 30 Permanently available real property contribution (up to \$2.5M)

References: Attachment 1. King County memorandum dated May 2, 2000 requesting credit for acquisition of property.

- 1996-28 Agreement to participate in King County's habitat development project at the City Light Site (up to \$700,000).
- 1996-29 Authorizes property acquisition negotiations; up to \$25,000 (of the up to \$700,000) for activities associated with project management, appraisals, and property acquisition negotiations for the City Light Site.
- 1997-18 Authorizes property acquisition credit (up to \$700,000) for Porter Levee, Burns Confluence, and Black River Confluence sites, including up to \$87,000 for activities associated with making real property available.
- 1997-19 Authorizes property acquisition credit (not to exceed \$479,200) for the Turning Basin Vicinity Project [Kenco Marine].
- 1998-01 Confirms authorization of property acquisition credit (not to exceed \$725,000 [Resolutions 1996-28 and 1996-29]) for the Duwamish/Hamm Creek Estuary Project, upon granting of an easement in perpetuity.
- 1998-09 Authorizes additional credit (up to \$25,000) for Duwamish/Hamm Creek Estuary Project management, appraisals, and acquisition negotiations.
- 1999-06 Authorizes additional real estate credit (up to \$20,000) for costs associated with acquiring a conservation easement for the Duwamish/Hamm Creek Estuary Project.

The purpose of this Resolution is to grant King County credit toward its respective maximum obligation under the Consent Decree for making permanently available real property with a value of up to \$2,500,00.00 for use as sites for habitat development projects selected by the Panel.

Granting of credit is based on the Panel's review and approval of the documentation provided by King County (Attachment 1). This information will be used to update the accounting of King County in-kind services credits, Source Control, Real Property, and cash payments as required by the Consent Decree.

Combining this information with that provided in Resolutions 1999-01 (Reconciliation of Accounting: King County 1991-1997) and 2000-01 (Reconciliation of Accounting: King County 1998 - October 1999), the total credit granted to King County by the EB/DRP Panel of Managers to date for panel function support, sediment remediation and habitat development projects, source control and real property is as follows:

| Supporting Documentation | Panel Function | Planning and Design | Implementation | Source Control | Real Property |
|--------------------------|------------------|---------------------|---------------------|------------------|---------------------|
| Resolution 1999-01 | 63,073.00 | 1,309,982.00 | 409,863.00 | 12,994.00 | 0 |
| Resolution 2000-01 | 0 | 54,269.00 | 1,715,482.00 | 0 | 0 |
| Resolution 2000-05 | 0 | 0 | 0 | 0 | 1,643,191.77 |
| Total | 63,073.00 | 1,364,251.00 | 2,125,345.00 | 12,994.00 | 1,643,191.77 |

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. The Panel of Managers has reviewed the credit request and associated documentation submitted to it by King County and requests that this documentation be filed in the Administrative Record.
2. The Panel herein approves the real estate acquisition credit request from King County in the amount of \$1,643,191.77 (Attachment 1).
3. The total credited amount for all categories (as listed above) granted to King County by the Panel is \$5,208,854.77

Elliott Bay/Duwamish Restoration Program Panel Resolution 2000-06

Approves the Muckleshoot Indian Tribe's reimbursement request (\$62,617.62) for certain Turning Basin No. 3 project planning and design expenses for the period 01 January 1998 through 30 April 2000.

Adopted: 06 July 2000

Consent Decree: ¶ 9 (c),(h) planning and study activities
¶ 10 (b) planning and design support
¶ 12 expenditure tracking
¶ 27 (b) habitat development

References: Attachment 1. Muckleshoot Indian Tribe memorandum dated
2 May, 2000.

1997-14 Transition Management Plan: Scope/Schedule/Budget
1998-11 Planning & design and construction expenditures
authorization (\$114,093)

The purpose of this Resolution is to approve the Muckleshoot Indian Tribe's request for reimbursement for the monies expended to date for the planning/design and development of the Turning Basin No. 3 Aquatic Habitat Restoration Project for the period 01 January 1998 through 30 April 2000.

Reimbursement is based on the Panel's review and approval of the documentation provided by the Muckleshoot Indian Tribe (Attachment 1). This information will be used to update the accounting of the Habitat Development Projects as required by the Consent Decree.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. The Panel of Managers has reviewed the reimbursement request submitted to it by the Muckleshoot Indian Tribe and requests that this documentation be filed in the Administrative Record.
2. The Panel herein approves the request from the Muckleshoot Indian Tribe in the amount of \$62,617.62 (Attachment 1).

