

THE NORTHWEST SEAPORT ALLIANCE
MEMORANDUM

MANAGING MEMBERS
ACTION ITEM

Item No.	<u>3D</u>
Date of Meeting	<u>January 5, 2021</u>

DATE: December 18, 2020

TO: Managing Members

FROM: John Wolfe, CEO

Sponsor: Tong Zhu, Chief Commercial and Strategy Officer

Project Manager: Blaine Burk, Sr. Real Estate Manager

SUBJECT: Central Puget Sound Regional Transit Authority (Sound Transit) Access Agreement to extend until January 7, 2025.

A. ACTION REQUESTED

Request Managing Members of the Northwest Seaport Alliance (NWSA) authorization for the Chief Executive Officer or their delegate to enter into a First Amendment to Access Agreement with the Central Puget Sound Regional Transit Authority.

B. SYNOPSIS

The current Access Agreement is for a period of one (1) year, beginning on January 7, 2020 and terminating on January 7, 2021.

It is proposed to amend the Access Agreement, extending the term to (5) years, terminating on January 7, 2025. The extended term is necessary for Sound Transit to continue their monitoring of existing boreholes and to allow for Sound Transit to request additional bore hole locations as required in support of their investigation in determining the ST3 route.

As further background, Sound Transit is currently in the 'Planning and Environmental Review' phase of the West Seattle and Ballard Link Extensions (WSBLE) project. Sound Transit, Port of Seattle and the NWSA currently are Parties to a Partnering Agreement which establishes a common understanding of roles and responsibilities necessary for timely delivery of the WSBLE project. It provides a framework of working collaboratively and will lead to a good faith funding agreement.

Additionally, and in conjunction with the Partnering Agreement, Sound Transit, Port of Seattle and the NWSA currently are Parties to an existing Access Agreement allowing Sound Transit to investigate soil type and suitability on Port of Seattle and NWSA properties through the drilling and monitoring of bore holes. This environmental investigation will aid Sound Transit in determining the route of the West Seattle Link Extension as part of ST3.

C. BACKGROUND

- In January of 2019, NWSA, Port of Seattle and Sound Transit entered into an Access Agreement which allowed Sound Transit to drill and monitor bore holes on NWSA and Port property for the purpose of investigating and characterizing soil type and suitability.
- Upon the expiration of the 2019 Access Agreement, the Parties entered into a second Access Agreement covering the permitted activities from January 7, 2020 to January 7, 2021.
- The locations of the approved bore holes are generally located on the following properties: Terminal 25, Terminal 18, Terminal 18 Park, Terminal 102, Terminal 103, Terminal 104, 1128 SW Spokane St., 3568 W. Marginal Way SW, and 3527 Chelan Ave.
- To date, Sound Transit has drilled and is monitoring 16 bore holes (7 Port of Seattle, 9 NWSA).
- For each bore hole location, Sound Transit pays the Port or NWSA a one-time Access Fee of \$1,500.00.
- Sound Transit coordinates with NWSA and Port tenants closely to ensure the permitted activities do not impact Tenant operations.
- Sound Transit needs to continue the permitted activities through January 7, 2025.
- Sound Transit may request additional bore hole locations in the future. The Access Agreement needs to be Amended to allow for additional bore holes to be added, subject to the approval of the Port of Seattle or the NWSA.

D. FINANCIAL IMPLICATIONS

Source of Funds:

No NWSA funds are required as Sound Transit is paying the NWSA to access NWSA property. The financial impact of \$1500 per bore hole is negligible.

E. ALTERNATIVES CONSIDERED AND THEIR IMPLICATIONS

- **No Action Alternative:** Terminate the Access Agreement. This would require Sound Transit to decommission the bore holes and would not allow Sound

Transit to complete the necessary soil characterization investigations. This is not consistent with the Partnering Agreement.

- **Recommended Action:** Enter into the First Amendment to Access Agreement extending the term until January 7, 2025 and allowing for additional bore hole locations to be added in the future and for continued monitoring of the existing bore holes.

F. ENVIRONMENTAL IMPACTS / REVIEW

This agreement requires Sound Transit to perform all activities authorized by this Agreement in accordance with all applicable federal, state, and local laws and regulations. It requires that Sound Transit prepare an Access Plan for NWSA and Port review and approval with details of their specific methodology for collection, waste characterization, handling, and disposal, and data validation. Finally, it requires Sound Transit to conduct its business in compliance with all applicable Environmental Laws and, if Sound Transit is in violation of any Environmental Law, to promptly take such action as is reasonably necessary to remedy and cure the violation(s).

Permitting: It is the NWSA's expectation that all local, state and federal approvals which may be required for any activities conducted within the Access Areas will be the responsibility of Sound Transit.

Remediation: Certain Access Areas include areas on Harbor Island that are subject to restrictive covenants due to environmental conditions on the property, and any work in those areas must comply with the November 16, 2016, Soil and Groundwater Management Guidance approved by the U.S Environmental Protection Agency.

