Elliott Bay/Duwamish Restoration Program
1997 Annual Report

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

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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, Northwest Fisheries Science Center auditorium, 2725 Montlake Boulevard East, Seattle. The Panel recommends that you contact Robert C. Clark, Jr., 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, 9:30 A.M. - 12:30 P.M.
Habitat Development Technical Working Group: third Thursday of every month, 9:30 A.M. - 12:30 P.M.
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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Executive Summary

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 US Fish and Wildlife Service (USFWS), the State of Washington 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 of $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.

This annual report (1997) summarizes implementation of the settlement during the sixth year of the Elliott Bay/Duwamish Restoration Program (Program). The Panel of Managers (Panel) has selected sites for sediment remediation and habitat development activities following substantial public review and comment upon the site selection process. The site selection process, public comments, and responses were presented in the Elliott Bay/Duwamish Restoration Program final Concept Document, published in June, 1994.

Activities in 1997 included additional site selection activities of properties located above the Turning Basin for the purpose of habitat development, environmental investigations, acquisition negotiations, design, and permit planning for restoration projects in the three geographic focus areas: 1) Turning Basin Number 3 (and vicinity) on the Duwamish River , 2) Kellogg Island on the Duwamish River, and 3) the Shoreline of Elliott Bay.

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. 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), chaired by a King County representative, and a Habitat

Development Technical Working Group (HDTWG), chaired by the U.S. Fish and Wildlife Service, to advise the Panel.

Technical Working Group participants have included representatives of parties to the Consent Decree, as well as the U.S. Army Corps of Engineers (USACOE), the Environmental Protection Agency (EPA), the Washington Department of Fish and Wildlife, the Washington Department of Natural Resources, King County Surface Water Management, the Port of Seattle, the Boeing Company, Seattle City Light, Seattle Department of Parks and Recreation, and the Fisheries Research Institute of the University of Washington.

The Panel established a Public Participation Committee (PPC) to advise the Panel on opportunities for public involvement and education in all Program activities. The PPC is chaired by a representative from the Suquamish Tribe and staffed by representatives from the Muckleshoot Indian Tribe, NOAA/NMFS Restoration Center NW, The City, and King County.

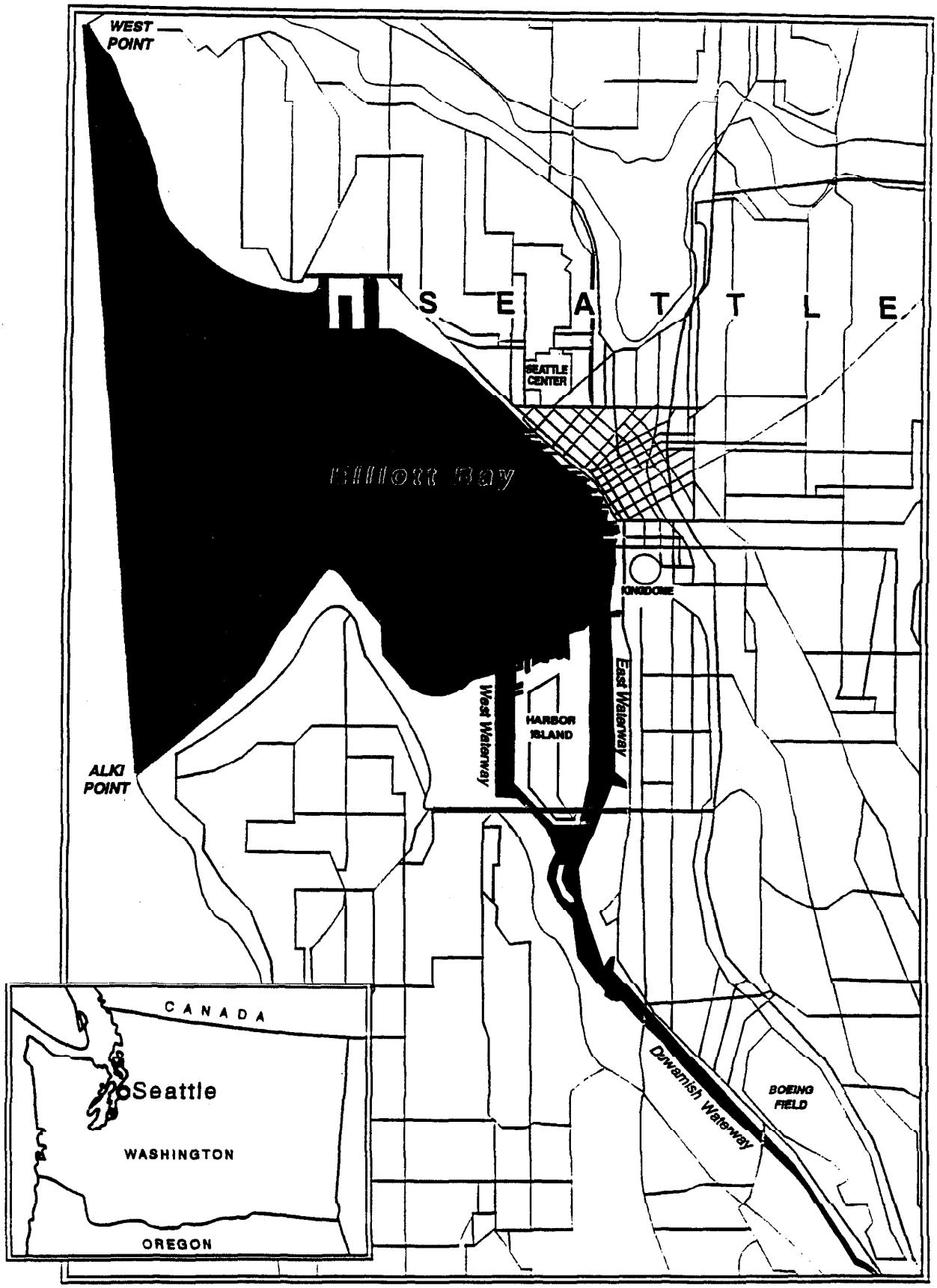
The NOAA National Marine Fisheries Service (NMFS) Restoration Center and NOAA General Counsel/Damage Assessment representatives have been delegated by the Panel the duties and responsibilities of "Administrative Director" (Director). The Director manages and maintains the Administrative Record, is responsible for logistics and planning of Panel and Technical Work Group Meetings, and for the dissemination of Panel documents, and information requests. The Director is also responsible for the preparation and tracking of resolutions and court registry account activity.

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

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.

Area Covered by Settlement



1997 Program Chronology

January

- The City announced that it has received a FOIA regarding Harbor Island and Elliott Bay.
- The Budget Committee began working on budgets for 1997 through 2000+.
- Resolution 1997-01 was adopted (see the following "Elliott Bay/Duwamish Restoration Program Panel 1997 Resolutions" section for a description of this and all subsequent 1997 resolutions).
- A final Accounting Scope of Work was distributed by NOAA.
- The Panel discussed ways to balance the Sediment Remediation Budget.
- WSDOT presented an update on the First Avenue.
- Shoreline and 404 permits were in preparation for Norfolk.
- Phase III sampling of the Seaboard Lumber site was completed by the contractor.
- Seattle City Light stated their willingness to further investigate concepts for habitat development at the City Light South site.
- The sediment source control budget was discussed at length.
- A draft North Wind Weir design was presented to the Habitat Development Technical Working Group (HDTWG).