3. The U.S. Department of Justice is requested to apply to the U.S. District Court for an order directing disbursement from the Registry account in connection with United States, et al. v. City of Seattle and Metro (King County), Civ. No. C90-395WD (W.D. Wash., Dec 23, 1991), in the following particulars:

| | |
|-----------------|------------------------------------------------------------------------------------------------|
| Amount: | \$62,617.62 |
| Payee: | Muckleshoot Indian Tribe |
| Attn: | Gerald Henke |
| Check Notation: | <u>United States, et al. v. City of Seattle and Metro (King County),</u> Civ. No. C90-395WD |
| Address: | Muckleshoot Indian Tribe 39015 172nd Avenue S.E. Auburn, WA. 98092-9763 |

Elliott Bay/Duwamish Restoration Program Panel Resolution 2000-07

Authorizes an additional planning and design expenditure of \$16,700.00 by King County to add Task 302 to the existing EcoChem contract and complete the Duwamish/Diagonal Alternatives Evaluation Report.

Adopted: 06 July 2000

Consent Decree: ¶ 10 (b), planning and design support

References: 1993-11b Designating Manager of Sediment Remediation Projects.
1993-20 Site Selection, Development of Cleanup Study Workplans.
1995-20 Attachment 1, Scope of Work, Environmental Services
for Duwamish/Diagonal and Norfolk Sediment
Remediation Projects.
2000-04 Increase dollar amount/tasks to 1995-20 for an expanded
area of focus in the Alternatives Analysis Report.

The Elliott Bay/Duwamish Restoration Program Panel hereby authorizes the expenditure of up to \$16,700.00 of planning and design funds by King County for consultant services to add Task 302 (Develop Intermediate Remedial Actions for AE Scoping) to the scope of work for completing the Duwamish/Diagonal Alternatives Evaluation Report (D/D AE Report). This expenditure is necessary to provide the Panel a preliminary decision point regarding potential cleanup costs for not just one area of interest (5 acres), but for a total of six areas of interest (about 22 acres total). The Panel will use this preliminary information to decide how many areas of interest they want carried forward through the complete formal AE Report process.

Task 302 complements the scope of work and budget specified in Resolution 2000-04 for resuming work on and completing the D/D AE Report that will provide an analysis of potential cleanup alternatives and cost estimates for these alternatives. This information will be used by the Panel to recommend their preferred cleanup option for the Duwamish/Diagonal Sediment Remediation Project.

The combined EcoChem contract amount to finish the D/D AE Report, starting now, totals \$131,251.00, and includes the \$39,300.00 obligated by Resolution 2000-04 and \$16,700.00 in this Resolution. The additional amount of \$75,251.00 is the balance of the money that was approved for the D/D AE Report in Resolution 1995-20, which totaled \$445,200.00. The original EcoChem contract budget of \$445,200.00 included the planning and design work for both the D/D and Norfolk sediment remediation projects all the way through the AE Reports.

Work plans, contractor deliverables, and final cost invoices shall be submitted to the Panel for review and approval prior to a request for reimbursement from the Registry of the Court.

Elliott Bay/Duwamish Restoration Program Panel Resolution 2000-08

Adoption of Intertidal Habitat Projects Monitoring Program for Panel sponsored intertidal habitat projects.

Adopted: 17 August 2000

Consent Decree: ¶ 9 (h), panel authority.
¶ 10 (b), (c), planning and design - monitoring.
¶ 27 (b), habitat development - monitoring.

References: Attachment 1. Intertidal Habitat Projects Monitoring Program
(Panel Publication 23).

Attachment 2. USFWS Memorandum dated March 22, 2000.

The Elliott Bay/Duwamish Restoration Program Panel of Managers (Panel) adopts the Intertidal Habitat Projects Monitoring Program (Panel Publication 23) to define a scope, schedule, and budget for post-project monitoring of four intertidal habitat restoration projects being completed under the EB/DRP Consent Decree.

