



October 7, 2018

Stephanie Solien and Thomas L. Purce
Co-chairs
Southern Resident Killer Whale Task Force
c/o Cathy Cochran
Communications Lead
Puget Sound Partnership
326 East D Street
Tacoma, WA 98421

RE: Draft Report and Potential Recommendations of the Southern Resident Killer Whale Task Force
Port of Seattle, Port of Tacoma and The Northwest Seaport Alliance comments

Dear Ms. Solien and Mr. Purce:

The Port of Seattle, Port of Tacoma and The Northwest Seaport Alliance (NWSA) (hereafter "Ports") recognizes the importance of Governor Inslee's Executive Order 18-02 and the Southern Resident Killer Whale Task Force work on the *Draft Report and Potential Recommendations*. The Ports play a critical role in our regional economy, supporting jobs, tourism, environmental initiatives, and economic vitality. Two out of three jobs in our state depend on trade which is made possible by our Ports and maritime sector. We strongly support local, state and federal conservation actions and we are ready to engage with regional partners to do our part to reduce contaminants, increase habitat, manage underwater noise, and contribute to public outreach and education. These are essential steps to recovering the species.

The Ports have already invested millions of dollars in actions to protect Puget Sound, including measures to improve water quality, cleanup contamination, restore habitat and recover Chinook salmon, a principal prey item of Southern Resident Killer Whales (SRKW). Attached to this document are descriptions of past and current Ports' projects that support the Governor's Executive Order and the recommendations made by the task force.

The Ports' activities detailed in the descriptions represent the value that our leadership places on being the greenest ports in North America to ensure that our operations don't conflict with our stewardship obligations. This same commitment informs our comments here, and underpins our interest in working

with the Governor, the task force, and all interested entities in continued investment towards SRKW recovery and a healthier Puget Sound.

After reviewing the task force recommendations, we are pleased to offer the following comments:

Comments on potential prey recommendations

- Planning work related to Chinook salmon recovery in our region has been ongoing for many years. We encourage recommendations that are built on work already underway in this area, and that take advantage of lessons learned. To that end, the habitat recommendations related to Chinook habitat should be largely based on the federal Chinook Salmon Recovery Plan (2005; amended 2007). The plan, which included extensive research, outreach and local buy-in, details recovery actions for each watershed in Puget Sound.
- We support effective enforcement of existing regulations. We would also like to see a regulatory reform package that includes elimination of redundant and overlapping environmental review. For example, in-water work is highly regulated at local, state and federal level, involving as many as eight agencies in review of routine projects. We would recommend better coordination among these agencies prior to extensive changes to the current regulations. Adding more layers without analyzing the overall permitting and entitlement process could risk slowing important projects, including habitat restoration projects.
- Puget Sound is home to the North Pacific fishing fleet, which is a vitally important economic asset for our region. Likewise, fishing is critical to the health and welfare of the Puyallup, Muckleshoot, and Suquamish tribes, which manage treaty-reserved fisheries in and around the Ports facilities. In that light, social and economic impacts of potential harvest recommendations, as well as potential vessel recommendations (such as “no go” or “slow go” zones) should be carefully evaluated. We support harvest and vessel recommendations which emphasize investment in improved fishing technology to limit bycatch, in addition to buy-backs or subsidies which help avoid disproportional effects on the fisheries sector. Further, the Ports support recommendations that respect federal treaties with our tribal partners.
- The grant funding process for restoration projects is complex, involves many agencies and considerable administrative overhead. There are numerous shovel-ready projects that simply lack funding. Prioritizing and streamlining the grant application and speeding up the review and disbursement process within existing agencies (rather than creating new ones) would help get cost-effective projects underway more quickly.
- The recommendations make no mention of incentivizing market-based conservation models such as mitigation banks. To that end we would encourage a recommendation that allows grant funding to purchase credits from public and private mitigation/conservation banks as a means to incentivize capital and stimulate development of new and larger mitigation bank projects.