February

- It was announced that the Boeing Plant 2 hotspot sediment remedial action has been postponed.
- A "Status of Accounting" report listing relevant resolutions and documenting accounting records for 1992-1996 was in preparation.
- The Ecology Waterfront Recontamination Study late charges were settled at no cost to the Panel.
- The Budget Committee continued developing yearly budgets. The Panel Function Support budgets were completed for 1998-2000+.
- Contractor work on the Duwamish/Diagonal Alternatives Analysis continued.
- King County submitted a letter to the Panel, offering a portion of the North Wind Weir site for restoration. The design and construction planning for the site continued.
- King County began discussions with Seattle City Light to acquire the City Light South property, or acquire a conservation easement on the property.
- The Phase III sampling of the Seaboard Lumber site was completed.
- The HDTWG presented a revised budget.
- NOAA stated that their official position is that all land acquisitions be secured by the end of 1997.
- There was discussion on amending the Concept Document.
- The Suquamish Tribe's Panel representative announced that an archeologist had conducted a survey at the North Wind Weir proposed restroom site and found no Native American cultural items.

March

- King County distributed a request form for technical input for the Elliott Bay Nearshore Project. The project manager presented a modified scope/schedule/budget for the project. Four sites within the larger project area were presented as candidates for habitat enhancement.
- Resolutions 1997-02 through 1997-05 were passed.
- Draft budgets for 1998, 1999, and 2000+ were distributed.
- King County provided a letter to the Administrative Director regarding the County's intent to provide a portion of the North Wind Weir site for habitat restoration.
- The Muckleshoot Tribe presented a Turning Basin Vicinity acquisition budget.
- Funds were sought from Planning and Development budgets for a Tribal FTE.
- The final USACOE NWP 38 permit was received by the project manager for the Norfolk CSO project.

April

- The Henderson/MLK CSO project was presented to the Panel by King County. This project has a potential to influence the volume of discharge at the Norfolk CSO and possibly recontaminate the sediments there. King County will continue to study the problem and make a further presentation after gathering more information.
- Resolutions 1997-06 through 1997-10 were passed.
- Work on the 1997 through 2000+ budgets continued.
- NOAA distributed summaries of accounting activities.
- King County presented a budget request for the Duwamish/Diagonal and Norfolk projects.
- The City and King County agreed to provide detailed in-kind service documentation through calendar year (CY) 1996.
- A shoreline permit from the City of Tukwila was in preparation for the Norfolk CSO project.
- The draft site assessment for the Duwamish/Diagonal site was distributed for comment by Panel members and member agencies.
- The City of Seattle was requested to develop a source control investigation proposal to ascertain the cause of the slick at Duwamish/Diagonal.
- There was discussion on the Consent Decree amendment process.
- It was agreed that quarterly Panel meetings will begin in CY 1998.
- The appraisal process for North Wind Weir began.
- The HDTWG met with the Seaboard Lumber design and contaminants investigation consultants to explore options concerning on site contaminants.
- The King County project manager for the Elliott Bay Nearshore site made a presentation. The USFWS stated that a habitat development site on the east side of the project area would be valuable. The Muckleshoot Indian Tribe indicated concern with the east side proposed site, and desired a further investigation of the site is warranted.

May

- NOAA conducted surveys by launch in the Duwamish River.
- The 1996 draft EBDRP Annual Report was distributed for review.
- A site plan for North Wind Weir was presented at the HDTWG meeting.
- A revised scope, schedule, and budget for the Turning Basin Vicinity site was presented by the Muckleshoots at the HDTWG meeting.
- King County approved a contract for a property appraisal for the City Light North/Hamm Creek property.
- The design of the Elliott Bay Nearshore project was discussed, and the Muckleshoot Indian Tribe and the Suquamish Tribe were asked to define boundaries and provide limitations necessary to protect tribal fishing.
- King County encouraged the Panel to consider restoration sites on the Green River.
- The City of Tukwila agreed to issue a shoreline permit for the Norfolk project.
- Work on the planning of the Diagonal/Duwamish site was stopped, pending further discussion about navigation, liabilities, funding, and source control issues.
- The Budget Committee reviewed schedules and summary budget sheets.
- The City and the County went on record to state that it would be appropriate to borrow planning and design funds from the habitat budget in order to allow work on the Diagonal/Duwamish to continue. The Suquamish Tribe requested that the record reflect its opposition to the proposition.
- The Public Participation Committee agreed to assist the project manager for the North Wind Weir site on interpretive signage issues.
- There was much discussion over the title and duties of "project coordinator". The County distributed their definition of a "Client Representative".
- The Draft Management Plan for 1997 and beyond was discussed at length.

June

- The City of Seattle designated Tim Croll, Director of the City's Resource Planning Division, as it's voting member on the Panel.
- The property acquisition budget was distributed.
- Resolutions 1997-11 through 1997-14 were passed.
- Negotiations for property acquisition for the Turning Basin Vicinity property continued. A Right of Entry agreement was signed to allow level II site assessment sampling to occur.
- The Suquamish Tribe and Muckleshoot Indian Tribe approved restoration activities on sites 3 and 4 of the Elliott bay Nearshore project. The project manager provided scope, schedule, and budgets.
- Shoreline and operating permits for the Norfolk project were approved by the city of Tukwila.
- Questions were raised about the amount of flow volume from the Diagonal/Duwamish CSO. There was information that 50 to 290 million gallons of volume discharged versus the 7 million gallons the County has estimated.

- The USACOE conducted surveys and sampling on the City Light North/Hamm Creek property.
- There was a design concept session at the HDTWG meeting about the Elliott Bay Nearshore project.
- A revised scope, schedule, and budget for the Turning Basin Vicinity was distributed at the HDTWG meeting. The USACOE sampled sediments and upland soils.

July

- The appraisal for the North Wind Weir site was completed and copies were distributed. The 1.03 acre restoration site was appraised at $416,000.00, while the whole site of 2.8 acres was appraised at $940,000.00.
- The appraisal for the City Light North/Hamm Creek site was completed. The compensation value for an easement was valued at $700,000.00.
- Successful negotiations for acquiring the Seaboard Lumber site were completed by the City, with a closing date scheduled for October.

August

- A presentation on the Henderson/MLK CSO project was made to the Panel. The project will triple the Norfolk drainage area.
- A contract for survey work for the Norfolk project was awarded to David Evans and Associates by King County.
- NOAA attended a USACOE meeting on 1135 funding for City Light North/Hamm Creek.
- The City of Seattle Council voted to acquire the Seaboard Lumber site and develop it as a restoration site.
- Resolution 1997-15 was passed, crediting the City $4,649,030.00 for acquisition, clean-up, and habitat development of the Seaboard site.
- It was reported that the attorneys for the agency members of the EBDRP met to discuss Consent Decree amendments.
- Project coordinators were designated: Allan Chartrand, Muckleshoot Indian Tribe - Diagonal/Duwamish and Norfolk; Margaret Duncan, The Suqamish Tribe - Elliott Bay Nearshore; Robert Clark, NOAA - Hamm Creek/Duwamish Estuary; Curtis Tanner, USFWS - Seaboard; representatives for the Muckleshoot Indian Tribe were considering assuming the role of project coordinator for North Wind Weir; representatives from the Washington State Department of Ecology were considering assuming the role of project coordinator for the Turning Basin Vicinity.
- Representatives from NOAA, WDFW, and the USACOE visited the City Light North/Hamm Creek site.
- Information on potential Green River restoration sites was made to the HDTWG members.

September

- The City of Seattle Mayor signed the acquisition ordinance for the Seaboard site.
- The Seaboard Lumber site statement of work was in progress.
- King County provided a prioritized list of Green River acquisition recommendations for Panel consideration: Porter Levee, Burns Creek/Loans Levee, Black River Confluence, Northeast Auburn Drainage, and Mullen Slough.
- The design team for North Wind Weir made a presentation. A draft planting plan was provided to the HDTWG members.
- A new scope, schedule, and feasibility study was developed by the USACOE and King County for the Elliott Bay Nearshore project.
- A property appraisal for the Turning Basin Vicinity was provided to the HDTWG members by the Muckleshoot Indian Tribe.
- Several members of the public voiced concern at the HDTWG meeting about the Panel's interest in property above the Turning Basin. They felt that more effort should be made in the lower reaches of the Duwamish River.
- The HDTWG evaluated the Porter Levee, Black Creek/Loans Levee, and Black River Confluence sites using Concept Document criteria. These three sites rated high overall.