The Panel recognizes the interest of the U.S. Fish and Wildlife Service in managing this program, as expressed in their letter dated March 22, 2000.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

The Panel has reviewed the documentation submitted by the U.S. Fish and Wildlife Service and adopts the Intertidal Habitat Projects Monitoring Program as the Panel's guidance document for implementing, contingent on funding, a monitoring program for the Seaboard Lumber, Hamm Creek Estuary, Turning Basin No. 3, and North Wind's Weir projects in fulfillment of the goals embodied in the Consent Decree.

Elliott Bay/Duwamish Restoration Program Panel Resolution 2000-09

A Resolution to transfer Monitoring Program Funds from the Registry of the Court to the U.S. Department of the Interior - Natural Resource Damage and Restoration Fund.

Adopted: 31 August 2000

Consent Decree: ¶ 9 (h), panel authority
¶ 10 (b), (c), planning and design - monitoring
¶ 27 (b), habitat development - monitoring

Resolution: 2000-08 Adopting Intertidal Habitat Projects Monitoring Program (Panel Publication 23)

The EB/DRP Panel of Managers (Panel) have adopted the Intertidal Habitat Projects Monitoring Program (Panel Publication 23) to define a scope, schedule, and budget for post-project monitoring of four intertidal habitat restoration projects being completed under the EB/DRP Consent Decree.

To facilitate both sufficient oversight and efficient access to Monitoring Program funds, and to avoid burdening the Court with the administrative management and on-going requests for disbursements, the Panel seeks to transfer funds in the amount of \$721,217 from the Registry of the Court to the DOI Restoration Fund.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. The EB/DRP Panel has determined to request the transfer from the Registry of the Court in the amount of \$ 721,217 into the U.S. Department of the Interior (DOI) Restoration Fund (43 USC 1474b and 1474b-1), also known as the Natural Resource Damage and Restoration (NARDAR) Fund.
2. The purpose of this transfer is the establishment of the EB/DRP Monitoring Program Account. These funds will solely support Monitoring Program implementation, administration, or oversight. The Panel has identified the U.S. Fish and Wildlife Service (USFWS) as Project Manager for this Program.

As Project Manager, USFWS is responsible for:

- a. Implementing the Monitoring Program as described in Panel Publication 23.
- b. Proper administration and oversight of funds allocated by the Panel for this Program.

- c. Regular reporting on status of Monitoring Program activities and program funds. At a minimum, reporting will consist of mid-year Program activity status reports, and end-of-year Monitoring Program Results reports. Monitoring Program activities and results reports will be completed in all years of significant Monitoring Program activity (years 1, 2, 3, 5, 7, and 10). Account status reports will be submitted twice annually in years 1 through 10.
 - d. Mid-year activity and account status reports will be due to the Administrative Director within 30 days of the end of the 2nd quarter of the year. End of year Monitoring Program Results and account status reports will be due to the Administrative Director within 60 days of the end of the calendar year.
 - e. Following the initial project year's funding request directly to the DOI Restoration Fund, for all subsequent requests for an allocation from the DOI Restoration Fund, USFWS will submit a request for concurrence to the Elliott Bay/Duwamish River Restoration Program Administrative Director. The Administrative Director shall send copies of the letter to the other Panel representatives. Within 20 business days of receipt of the request by the Elliott Bay/Duwamish River Restoration Program Administrative Director, the Administrative Director shall reply in writing via facsimile, with a concurrent mailing, to the USFWS either concurring with the disbursement or requesting a meeting of the Panel members for further discussion. Panel members may also request that the Administrative Director call a meeting of the Panel members for further discussion. For requests for disbursement within the scope, schedule, and budget as provided in Panel Publication 23, if a concurrence letter is not sent by the Administrative Director within 20 business days and received via facsimile by the USFWS on Day 20, concurrence will be assumed by USFWS. For requests for disbursement outside of the scope, schedule, and budget as provided in Panel Publication 23, a letter of concurrence is required. In the event of a dispute, a Panel meeting shall be held at which a vote will be taken to approve or disapprove the disbursement from the Fund. Disputes are limited in scope to matters of failure or untimely performance of tasks identified in Panel Publication No. 23, and inadequately explained funding requests that differ from the projected budget in Panel Publication No. 23. No more than 30 business days total will transpire between receipt of the request for concurrence and resolution of dispute. In the event that resolution of the dispute exceeds 30 business days, the FWS does not bear performance responsibility for resultant impacts on the timely implementation and conduct of the monitoring program, including, but not limited to loss of staff due to break in funding, and incomplete data collection, or loss of data due to scheduling impacts.
3. Disbursement to the DOI Restoration Fund is conditioned upon DOI's commitment that the Fund Manager will:
- a. Invest the EB/DRP Monitoring Program Funds in a manner providing a comparable level of security and earnings potential as the Registry of the Court.
 - b. Charge no fees or other charges for use of their services.

