



Oregon

Tina Kotek, Governor

Department of Environmental Quality

Agency Headquarters

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August 6, 2024

Sent via electronic mail to: jonathanwsmith@wstribes.org

Jonathan W. Smith
Tribal Chairman
Confederated Tribes of the Warm Springs Reservation
P.O. Box C
Warms Springs, OR 97761

Re: McCormick and Baxter Superfund site future use

Dear Chair Smith,

I am writing to share information about upcoming work at DEQ related to the McCormick and Baxter Superfund site. DEQ welcomes Government-to-Government consultation, or any other means of engagement and coordination your tribe is interested in, to discuss this process.

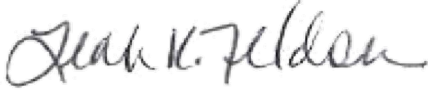
DEQ has been working on the McCormick and Baxter Superfund site for many years. The site includes 41 acres of land along the Willamette River in north Portland and an additional 23 acres of in-water habitat that was heavily contaminated with creosote, copper, polyaromatic hydrocarbons, arsenic and other contaminants over decades of industrial use. The cleanup was completed in 2005 and included excavation and off-site disposal of upland soil, construction of a clean soil cap over the entire site, capping sediment in the Willamette River and Willamette Cove, construction of a subsurface groundwater barrier wall to control migration of pollution from the site to river sediments, institutional controls and long-term monitoring.

In May 2024, DEQ received a Prospective Purchaser Agreement (PPA) application from the nonprofit Portland Botanical Gardens to purchase the McCormick and Baxter property and build a ticketed botanical garden on a part of the land. Portland Botanical Gardens is also proposing construction of a public greenway along the waterfront, an interpretive native plant garden, and a semi-public open gathering space. For reference, this site is right next to the Willamette Cove site that Metro and the Port of Portland are cleaning up to be developed as a nature park. A PPA is a legally binding agreement between DEQ and a prospective purchaser (or lessee) that limits the purchaser's or lessee's liability to DEQ for environmental cleanup of the property. In return for this liability release, the PPA must provide a substantial public benefit.

As DEQ evaluates this application, we would appreciate any input the Confederated Tribes of the Warm Springs Reservation has regarding the public benefit associated with the proposed use of the site. If the Tribal Council would like to consult with DEQ on the application, I welcome the opportunity to learn and hear from you.

Please express your interest in consulting with DEQ on this matter by August 30 so we may plan accordingly. Contact Christine Svetkovich, DEQ's Northwest Region Administrator, at Christine.svetkovich@deq.oregon.gov or (503)229-6991.

Sincerely,

A handwritten signature in dark ink, appearing to read "Leah K. Feldon". The signature is fluid and cursive, with the first name "Leah" being more prominent.

Leah Feldon
Director

Cc: Austin Smith, Jr., Confederated Tribes of the Warm Springs Reservation
Cultural Resources Staff, Confederated Tribes of the Warm Springs Reservation
Roxy Nayar, DEQ, Tribal Liaison
Christine Svetkovich, DEQ Northwest Region Administrator