October

- LCDR John Miller, NOAA, assumed assistant administrative duties.
- WSDOT updated the Panel on the progress of the First Avenue South bridge construction and mitigation projects.
- The USFWS real property office worked on the review of the property appraisal for City Light North/Hamm Creek.
- The County reported on discussions with Seattle City Light (SCL) about easements on the City Light North/Hamm Creek property. USFWS requested that any concerns or requirements SCL has about the restoration plans for the site be put in writing.
- Resolutions 1997-16 through 1997-20 were passed.
- The HDTWG provided the results of evaluating proposed habitat restoration sites above the Turning Basin to the Panel (evaluation was conducted in September). Using EBDRP-approved ranking criteria, they found that the Porter Levee, Black River Confluence, and Burns Creek/Loans Levee sites ranked amongst the highest of all potential restoration sites that had been evaluated.
- USFWS presented an evaluation of the proposed planting plan for North Wind Weir.
- A bathymetric survey of the Norfolk remediation site was completed.
- Seattle City Light stated their continuing support for the City Light North/Hamm Creek proposed project. The USACOE presented a proposed planting plan, and results of a soil analysis. The soils slightly exceeded open water disposal criteria, but not upland cleanup standards. The Corps stated that soil onsite that is exposed to the new stream surfaces will meet all State of Washington standards. A detailed design plan was presented by Mike O'Neil.

- The HDTWG recommended that the Elliott Bay Nearshore project manager proceed with an agreement with the USACOE for the Corps' participation in the project.
- A six-hour design session on the Seaboard site was conducted. The designers were given a firm idea on how to proceed in changes to the draft designs.
- The City of Seattle's acquisition of the Seaboard Lumber site closed.

November

- Glen St. Amant resumed his post with the Muckleshoot Indian Tribe, and will represent the Tribe at Panel and technical working group meetings.
- Teresa Michelsen announced her planned departure from Washington Department of Ecology. Joanne Polayes will replace her as Ecology's Panel representative in January, 1998.
- A new schedule for Norfolk was passed out. New survey drawings and a dredging plan were attached.
- A draft report entitled "Pier 53-55 Sediment Cap and Enhanced Natural Recovery Area Remediation Project 1996 Data" was distributed for review and comment.
- USFWS distributed the completed review of the appraisal for City Light North/Hamm Creek.
- The Administrative Director submitted a letter to Seattle Parks and Recreation expressing concerns about the impending layoff of the Seaboard Lumber project manager.
- The Panel agreed that an EBDRP newsletter, aimed at informing the public, is necessary. Approximately $15,000.00 has been allocated for public participation projects, and the newsletter could be funded from this source.
- There was discussion about payments from the City and the County towards the settlement accounts. The City asked if a balloon/13th month payment could be made. The answer to this question was deferred to agency attorneys.
- The Panel decided to meet quarterly, starting in January, 1998. NOAA's representative to the Panel, will assume Panel Chair duties for all of 1998. He asked that all resolutions be ready for review at least two weeks before scheduled meetings.
- The City presented a Seaboard Lumber site design status report and two designs for the intertidal restoration, based on suggestions from the October design workshop.
- Jeff Cordell from UW/FRI summarized Coastal America Project monitoring, and suggested that the four EBDRP projects in the Duwamish River could be considered in a single monitoring plan.

December

- A special meeting with Panel attorneys was held. Estimating and paying final City and County 1997 payments were discussed.
- Resolution 1998-21 was passed.
- The sale to the Muckleshoot Indian Tribe of the Kenco property at the Turning Basin was completed. The Muckleshoot Indian Tribe's Panel representative presented

conceptual slides of what the property will look like upon completion of the restoration work. Work should be completed in 1999.

- The County stated that an easement across the City Light South property may exist. The question was asked of the Panel if this property is still desirable, and the answer was in the affirmative.
- A bathymetric survey of the offshore portion of the Seaboard site was completed. The recommendation from the design team engineering consultants was to have a single channel into the basin, opening to the northeast (downstream, which would give the best protection and flushing hydraulics. There was discussion and agreement that a water supply and tool shed be added to the final design. The project manager presented a draft schedule for submitting permit applications.
- Panel members agree to specific amendments to the Consent Decree and requested that member attorneys convene to discuss the amendment process, terms, and schedule.
- Addendum No. 2 of the Concept Document was published. The addendum provides the ranking and scoping of three sites above the Turning Basin for potential acquisition for habitat development purposes; Porter Levee, Burns Creek/Loans Levee, and the Black River Confluence (Fort Dent Park).
- Panel Publication 17, Pier 53-55 Sediment Cap and Enhanced Natural Recovery Area Remediation Project 1996 Data, was released by King County Water and Land Resources Division.

Public Participation Committee 1997 Summary

Chair: Margaret Duncan, The Suquamish Tribe
Telephone: (363) 598-3311

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 Panel decided that the overall goal of public participation should be to provide for public comment, education and involvement on 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 Program and its goals, plans and activities;
- Encourage public comment about proposed goals, plans and activities as they are being developed;
- Involve the public in the Program, to the extent possible.

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

1997 Activities

During 1997, the committee continued to maintain the Panel's mailing list and suggest opportunities for Panel outreach and educational activities. The committee also assisted in the preparation of the 1996 Annual Report and the maintenance of the Administrative Record. As well, the committee guided the development and publication of Concept Document Addendum No. 2, which describes three sites above the Turning Basin selected by the Panel for potential acquisition for habitat restoration purposes--Porter Levee; Burns Creek/Loans Levee; and Black River Confluence (Ft. Dent Park).

Committee members initiated discussion about the development of interpretive signage and displays concerning habitat functions and values which could be used for restoration projects undertaken in the Lower Duwamish. It was agreed that discussions with the Habitat Development Technical Working Group should continue during 1998.

The Panel did not hold special evening meetings to inform and solicit comment from members of the public about overall program progress. Rather, the Panel and the technical working groups determined that public involvement opportunities concerning specific projects could be appropriately sponsored by project managers in conjunction with the environmental review and permit application process. Accordingly, King County Public Works Department, as project manager, held meetings to inform members

of the public about the North Wind Weir public park and intertidal habitat restoration project. Plans for a special evening meeting to discuss planning and design aspects of the Seaboard Lumber Site Habitat Restoration Project with interested members of the public were initiated by the Seattle Parks and Recreation Department project manager.

Proposed project plans and potential acquisition of real estate for habitat restoration purposes continued to be discussed at working group meetings, and Panel members received input from members of the public who attended the meetings (Please refer to the Habitat Development Technical Working Group 1997 Summary).

Panel Documents and Publications

Publications released, printed or in press during 1997 include the following:

1996 Annual Report. June 1997. Panel Publication 15

Concept Document Addendum No. 2. December 1997. Panel Publication 16

Pier 53-55 Sediment Cap and Enhanced Natural Recovery Area Remediation Project 1996 [Monitoring] Data. December 1997. Panel Publication 17.

Budget Committee 1997 Summary

Chair: Margaret Duncan, The Suquamish Tribe
Telephone: (360) 598-3311

During 1997 the Budget Committee completed its work on two related tasks with which it was charged in 1996: final budget development and status reporting, and the exploration of alternatives and solutions to the limitations posed by the $3 million planning and design budget cap (Consent Decree, paragraph 10 [b]). Committee members also assisted with the development and review of project scopes, schedules and budgets and developed summary worksheets for source control and real estate acquisition credits in fulfillment of Consent Decree obligations. Toward the end of the year, committee members also considered and developed a recommendation for streamlining reimbursements from the District Court Registry for Panel projects and activities.

Operating Budget Development

The development of draft operating budgets for 1998, 1999, and the year 2000+ entailed the development of budget worksheets summarizing past and projected expenditures for habitat development and sediment remediation proposed projects as well as panel functions support. Draft budgets were accepted by the Panel in March with the understanding that permitting and funding issues could result in changes.