- Potential habitat recommendations addressing regulatory reform and enforcement should try to balance the threat of the “stick” with the appeal of the “carrot.” The recommendations reference some cooperative programs and we support these being used both in traditional rural areas as well as expanded to urban and industrial areas as a way to encourage and incentivize compliance. We recommend a much more robust focus on the use of incentives and collaborative partnerships with the maritime industry, academia, non-profits, citizen groups, and corporate partners. Ports and other maritime dependent uses serve a unique role and have limited location possibility. We look forward to being included in discussion of any regulatory reform efforts.
- Potential harvest recommendation 2 includes language indicating that the Governor should direct the Washington Department of Fish and Wildlife representatives on the Pacific Fishery Management Council and North Pacific Fishery Management Council to work with regional stakeholders and managers to reduce the bycatch of Chinook in Alaskan fisheries. The Governor’s Maritime Blue Initiative as well as the maritime innovation center/technology incubator planned for Fisherman’s Terminal should be leveraged to contribute to this recommendation. We are excited to work collaboratively on technological advances in fishing practices to limit bycatch.

Comments on potential contaminant recommendations

- The Ports strongly support accelerating sediment remediation and nearshore restoration actions based on risk to SRKW. Superfund cleanups, as well as Natural Resource Damage Assessment and Restoration actions, have historically been very slow-moving. More streamlined and faster decision-making processes will allow work to be completed sooner.
- Funds in the Model Toxics Control Act (MTCA) account should continue to go to Remedial Action Grants that focus on cleaning up legacy contaminated sites in the Central Puget Sound. We support continued and increased funding for historic contaminated site cleanups as a critical action for long term recovery. The MTCA account also includes funding for public participation grants that are important for community involvement.
- Bringing cleanup programs down to the state level, as recommended, is sensible and will be more effective. The Ports suggest that addressing persistent, bio-accumulative and toxic chemicals should continue to be the major focus of regulatory efforts.
- The Ports support potential contaminant recommendations 5-7 and have been actively engaged in source control efforts and cleanups for many years. We suggest coordinating with Ecology’s Environmental Assessment and Stormwater Action Monitoring Programs. Both programs would be rich resources for existing ecosystem and contaminant information.
- The Ports support better management of nonpoint pollution and increased attention to regional planning, land use and building programs that encourage low-impact development and technological innovation.

Comments on potential vessel recommendations

- The Ports support the development of a real-time whale alert system for pilots. The task force should leverage the investments already made by the Orca Network, Oceans Network Canada, BC Ferries, Washington State Ferries, Vancouver Aquarium, and Seattle Aquarium. We can offer that the Port of Seattle proposed maritime innovation center/technology incubator could be leveraged to help accomplish this recommendation.
- We recognize that SRKW are affected by vessel noise and we are open to working with the task force in the future on any recommendations that may affect large commercial vessels.
- We appreciate the excellent work that the Vancouver Fraser River Port Authority's ECHO program is doing and welcome further discussion of our inclusion. We are aware that the Marine Exchange of Puget Sound has been playing a central role in helping communicate with ship operators as well as to monitor compliance with the recommended voluntary actions. We would welcome opportunities to identify ways in which we can help support that effort. The Ports will also explore opportunities to recognize quiet vessels as part of our annual environmental awards.
- A partnership with the Vancouver Fraser Port Authority that couples their expertise in underwater noise with our expertise in sediment cleanup, water quality and habitat, would be very productive in the context of SRKW recovery. The Salish Sea Water Quality Initiative, begun in early 2018, may provide a good platform for this partnership.
- The Ports support recommendations which enhance boater education and outreach programs and can help support information dissemination at our facilities.

General comments

- The recommendations need to include a stronger set of funding recommendations. The Ports would have concerns with any recommendation or action that would result in a disproportionate burden on King and Pierce County residents and businesses. A broad list of both potential public and private funding sources should be developed, paired to recommendations, and prioritized for implementation.
- We recognize the decline of the SRKW population creates a sense of urgency requiring a focus on state and local regulatory authorities. However, there are numerous federal agencies with a direct or indirect jurisdictional interest in the recovery of SRKW and Chinook, including the Environmental Protection Agency, U.S. Fish & Wildlife Service, U.S. Army Corps of Engineers, National Oceanic and Atmospheric Administration, and the U.S. Coast Guard. As such, the Ports recommend that each recommendation identify all the stakeholders, agencies and tribes that would have a role in implementation, not just local and state agencies.

- Washington State is fortunate to have a world-class university system that generates considerable research in the environmental field. The recommendations should leverage this resource. Opportunities for public and non-profit agencies to partner with academia should be explored.