- c. Deposit all interest earned on the EB/DRP Monitoring Program Account back into the EB/DRP Monitoring Program Account.
 - d. Disburse funds only to USFWS for support of the Monitoring Program implementation, administration, or oversight according to the scope, schedule, and budget as provided in Panel Publication 23, unless a letter of concurrence is received from the Administrative Director for additional disbursements.
 - e. Terminate the USFWS Monitoring Program fund and return funds to the Registry of the Court upon presentation of a Resolution adopted by majority vote of the EB/DRP Panel.
 - f. Upon completion of the ten year monitoring program, and submission of the final Monitoring Program report, disburse any remaining funds to USFWS for expenditure on restoration project site activities within the EB/DRP program area.
 - g. Prepare mid-year and end of calendar year reports on the status and activity of the Monitoring Program Account, including payments received, disbursements made, income earned, maturity dates of securities held, and principal balance. These reports will be distributed to the Administrative Director, and subsequently forwarded to all Panel members and their counsel.
4. The Administrative Director is charged with ensuring on-going, affirmative oversight of the Monitoring Program. The Administrative Director shall:
- a. Distribute copies of the mid-year activity, account status and end-of-year reports, and disbursement requests to Panel members within 5 business days of receipt.
 - b. Within 20 business days of a disbursement request, either concur in writing via facsimile with concurrent mailing to USFWS, and a copy to the Fund Manager, or convene a special Panel meeting to resolve disputes.
 - c. Actively seek resolution of disputes of disbursement requests to facilitate uninterrupted Monitoring Program activities.
5. The EB/DRP Panel of Managers hereby requests that the U.S. Department of Justice make an application to the Court for an order directing the disbursement of funds in the amount of \$ 721,217 to:

| | |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Payee: | DOI Restoration Fund |
| Amount: | \$721,217.00 |
| Address: | Dept. of the Interior NBC/Division of Financial Management Services Branch of Accounting Operations Mail Stop 1313, 1849 C Street NW Washington, DC 20240 |
| Reference to Check: | 14X5198 (DOI Restoration Fund) |

2000 Cash Disbursements from the Court Registry Account

| Resolution | Recipient | Amount \$ | Reason |
|--------------|-------------|---------------------|----------------------------------------------------------|
| 2000-02 | Ecology | 5,358.73 | TE: 1999 |
| 2000-02 | Muckleshoot | 1,086.78 | TE: 1999 |
| 2000-02 | Suquamish | 28,716.15 | TE: 1999 |
| 2000-02 | NOAA | 8,063.86 | TE: 1999 |
| 2000-02 | USFWS | 11,113.00 | TE: 1999 |
| 2000-03 | NOAA | 32,446.30 | AD: 1999 |
| 2000-06 | Muckleshoot | 62,617.62 | Planning and Design Expenses. |
| 2000-09 | USFWS | 721,217.00 | Implement Intertidal Habitat Projects Monitoring Program |
| Total | | \$870,619.44 | |

