



Fred A. Johnson
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June 7, 2021

RECEIVED

JUN 09 2021

WA State Department
of Ecology (SWRO)

Washington State Department of Ecology
Southwest Regional Office
Attn: Panjini Balaraju, P.E.
P.O. Box 47775
Olympia, WA 98504-7775

Re: Facility Site ID# 61774897
Cleanup Site ID# 6381

Dear Panjini:

I want to give you an update based upon our telephone conference of March 7, 2019, with regard to the lot that the Town of Cathlamet owns at 20 Butler Street, which lot is adjacent to the Bank of the Pacific parking lot, which is the subject of the above-reference cleanup site proceeding. As you may recall, the topic of the telephone conference was a proposed "pocket park" for the 20 Butler Street Lot. In the intervening time, the Town Council has had numerous conversations regarding the best use for the lot. Pursuant to the Town's Resolution No. 394-20, the Town has determined to continue the present use of the 20 Butler Street lot as a parking lot. I am enclosing herewith copies of the following environmental documents that the Town has prepared with regard to its plans to make improvements to the parking lot at 20 Butler Street:

1. DNS Determination Form published in the Wahkiakum County *EAGLE* on June 3, 2021.
2. Preliminary Plan

As you will note, the Town is no longer proposing a park. The Town is now proposing a 14-space parking lot with one electric vehicle charging station. The Town's determination made in accord with its SEPA Ordinance (Chapter 14.05 of the Cathlamet Municipal Code) is that the parking lot is categorically exempt under WAC 197-11-800(b)(b)(iv) [parking lots for twenty or fewer automobiles not associated with a structure]. However, in order to be conservative in its analysis, the Town also made the DNS threshold determination noted above.

With respect to the Restrictive Covenant that applies to the 58 Main Street Parking Lot owned by the Bank of the Pacific, please note that on the northerly side of the Town's parking lot there will be a five-foot wide concrete sidewalk built according to WSDOT Standard

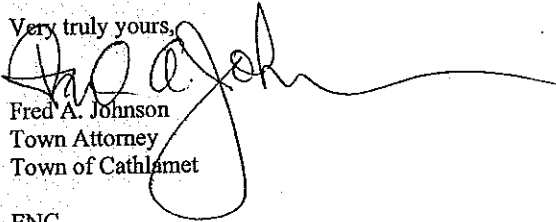
Specifications. As shown on the sketch, there will be small grass-covered areas on each side of the parking lot.

The sidewalk will be constructed flush against the existing six-inch wide retaining wall that is on the Bank of Pacific's property at 58 Main Street. The construction of the five-foot wide sidewalk is consistent with the understanding reached in our conversation of March 7, 2019, which conversation included input from Assistant Attorney General Allyson Bazan and comments from Mr. Andrew Smith of D.O.E. In that conversation the Town agreed to put a 36-inch asphalt cap along the bank's retaining wall to assure that there will be no disturbance of the remaining pollutants under bank's retaining wall. After consulting with our project architect, we decided to widen the barrier to 60 inches to further protect that area from disturbance. The proposed improvements to the parking lot are all in what Mr. Smith referred to as the "clean area" of the 20 Butler Street Lot [that is the area that is green in the document which is attached to the Restrictive Covenant -- a copy of which is enclosed for ease of reference]. As you may recall, Mr. Smith began our conversation of March 7, 2019, by stating that it was D.O.E.'s position that no restrictions contained in the Restrictive Covenant apply to the "clean area." Moreover, the Town's current parking lot proposal would not violate any terms of the Restrictive Covenant even if those terms were applicable to any of the project area. The Town's proposed project is "staying away from the bank's wall" as AAG Bazan summarized D.O.E.'s concern.

As previously agreed, the Town is providing the enclosed project sketch and is asking that D.O.E. concur in writing that the proposed parking lot is acceptable.

Should you need any additional information, please let me know. The Town is willing to cooperate with you in any way. Thank you for your assistance.

Very truly yours,



Fred A. Johnson
Town Attorney
Town of Cathlamet

ENC.