Options for the resolution of limitations resulting from the planning and design cap were explored with members of the habitat development and sediment remediation technical working groups. Project Managers and technical working group chairs also assisted in the development of scopes, schedules and budgets for each proposed Panel habitat and sediment remediation project. Analysis resulted in agreement among committee members to explore issues involved in amending the consent decree to enable the Panel to supplement planning and design funds with unspent panel function support funds and interest earned on moneys deposited in the Court Registry account. Members also acknowledged that, without such an amendment, at least two sediment remediation projects, Diagonal/Duwamish and the central waterfront cleanup, would be held in abeyance pending the possible identification of additional funds. In December, Panel members agreed to specific amendments to the Consent Decree and requested that member attorneys convene to discuss the amendment process, terms, and schedule.

Related background discussion: 1996 Annual Report
Related resolutions: 1997-01

Habitat Development Technical Working Group 1997 Summary

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

During 1997, the Habitat Development Technical Working Group (HDTWG) continued to work on potential habitat projects within three Geographic Focus Areas (GFA) chosen for habitat development projects as described in the Concept Document (June 1994): the vicinity of Turning Basin No. 3 at the upper end of the Duwamish Waterway; the vicinity of Kellogg Island in the lower portion of the estuary; and the West Seattle near shore environment of the marine system. All settlement funds for habitat planning, design, construction and monitoring have been allocated to the projects within these GFAs.

In May of 1997, King County Water and Land Resources (WLR) approached the Panel concerning acquisition of potential project sites above the Turning Basin, and provided assurances of their intent to undertake restoration activities with non-Panel funds at the sites were the Panel to acquire them. Accordingly, working group members ranked three of the upriver sites according to criteria published in the Concept Document, and recommended acquisition of Porter Levee (Slaughterhouse); Loans Levee (Burns Creek Confluence), and a small parcel of Fort Dent Park, at the Black River Confluence.

In accordance with the Panel's Management Plan, Panel Project Coordinators were assigned for selected projects. Project Managers and Panel Project Coordinators are identified by project, below, as applicable.

The Turning Basin GFA

City Light North
Property Acquisition Lead: King County WLR
Panel Project Coordinator: Robert C. Clark, Jr.

At the close of 1996, constraints concerning the proposed intertidal restoration project as conceptualized by the working group in 1994 resulted in the Panel's decision to adopt a partnership role whereby the Panel would pledge up to $700,000 for real property acquisition contingent upon the availability of funds for construction of a alternate project under the leadership of King County Surface Water Management (King Co. SWM). The alternate design proposed by Mike O'Neil, as project manager, entailed the day lighting of Hamm Creek and provision of approximately one acre of intertidal habitat at the mouth of the stream. The U.S. Army Corps of Engineers confirmed its continuing interest in assisting King County and began work on a project feasibility report as the first step in securing construction funds under the Section 1135 program. King County WLR continued to report to the Panel on progress of the appraisal and conceptual design issues.

By the close of 1997, working group members were told that substantial progress on acquisition could be expected by January 1998, and that Seattle City Light was strongly considering development on part of the land that would include restoration work in the permit process. The Panel urged King County WLR to proceed with negotiating an easement with Seattle City Light.

City Light South

During 1997 King County, at the Panel's request, initiated discussions with Seattle City Light concerning possible existing easements and/or acquisition of shoreline along City Light South for habitat restoration purposes. Seattle City Light and King County staff discussed a variety of options, setbacks, erosion and other concerns, and access issues. By December, technical working group members agreed that restoration work at the site would be desirable if funds were available and if the site itself could accommodate intertidal work. Continued discussions of options and City Light concerns were expected to continue through early 1998.

North Wind Weir
Project Manager: Michael Lozano, King County Department of Construction and Facility Management
Panel Project Coordinator: Rod Malcom, Muckleshoot Indian Tribe

The North Wind Weir site was formally approved for a Panel restoration project in mid 1996, with discussions focusing on integrating an intertidal habitat restoration project into King County Facilities and Parks plans for the site.

By February of 1997 the project manager, Michael Lozano, King County Facilities and Parks Department, and working group members had made considerable progress toward developing conceptual designs, and a meeting was held with the park Commission of the City of Tukwila in February to introduce the project to the City and interested members of the public. Work continued on conceptual site plans and appraisal matters through August.

In October, the Panel approved a resolution crediting King County with up to $416,000 for a 1.03 acre site for an intertidal habitat restoration project at the North Wind Weir. A cultural resources assessment was conducted, and development of amenities of the upland park area commence. Construction of the intertidal habitat restoration project is expected to occur in January 1999.

KenCo Marine
Project Manager: Muckleshoot Indian Tribe
Panel Project Coordinator: not yet assigned

In July of 1996 the Panel had authorized the allocation of real property acquisition funds in support of the Muckleshoot Indian Tribe's efforts to acquire the KenCo Marine

property for habitat development in perpetuity (Panel Resolution 1996-16). Purchase and sale negotiations continued through 1997. In October, the Panel passed Resolution 1997-19 authorizing crediting of habitat development acquisition funds to King County not to exceed $479,200. King County and the Muckleshoot Indian Tribe entered into an agreement to expend additional funds from a Shorelines Improvement Fund grant which would supplement the Panel's contribution for property acquisition. Rod Malcom, the Muckleshoot Indian Tribe's coordinator for property acquisition property and preliminary restoration planning, reported in November 1997 that the property sale had closed and that the former owner would vacate by July 31, 1998.

Discussion of preliminary restoration plans included the removal of wharves and pilings, and excavation to increase the intertidal area. At the close of 1997, working group members anticipated that more detailed discussion and evaluation of restoration options for the site would occur in early 1998, and that there was a chance that some work could begin in 1998, with project completion scheduled for 1999.

Kellogg Island GFA

Seaboard Lumber Project Site
Project Manager: Linda Hammons, City of Seattle Parks and Recreation Department
Panel Project Coordinator: Curtis Tanner, U.S. Fish and Wildlife Service

By the close of 1996, a purchase and Sales Agreement had been completed, and the City of Seattle Parks Department, as project manager, in concert with technical working group members, had selected Lee and Associates as consultants for the intertidal habitat restoration project. The City Council met in August of 1997 to discuss acquisition of the Seaboard Lumber site for park and restoration purposes. Acquisition was approved, and the Panel, by Resolution 1997-15, authorized a $2.5 million credit to the City for the Seaboard Lumber Project. It was agreed that up to $2,149,030 would be used for the habitat restoration purposes.

Project team consultants met with the technical working group on October 31st to review and refine preliminary conceptual design options. Consultants recommended, and the working group approved, a design with the channel opening to the northeast, oriented downstream, for the best protection and flushing action. It was decided that certain areas of known contaminants at the site would be capped and isolated from the surrounding environment.

By the close of 1997, a final bathymetric survey had been completed and hydrologic and wave models for the site had been developed, and plans for a cultural assessment of the property had been initiated. A draft schedule for submitting permit applications was also discussed by working group members. The working group requested that the project team coordinate with the Panel's Public Participation Committee concerning a meeting to discuss the restoration plan with interested members of the public tentatively scheduled to occur in January 1998.

Elliott Bay GFA

Elliott Bay Near Shore Habitat Enhancement
Project Manager: Judy Bevington, King County WLR
Panel Project Coordinator: Margaret Duncan, The Suquamish Tribe

During 1997 technical working group members continued to work with King County WLR staff concerning nearshore substrate enhancement options for the West Seattle area in the vicinities of Seacrest Park and Duwamish Head. After studying multiple use and compatibility issues with the Suquamish Tribe, Muckleshoot Indian Tribe, and recreational users of the area, the project manager, together with the U.S. Army Corps of Engineers, proposed a two phased restoration plan entailing the placement of oyster shell, cobble and rocks (under 18") at four sites.