AD: Administrative Director
 TE: Trustee Expense reimbursement

**Elliott Bay/Duwamish Restoration Program
2000 Annual Report**

**Appendix A
Panel Organization Plan**

Panel Organization Plan

Contents

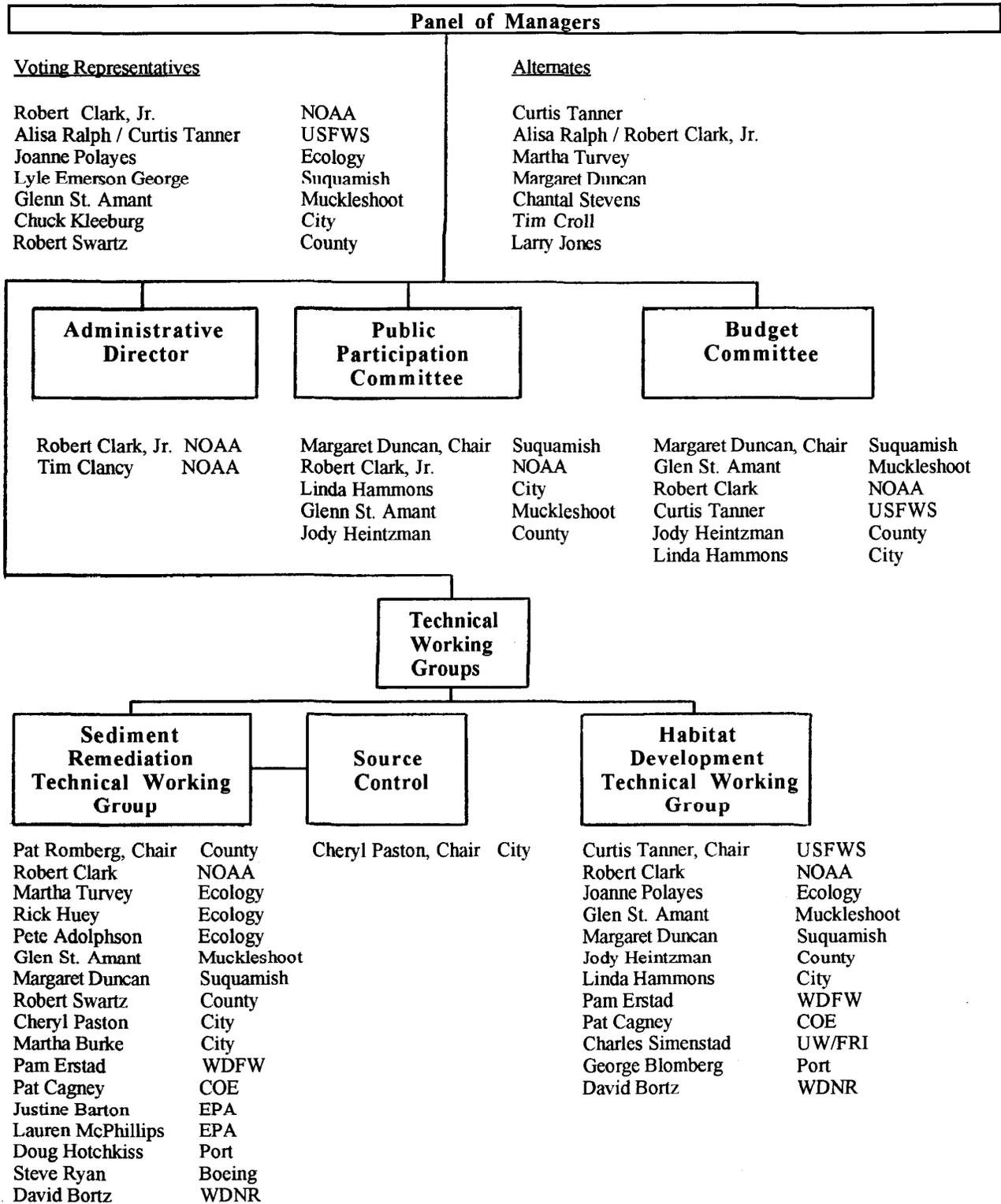
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A. Acronyms and Abbreviations

| | |
|-------------|--------------------------------------------------------------|
| Boeing | The Boeing Company |
| City | The City of Seattle |
| COE | U.S. Army Corps of Engineers |
| DOI | U.S. Department of the Interior |
| Ecology | Washington State Department of Ecology |
| EPA | U.S. Environmental Protection Agency |
| King County | King County Department of Natural Resources (formerly METRO) |
| Muckleshoot | Muckleshoot Indian Tribe |
| NMFS | National Marine Fisheries Service |
| NOAA | National Oceanic and Atmospheric Administration |
| Port | Port of Seattle |
| Squamish | Squamish Tribe |
| USFWS | U.S. Fish and Wildlife Service |
| UW/FRI | University of Washington/Fisheries Research Institute |
| WDNR | Washington State Department of Natural Resources |
| WDFW | Washington State Department of Fish and Wildlife |

B. Organization Chart

Organization Structure



C Panel Participants

P = Panel of Managers Representatives
S = Sediment Remediation Technical Working Group
H = Habitat Development Technical Working Group

