

**Scoping Document:
Draft Lower Duwamish River Restoration Plan and
Programmatic Environmental Impact Statement Development**

The U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of the Interior (DOI), Fish and Wildlife Service, Washington State Department of Ecology, Washington Department of Fish and Wildlife, Suquamish Tribe of Indians, Muckleshoot Tribe of Indians are the natural resource trustees (the Trustees) for the Lower Duwamish River. The Trustees seek public involvement in the development of the Draft Restoration Plan and Programmatic Environmental Impact Statement (Draft RP/PEIS), which will be designed to evaluate projects necessary to restore natural resources in the Lower Duwamish River injured by hazardous substance releases that have contaminated areas of the river. The Draft PEIS will also identify and address the environmental impacts that could result from construction and maintenance of selected restoration projects. This document provides information on the process for developing a Draft RP/PEIS, factors that will likely be considered, and mechanisms by which the public can submit comments to the Trustees.

Please note that for the public scoping process comments must be received by August 1, 2007, in order to be incorporated into the official scoping record. Comments received after August 1 will still be considered by the Trustees in the development of the Draft and Final RP/PEIS, but will not be a part of the scoping record.

Proposed Action - Natural Resources Damage Assessment and Restoration Planning

Under the Comprehensive Environmental Response, Compensation and Liability Act, (CERCLA), 42 U.S.C. Section 9601 *et seq.*, parties responsible for releasing hazardous substances into the environment are liable for both the costs of cleaning up, containing or remediating the release and for damages to natural resources resulting from the release. Natural resource damage assessment (NRDA) is the process of assessing the nature and extent of natural resource injuries and determining what is necessary to restore, replace or acquire the equivalent of those resources. In the case of the Lower Duwamish River, there have been numerous releases of hazardous substances that have resulted in natural resource injuries. To streamline the NRDA process and provide a systematic approach to restoring injured natural resources in the Lower Duwamish River, the Trustees are developing the RP/PEIS before a full assessment of the natural resources injuries and determination of liability has been made. Following the RP/PEIS, the Trustees will use recovered damages to restore, replace or acquire the equivalent of the injured or lost resources. In addition, at the discretion of the Trustees, Potentially Responsible Parties may implement restoration aligned with the RP/PEIS, with Trustee oversight.

Scientific literature and studies conducted by the Trustees elsewhere in Puget Sound have documented injuries from contaminants found in the Duwamish Waterway. Information gathered as part of the Environmental Protection Agency (EPA) and Washington State remediation process shows that releases of hazardous substances have contaminated extensive

areas of the Lower Duwamish River. Studies completed at other contaminated sites and existing scientific literature provide strong evidence that the contamination has harmed the organisms that inhabit the estuarine sediments, as well as fish and wildlife that come into contact with the contaminated sediments or that eat contaminated prey items.

Pursuant to 43 CFR Part 11.81, the Trustees are authorized to develop restoration plans as part of their mandate to restore, replace or acquire the equivalent of natural resources and services injured by hazardous substances, and to compensate for interim losses of such resources and services. The purpose of restoration planning is to develop a framework and procedures that will enable the trustees to select and implement projects in the Lower Duwamish River and maximize ecological benefit for the defined region as a whole. The Trustees will take advantage of opportunities to settle natural resource damage claims with willing parties and will use the final version of the RP/PEIS to select and implement projects.

The Lower Duwamish River is generally defined as the area of salt water intrusion, which is approximately from North Winds Weir down to the mouth of the River. The Draft RP/PEIS will focus on restoration projects that address natural resources injuries within the Lower Duwamish River. While it is anticipated that a majority of the restoration projects will be conducted within this area, restoration projects that are outside of the reach, but have direct benefits to the injured natural resources, may also be considered and ranked within the planning process. Restoration planning will focus on providing benefits to juvenile Chinook salmon (as surrogate for anadromous and other fish species), English sole (as surrogate for marine fish species), and migratory and residential birds.

National Environmental Policy Act and Environmental Impact Statement

The National Environmental Policy Act (NEPA) directs federal agencies to conduct an analysis of potential environmental impacts that would result from their proposed actions. The development of the RP/PEIS is the process by which the Trustees will analyze any potential environmental impacts resulting from the restoration planning and implementation. Categories of impacts to be considered include those to:

- Geology and soils
- Climate
- Air quality
- Water resources
- Wetlands and floodplain
- Biological resources
- Threatened and endangered species
- Energy and natural resources
- Land use, recreation, and visual resources
- Environmental health and noise
- Cultural and historical resources
- Economics
- Housing

- Transportation, utilities and public services

NEPA also requires agencies to identify and address concerns that the public may have about a proposed action. To this end, the Trustees are holding two public scoping meetings and will be soliciting written comments from the public through August 1. These comments will be made a part of the scoping record and will be taken into consideration during the development of the Draft RP/PEIS.

Public Participation

Public scoping is occurring at the very early stage of the planning and evaluation process for the Draft RP/PEIS. As a result, comments from the public will help the Trustees to shape the scope and scale of the Draft RP/PEIS document and incorporate and address public concerns from the beginning. The Trustees would like to receive comments from the public regarding potential environmental concerns or impacts, additional categories of impacts to be considered, measures to avoid or lessen impacts, and suggestions on restoration priorities and projects. The more specific your comments are, the more useful they will be to this process. To ensure that your comments are incorporated into the scoping record and are considered as early in the process as possible, please submit them through the following avenues by August 1, 2007. Comments submitted after August 1st will still be considered by the Trustees but will not be a part of the official scoping record.

- Written comments can be submitted by paper to:
John Kern
NOAA Restoration Center
7600 Sand Point Way NE
Seattle, WA 98115
- Written comments can be submitted electronically to:
DuwamishPEIS.DARRP@noaa.gov

Comments received during the following public scoping meetings will be incorporated into the scoping record and will be considered by the Trustees.

- June 6, 2007 from 6:30pm to 8:30pm at South Park Community Center, 8319 8th Ave S, Seattle, WA 98108
- June 7, 2007 from 10am to 12pm at Tukwila Community Center, 12424 42nd Ave S, Tukwila, WA 98168

Once the scoping process is complete, the Draft PEIS will be developed and released for public comment in Fall/Winter 2007. During this second public comment period, the Trustees will again hold public meetings where comments will be collected. Written comments will also be solicited for a 45 day period. Specific dates and times for future events will be publicized when scheduled. Further opportunities for public comment are provided through public review and

comment on documents contained in the Administrative Record, as well as on the Public Review Document and Final Environmental Impact Statement. If you would like to receive electronic notices of these future public involvement events, please send your e-mail address to DuwamishPEIS.DARRP@noaa.gov, along with a message that you would like to be added to the mailing list.

Additional Information

For additional information, please see our website www.darrp.noaa.gov/pacific/LowerDuwamishRiver or contact John Kern at 206.526.6029. Our website will be updated periodically with additional information about the status of the project, the Draft RP/PEIS when complete, and future restoration projects. The site will also support a Frequently Asked Questions section that will provide helpful information about this project.

For additional information on the NEPA process and requirements, please see the Council on Environmental Quality's website, <http://ceq.eh.doe.gov/nepa/nepanet.htm>, or the NOAA NEPA website, www.nepa.noaa.gov.