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Boeing to Restore Significant Habitat in Washington State Waterway to Resolve Natural Resource Damage Liability

WASHINGTON— The Boeing Company has agreed to undertake two significant habitat restoration projects in Washington state to resolve its liability for natural resource damages caused by hazardous substances released from Boeing facilities along the Duwamish Waterway, the Justice Department and the National Oceanic and Atmospheric Administration (NOAA) announced today.

The projects are the result of a collaborative effort involving Boeing and the natural resource trustees: NOAA, the Department of the Interior, the U.S. Fish and Wildlife Service, the Washington State Department of Ecology, the Washington State Department of Fish and Wildlife, the Suquamish Tribe and the Muckleshoot Indian Tribe.

Under a settlement filed in federal district court in Seattle, Boeing will create habitat for out-migrating juvenile salmon making their transition from fresh water to salt water, as well as other fish and bird species. The restoration projects will be built at the current location of Boeing's Plant 2 on the Duwamish River and will cover over one-half linear mile of waterway. Boeing also will repay almost \$2 million of the natural resource trustees' costs and will establish a permanent stewardship fund for the projects.

"Restoring injured natural resources in the Lower Duwamish Waterway is very important, and this settlement is a first step in that direction," said Ignacia S. Moreno, Assistant Attorney General for the Justice Department's Environment and Natural Resources Division. "Through this settlement, we are sending a signal that we will protect natural resources and we will act to restore them when they are injured."

"The restoration projects and this settlement demonstrate what can be accomplished when those responsible for natural resource injuries cooperate with the natural resource trustees," said Lois Schiffer, General Counsel of the National Oceanic and Atmospheric Administration. "Both projects will create new intertidal, marsh and riparian habitat, which will largely benefit juvenile Chinook salmon, a fishery that relies on these areas during a critical period in their life cycles when they are adapting to marine salinity."

The settlement resolves the natural resource trustees' claims against Boeing, which are contained in a complaint filed with the consent decree. The complaint asserts claims for natural resource damages under the Superfund statute, the Clean Water Act, the Oil Pollution Act, and Washington's Model Toxics Control Act.

The consent decree, lodged in the U.S. District Court for the Western District of Washington, is subject to a 30-day public comment period and approval by the federal court. A copy of the consent decree is available on the Justice Department website at www.justice.gov/enrd/Consent_Decrees.html.

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Environment and Natural Resources Division

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