



September 3, 2024

David Butler, Site Manager
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**RE: Dawn Food Products State Environmental Policy Act Determination of
Non-Significance and General Environmental Justice Considerations**

Dear Mr. Butler,

The Duwamish River Community Coalition (DRCC) has long been a community steward for environmental justice in the Duwamish Valley, which is one of the most polluted areas in the entire Pacific Northwest following 100 years of industrial dumping and release of toxic waste. DRCC has worked tirelessly alongside community groups and neighbors for 20 years to clean up the water, land and air while fighting to eliminate ongoing industrial pollution that makes our communities among the least healthy in the County.

Our valued coalition member, The Duwamish Tribe, originated along the shores of the Black and Duwamish Rivers near the modern-day cities of Renton, Tukwila and Seattle. This location is the home of our ancestral village and our people, dx̣ẉḍəẉʔaḅš, The People of the Inside. The Black and Duwamish Rivers hold numerous Duwamish ancestral and historical place names including the location of our creation story at North Wind's Weir. The Duwamish and other Tribes including the sc̣'abaḅš (Sammamish), the x̣āč̣uaḅš, (the Lake People, a part of the Duwamish Tribe), sduḳẉalbix̣ẉ (the Snoqualmie Tribe), x̣ẉsəq̣ẉəḅ (the Suquamish Tribe) and the sduhuḅš (the Snohomish Tribe). We all partook of water and land resources in and around Lake Washington, x̣āč̣u (the Big Lake), including the City of Kirkland. The Duwamish and our sister Tribes have been here since at least the end of the Vashon Stade of the Fraser Glaciation which was about 10 to 12 thousand years ago.

After European contact, the area we once knew was artificially divided and most of our people were forced to leave our ancestral lands and waterways. At the turn of the 20th century, our last traditional longhouses and gathering places (potlatch homes) were burned and the land regraded to make a port in downtown Seattle, and the Duwamish River armored and straightened to create a waterway for industrial traffic. In addition the Montlake Cut was created

to make ship passage from Shilshole Bay (šilšulucid) via the newly created Ballard (Hiram M. Chittenden) Locks into Lake Washington. The cut and waterways through Lake Union (x̄x̄čū?) were not a permanent passageway during our ancestors' time. It was a seasonal place to put our canoes as well as a burial place for our ancestors. These changes effectively cut us off from our access to water, our food sources, transportation and trade, and our way of life by lowering Lake Washington and drying up the Black River, a river which helped mitigate seasonal tides coming up from Elliott Bay through the Duwamish River. The Duwamish Tribe and our sister Tribes have experienced the same adverse effects of climate change on our ancestral lands many years before the documentation of global warming.

DRCC's MTCA work over the past several years has included engaging the community in creative ways such as through in-person gatherings, community events, and multilingual social media and video interactions to bring some of this information to the community and gather their input. We prioritize the voices of those who are directly impacted by these changes to ensure that our impacted low-income and black/indigenous/people of color immigrant, refugee, and fisher communities who already suffer the greatest exposures and health disparities can be meaningfully informed and engaged.

Residents of the Duwamish Valley are disproportionately exposed to contamination relative to other communities in the City of Seattle. People who live in Georgetown and South Park have some of the most severe health inequities in the City of Seattle. Childhood asthma hospitalization rates are the highest in the City, heart disease death rates are 1.5 times higher than the rest of Seattle and King County, and life expectancy is 13 years shorter when compared to wealthier neighborhoods and 8 years shorter when compared to the Seattle and King County average.

As we have expressed in previous comment letters, communities should be meaningfully engaged in decisions that will most heavily impact them. As community stewards, we are committed to keeping our community informed and ensuring that they access information in a way that allows them to provide their input. Unfortunately, DRCC did not receive an Ecology Public Participation Grant for 2023-2025 which means that we are no longer receiving funding to engage with our environmental justice community in a way that supports the type of engagement that we had been doing previously, including but not limited to: multilingual advertising and attending community meetings; sharing MTCA site details at community-hosted events with DRCC created materials; and detailed comment letters informed by thorough review of all site document with consultation by technical advisors. In light of this fact, Ecology can no longer rely solely on DRCC's community expertise and will need to conduct its own meaningful community engagement as part of the public participation process.