FAJ:tj

cc: Sarah Clark, Town Clerk-Treasurer

**TOWN OF CATHAMET, WASHINGTON
PAC 197-11700 DETERMINATION OF
NON-SIGNIFICANCE (DNS)**

DESCRIPTION OF PROPOSAL:

The town is planning to install a level of street lighting and signage and perform general site improvements including new parking lot for the 20000th Street, Cathlamet, WA 98601. The improvements include adding green space, new landscaping, new signage, new parking lot, and the installation of the new signage.

PROPOSER: Town of Cathlamet

LOCATION OF PROPOSAL INCLUDING STREET ADDRESS IF ANY: 20000th Street, Cathlamet, WA 98601

LEAD AGENCY: Town of Cathlamet

The lead agency of this proposal has determined that the proposed project will not have a significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.010. The project will be made available to the public for review and comment. The lead agency will provide information on the project to the public in a public meeting.

There is no comment period for this DNS.

The DNS is available for public review and comment at the town's public meeting. The public meeting will be held on June 3, 2021, at 7:00 PM.

THE DNS IS AVAILABLE FOR PUBLIC REVIEW AND COMMENT AT THE TOWN'S PUBLIC MEETING. THE PUBLIC MEETING WILL BE HELD ON JUNE 3, 2021, AT 7:00 PM.

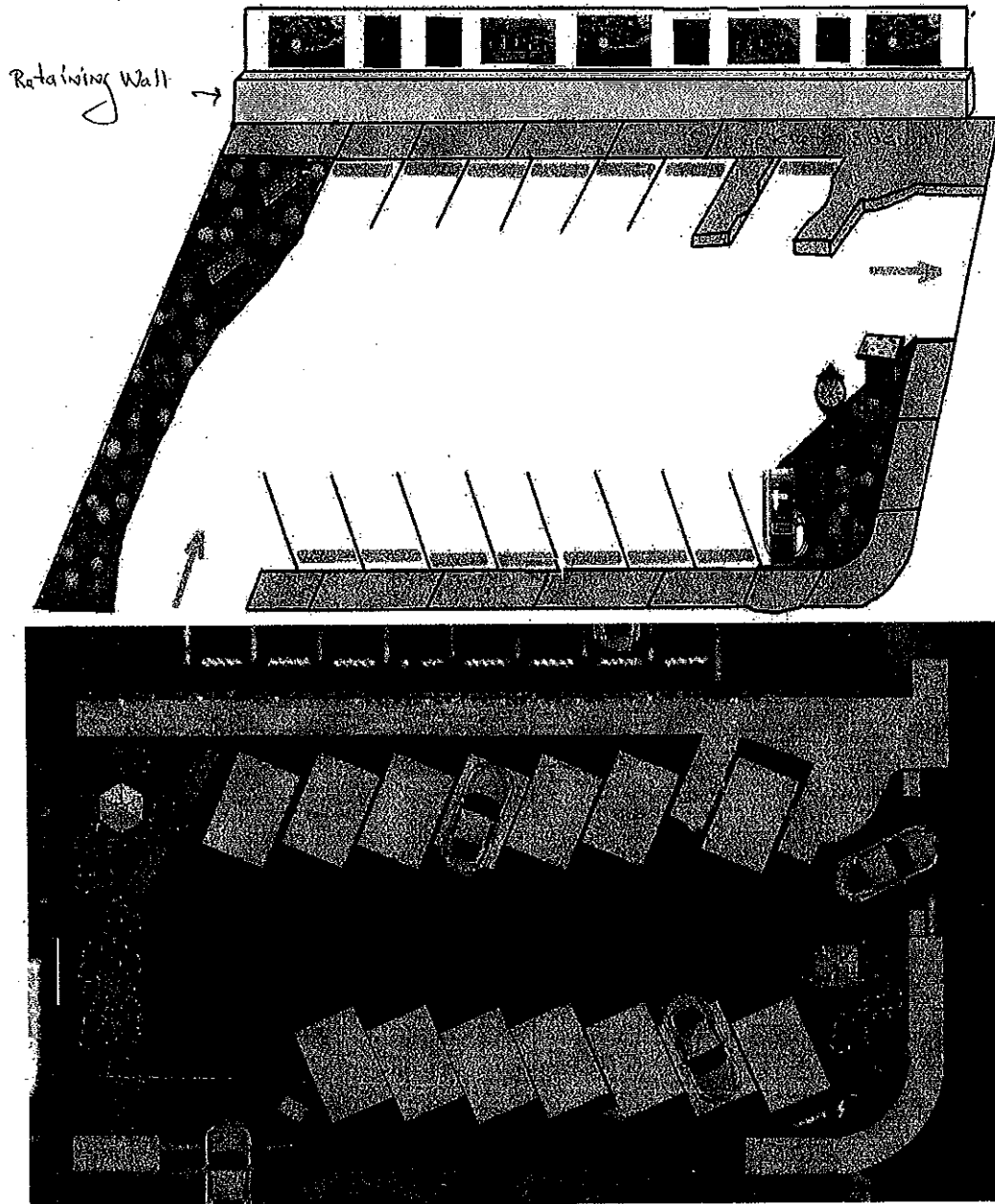
The project is considered categorically exempt pursuant to WAC 197-11700(1)(b)(i). The project includes the installation of new parking lot, new signage, new landscaping, and the installation of the new signage.

