

Department of Natural Resources

The Washington State Department of Natural Resources (DNR) appreciates the opportunity to submit the following comments on the I & J Waterway MTCA Cleanup Site April 2018 Draft Cleanup Action Plan. DNR manages State owned aquatic land (SOAL) in accordance with RCW 79.105 through 79.140 and WAC 332-30, which are not exempt under MTCA. DNR is responsible for authorizing uses of SOAL and is the agency of recordation for institutional controls that encumber SOAL. The I&J Waterway cleanup is likely to require both an use authorization and institutional controls from DNR. Since use authorizations and institutional controls affect cost, public benefit, and logistical feasibility, DNR asks that relevant information be documented as early as possible in the cleanup process and not be deferred entirely to ancillary documents such as the institutional control plan.

The description of each remedy type should clearly state the degree to which the integrity of the remedy relies upon institutional controls. Please expand the description of each remedy type to include the sediment depth and area on SOAL that must remain undisturbed, the length of time use restrictions are required, and the conditions under which they can be removed in the future. If institutional controls are not required for a particular remedy, describe the degree to which disturbance of the sediment is allowed. This will enable DNR to determine the prohibited public uses, the terms of authorization, and to evaluate whether the proposed land use and restrictions are in harmony with DNR regulatory mandates.