We include this background information in order to remain transparent as a community-based organization and as a request to the Department of Ecology to reevaluate the way their existing funding structures and reliance on overburdened communities and grassroots

organizations to perform uncompensated labor is antithetical to principles of environmental justice and equity. With regard to DRCC's review of the Dawn Food Products SEPA DNS and general feedback on equitable engagement, we offer this limited review:

I. ECOLOGY SHOULD ACKNOWLEDGE CUMULATIVE HEALTH IMPACTS IN ALL MTCA DOCUMENTS IN ENVIRONMENTAL JUSTICE COMMUNITIES.

It is incredibly important for Ecology to be considering the unique needs of an environmental justice community at all stages of cleanup. This consideration should then be reflected in all planning documents used for the site. One way for Ecology to recognize the unique needs of environmental justice communities like Georgetown is to acknowledge that these communities are exposed to multiple contaminants throughout their community, which creates additive risks. Acknowledging this will validate the lived experience of community members and show the ways that Ecology is factoring in the ways that a cleanup like this one should be more restrictive than cleanups in more affluent areas of Seattle.

II. ECOLOGY SHOULD INCLUDE SUBSTANTIVE REVIEWS OF TECHNICAL DOCUMENTS AT PUBLIC MEETINGS.

Ecology should also provide a more substantive explanation of the documents they are seeking comments on. The majority of the public does not have the time to review them, and many of them are lengthy and technical. While existing material providing an overview of the MTCA process is helpful, it does not convey information that would allow the community to engage with documents coming out of specific sites. Many of the documents that Ecology asks for public comment on are extremely long and difficult to understand, with technical maps, tables, and appendices that make these documents inaccessible to the vast majority of the general public.

Ecology should do a better job of taking more ownership of their role in creating an equitable process by presenting on the content of the documents they are seeking comment on. This would bring more people into the process who previously lacked the time and resources to do their own review and help remedy the power balance that exists between a state agency and an overburdened community.

III. ECOLOGY SHOULD PERFORM AN ARCHAEOLOGICAL SURVEY AND KEEP THE DUWAMISH TRIBE UPDATED AS MONITORING IS CONDUCTED.

The Duwamish Tribe understands that the Washington State Department of Ecology will be overseeing cleanup of soil and groundwater at the Dawn Foods site located at 6901 Fox Ave S in Seattle. Based on the information provided and our understanding of the project and its APE, the Duwamish Tribe is in agreement with the plan to have archaeological monitoring with an inadvertent discovery plan, especially if any groundbreaking activity occurs below fill, topsoil or other impervious surfaces into native soil. This is an area that the Duwamish Tribe considers

culturally significant and has a high probability to have unknown archaeological deposits. We note that there are 18 historical and ancestral Duwamish place names within 1.5 miles of the project location. The DAHP WISAARD predictive model indicates that an archaeological survey is highly advised with a very high risk for encountering cultural resources.

We request that when archaeological work or monitoring is performed, we would like notification. Cultural and archaeological resources are non-renewable and are best discovered prior to ground disturbance. The Tribe would also like the opportunity to be present if or when an archaeologist is on site.

In addition, the Tribe strongly recommends only native vegetation be used for any proposed landscaping to enhance habitat for fish and wildlife, and native avian life and native pollinators. The Tribe supports observing critical area tracts and stream buffers to preserve any remaining wetlands and stream buffers. Loss of wetland habitat is known to affect the viability of fish, water quality and increase the effects of seasonal urban flooding.

IV. GENERAL COMMENTS ON THE SEPA CHECKLIST.

In the section on Water Runoff, the checklist asks if waste materials *could* enter ground or surface waters. We believe Ecology's response is insufficient and should include a description of potential scenarios. Ecology cannot say with certainty that no runoff will occur, especially since injection work will occur within 200 feet of the LDW. Even if the work does not require any surface or groundwater withdrawals, the operation of an ongoing construction site could create opportunities for waste materials to enter the groundwater or the surface water of the Duwamish River. Further, while there are no changes in drainage patterns at this site, the checklist asks for measures to reduce or control surface, ground, and runoff water in *addition* to drainage pattern impacts. Ecology did not address the first three issues, and again, we have concerns about increases in risks associated with runoff due to the presence of all of the construction equipment that will be operating at the site. In their Determination of Nonsignificance, Ecology even acknowledges petroleum leaks and spills as a potential adverse impact of construction. This should be incorporated in the checklist analysis and explanation.