National Oceanic and Atmospheric Administration

Dr. Robert C. Clark, Jr. (P,S,H) Phone: (206) 526-4338
Cdr. Tim Clancy, NOAA Phone: (206) 526-4348
National Marine Fisheries Service Fax: (206) 526-4321
Damage Assessment and Restoration Center Northwest
7600 Sand Point Way N.E.
Seattle, WA 98115-0070
Involvement: Restoration Planning

Michelle DeBlasi Phone: (206) 526-4564
Robert Taylor Phone : (206) 526-4565
NOAA General Counsel Natural Resources Fax: (206) 526-1547
Damage Assessment and Restoration Center Northwest
7600 Sand Point Way N.E.
Seattle, WA 98115-0070
Involvement: Legal

U.S. Department of the Interior

Alisa Ralph (P,H) Phone: (360) 753-9440
Curtis Tanner (P,H) Phone: (360) 753-4326
U.S. Fish and Wildlife Service Fax: (360) 753-9008
Western Washington Office
510 Desmond Drive S.W., Suite 102
Lacey, WA 98503-1273
Involvement: Damage assessment, restoration planning

Barry Stein
U.S. Department of the Interior Phone: (503) 231-2173
Office of the Solicitor, Pacific Northwest Region Fax: (503) 231-2166
500 N.E. Multnomah, Suite 607
Portland, OR 97232-2036
Involvement: Legal

U.S. Department of Justice

James L. Nicoll, Jr. Phone: (206) 526-6616
NOAA/DOJ Damage Assessment Fax: (206) 526-6665
7600 Sand Point Way N.E.
Seattle, WA 98115-0070
Involvement: Legal

State of Washington

Joanne Polayes (P,H)
Martha Turvey (S)
Department of Ecology
3190 160th Ave S.E.
Bellevue, WA 98008-5452

Phone: (425) 649-7269
Phone: (425) 649-7208
Fax: (425) 649-7098

Maia Bellon
Washington Attorney General's Office
Ecology Division
P.O. Box 40117
Olympia, WA 98504-0117
Involvement: Legal

Phone: (360) 407-0382
Fax: (360) 438-7743

The Suquamish Tribe

Bennie J. Armstrong (P)
Phyllis Meyers
Margaret Duncan (P,S,H)
Suquamish Tribe
P.O. Box 498
Suquamish, WA 98392

Phone: (360) 598-3311
Fax: (360) 598-4666
Phone: (360) 394-5254

Involvement: Damage assessment, restoration planning

Scott Wheat
Suquamish Tribe
P.O. Box 498
Suquamish, WA 98392
Involvement: Legal

Phone: (360) 598-3311
Fax: (360) 598-4666

Muckleshoot Indian Tribe

Glen St. Amant (P,S)
Muckleshoot Indian Tribe
Fisheries Department
39015 172nd Ave. S.E.
Auburn, WA 98092

Phone: (253) 939-3311 x130
Fax: (253) 931-0752

Involvement: Damage assessment, restoration planning

Robert L. Otsea
Tribal Attorney
Muckleshoot Indian Tribe
39015 172nd Ave. S.E.
Auburn, WA 98092
Involvement: Legal

Phone: (253) 939-3311
Fax: (253) 931-5311

City of Seattle

Tim Croll (P,H,S) Phone: (206) 684-7934
Cheryl Paston (P,S) Phone: (206) 684-4609
Martha Burke (S) Phone: (206) 684-7686
Linda Hammons (H) Phone: (206) 684-7845
City of Seattle Fax: (206) 684-0963
Dexter Horton Building
710 Second Ave.
Seattle, WA 98104-1709

Involvement: Damage assessment, restoration planning

Sharon Metcalf Phone: (206) 233-2161
Seattle City Attorney's Office Fax: (206) 684-8284
Environment Protection Section
10th Floor Municipal Building
600 4th Avenue
Seattle, WA 98104-1877

Involvement: Legal

King County Department of Natural Resources (formerly METRO)

Robert Swartz (P) Phone: (206) 296-8246
Pat Romberg (S) Phone: (206) 296-8251
Larry Jones (H) Phone: (206) 296-8250
Jody Heintzman (H) Phone: (206) 296-8248
King County Department of Natural Resources Fax: (206) 296-0192
201 South Jackson Street, Suite 600
Seattle, WA 98104-3855