In August, the Panel adopted Resolution 1997-13 authorizing WLR division of King Co. up to $327,000 for planning, design and construction of subtidal habitat in the near shore area. Phase I, involving placement of materials off Seacrest Marina and Duwamish Head, was scheduled for early 1998. Phase II, which would be determined, in part, by analyzing results from Phase I monitoring results and funding contributions in partnership with the U.S. Army Corps of Engineers, was expected to take place in 1999 or thereafter.

Sediment Remediation 1997 Summary

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

Norfolk Sediment Remediation Project
Project Manager: King County Water and Land Resources (WLR)
Panel Project Coordinator: Glen St. Amant, The Muckleshoot Indian Tribe

The Norfolk project site is located along the east bank of the Duwamish River near the south end of the Boeing Airport, and is between two fixed concrete bridges. According to the cleanup study report and decision document adopted in December 1996, sediment will be removed with a clamshell dredge and transported downstream where it will be off loaded and shipped to a disposal facility.

The cleanup project involves removing about 6400 cubic yards of contaminated sediment from a specified dredging area that is about 125 feet wide by 400 feet long and 3 feet deep. The cleanup plan states that sediment will be removed with a clamshell dredge and transported downstream by barge where it will be off loaded. Part of the material exceeds the dangerous waste criteria of 50 ppm for PCBs, and will accordingly be transported to a hazardous waste site in Oregon. The remainder will be sent either to Holnam Cement Plant (the preferred alternative) or to an approved landfill.

All permits to undertake the cleanup were secured in 1997, and project completion was scheduled for 1998, with actual construction occurring from mid October 1998 to the end of March 1999, prior to the Spring "fish window". Permits and agreements required and secured for the project are as follows: 1) City of Tukwila--Shoreline Substantial development Permit; 2) City of Tukwila - Flood Control/Land Altering Permit; 3) Washington Department of Fish and Wildlife - Hydraulics Project Approval; 4) U.S. Army Corps of Engineers NWP #38, including Washington Department of Ecology Water Quality Certification; 5) Washington Department of Natural Resources Aquatic Lands Right of Entry Agreement; and 6) The Boeing Corporation - Access Agreement.

Diagonal/Duwamish CSO Sediment Remediation Project
Project Manager: King County WLR
Panel Project Coordinator: not yet assigned

The Diagonal/Duwamish sediment remediation project involves cleanup of a large area of sediment on the east side of the Duwamish River just upstream of Harbor Island, at approximately river km 3. The Diagonal Way outfall is located south of the Port of Seattle Terminal 106 at the South Oregon Street unimproved street right-of-way. The Duwamish outfall discharges in the waterway approximately 20 m south of the Diagonal Way outfall. Although the site boundaries have not been defined, for the purpose of the

Cleanup Study Work Plan released in June 1994, the boundaries are considered as the location of the two outfalls and the areas they affect.

During 1997, a draft Site Assessment Report plus selected sections of a draft Alternatives Evaluation Report were prepared and reviewed. Further work on the draft Alternatives Evaluation Report was stopped in February pending the allocation of additional Planning and design funds. During 1997 it was also determined that further work is needed to evaluate the potential for recontamination due to information which indicates that a higher amount of separated storm water is discharged from the Diagonal outfall than was used in the initial modeling calculations. If funding and recontamination questions are resolved such that permits can be obtained by the end of 1998, the schedule indicates that the project could be constructed in the October 1999 to March 2000 dredging window.

Pier 53-55 Sediment Cap and Enhanced Natural Recovery Area Remediation Project
Project Manager: Cheryl Paston, City of Seattle SPU
Panel Project Coordinator: not yet assigned

In December, the Panel released its 1996 monitoring report for the Pier 53-55 Sediment Cap and Enhanced Natural Recovery Remediation Project (Panel Publication #17). Prepared by the King County Water and Land Resources Division, which also conducted the monitoring, the report documented the results of the 1996 environmental monitoring of the 4.5 acre sediment clean-up project located offshore of Piers 53,54, and 55 in downtown Seattle that was constructed in March 1992 with the City of Seattle as project manager. .

The monitoring results for 1996 indicated that although changes continue to occur in the chemistry levels in surface sediments, the sand is still isolating underlying contaminated sediments. Surface sediment samples analyzed in 1996 showed a large decrease from the high levels of PAHs which first appeared in the 1993 samples that were collected one year after the clean sand was placed at the project site. However, two new chemicals appeared in the 1996 samples that were not previously found in sediments along the waterfront: 4-methyl phenol and phenol. The source(s) of these two chemicals has not been determined, but both chemicals are used in a variety of products. Benthic taxonomy samples collected in 1996 show that the site continues to repopulate. However, the benthic community has become more like the pre-cap community, and there is a greater percentage of fine grained sediments in the remediation area. The report is available upon request.

Elliott Bay Central Waterfront Clean-up Study
Project Manager: City of Seattle SPU
Panel Project Coordinator: not yet assigned

Sediment cores and bioassay samples were collected and analyzed in the summer and fall of 1996. Due to projected shortfalls in the sediment planning and design budget, the

Waterfront Cleanup project was put on indefinite hold in January 1997 (please see Budget Committee Report). Accordingly, evaluation of the data was limited to routine quality assurance/quality control. Discussions regarding options for resuming the project continued throughout 1997.

Source Control 1997 Summary

Project Manager: Cheryl Paston, City of Seattle Public Utilities
Telephone: (206) 684-4609

The Consent Decree establishing the Elliott Bay/Duwamish Restoration Panel 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 or from 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.

Background

The Source Control Program goal was adopted in July of 1995 (Resolution 1995-14) together with objectives for the protection of sediment remediation and habitat projects as follows:

Goal: The goal of source control is to protect natural resources and to prevent recontamination of sediment remediation and habitat development projects by controlling potential contaminant sources.

Objectives: 1) Sediment - To prevent recontamination of sediments that would exceed site specific cleanup levels by controlling pollutants from upland drainage basins. 2) Habitat - To maintain water and sediment quality to support habitat restoration projects by controlling pollutants from upland sources.

1997 Activities

During 1997, Seattle Public Utilities conducted site visits on remaining businesses identified in 1996 who have a potential to contaminate storm water via their practices in the Diagonal Way storm drainage basin. SPU also continued responding to water quality complaints and promoted best management practices (BMPs) to those businesses who conducted their business in such a way as to potentially contribute pollutants to storm water runoff. These promotions occurred through site visits, the mailing of brochures and fact sheets, and technical assistance.

SPU staff surveyed fifty two businesses through its "windshield" inspection program, and made on-site visits to forty one of those business. Thirty of the businesses receiving on-site visits required at least one follow-up contact.

Approximately eighteen water quality complaints were received pertaining to practices in the Diagonal Way storm drainage basin. All complaints were resolved.

SPU informed the Panel that it will continue the business inspections and response to water quality complaints in the basin as on-going programs to help protect water quality in the basin.

Elliott Bay/Duwamish Restoration Program 1997 Resolutions

Contained in the following pages are the twenty-one (21) Elliott Bay/Duwamish Restoration Panel 1997 Resolutions. The attachments have not been included here for the sake of brevity. The attachments, which are contained in the Administrative Record of the Elliott Bay/Duwamish Restoration Program, may be viewed at the offices of the Administrative Director upon request.

Panel Resolution 1997-01

Adopted: January 9, 1997
Consent Decree: ¶ 10 (a) Panel Expenses ¶ 11 Annual Budget ¶ 13 In-kind Services
Resolution: 1996-03

The Elliott Bay/Duwamish Restoration Program (EB/DRP) Panel accepts the findings and supports the recommendations of the Budget Committee. The Committee was tasked (ref.: Resolution 1996-03) with **1)** final budget development and status reporting **2)** the development of accounting and reporting requirements and methods for the Panel members and **3)** the exploration of alternatives and solutions to the limitations of the planning and design budget cap.

The EB/DRP accepts the recommendations of the Budget Committee as follows:

1) Changes the category of the Concept Document funds from Planning and Design to Panel Function Support - Public Participation and shifts $34,000.00 from Habitat Development - Panel Function Support to Panel Function Support - Public Participation.