The checklist should also include a more robust explanation of recreational opportunities near the site. Despite restricted public access and the area being highly industrialized, community members often fish along the river off piers and riprap. The boat launch under the 1st Avenue Bridge is also an incredibly popular fishing spot in the vicinity of the site, and should be included in the list of recreational areas. Boaters often use this area of the river, including tribal members, commercial fishers, recreational boaters including kayaks and rowing boats, and private boaters who utilize the South Park Marina. Given these additions, the subsection on recreational use displacement should include the potential impacts on both fishing and boating as an informal recreational opportunity.

Ecology should also include a sentence or two in the subsection on “proposed measures to reduce or control transportation impacts.” How did Ecology reach the conclusion that no negative effects on transportation are expected if there are three adjacent public streets and cleanup work will require the transportation of large machinery and likely several vehicles at minimum in order to transport workers to and from the site? Changes in traffic due to cleanup has repeatedly been a high concern for community members in the Duwamish Valley who are often dealing with the compounded impacts of multiple cleanup sites. If no mitigation is required, it should be relatively low-effort for Ecology to provide a brief summary of how they reached this conclusion.

We recognize that even with the inclusion of these edits, it is incredibly unlikely that the outcome of the review will change. However, it is important that Ecology makes the effort to properly categorize risks and existing uses associated with the site, particularly since the site is located in Georgetown and is an overburdened community. Despite the fact that many areas in the Duwamish Valley are zoned industrial, this site is in close proximity to places where community members live, work, and play. Understating this fact through insufficient explanations and analysis reinforces harmful ideas about the Duwamish Valley as a sacrifice zone. This in turn impacts the way decisions and future assessments on cleanup sites and other projects are made about our community, either through the SEPA process or through other mechanisms. We appreciate this opportunity to provide comments. Please do not hesitate to contact us if you have any questions.



Jamie Hearn
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Duwamish River Community Coalition

Nancy Sackman
Cultural Preservation Officer
Duwamish Tribal Services



From: [Nuszer, Augie \(ECY\)](#)
To: [Paulina Lopez](#); [Mia Ayala-Marshall](#)
Cc: [Schwarz, Julia \(ECY\)](#); [Carp, Brett \(ECY\)](#)
Subject: Dawn Food Products comment response
Date: Monday, October 7, 2024 3:25:00 PM
Attachments: [image001.png](#)
[Response to DRCC Final.docx](#)
[SEPA Environmental Checklist Supplemental.pdf](#)

Good afternoon,

Thank you for your patience as we've formulated this response document. It is attached here alongside your requested revisions to our SEPA DNS, and they will both be posted on the [Dawn Food Products webpage](#), as well as the [SEPA Register](#). Additionally, I wanted to inform you that the previous site manager, David Butler, has moved out of state. Moving forward, Julia Schwarz will be your primary contact for all site-related matters. Please feel free to reach out to her directly at Julia.Schwarz@ecy.wa.gov for any future needs. If you have any questions, don't hesitate to reach out!

Many thanks,

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Response to DRCC and The Duwamish Tribe

October 7, 2024

I. Acknowledging Cumulative Health Impacts in MTCA Documents for Environmental Justice Communities

Thank you for highlighting the importance of considering cumulative health impacts in environmental justice communities like Georgetown, where residents may face multiple environmental stressors. We understand that acknowledging these factors is crucial in reflecting the lived experiences of community members. The Model Toxics Control Act (MTCA) requires the evaluation of potential health risks and cumulative risk at each site, though not across sites, and we take these evaluations seriously. While MTCA does not provide provisions to consider cumulative exposures across multiple sites, we are committed to improving our approach by incorporating community concerns into the planning and decision-making process. We appreciate your feedback on how this perspective can inform our cleanup approach and will continue to evaluate how these considerations are addressed in our processes and documents.

