

# Appellant in One Seattle Plan FEIS Appeal Says Dismissal Paves Over Orca Recovery Efforts

SEATTLE, WA, UNITED STATES, June 5, 2025 /EINPresswire.com/ -- The City of Seattle's Hearing Examiner recently dismissed an appeal by wildlife advocate Jennifer Godfrey concerning the Final Environmental Impact Statement (FEIS) for the City's growth plan, the "One Seattle Plan." Godfrey's appeal centered on the FEIS's failure to assess impacts to [Southern Resident Killer Whales](#) from increased polluted stormwater runoff. According to the appellant this dismissal effectively removes the public right to use the established appeal process on an inadequate EIS, allegedly setting a dangerous precedent.

The King County Superior Court dismissed the initial appeal in late May.

Godfrey has filed an appeal with the Washington State Court of Appeals: Jennifer Godfrey v. Office of the Hearing Examiner of the City of Seattle, No. 882520.



The City of Seattle's Hearing Examiner recently dismissed an appeal by wildlife advocate Jennifer Godfrey concerning the Final Environmental Impact Statement (FEIS) for the City's growth plan, the "One Seattle Plan." Godfrey is asking the court to reinstate her appeal.

Southern Resident Killer Whales (SRKWs) are a distinct and federally protected population of killer whales, listed as Critically Endangered under the Endangered Species Act. The Southern Resident Killer Whale Recovery Plan identified stormwater pollution as a major factor of declining orca health in Puget Sound.

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*Jennifer Godfrey*

The orca appeal alleges that the City's analysis of and proposed mitigation for the increased polluted stormwater runoff that the land use changes will cause was inadequate. The appeal emphasized the importance of retaining mature trees, particularly conifers greater than

20 inches in diameter. According to the City of Portland, these trees provide more than half of the total ecological services in urban forests, including reducing and filtering stormwater runoff from impervious surfaces. The appeal further alleges that the FEIS overlooks viable incentives for tree retention and falsely assumes that small replacement plantings will quickly provide equivalent benefits.

"Seattle's growth should not come at the expense of the last remaining 73 Southern Resident Killer Whales," said Godfrey. "This plan will literally pave over orca recovery efforts. It will increase hardscape and facilitate indiscriminate removal of the large trees that provide vital stormwater filtration, without requiring effective mitigation or honest analysis of the ecological consequences."

The City Hearing Examiner dismissed the initial administrative appeal on April 11. The Examiner cited recent changes to state law that limit State Environmental Policy Act (SEPA) appeals for actions intended to increase housing. The orca appeal argues that the recent SEPA amendments were misinterpreted; dismissal was premature since the appeal prohibition only applies after the City Council has adopted the proposed ordinance. The appeal argued that since no ordinance had been adopted by the Seattle City Council, the appeal should not have been dismissed without a hearing on the merits of Godfrey's claims.

Godfrey's appeals ask the courts to reinstate her orca appeal and require the City to revise the FEIS in line with federal orca recovery guidelines. She is calling for stronger protections for mature trees and a best available science based assessment of [stormwater impacts](#) on water quality, particularly in areas that flow into critical orca habitats such as Elliott Bay.

"The health of Puget Sound and the future of the Southern Resident Killer Whales depend on decisions being made right now," said Josh Morris of Birds Connect. "The City must meet its legal obligations to protect these species, and ensure that its planning process is transparent and science-based."

Join us June 6th at 7pm for Healthy Habitats & Homes: Orcas, Trees, and People to hear more about these issues. The event features Lynne Barre, who spent 25 years at NOAA leading recovery efforts for orcas, and Geof Donovan, a forest economist who quantifies the health benefits of trees. Open to the public with a suggested donation of \$7. RSVP at [www.tinyurl.com/seattleOrcaTalk](http://www.tinyurl.com/seattleOrcaTalk) Presented by Orca Nexus, the American Cetacean Society of Puget Sound, and Tree Action Seattle.

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