



MUCKLESHOOT INDIAN TRIBE

Fisheries Division

39015 - 172nd Avenue SE • Auburn, Washington 98092-9763
Phone: (253) 939-3311 • Fax: (253) 931-0752



January 31, 2025

Beau Johnson
State of Washington, Department of Ecology
Site Manager
P.O. Box 330316
Shoreline, WA 98133-9716

RE: Comments on the Feasibility Study for the Industrial Container Services, WA, LLC (ICS) MTCA Site (ICS Site)

Dear Mr. Johnson,

The Muckleshoot Indian Tribe's Usual and Accustomed Fishing Grounds include all of the aquatic areas of the Duwamish Waterway. The Duwamish River is an important location where the Tribe exercises its federally-adjudicated fishing rights.

Adequate cleanup of the ICS site is a necessary step for the protection of the health of tribal fishers exercising their treaty rights in this area and for the protection of the aquatic ecosystems, which contribute to the health of the fishery itself. It's imperative that cleanup of the ICS site move forward quickly to control sources of sediment, soil and groundwater contamination to the Duwamish waterway and prevent delays to EPA's cleanup of the Lower Duwamish Waterway due to uncontrolled upland sources.

This site has been listed in Ecology's ISIS database since 1988. After 37 years of investigation and study, Ecology has provided the opportunity for public comment on the Remedial Investigation and Feasibility Study for the ICS Site. Please see specific comments below.

1. The Remedial investigation included the Douglass property to the North of the inlet at RM 2.2, yet this area is not included in the Feasibility Study. What is the timeline for determining the cleanup plan for the Douglass Property? Are there potential groundwater impacts from the Douglass property that could impact the inlet?
2. The preferred cleanup alternative as identified in the Feasibility Study relies on EPA's cleanup of the LDW to address sediment contamination in the embayment, or inlet at RM 2.2. How will the appropriate coordination and timing of activities be ensured between Ecology and EPA?

3. Off-channel habitat is severely lacking in the Lower Duwamish River and the inlet at RM 2.2 represents some of the only remaining off-channel habitat. The habitat value of the inlet should be improved by incorporating salmon friendly habitat elements in the design, including on the north side of the inlet bordering the Douglass property.
4. The proposed action occurs within the Tribe's Usual and Accustomed Fishing Area and has the potential to generate impacts to tribal fishing. It is too soon in the cleanup planning process to have specific details involved with the work that will required, but the proposed activities have the real potential to adversely affect Tribal fishing in the area, either through direct displacement of fishing areas or through net damage caused by the construction activities. The Tribe expects to coordinate with Ecology on cleanup activities, as plans and details become available.

Thank you for the opportunity to comment on this important component of cleanup of the Duwamish River. We look forward to working with you closely on this issue at a government-to-government level as you develop a cleanup plan.

Please contact me at 253-876-3127 for further coordination.

Sincerely,

A handwritten signature in blue ink that reads "Kelsey van der Elst". The signature is written in a cursive, flowing style.

Kelsey van der Elst
Environmental Regulations Specialist
Muckleshoot Indian Tribe Fisheries Division

CC'd:

Nancy Rapin, Muckleshoot Indian Tribe
Elly Hale, EPA LDW RPM
Nasrin Erdelyi, EPA LDW RPM
Kim Wooten, Ecology TCP