The Port of Seattle, Port of Tacoma and The Northwest Seaport Alliance appreciate the opportunity to comment on the Southern Resident Killer Whale Task Force *Draft Report and Recommendations* and are committed to doing our part to recover the species.

Sincerely,



Elizabeth Leavitt
Senior Director, Maritime Environment and Sustainability
Port of Seattle



Kurt Beckett
Deputy Chief Executive Officer
Northwest Seaport Alliance / Port of Tacoma

cc: Port of Seattle Commissioners Gregoire, Felleman, Bowman, Steinbrueck and Calkins
Port of Tacoma Commissioners Johnson, Marzano, McCarthy, Meyer and Petrich
Stephen P. Metruck, Executive Director, Port of Seattle
John G. Wolfe, Chief Executive Officer, Northwest Seaport Alliance / Port of Tacoma
Sandra Kilroy, Director Maritime Environment and Sustainability, Port of Seattle
Jason Jordan, Director Environmental Programs, Port of Tacoma

ATTACHMENT:

Port of Seattle

BRIEFING

Southern Resident Killer Whale Executive Order 18-02



The Port of Seattle has a number of programs in effect that support the Governor's Executive Order. Maritime and Aviation programs are described below by general category.

Ensure cleaner waters

- The Port of Seattle (Port), via the new Marine Stormwater Utility, will improve and rehabilitate stormwater infrastructure, which leads to improved water quality leaving Port properties:
 - Examples of work include repairs to stormwater line leaks that allow inflow from surrounding soils that may be contaminated, reduced tidal flushing of industrial systems by installing tide gates, and repairs to lines and outfalls at Terminal 18 in conjunction with SSA's installation of stormwater treatment.
 - The Port's stormwater utility is on track to:
 - Assess 100% (78 miles) of stormwater lines by 2019.
 - Rehabilitate 75% of stormwater infrastructure by 2035 (Century Agenda goal).
 - Currently has rehabilitated 8 miles (11%) of stormwater system.
- The following Port programs help to meet or exceed water quality requirements (Century Agenda goal):
 - Stormwater runoff from the Sea-Tac International Airport discharges to two streams which drain to Puget Sound. One hundred percent of pollution-generating surfaces receive at least basic and, where needed, enhanced treatment. Regular monitoring of all outfalls demonstrates that runoff is protective of aquatic resources with pollutant levels consistently below water quality based effluent limits.
 - Stormwater runoff impacted by aircraft deicing is continually monitored for glycol which has the potential to deplete oxygen in receiving waters if not treated. Runoff containing deicing agents is segregated and conveyed to King County's South Treatment Plant for secondary treatment before being discharged to Puget Sound. As a result, the Port has reduced biochemical oxygen demand loadings to Puget Sound by over 95%.
 - Industrial properties are required to monitor stormwater each quarter, conduct regular maintenance of stormwater infrastructure, implement best management practices.
 - Best management practices (BMPs) to reduce potential for pollution, and install stormwater treatment if Washington State benchmarks are not met.
 - The Northwest Seaport Alliance manages container terminals and supports stormwater BMPs and treatment to meet or exceed industrial stormwater permit requirements

- Municipal properties are required to conduct regular maintenance of stormwater infrastructure and implement BMPs to reduce potential for pollution.
- Port staff support tenants, including assistance in developing stormwater pollution prevention plans and providing tenant stormwater training:
 - Environmental Compliance Assistance Program (ECAP) assists tenants in addressing a wide array of environmental requirements, including waste management and stormwater.
 - Sea-Tac International Airport tenants are required to develop water pollution prevention plans in order to minimize impacts on stormwater runoff and reduce waste generation.
 - The Port recognizes and encourages tenants' and business partners' efforts in sustainability and environmental protection:
 - From 2010 to 2016, the Maritime Division conducted Green Gateway awards program to recognize container and cruise tenants' environmental and energy programs that exceeded requirements.
 - In 2017, the Maritime Division began an Environmental Excellence award program open to all tenants and business partners to recognize environmental performance, education and outreach, and innovation.
 - The Port recognizes outstanding environmental accomplishments of Sea-Tac International Airport tenants, airlines and business partners with the annual Environmental Excellence Awards. Award winners demonstrate environmental leadership in the aviation industry and are crucial partners in helping the Port achieve its environmental stewardship and sustainability goals.
- Port programs include development and implementation of innovative stormwater treatment (i.e., use of oyster shells in catch basins and roof downspout barrels, rain gardens, bio-infiltration boxes) for Port properties in areas where treatment is not required.
- Both Maritime Parks and the Sea-Tac International Airport have been certified as Salmon-Safe.
 - Maritime Parks are Salmon-Safe certified since 2008, and staff continue to identify projects to improve water quality and habitat for endangered salmon as part of continued certification requirements. Port maintenance has been using organic landscaping practices in Port parks since approximately 1998.
 - In 2016, the Sea-Tac International Airport became the first major transportation facility in the US to receive Salmon-Safe Certification. The certification covers all operations