RESPONSIBLE OFFICIAL: David McNally
POSITION/TITLE: Public Works Superintendent
ADDRESS: 370 2nd Street, Cathlamet, WA 98601

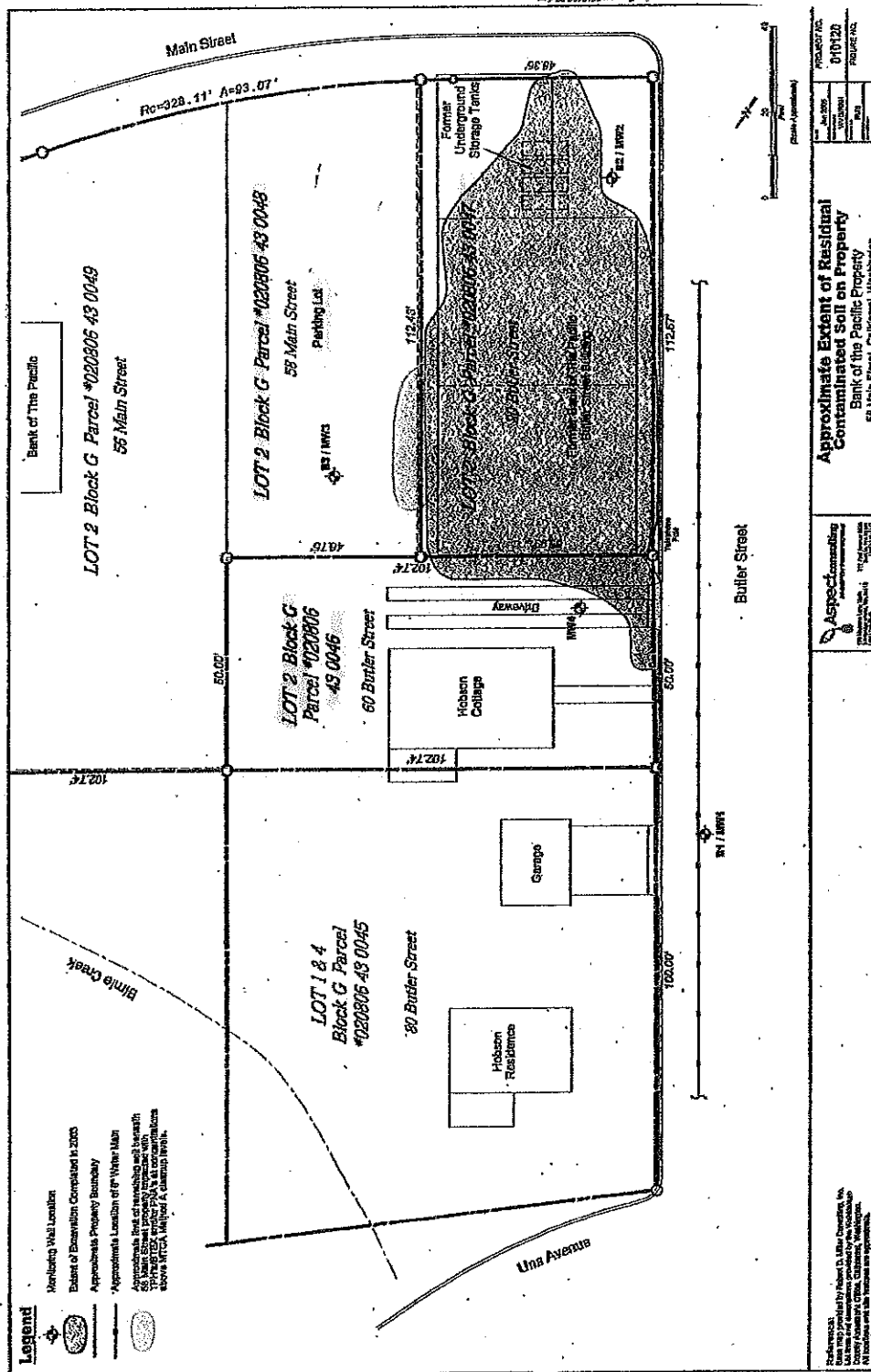
DATE: 5/19/2021 **SIGNATURE:** _____

Publish: June 3, 2021

TOWN OF CATHLAMET, WASHINGTON
RESOLUTION NO. 394- 20
EXHIBIT A



2010055
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11/30/2005 10:00PM
BANK OF PACIFIC COVE 39.00
WARRIORS Co.



Recording Requested
By and Return to:

John Van Dijk, President
Bank of the Pacific
P.O. Box 1826
Aberdeen, WA 98520

06 FEB -9 11:00

RESTRICTIVE COVENANT

The Bank of the Pacific, 58 Main Street, Cathlamet, WA 98612-0337

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by The Bank of the Pacific (hereafter "Owner"), its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

An independent remedial action (hereafter "Remedial Action") occurred at the Owner's 20 Butler Street property. The 20 Butler Street property is located west of, and immediately adjacent to, the Owner's 58 Main Street property (hereafter "Property") that is the subject of this Restrictive Covenant. The Remedial Action conducted at the 20 Butler Street property is described in the following documents: 1) Soil Remediation Report, Bank of the Pacific Butler Street Property, Cathlamet, Washington, Aspect Consulting LLC, April 21, 2004, 2) Post - Remediation Groundwater Monitoring Report, Bank of the Pacific Butler Street Property, Cathlamet, Washington, Aspect Consulting LLC, February 1, 2004. These documents are on file at Ecology's Southwest Regional Office (SWRO.)

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of petroleum hydrocarbon constituents on the Property, including total petroleum hydrocarbons (TPHs), benzene, ethylbenzene and xylenes, which exceed the applicable Model Toxics Control Act (MTCA) Method A Unrestricted Land Use Cleanup Levels for soil