Involvement: Damage assessment, restoration planning

William E. Blakney Phone: (206) 296-9015
King County Prosecuting Attorney Fax: (206) 296-0191
King County Courthouse
516 Third Avenue, Suite E550
Seattle, WA 98104-2312

Involvement: Legal

D. Additional Technical Working Group Members

U.S. Environmental Protection Agency

Justine Barton (S)
Loren McPhillips (S)
Environmental Protection Agency
Sediment Management Unit
Aquatic Resources, Wetlands, and Sediments
1200 Sixth Ave.
Seattle, WA 98101

Phone: (206) 553-4974
Phone: (206) 553-4903
Fax: (206) 553-1775

Port of Seattle

George Blomberg (H)
Doug Hotchkiss (S)
Port of Seattle
Pier 66
Seattle, WA 98111

Phone: (206) 728-3194
Phone: (206) 728-3192
Fax: (206) 728-3188

University of Washington

Charles Simenstad (H)
Fisheries Research Institute
University of Washington, WH-10
Seattle, WA 98195

Phone: (206) 543-7185
Fax: (206) 685-7471

U.S. Army Corps of Engineers

Pat Cagney (S,H)
U.S. Army Corps of Engineers
Environmental Resources Section
4735 E. Marginal Way S.
Seattle, WA 98124-2255

Phone: (206) 764-3624
Fax: (206) 764-4470

Washington State Department of Fish and Wildlife

Pam Erstad (H)
Regional Office
16018 Mill Creek Blvd.
Mill Creek, WA 98012-1296

Phone: (425) 379-2306
Fax: (425) 379-2323

Washington State Department of Natural Resources

John Boettner (H)
Aquatic Resources Division
1111 Washington St. S.E.
P.O. Box 47000
Olympia, WA 98504-7000

Phone: (360) 902-1033
Fax: (360) 902-1786

David Bortz (S)
South Puget Sound Region
950 Farman St. N.
P.O. Box 68
Enumclaw, WA 98022-0068

Phone: (206) 298-4594
Fax: (206) 298-4597

**Elliott Bay/Duwamish Restoration Program
2000 Annual Report**

**Appendix B
Panel Publications**

Panel Publications

1. *Draft Public Participation Plan*, February 1992.
2. *Summary of Stakeholder Interviews*, December 1992.
3. *Draft Concept Document*, August 1993.
4. *1992 Annual Report*, May 1993.
5. *1993 Annual Report*, April 1994.
6. *Public Participation Plan*, June 1994.
7. *Final Concept Document*, June 1994.
8. *1994 Annual Report*, June 1995.
9. *Waterfront Recontamination Study - Volume I*, July 1995.
10. *Waterfront Recontamination Study - Volume II*, August 1995.
11. *Pier 53/55 Sediment Cap Monitoring Report*, January 1996.
12. *1995 Annual Report*, June 1996.
13. *Norfolk CSO Sediment Cleanup Study*, July 1996.
14. *Concept Document Addendum No. 1*, November 1996.
15. *1996 Annual Report*, June 1997.
16. *Concept Document Addendum No. 2*, December 1997.
17. *Pier 53/55 Sediment Cap Monitoring Report*, December 1997.
18. *1997 Annual Report*, May 1998.
19. *Construction of Oyster Shell Habitat Plots in Elliott Bay: Evaluation of Crab Settlement and Habitat Utilization* (Dinnel Marine Research), November 1998.
20. *1998 Annual Report*, May 1999.
21. *Norfolk CSO Sediment Remediation Project Closure Report*, August 1999.
22. *Norfolk CSO Sediment Remediation Project Five-Year Monitoring Program: April 1999 Monitoring Report*, August 1999.
23. *Intertidal Habitat Projects Monitoring Program*, March 2000.
24. *1999 Annual Report*, April 2000.
25. *Elliott Bay Nearshore Substrate Enhancement Monitoring Plan*, May 2000.
26. *Elliott Bay Nearshore Substrate Enhancement Project Monitoring Report: evaluation of the utilization of substrate diversity and the production of prey taxa important to juvenile salmonids in 1998 and 1999*, December 2000.

27. *Norfolk CSO Sediment Remediation Project Five-Year Monitoring Program: Six-month Post-construction Monitoring Report , October 1999, April 2000.*
28. *Norfolk CSO Sediment Remediation Project Five-Year Monitoring Program: Annual Monitoring Report - Year One, April 2000, October 2000.*