II. Substantive Reviews of Technical Documents at Public Meetings

Ecology understands the technical complexity and length of the documents available for public comment and strives to balance the need for detailed environmental and health risk assessments with making these materials accessible to the community. To address this, we introduced the Lower Duwamish Waterway 'Office Hours' series, offering monthly opportunities for the public to engage directly with our outreach and technical teams. These sessions, open to all, provide personalized support for any LDW site, including those under public comment. Unlike periodic public meetings, our monthly office hours offer a more consistent opportunity for the community to gain deeper insight into our documents. Our goal is to foster informed participation, and we welcome your feedback on how we can enhance this process further.

III. Archaeological Survey and Tribal Engagement

Ecology recognizes the cultural significance of the Dawn Foods site and surrounding areas to the Duwamish Tribe. We are committed to ensuring that archaeological monitoring is



conducted in accordance with the requirements of the Department of Archaeology and Historic Preservation (DAHP). Additionally, we will continue to notify the Duwamish Tribe of any groundbreaking activities that may occur and will ensure that the Tribe can participate in archaeological surveys, should any discoveries be made during the cleanup process. We are open to the Tribe's recommendations regarding the use of native vegetation and the preservation of stream buffers and can pass along these recommendations to the PLP. However, Ecology has limited ability to require restoration-based activities during cleanup, depending on site-specific information such as the degree of contamination impacts to natural resources, future land use, and the results of biological evaluations performed during the cleanup process. Potential risk and impacts to natural resources will be evaluated during future cleanup activities, as required under MTCA and [Sediment Management Standards](#) (SMS). Ecology may also pursue habitat restoration efforts jointly with local, state and federal partners using [Natural Resource Damage Assessment and Restoration](#) (NRDAR) process. The Duwamish Tribe was notified on September 5, 2024, about the planned well installations at the site, and additional coordination ensured the Tribe could provide oversight. Further construction is scheduled through September and October, and the Tribe has been kept informed of the plans and timeline.

Ecology collaborates directly with Tribal Historic Preservation Offices (or their equivalent agencies) to coordinate cultural monitoring during fieldwork. Additionally, archaeological monitoring at the site is specifically conducted under a DAHP permit to mitigate potential adverse impacts on known cultural resources, requiring careful consideration. Therefore, while we will notify the Duwamish Tribe when appropriate, we are unable to extend the same notifications to nonprofit organizations like the DRCC.

IV. Response to SEPA Checklist Concerns

Ecology appreciates your attention to the details of the SEPA checklist and your specific concerns regarding water runoff. While the checklist reflects our current understanding of potential impacts, we acknowledge that the proximity of the site to the Lower Duwamish Waterway (LDW) and the potential for contamination requires ongoing vigilance. We will review and update our response in the checklist to better address the possible scenarios where construction activities could result in runoff impacts and how those impacts would be addressed.

Regarding recreational use, we agree that the nearby fishing and boating activities are important to the community. While public access is restricted near the immediate site, we will ensure that the checklist includes a more robust consideration of recreational impacts and activities along the LDW. This includes recognition of the nearby boat launch under the 1st Avenue Bridge. Since this interim action will occur in the uplands area only, fishing spots are not expected to be affected by project activities. This will be documented in the updates to the SEPA Checklist.

Concerning transportation impacts, we have reviewed the traffic management needs for the cleanup site and concluded that no significant effects are anticipated as less than 15 additional vehicles per day will be required to implement this interim action, and no heavy construction will occur. However, in response to your concerns, we will provide additional details on traffic in the SEPA Checklist.



We will add this additional information to the SEPA checklist with notes that it has been added as a response to comments received.

Conclusion

We appreciate your emphasis on the need for accurate risk categorization and analysis, particularly given the site's proximity to an overburdened community. Ecology is committed to ensuring that our assessments reflect the unique challenges of the Duwamish Valley and avoid reinforcing inequitable outcomes. Your comments are crucial to this process, and we will continue to engage with the community as the cleanup progresses. Please don't hesitate to reach out if you have any further questions.