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The Bank of the Pacific 58 Main Street Property, Cathlamet, Washington

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established under WAC 173-340-900. The approximate area of soil on the Property with residual concentrations of hydrocarbon constituents exceeding the Method A Unrestricted Land Use Cleanup Levels for soil is shown on Attachment A to this Restrictive Covenant, and made a part hereof by reference. Specifically, this area of residual petroleum hydrocarbon constituents in soil, depicted in Attachment A, is approximately 10 feet by 35 feet in area and is located from approximately 6 to 10 feet depth beneath the western portion of the main Property parking lot along the retaining wall that forms the western boundary of the Property. Contaminated soil in this area could not be removed without jeopardizing the structural integrity of the retaining wall and adjacent parking lot. Maximum detected residual petroleum hydrocarbon constituents exceeding the Method A Unrestricted Land Use Cleanup Levels for soil in this area were as follows:

- Benzene - 3.3 milligrams per kilogram (mg/kg),
- Ethylbenzene - 18 mg/kg,
- Xylenes - 19.2 mg/kg, and
- TPHs as gasoline - 650 mg/kg

The Owner is the fee owner of the Property located in the County of Wahkiakum, State of Washington that is subject to this Restrictive Covenant. The Property designation is the following described real estate, to wit:

Parcel No. One:

That portion of the Northeasterly 50 feet of Lot Two (2), in Block "G" TOWN OF CATHLAMET, as per plat thereof recorded in Book "A" of Plats, page 1, records of Wahkiakum