2) Recategorized Public Participation costs for Norfolk and Diagonal/Duwamish from Sediment Remediation-Planning and Design to Panel Function Support-Public Participation. The Norfolk and Diagonal/Duwamish Budgets will be adjusted accordingly by $16,000.00.

3) Recategorized the public participation costs relative to the Waterfront Recontamination Study to Panel Function Support-Public Participation rather than its original category of Planning and Design. The exact amount is $23,000.00 as supplied by Ecology.

4) Approved the modification of the Habitat Development budget to reflect the reallocation of $23,520.00 in project Planning and Design funds to Tribal FTE Planning and Design.

Panel Resolution 1997-02

Adopted:	6 March 1997
Consent Decree:	¶ 13 in-kind services; ¶ 26 credit for Pier 53 sediment remediation project.
Resolutions:	1992-20 1994-01

The Elliott Bay/Duwamish Restoration Program Panel authorizes King County Department of Natural Resources (KCDNR) a total of $49,114.00 of in-kind service credit for sampling and analysis activities conducted for the 1993 monitoring report regarding the Pier 53 Sediment Remediation Project. The cost is based on the detailed budget (attached) and reflects an increase of $1,806.00 over previous cost estimates.

Panel Resolution 1997-03

Adopted:	6 March 1997
Consent Decree:	¶ 13 in-kind services; ¶ 10 (b), planning and design support.
Resolutions:	1992-06, 05, 08, 16, 17, 20, 23 1993-09, 12, 14, 21 1994-01, 08, 12, 14, 16.

The Elliott Bay/Duwamish Restoration Program Panel hereby recognizes and authorizes the following in-kind credit to King County (formerly Metro) for 1992 through 1994. With this tabulation and referenced accounting documents, King County has discharged a total of **$1,853,638.00** against their $12 million debt: **$578,638.00** in-kind services (see attached) and **$1,275,000.00** cash payments to the Court Registry account between January 1, 1992 and December 31, 1994.

Project	*Panel Function*	*Planning & Design*	*Implementation*	*Source Control*
Pier 53 SR			$91,565.00	
Diagonal/Duwamish & Norfolk (D/D&N) Clean-up Study Plan		$ 46,599.00		
D/D&N SR Projects		$197,725.00		$4,994.00
Public Participation	$29,073.00			
Concept Document	$34,000.00			
CSO Sampling		$43,762.00		
Subtotal	**$63,073.00**	**$288,086.00**	**$ 91,565.00**	**$ 4,994.00**
TOTAL $447,718.00				

Note: The above tabulation does not include items credited under Resolution 1992-20, Resolution 1992-20 authorized King County credit totaling $130,920.00.

Panel Resolution 1997-04

Adopted: 6 March 1997
Consent Decree: ¶ 10(a) Trustee reimbursements
Resolutions: 1996-23

In accordance with Consent Decree paragraph 10(a) and Panel Resolution 1996-23, the Elliott Bay/Duwamish Restoration Program Panel hereby authorizes disbursement from the Registry Account to the payees specified below for the purpose of reimbursement for Trustee costs for the calendar year 1996. Supporting invoices and memoranda are attached.

Payees	Amount of disbursement
Washington State Department of Ecology Post Office Box 5128 Lacey, Washington 98509-5128 Attention: Cashiering Section	$23,173.13

Muckleshoot Indian Tribe 39015 172 Avenue S.E. Auburn, Washington 98092 Attention: Jerry Hecke, Comptroller	$3,444.92
The Suquamish Tribe P.O. Box 498 Suquamish, Washington 98392 Attention: Phyllis Meyers	$12,693.24
U.S Department of the Interior Account No. 14X5198 U.S. Fish and Wildlife Service 4401 N. Fairfax Drive, Room 380 Arlington, VA 22203 Attention: Chief, Division of Finance	$13,744.00

Panel Resolution 1997-05

Adopted:	6 March 1997
Consent Decree:	¶13 *in-kind services* ¶27(b) habitat development ¶30 property availability
Resolutions:	1993-2 Muckleshoot Tribe sponsorship 1993-23 Turning Basin GFA - Turning Basin vicinity

The Elliott Bay/Duwamish Restoration Program Panel hereby authorizes and approves the Muckleshoot Indian Tribe's budget of $38,921.75 (attached) for project management and Level 2 site analysis costs as a necessary activity for attempting to acquire a habitat parcel in the Turning Basin vicinity. These funds are to be credited against the real estate obligation for the Consent Decree. The Tribe will provide a summary of their actual expenses incurred upon completion of these activities to the Panel.

The resolution also hereby directs King County Department of Natural Resources to transmit a check to the Muckleshoot Indian Tribe in the amount of $38,921.75, so that the Tribe may begin these activities expeditiously.

Panel Resolution 1997-06

Adopted: 3 April 1997
Consent Decree: ¶16

The Elliott Bay/Duwamish Restoration Program Panel (Panel) hereby approves the disbursement of funds from the Court Registry Account in the amount of $31,047 and also hereby accepts the Suquamish Tribe's "Elliott Bay/Duwamish Restoration Program FTE Budget for 1997 - Suquamish Tribe" (attached). Further, the Panel hereby approves the disbursement of funds from the Court Registry Account in the amount of $40,985.00 and also hereby accepts the Muckleshoot Indian Tribe's "1997 Muckleshoot Indian Tribe FTE Technical Support Budget" (attached). The amount of these disbursements represents the Panel's half of the respective Tribes' FTE budgets for 1997.

Panel Resolution 1997-07

Adopted: 3 April 1997
Consent Decree: ¶ 10(a) Trustee reimbursements
Resolutions: 1996-23

In accordance with Consent Decree paragraph 10(a), Panel By-Laws, and Panel Resolution 1996-23, the Elliott Bay/Duwamish Restoration Program Panel hereby authorizes disbursement from the Registry Account to the payee based on $23,303.92 of reimbursable Administrative Director expenses (2nd, 3rd, and 4th quarter of calendar year 1996) and $20,007.44 of reimbursable Trustee expenses (full calendar year 1996). Supporting memoranda are attached.

Payee	Amount of disbursement
National Oceanic and Atmospheric Admin. NOAA Finance Services Division Call Service 7025 (DARRF) 20020 Century Boulevard Germantown, MD 208	$43,311.36

Panel Resolution 1997-08

Adopted: 3 April 1997
Consent Decree: ¶ 10 (b) planning and design support, ¶ 13 in-kind services
Reference: Resolutions: 1993-21, 1994-14, 1995-20, 1996-04, 1996-17

The Elliott Bay/Duwamish Restoration Program Panel authorizes King County Department of Natural Resources to incur in-kind services costs up to the maximum

amounts allocated for the Norfolk sediment remediation project as reflected in the Draft Sediment Remediation Budget spreadsheet (11/7/96).

The total authorized project budget is $1,701,000.00 with a maximum of $423,000.00 for Planning and Design and $1,278,000.00 for Implementation and Monitoring.

Panel Resolution 1997-09

Adopted: April 1997
Consent Decree: ¶ 9a, Panel authority
Resolutions: 1992-02, 04, 09
1993-01

WHEREAS, the Elliott Bay/Duwamish Restoration Program (EB/DRP) is now progressing from a primary planning and design phase into the implementation of projects, and

WHEREAS, the EB/DRP Panel needs to streamline its management efforts and concentrate its deliberations on policy and significant fiscal matters as the various projects are designed and implemented, and

WHEREAS, the Panel's desire is to authorize the designated project managers to undertake the fulfillment of project goals, objectives, and obligations as outlined in their detailed Scope, Schedule, and Budgets, and

WHEREAS, the Panel would like to complete its oversight work by January 15, 2000, culminating in the preparation of the final report of Panel activities, and

WHEREAS, the Panel proposes to maintain oversight responsibilities under declining budgets by reducing Panel meeting activities.