Stormwater: Allowed activities conducted as stated in the agreement are not anticipated to cause any stormwater issues. Should any soils be stockpiled on the ground and not in a drum or other covered container, Sound Transit will cover any stockpiles. As quickly as is practical, stockpiled soil will be placed in covered

containers. Drums of soil and pore water shall be characterized rapidly and removed from the sites to prevent any contact with stormwater.

Air Quality: Activities allowed under this agreement are not expected to result in significant air quality impacts.

G. ATTACHMENTS TO THIS REQUEST

- Access Agreement
- Draft Access Agreement Amendment

H. PREVIOUS ACTIONS OR BRIEFINGS

- On July 2, 2020, the NWSA Managing Members and the Port of Seattle Commissioners approved entering into a Partnering Agreement for West Seattle Ballard Link Extensions (WSBLE) among Sound Transit, Port of Seattle (Port) and Northwest Seaport Alliance (NWSA).



**THE NORTHWEST
SEAPORT ALLIANCE**
Gateway to Solutions

Sound Transit/NWSA/POS Access Agreement Amendment

Blaine Burk
Sr. Real Estate Manager

Action Requested

Request Managing Members of the Northwest Seaport Alliance (NWSA) authorization for the Chief Executive Officer or their delegate to enter into a First Amendment to Access Agreement with the Central Puget Sound Regional Transit Authority and Port of Seattle.



Background

- In January of 2019, NWSA, Port of Seattle and Sound Transit entered into an Access Agreement which allowed Sound Transit to drill and monitor bore holes on NWSA and Port property for the purpose of investigating and characterizing soil type and suitability.
- This geotechnical investigation will aide Sound Transit in determining the route of the Duwamish Crossing for the West Seattle Link Extension.
- Upon the expiration of the 2019 Access Agreement, the Parties entered into a second Access Agreement covering the permitted activities from January 7, 2020 to January 7, 2021.
- To date, Sound Transit has drilled and is monitoring 16 bore holes (7 Port of Seattle, 9 NWSA).



Current Bore Hole Locations

Location	Borehole	Address
Terminal 102 (Harbor Marina Corporate Center) (Port of Seattle)	BH-12	1011 SW KLINKITAT AVE
	BH-13	1011 SW KLINKITAT AVE
	BH-14	1011 SW KLINKITAT AVE
	BH-16	1131 SW KLINKITAT WAY
	BH-17	1011 SW KLINKITAT AVE
	DS2087	3883 W MARGINAL WAY SW
Terminal 104 (NWSA)	BH-09	3627 DUWAMISH AVE S
	BH-11	76 SW Klinkitat Way
	BH-15	3627 DUWAMISH AVE S
	DS2089	3627 DUWAMISH AVE S
	DS2088	3627 DUWAMISH AVE S
Terminal 18 (NWSA)	BH-05	1002 SW Spokane ST
	BH-07	3401 Klinkitat Way
Terminal 25 (NWSA)	BH-04	3401 W Marginal Way SW
Terminal 103 (NWSA)	DS2085	3883 W MARGINAL WAY SW
Seattle Seafarer Center (Port of Seattle)	BH-08	3568 W Marginal Way



Current Bore Hole Locations

Figure 1- Duwamish Waterway Crossing
Borehole Locations on POS/NWSA and Nearby Properties



Background

- The term of the existing Access Agreement expires on January 7, 2021
- Sound Transit needs to continue the permitted activities through January 7, 2025.
- Sound Transit may request additional bore hole locations in the future. The Access Agreement needs to be Amended to allow for additional bore holes to be added, subject to the approval of the Port of Seattle or the NWSA staff.



Financial Implications

- No NWSA funds are required as Sound Transit is paying the NWSA to access NWSA property.
- The financial impact of \$1,500.00 per bore hole is negligible.



Alternatives Considered and Their Implications

- **No Action Alternative:** Terminate the Access Agreement. This would require Sound Transit to decommission the bore holes and would not allow Sound Transit to complete the necessary soil characterization investigations. This is not consistent with our Partnering Agreement (July 2020).
- **Recommended Action:**
Enter into the First Amendment to Access Agreement, extending the term until January 7, 2025 and allowing for additional bore hole locations to be added in the future and for continued monitoring of the existing bore holes.



Environmental Impacts / Review

- **Permitting:** All local, state and federal approvals which may be required for any activities conducted within the access areas will be the responsibility of Sound Transit.
- **Remediation:** Certain Access Areas include areas on Harbor Island that are subject to restrictive covenants due to environmental conditions on the property, and any work in those areas must comply with the November 16, 2016, Soil and Groundwater Management Guidance approved by the U.S. Environmental Protection Agency.



Environmental Impacts / Review

- **Stormwater:** Allowed activities conducted as stated in the agreement are not anticipated to cause any stormwater issues.
- **Air Quality:** Activities allowed under this agreement are not expected to result in significant air quality impacts.



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