- with a focus on water quality and aquatic habitat management, water conservation, landscape management, and pest control.
- The Port entered into a voluntary memorandum of understanding in 2004 with the cruise lines and Washington Department of Ecology:
 - This memorandum goes beyond U.S. Coast Guard standards for on-board treatment of wastewater and is more restrictive about where discharges may occur..
 - The cruise lines operating in Washington waters have elected to refrain from making wastewater discharges altogether since 2011.
- The Port is cleaning up sediments adjacent to a number of Port facilities:
 - We are cleaning up approximately 30 acres of contaminated sediments at Terminal 91.
 - Along with our partners, we are cleaning up approximately 300 acres of contaminated sediments in the East Waterway and the Lower Duwamish Waterway.
 - Concentrations of toxic chemicals in surface water will be reduced by cleaning up legacy contaminated sediments.
- The Port will install shellfish beds at Terminal 91 to improve water quality, in conjunction with the Puget Sound Restoration Fund.

Make salmon more available to Southern Resident Killer Whales

- Since 1990, the Aviation and Maritime Divisions have undertaken over 200 acres of habitat restoration in salmon-bearing streams, critical habitats or floodplain wetlands.
- The Maritime Division has completed approximately 7.5 acres of habitat restoration at eight sites strategically located in the WRIA-9 saltwater transition zone, an area critical for salmon recovery in the Green-Duwamish Watershed, and has reserved over 75 acres of habitat restoration sites for future projects.
- In order to mitigate impacts associated with the Sea-Tac International Airport's third runway, the Port constructed 112 acres of wetland near the airport, enhanced about two miles of stream habitat, and excavated 60 acre-feet of floodplain storage capacity. Wetland mitigation included planting of over 350,000 native trees and shrubs. Stream mitigation centered on improving fish habitat with 200 pieces of large woody debris, removal of culverts that blocked fish passage, and stabilization of four eroded portions of stream channel.
- Staff is working on planning, design and permitting for four proposed large restoration projects that include over 40 acres of new/improved habitat:

- Project locations include Terminal 117, Terminal 25, Smith Cove, and possibly Terminal 5 North.
 - Proposed projects will achieve the Century Agenda goal to “restore, create or enhance 40 additional acres in the Green-Duwamish Watershed and Elliott Bay.”
- Port partnerships on habitat restoration include:
 - Collaboration with the University of Washington on a “Floating wetland islands” pilot project.
 - Partnering with Muckleshoot and Suquamish Indian Tribes to expand in-water rearing capacity for juvenile Chinook salmon at the Elliott Bay Net Pen facility.
 - Partnering with Puget Sound Restoration Fund and Department of Natural Resources on the Smith Cove Blue Carbon Pilot Project.

Protect Puget Sound from potential oil spills

- The Port employs a variety of BMPs to prevent spills on or around port property, including secondary containment for all above-ground petroleum storage and robust inspections to ensure BMPs are operating properly.
- The Port has trained staff and on-call emergency response contracts to safely and effectively manage spill incidents, including response to derelict vessels that pose a significant impact to human health and the environment.
- Spill kits are strategically available at all Port-managed properties.

Provide more space and quieter waters

- In 2011, the port produced an underwater noise study that models and maps noise effects on marine mammals resulting from pile driving activities.
- The Port employs consultants to monitor pile-driving projects to ensure that underwater noise does not adversely impact Southern Resident Killer Whales and other Endangered Species Act (ESA)-listed marine mammals.

ATTACHMENT:

Port of Tacoma

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The Northwest Seaport Alliance

BRIEFING

Southern Resident Killer Whale Executive Order 18-02



The Port of Tacoma (Port) and Northwest Seaport Alliance (NWSA) already have a number of programs in effect that support the Governor's Executive Order. Environmental programs are described below by general category.