BE IT RESOLVED, that the Panel approves the following management objectives:

Reduce the number of monthly Panel meetings in two steps:

a. For the remainder of the calendar year of 1997:
May 1
June 5
August 7
October 2
November 6

b. Starting in January of 1998, meetings would be quarterly (January, April, July, October).

c. Since the sediment remediation projects are either at implementation or on hold, the Sediment Remediation Technical Working Group (TWG) meetings would be called only when needed, by the Chair upon notification of the Administrative Director.

d. The Habitat Development (HD) TWG still has significant property acquisition and project-specific planning to do and would continue to meet, as needed, but on a reduced frequency.

e. A single monthly scheduled meeting date for both TWGs would be changed to the third Thursday of the month for those months when it is necessary to actually have a meeting(s). The TWG Chairs will inform the Administrative Director by noon of the second Thursday if there will be a TWG meeting the following Thursday so notices can be sent to TWG members.

f. Meetings of Standing Committees of the Panel will continue to be called on an "as needed" basis.

g. Panel members will develop means for conducting more Panel/TWG discussions by E-mail, FAX, or conference calls.

FURTHER, the Panel amends the following By-Laws:

By-Laws, Article III, Meetings 1: Change from
"The Panel shall meet at least once every month at such times and places agreed to by the Panel."

to

"The Panel shall meet at least quarterly, as required, on the first Thursday of the month and the technical working groups will meet as needed, the third Thursday of the month being set aside for this purpose."

Panel Resolution 1997-10

Adopted: 24 April 1997
Consent Decree: ¶ 10(a) Trustee reimbursements
Resolutions: 1995-07

In accordance with Consent Decree paragraph 10(a), Panel By-Laws, and Panel Resolution 1996-23, the Elliott Bay/Duwamish Restoration Program Panel hereby authorizes disbursement from the Registry Account to the payee based on $4,545.66 of reimbursable Administrative Director expenses October 1st 1996 through January 4th 1997 (1st quarter fiscal year 1997). Supporting memoranda are attached.

Payee	Amount of disbursement
National Oceanic and Atmospheric Admin. NOAA Finance Services Division Bills and Collection Unit Call Service 7025 (DARRF) 20020 Century Boulevard Germantown, MD 20874	$ 4,545.66

Panel Resolution 1997-11

Adopted:	5 June 1997
Consent Decree:	¶ 9c planning and study activities; ¶30 property acquisition
Resolutions:	1993-13, - Waterfront Recontamination Study Allocation 1993-23 - Muckleshoot Environmental Audit

The Elliott Bay/Duwamish Restoration Program Panel hereby rescinds, as no longer necessary, Resolutions 1992-13, (Waterfront Recontamination Study Funding reimbursed under a subsequent resolution) and 1993-23 (unnecessary funding for the Muckleshoot Tribe's Phase 1 Environmental Audit in the Turning Basin).

Panel Resolution 1997-12

Allocation ($254,200) for Turning Basin Property Acquisition to Muckleshoot Indian Tribe.

Adopted:	5 June 1997	
Consent Decree:	¶ 9c planning and study activities; ¶30 property acquisition	
Resolutions:	1993-02, 23	Property Selection, Sponsorship
	1996-16	Property Acquisition
	1997-05	Project Management and Level 2 Site Analysis

The Elliott Bay/Duwamish Restoration Program Panel hereby authorizes the allocation of habitat development property acquisition funds not to exceed $254,200.00. This sum is in addition to the property acquisition funds allocated in Resolution 1996-16 ($225,000.00) and project management and level 2 site analysis funds allocated by Resolution 1997-05 ($38,921.75). The total Panel funding allocated to the Muckleshoot Indian Tribe for real estate acquisition for a habitat development project in the Turning Basin Geographic Focus area is not to exceed $518,121.75.

Expenditure of the funds so allocated shall be conditioned upon the execution by the Muckleshoot Indian Tribe of a deed restriction on the acquired property in a form acceptable to the Panel requiring use of the property to be consistent with habitat restoration and the Consent Decree.

Panel Resolution 1997-13

Elliott Bay Nearshore Enhancement Project

Adopted:	June 5, 1997	
Consent Decree:	¶ 9 (c) (h), study activities; ¶ 10 (b), planning and design support; ¶ 27 (b), habitat development.	
Resolutions:	1993-19	Designating Geographic Focus Areas
	1996-19	Elliott Bay Nearshore Enhancement Project
	1996-25	Project Site Selection
	1996-31	Project Management

The Elliott Bay/Duwamish Restoration Program (EB/DRP) Panel hereby authorizes the Water and Land Resources Division of King County, including any subcontractors, to conduct analysis, planning, and design and to seek additional funds to construct subtidal habitat in the Seattle nearshore area consistent with the objectives outlined in the approved Scope, Schedule, and Budget (attached). King County will be credited with up to $372,000.00 upon satisfactory completion of this task. This amount is inclusive of the $16,000.00 previously allocated for the initial planning.

Panel Resolution 1997 - 14

Management Plan

Adopted:	5 June 1997
Consent Decree:	¶ 9c planning and study activities

The Elliott Bay/Duwamish Restoration Program Panel hereby accepts the appended Elliott Bay/Duwamish Restoration Program Transition Management Plan as its guidance document for the completion of projects in fulfillment of the goals embodied in the Consent Decree (United States, et al. v. City of Seattle and the Municipality of Metropolitan Seattle).

Panel Resolution 1997 - 15

Authorizes credit to City of Seattle for the Seaboard Lumber Project, upon receipt of documentation.

Adopted: 7 August 1997

Consent Decree: ¶ 9(c), (h) planning and study activities; ¶27(b) habitat development, and ¶30 property acquisition

Resolutions:		
	1993-19	Designating Geographic Focus Areas
	1994-3	Site selection
	1995-12	Design phase contractor selection
	1995-17, 19 & 24	Acquisition expenses
	1996-21	Phase III site assessment
	1997-14	Management Plan

The Elliott Bay/Duwamish Restoration Program Panel (Panel) hereby endorses the proposed purchase of the Seaboard Lumber Property by the City of Seattle (City). The Seaboard Lumber Property shall be made available to the Panel and developed as habitat, in perpetuity, at a cost to the City of $4,649,030 ($2,500,000 for real property acquisition and $2,149,030 for habitat development). This amount shall be credited against the City's Habitat Development (¶27) and Real Estate Acquisition (¶30) obligations as set forth in the Consent Decree upon acceptance of supporting documentation. Upon closing of the sale, the Panel authorizes the City to proceed with habitat development of the site pursuant to the adopted Scope, Schedule and Budget (1997-14).

Panel Resolution 1997 - 16

Adopts for consideration selected Green River sites suggested by King County.

Adopted: 02 October 1997

Consent Decree: ¶ 9(c), (h) planning and study activities; ¶27(b) habitat development, and ¶30 property acquisition

Resolutions:		
	1993-19	Designating Geographic Focus Areas
	1994-3	Site selection

The Elliott Bay/Duwamish Restoration Panel agrees to consider properties known as Porter Levee (Slaughterhouse), Burns Creek Confluence (Loans Levee) and Black River Confluence (Fort Dent Park) as potential restoration sites for real property acquisition by the Panel and subsequent restoration projects by King County Department of Natural Resources.

Panel Resolution 1997 - 17

Amends Concept Document in order to allow for the consideration of selected Green River sites for restoration.

Adopted: 02 October 1997

Consent Decree: ¶ 9a, Panel authority ¶ 9(c), (h) planning and study activities; ¶27(b) habitat development, and ¶30 property acquisition

Resolutions:		
	1993-19	Designating Geographic Focus Areas
	1994-0	Site selection

The Elliott Bay/Duwamish Restoration Panel hereby resolves to amend the Elliott Bay/Duwamish Restoration Concept Document to include the attached language describing sites known as Porter Levee (Slaughterhouse), Burns Creek Confluence (Loans Levee) and Black River Confluence (Fort Dent Park) and Revised Table 5 - site Ranking for Potential Habitat Development Site Ranking.

