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Seattle Harbor Expansion Likely to Harm Killer Whales, Suit Says

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- **COURT:** W.D. Wash.
- **TRACK DOCKET:** No. [2:21-cv-275](#) (Bloomberg Law Subscription)

Two federal agencies failed to fully consider how an expansion of Seattle's harbor could harm endangered killer whales, according to a new lawsuit an environmental advocacy group filed in federal court in Washington state.

The U.S. Army Corps of Engineers and National Marine Fisheries Service said the expansion wouldn't have a significant environmental impact, and isn't likely to adversely affect the animals. But the project will dredge up hazardous contaminants and increase the number of ships moving through their habitat, the **Center for Biological Diversity said in its Thursday complaint in the U.S. District Court for the Western District of Washington.**

There are 74 remaining Southern Resident killer whales, which are threatened by starvation, vessel noise, and environmental contaminants, the center said.

The harbor expansion would facilitate access for larger container ships. The Corps will remove over 1.1 million cubic yards of material from the waterways, some of which contains hazardous substances, as part of the project, the complaint said.

The Corps' failure to prepare a comprehensive environmental impact statement, and the Fisheries Service's determination that the project isn't likely to adversely affect the whales, both violate the National Environmental Policy Act, the center said.

Cause of Action: Endangered Species Act, National Environmental Policy Act, Administrative Procedure Act.

Relief: Vacate both agencies' environmental determinations; order revised documents that consider a range of mitigation to protect the whales; award attorneys' fees.

Response: The Corps declined to comment on the active litigation. The Fisheries Service didn't immediately respond to a request for comment.

Attorneys: The Center for Biological Diversity is representing itself.

The case is [Ctr. for Biological Diversity v. U.S. Army Corps of Engineers](#), W.D. Wash., No. 2:21-cv-275, 3/4/21.