Ensure cleaner waters

- The following programs help to meet or exceed water quality requirements:
 - Industrial properties are covered under the Industrial Stormwater General Permit (ISGP) and are required to monitor stormwater each quarter, conduct regular maintenance of stormwater infrastructure, and implement best management practices (BMPs) to reduce potential sources for pollution.
 - The NWSA manages container terminals and supports stormwater BMPs and treatment to meet or exceed ISGP requirements.
 - Municipal properties are required to conduct annual inspections and maintenance of stormwater infrastructure and implement BMPs to reduce potential for pollution.
 - Enhanced stormwater treatment (beyond what is called for in the standard design manual) is incorporated into the design during development/redevelopment projects to ensure Port-owned properties are poised to meet or exceed Washington State stormwater benchmarks for industrial uses.
- Port staff support tenants, including assistance in developing stormwater pollution prevention plans and providing tenant stormwater training:
 - Quarterly meetings with customers to share successes and challenges with stormwater management.
 - Staff Assistance Visits help customers address a wide array of environmental requirements, including waste management and stormwater.
 - Easy-to-read BMP manual and an online FAQ to assist customers with stormwater compliance.
 - Annual training to Port staff and customers, plus an annual workshop that is open to the public to discuss emerging stormwater issues and new innovations in stormwater management.
 - The Port recognizes and encourages tenants' and business partners' efforts in sustainability and environmental protection:

- In 2018, the NWSA began an Environmental Stewardship award program (North Star Awards) open to all tenants and business partners to recognize innovative minds and adaptive measures that support the health of our region's environment. Winners are selected based on leadership that promotes environmental sustainability in an industrial setting or demonstrates an overall commitment to the natural environment.
- Port programs include development, pilot studies and implementation of innovative stormwater treatment (e.g., use of oyster shells in catch basins, roof downspout bio-infiltration boxes, rain gardens, column testing, etc.) for Port properties in areas where treatment is not required.
- The Port is cleaning up contamination on and adjacent to a number of Port facilities:
 - Over 1,000 acres of contaminated soils have been or are in the process of being remediated.
 - Along with our partners, over 400 acres of contaminated sediments in the Blair, Hylebos and Sitcum Waterways have been or are in the process of being cleaned up.
 - Concentrations of toxic chemicals in surface water will continue to be reduced by cleaning up legacy contaminated sediments.

Make salmon more available to Southern Resident Killer Whales (SRKW)

- Since 1986, the Port of Tacoma has participated in over 200 acres of habitat restoration and/or preservation in areas critical to a salmon's life cycle.
 - Freshwater riverine, freshwater tidal, estuarine and marine habitats, plus floodplain reconnection projects.
- The Port has participated in over 100 acres of habitat restoration at eight sites strategically located in the WRIA-10 estuarine zone, an area critical for salmon recovery in the Puyallup Watershed.
- The Port has completed a mitigation site and is in the final stage of establishing a mitigation bank that reconnects 40 acres of floodplain with the Clear Creek system.
 - Clear Creek was reconfigured from a channelized ditch system to approximately one mile of a more natural, meandering stream with off-channel ponds and alcoves that provide critical rearing and foraging areas for migrating juvenile salmon.
 - Staff are currently working on expanding the mitigation bank that will connect the Upper Clear Creek site to Pierce County's floodplain reconnection project and could include almost 80 acres of new/improved habitat.

- The mitigation bank complements other compensatory mitigation and habitat restoration projects on the Clear Creek system that have been built by the Port, Pierce County, Metro Parks Tacoma, City of Tacoma and the Puyallup Tribe of Indians.

Protect Puget Sound from potential oil spills

- The Port employs a variety of BMPs to prevent spills on or around Port property, including secondary containment for all above-ground petroleum storage and robust inspections to ensure BMPs are operating properly.
- Port has trained staff and on-call emergency response contracts to safely and effectively manage spill incidents, including response to derelict vessels that pose a significant impact to human health and the environment.
- Spill kits are strategically available at all Port-managed properties.

Provide more space and quieter waters

- In 2014, the Port participated in “quiet pile” study with the University of Washington that measured two new pile designs’ performance on reducing underwater noise.
- The Port employs consultants to monitor pile-driving projects to ensure that underwater noise does not adversely impact SRKW and other Endangered Species Act (ESA)-listed marine mammals.