Panel Resolution 1997 - 18

Authorizes property acquisition credit ($700,000.00) to King County for Porter Levee, Burns Confluence and Black River Confluence sites.

Adopted: 2 October 1997

Consent Decree: ¶ 9(c), (h) planning and study activities; ¶27(b) habitat development, and ¶30 property acquisition

Resolutions:		
	1993-19	Designating Geographic Focus Areas
	1996-13	GFA expansion
	1996-30	Planning, design, permitting
	1997-14	Scope, schedule, budget

The Elliott Bay/Duwamish Restoration Program Panel hereby authorizes habitat property acquisition funds up to the amount of $700,000.00 for the purchase of the Porter Levee, Burns Confluence, and Black River Confluence sites including up to $87,000.00 for activities associated with making real property available. Final acquisition is subject to Panel approval.

Panel Resolution 1997 - 19

Authorizes property acquisition credit ($479,200) to King County for Turning Basin Vicinity Project.

Adopted: 2 October 1997

Consent Decree: ¶ 9(c), (h) planning and study activities; 27(b) habitat development, and ¶30 property acquisition

Resolutions:		
	1993-02, 23	Panel cosponsorship for SIF application
	1993-19	Designating Geographic Focus Areas
	1996-16	Property acquisition
	1997-05	Project management and Level 2 Site Analysis
	1997-12	Allocation of additional acquisition funds
	1997-14	Scope, schedule, budget

The Elliott Bay/Duwamish Restoration Program Panel (Panel) hereby authorizes the crediting of habitat development property acquisition funds to King County (County) not to exceed $479,200 to be provided to the Muckleshoot Indian Tribe (Tribe) for property purchase at the Turning Basin Vicinity Project in the Turning Basin Geographic Focus Area for habitat development. The County and Tribe have entered into an agreement to expend additional funds from a Shorelines Improvement Fund grant which will supplement this property acquisition credit from the Panel. This credit is in partial fulfillment of County's Consent Decree obligation of up to $2,500,000 in "permanently available real property...fee title... sufficient to permanently secure a site for any habitat development project under this Decree" (¶30).

Panel Resolution 1997 - 20

Authorizes property acquisition credit ($416,000) to King County for North Wind Weir Project.

Adopted: 2 October 1997

Consent Decree: ¶ 9(c), (h) planning and study activities;¶27(b) habitat development, and ¶30 property acquisition

Resolutions:		
	1993-19	Designating Geographic Focus Areas
	1996-10	Recommend project
	1996-13	GFA expansion
	1996-30	Planning, design, permitting
	1997-14	Management Plan

The Elliott Bay/Duwamish Restoration Program Panel hereby authorizes the crediting of habitat development property acquisition funds to King County not to exceed $416,000 for a 1.03 acre site called North Wind Weir Project in the Turning Basin Geographic Focus Area for habitat development. This credit is in partial fulfillment of King County's Consent Decree obligation of up to $2,500,000 in "permanently available real property...of any right of access... sufficient to permanently secure a site for any habitat development project under this Decree" (¶30).

Panel Resolution 1997 - 21

Provides mechanism for estimating remaining Consent Decree obligations by December 31, 1997, and subsequent reconciliation with final year end accounting.

Adopted: 8 December 1997

Consent Decree: ¶ 9(c), (h) planning and study activities;¶27(b) habitat development, and ¶30 property acquisition

Resolutions:

1993-11	Consent Decree amendments
1997-09	Panel goals and oversight
1997-14	Management Plan

The Elliott Bay/Duwamish Restoration Program Panel (Panel) hereby agrees to the approach proposed by King County Department of Natural Resources and the city of Seattle for projecting their remaining financial obligations under the 1991 Consent Decree after December 31, 1997. Under this approach, the County and City will estimate total expenditures from 1991 through 1997. The County and city will use the most conservative possible combination of documented in-kind service expenses, approved project budgets, and minimum project expenditures to arrive at a minimum projection of expenses already incurred. The difference between this minimum and the legally required payment of $8.5 million each will be paid into the Registry account by December 31, 1997. The Panel acknowledges that this approach may result in a payment that is greater than the County and/or the city's remaining obligations under the Consent Decree. In order to minimize financial harm to all agencies, the Panel agrees to process each party's reconciliation in an amount documented by the County and City and approved by the Panel within one month of receipt of their respective 1997 year end accounting.

1997 Cash Disbursements from the Court Registry Account

Resolution	Recipient	Amount $	Reason
1996-19	WDFW	58,690.05	HD:CY96
1996-22	NOAA	9,229.17	AD:01/08/95-07/08/95
1997-04	Ecology	27,173.13	TE:CY96
1997-04	Suquamish	12,693.24	TE:CY96
1997-04	Muckleshoot	3,444.92	TE:CY96
1997-04	USFWS	13,744.00	TE:CY96
1997-06	Suquamish	31,047.00	FTE:CY 97
1997-06	Muckleshoot	40,985.00	FTE:CY97
1997-07	NOAA	23,303.92	AD:01/07/96-09/30/96
1997-07	NOAA	20,007.44	TE:10/01/96-12/30/96

Subtotal of Disbursements: **$236,317.87**

AD: Administrative Director
FTE: Tribal Full Time Equivalent
HD: Habitat Development
TE: Trustee Expense reimbursement

ELLIOTT BAY / DUWAMISH RESTORATION PROGRAM

Accounting 1997

Obligated Funds

Disbursed from the Registry Account/In-kind Service Credited

Resolution Number	Dollars	Obligated To:	Obligated For:	In-kinc Services	Disbursement Amount	Addressee	Panel Function	Planning & Design	Real Property	Habitat Development	Sediment Remediation	Source Control	In-kind Services
1997-01		Budget	Realocation										
1997-02	49,114.00	KCDNR	53/55 Monitor	49,114.00							49,114.00		49,114.00
1997-03	447,718.00	KC	all	447,718.00		KCDNR	63,073.00	238,086.00			91,565.00	4,994.00	447,718.00
1997-04	23,173.13	Ecology	TE		23,173.13	Ecology	23,173.13						
	3,444.92	Muckleshoot	TE		3,444.92	Muckleshoot	3,444.92						
	12,693.24	Suquamish	TE		12,693.24	Suquamish	12,693.24						
	13,744.00	USFWS	TE		13,744.30	USFWS	13,744.00						
1997-05	38,921.75	Muckleshoot	Turning Basin						38,921.75				
1997-06	31,047.00	Suquamish	FTE 1/2		31,047.00	Suquamish	31,047.00						
	40,985.00	Muckleshoot	FTE 1/2	40,985.00	40,985.00	Muckleshoot	40,985.00						
1997-07	23,303.92	NOAA	AD(Q 2,3,4CY96	23,303.92	23,303.92	NOAA	23,303.92						
	20,007.44	NOAA	TE CY97	20,007.44	20,007.44	NOAA	20,007.44						
1997-08		Budget	Norfolk	1,701,000.00									
1997-09		Policy											
1997-10	4,545.66	NOAA	AD Q1 FY 97	4,545.66	4,545.66	NOAA	4,545.66						
1997-11		Budget	Realocation										
1997-12	254,200.00	Mucklehoot	Turning Basin						254,000.00				
1997-13	356,000.00	KCDNR	Seattle Nearshor	356,000.00									
1997-14		Mgmt. Plan											
1997-15	4,649,030.00	City	Seaboard	2,149,030.00									
1997-16		Site Selection											
1997-17		Conc. Doc.	Amnend										
1997-18	700,000.00	KCDNR	Acquisition	87,000.00									
1997-19	479,200.00	KCDNR	Turning Basin						479,200.00				
1997-20	416,000.00	KCDNR	NWW/pd						416,000.00				
1997-21		PNL/KC&City	Accounting										
Subtotal	7,563,128.06			4,878,704.02	172,944.61		236,017.31	238,086.00	1,188,121.75		140,679.00	4,994.00	496,832.00