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The Bank of the Pacific 58 Main Street Property, Cathlamet, Washington

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County, Washington, lying Southeasterly of the Southeasterly line of that certain tract heretofore conveyed to George Witham, et. ux .., by deed recorded in Book 4 of Deeds, page 285, lying Northeasterly of that certain tract heretofore conveyed to Howard V. Carriker, et. ux .., by deed recorded in Book 22 of Deeds, page 327, lying Northwesterly of the Northwesterly line of Main Street, of said TOWN OF CATHALAMET, as the same presently exists, TOGETHERWITH that certain driveway easement executed by Irving Koths, et. ux .., recorded under Auditor's File No. 25493, in Volume 28 of Deeds & Mortgages, page 45, records of Wahkiakum County, Washington.

Parcel No. Two:

That portion of Lot Two (2), in Block "G", TOWN OF CATHLAMET, as per plat thereof recorded in Book "A" of plats, page 1, records of Wahkiakum County, Washington, EXCEPTING THEREFROM the Northeasterly 50 feet of said lot measured perpendicular to the Northeasterly line thereof; EXCEPT the Northwesterly 50 feet of said lot measured perpendicular to the Northwesterly line of said lot; and ALSO EXCEPTING THEREFROM that certain triangular tract described as follows, to-wit:

Beginning at the most Southerly corner of said lot; thence Northeasterly along the Southeasterly line thereof, 28 feet, more or less, to the intersection of Main Street with the Southwesterly line of said lot extended Southeasterly; thence Northwesterly along said line extended 62.5 feet, more or less, to a point on Alley Street; thence Southeasterly, along the Southwesterly line of said lot, 75 feet, more or less, to the point of beginning.

All situate in the County of Wahkiakum, State of Wasington.



BANK OF PACIFIC

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The Owner makes the following declaration as to limitations, restrictions, and uses to which the Property may be put and specifies that such declarations shall constitute covenants to run with the land, as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property.

Section 1. The Owner shall not alter, modify, or remove the parking lot or retaining wall in the area of residual petroleum hydrocarbon constituents shown in Attachment A in any manner that may result in the release or exposure to the environment of contaminated soil or create a new exposure pathway without prior written approval from Ecology. Additionally, any other activity on the Property that may result in the release or exposure to the environment of the contaminated soil beneath the area of the parking lot shown on Attachment A, or create a new exposure pathway, is prohibited without prior written approval from Ecology. Some examples of activities that are prohibited without prior written approval from Ecology include: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the surface with a rod, spike or similar item, bulldozing or earthwork.

Section 2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3. The Owner of the Property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the

RESTRICTIVE COVENANT

The Bank of the Pacific 58 Main Street Property, Cathlamet, Washington

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Remedial Action.

Section 4. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

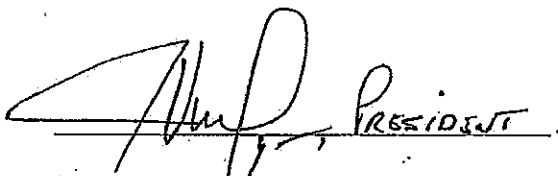
Section 5. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 6. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the Property, and to inspect records that are related to the Remedial Action.

Section 7. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

Attachment A – Approximate Extent of Residual Contaminated Soil on Property

Attachment B – Plat Map of 56 Main Street, Town of Cathlamet


The Bank of the Pacific

RESTRICTIVE COVENANT

The Bank of the Pacific 58 Main Street Property, Cathlamet, Washington

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11-28-05

[DATE SIGNED]

[NOTE: The Property Owner must have this Restrictive Covenant notarized.]

STATE OF WASHINGTON
COUNTY OF GRAYS HARBOR

On this 28 day of November, 2005 personally came before me, a notary public in Grays Harbor County, Washington, who being by me duly sworn, personally appeared John Vandijk, known to me to be the President of the Bank of the Pacific, known to me to be the individual described in and who executed the within instrument and acknowledged that he signed and sealed the same as his free and voluntary act and deed, for the uses and purposes herein mentioned.

Lynn V. Linderman
Notary Public

Printed Name Lynn Linderman

My appointment expires: 4-9-06

