

Groven, Connie (ECY)

From: Matt Beirne <matt.beirne@Elwha.org>
Sent: Monday, March 16, 2020 4:53 PM
To: Groven, Connie (ECY)
Subject: LEKT Comments on WPAH Public Review Draft RIFS_F
Attachments: LEKT Comments on WPAH Public Review Draft RIFS_F.docx

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Hi Connie,

Please find our attached comments regarding the WPAH Public Review Draft RIFS. If you have any questions, feel free to give me a call.

Thanks!

Matt

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**Lower Elwha Klallam Tribe's Additional Comments
on the Western Port Angeles Harbor Sediment Cleanup Unit
2019 Public Review Draft Remedial Investigation/Feasibility Study**

March 16, 2020

The Lower Elwha Klallam Tribe ("Lower Elwha" or "the Tribe") has previously, in 2018 and 2019, submitted review comments to the Department of Ecology on prior review drafts of the Western Port Angeles Harbor Sediment Cleanup Unit Remedial Investigation/Feasibility Study (RI/FS). While the Tribe found most responses to our comments to be adequate and believes that the Western Port Angeles Harbor Group's (WPAHG) revisions the RI/FS report reasonably address some of the Tribe's comments, we continue to note several concerns that Ecology must consider in developing the Cleanup Action Plan for the Site.

Additional Characterization

The Tribe supports additional characterization during the pre-remedial design phase to include characterization of intertidal areas within the lagoon (SMA-2) and within proposed buffer areas surrounding and beneath overwater structures and in other nearshore areas (SMA-1 and SMA-3). The potential for disturbance in these areas to re-suspend sediments and re-contaminate adjacent remediated areas should be evaluated and addressed. Potential contamination in these areas must be considered and addressed when determining compliance with cleanup levels based on surface-weighted averaging.

According to the Draft RI/FS there are a number of historical industrial outfalls located in the inner harbor and the lagoon. It appears that these shoreline locations were not sampled during the remedial investigation. We recommend collecting sediment grab and core samples from these intertidal areas during the pre-remedial sampling design.

In addition to the historic industrial outfall locations, there appears to be a sampling gap along the northwestern shoreline from the Tesoro leased pier to the east. This area appears to have greater composition of fines and is located near significant historical industrial activities.

Sediment Management Area (SMA) 2

As noted in our previous comments, the Tribe believes that a full dredging or partial dredging and capping option is necessary rather than capping only or EMNR options. While a revised alternative (Alternative 2-D) provides a new option that focuses on intertidal and shallow subtidal excavation and capping actions in the lagoon to minimize changes to ecological conditions in this area, it is not included in the preferred alternative. The Tribe continues to strongly prefer excavation or partial excavation and capping in the lagoon, as opposed to capping and EMNR only.

Transloading Facility

The Tribe anticipates that extended activities at the proposed transloading facility may have significant impacts on Tribal uses and resources at the adjacent Tse-Whit-Zen village site. WPAHG should be on notice to consult with the Lower Elwha Tribe and develop culturally appropriate mitigation for these potential impacts. In addition to options for shielding to minimize noise and dust impacts, compensatory mitigation may also include additional ecological restoration actions at the lagoon.

Filling of Intertidal Habitat

The selected alternative should not rely on filling of intertidal areas that would result in the loss of the amount or quality of intertidal habitat.

Compliance with MTCA and SMS Requirements

Alternatives that do not comply with the requirements of the Model Toxics Control Act (MTCA) or the Sediment Management Standards (SMS) should not be included in the RI/FS. Retaining such alternatives is misleading and gives the appearance that the alternative preferred by the proponent provides greater protection than an alternative that doesn't even meet MTCA and SMS standards.

Treaty Rights and Access

The RI/FS notes that institutional controls would be detailed as appropriate in an OMMP to be developed and refined during remedial design "ensuring that such controls minimize the potential to impact the exercise of Tribal treaty rights." This sentence should be modified to add the phrase "including tribal access to treaty resources." In addition, it should be expressly noted that institutional controls that have the potential to impact the exercise of Tribal treaty rights should be developed in consultation with Lower Elwha and the S'Klallam Tribes.