



Confederated Tribes and Bands  
of the Yakama Nation

Established by the  
Treaty of June 9, 1855

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November 30, 2020

ELECTRONIC TRANSMITTAL

Kevin Parrett, Manager  
Northwest Region Cleanup Section  
Oregon Dept. of Environmental Quality  
700 NE Multnomah Street, Suite 600  
Portland, OR 97232-4100

Lynn Peterson, President  
Metro Council  
Metro Regional Center  
600 NE Grand Ave.  
Portland, OR 97232-2736

**RE: Willamette Cove Upland Site, Oregon DEQ Staff Report**

Dear Kevin and Lynn:

The Confederated Tribes and Bands of the Yakama Nation (Yakama Nation) is taking the opportunity to provide Oregon DEQ and the Metro Council with our continued concerns regarding the remedial action being proposed for the Willamette Cove Upland Site in DEQ's Staff Report, issued in March 2020. In general, we share similar concerns with those recently expressed by the Portland Harbor Community Coalition (PHCC); the selected Alternative 4c is not a protective or permanent remedy that will allow for the proposed uses of that area by the local North Portland community. We are recommending that there be more consideration of the potential impacts of the proposed remedy to the shoreline habitat and future uses of this important site before making a commitment to any alternative that includes a capped contaminated soil consolidation unit as currently planned. Given the uncertainties surrounding that unit's proposed proximity to the Willamette River, we agree with the PHCC that other alternatives in the Staff Report would better serve the future generations of river users that will be potentially exposed to contaminants remaining on the site. For this reason, we believe a rethink of the Willamette Cove cleanup is in order, and the Yakama Nation would like to engage in more conversation with you about the proposal before any Record of Decision is issued.

As we previously noted in our April 2019 comments on DEQ's Revised Feasibility Study and Source Control Evaluation, the Yakama Nation has two primary issues with the selected remedial action for the Upland Site. First, onsite consolidation and disposal of toxic soils is not appropriate for the Willamette Cove area. Because oil contaminants are both persistent and bio-accumulative, any soil consolidation unit would need to be permanent. However, this site is a narrow swath of land that doesn't allow for adequate setback of the consolidation unit from the riverbank (the widest part of the site is approximately 600 feet). As a result, that unit appears from DEQ's figures to be located within only 100 feet of the top of the bank.

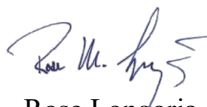
Given this configuration, the potential for future failure of the soil unit and consequent releases to surface water is a very real possibility that ODEQ does not acknowledge in the Staff Report. Increased flooding may compromise the remedy, particularly with the onset of effects from climate change. In addition, the risk of poor nearshore geotechnical stability may compromise the remedy in an earthquake event (shorelines are in a liquefaction zone), and bioturbation caused by the shrubs and trees being planned for the site may eventually re-distribute contaminants. These possible occurrences will likely result in further exposure of contaminants into the environment. Given such risks, the proposed remedy is not at all compatible with the future use scenario being envisioned (public park and habitat) and will not be protective of either human or ecological receptors. We also recommend that habitat mitigation be incorporated into any remedial design, including a riparian habitat buffer in both the upland nearshore and riverbank areas.

We also have concerns about the groundwater to surface water contaminant transport pathway. Although we understand that additional ODEQ investigation and evaluation of the groundwater to surface water pathway is ongoing, better integration with EPA's proposed remedy is necessary. This includes riverbank investigation and integration with in-water Remedial Design prior to (or in conjunction with) finalizing the upland cleanup alternative. For example, if the in-river design determines the need for additional layback of the riverbanks, there may be even less opportunity for setback of the contaminated soil consolidation unit.

The Yakama Nation urges DEQ and the Metro Council to consider a more permanent and integrated solution to the remaining hazardous contamination that will maximize the upland cleanup's protection of both the shoreline resources and community safety. Selected Alternative 4c of DEQ's Staff Report simply does not provide the level of assurance necessary for meeting these goals for the Willamette Cove cleanup. A better option will allow for a better future for this extremely valuable shoreline area of Portland Harbor.

You can contact me at (509) 307-3533 if you would like to discuss this letter.

Sincerely,



Rose Longoria  
Regional Superfund Projects Manager  
Yakama Nation Fisheries

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