

**Elliott Bay Trustee Council  
Lower Duwamish River  
Resolution 2009-01**

This resolution by the Elliott Bay Trustee Council: 1) authorizes the National Oceanic and Atmospheric Administration to sign the Natural Resource Restoration and Enhancement Credit Protocol with Bluefield Holdings on behalf of the Trustee Council.

Adopted: May 20, 2009

Attachments: Natural Resource Restoration and Enhancement Credit Protocol

The Elliott Bay Trustee Council (hereafter "Trustee Council") consists of the National Oceanic and Atmospheric Administration (NOAA) of the U.S. Department of Commerce (acting as Lead Administrative Trustee); the U.S. Department of the Interior, represented by the U.S. Fish and Wildlife Service; the Muckleshoot Indian Tribe; the Suquamish Tribe; and the Washington Departments of Ecology (as lead state Trustee) and Fish and Wildlife (as state co-Trustee). The Trustee Council is operating under the *Memorandum of Agreement for Elliott Bay, the Duwamish River and Eagle Harbor (effective date 1/19/06)*. That MOA provides the framework for implementing joint damage assessment and restoration actions by the Trustee Council in Elliott Bay and the Lower Duwamish River.

The Trustee Council has been engaged in discussions with the City of Seattle concerning the use of some City properties for habitat restoration projects, which have been made available by the City for development of habitat restoration projects by Bluefield Holdings, Inc. ("Bluefield") through a lease executed on February 23, 2009. Bluefield intends to build restoration projects on these properties designed to provide ecological credits that could be used by Potentially Responsible Parties (PRPs) as one alternative approach to address their liability for natural resource damages (NRD) in settlements with the Trustee Council. The Natural Resource Restoration and Enhancement Credit Protocol (hereafter "Protocol") was developed by the Trustee Council to document the agreement between the Trustee Council and Bluefield on how projects proposed for use in settlements resolving PRPs of liability will be evaluated, and how approved projects will be valued, by the Trustee Council, and how ecological credits may be sold to PRPs for use in resolving their NRD liability. It also outlines the obligations and responsibilities of the Trustee Council and Bluefield in the effort to use projects built on City of Seattle property, and potentially other properties, as a method available for use by PRPs to resolve their NRD liability.

**Now, therefore, it is resolved that:**

1. The Trustee Council reviewed the attached Protocol, and agrees that it represents an appropriate approach to using projects built by Bluefield to resolve liability of PRPs in the Lower Duwamish River. The Trustee Council is in no way obligated to use Bluefield projects to resolve NRDA liability with settling parties.
2. The Trustee Council authorizes NOAA to sign the Protocol on behalf of the Trustee Council

By their signatures below, representatives of the Elliott Bay Trustee Council hereby certify that this Resolution, 2009-01, was adopted in compliance with decision-making procedures of the Trustee Council.

NOAA:

By: Rebecca Hoff 20 May 2009  
Date

U.S. Department of the Interior/U.S. Fish and Wildlife Service:

By: Jeff Krausmann 20 May 09  
Date

Washington State Department of Ecology (Lead State Trustee):

By: Craig Thompson 5-20-09  
Date

The Muckleshoot Indian Tribe:

By: ABSTAINED \_\_\_\_\_  
Glen St. Amant Date

The Suquamish Tribe:

By: Richard Brooks 5/20/09  
Richard Brooks Date