STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Southwest Region Office
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April 21, 2026

Warren Snyder, PE
Director, Legacy Sites
Rayonier Advanced Materials
1301 Riverplace Blvd., Suite 2300
Jacksonville, FL 32207
warren.snyder@ryam.com

Re: Substantive Requirements of HPA for Pre-Remedial Design Sediment Sampling – Port Angeles Rayonier Mill Site

Dear Warren Snyder:

On November 18, 2025, the Washington Department of Fish and Wildlife (WDFW) issued a Hydraulic Project Approval (HPA) 2025-6-436+01 for the Pre-Remedial Design Sediment Sampling – Former Rayonier Port Angeles Mill Site. On March 11, 2026, WDFW notified the Department of Ecology (Ecology) that they were revoking the HPA.

WDFW explained that its revocation was necessary because the sediment sampling is an activity required under a MTCA agreed order:

> "As we've discussed, WDFW does not have regulatory authority over projects which fall within WAC 220-660-040(2)c*: "(c) Remedial actions by the department of ecology or a person under a consent decree, order, or agreed order under RCW 70.105D.090 (RCW 77.55.061). Although no HPA is required, the department of ecology must ensure compliance with the substantive requirements of this chapter;", As* such, I must revoke the HPA which was issued for this project." (WDFW email of March 11, 2026, Danielle Zitomer, Area Habitat Biologist).[1]

[1] *See also* WAC 220-660-040(2)(c) ("Remedial actions by the department of ecology or a person under a consent decree, order, or agreed order under RCW 70A.305.090. Although no HPA is required, the department of ecology must ensure compliance with the substantive requirements of this chapter) (edited for recodified citation).

Given the revoking of the HPA by WDFW, Ecology will now ensure compliance with the substantive requirements of an HPA under Agreed Order DE 6815 and Amendment 2 (collectively "AO"), which direct Rayonier A.M. Properties LLC (RAMP) to implement sediment sampling under an approved Pre-Remedial Design Work Plan in SMA-3 (Under-dock) and SMA-4 (Nearshore Area). The HPA substantive requirements identified below apply only to the sediment sampling in SMA-3 and SMA-4 and may not apply to future tasks required under the AO or other remedial action agreement. **Enclosed are the substantive requirements of an HPA applicable to this project.**

As we have discussed, the sediment sampling and removal of over-water structures as necessary to support the sediment sampling are not constrained by the in-water work time provisions of the Hydraulic Code Rules, WAC 220-660-330, or the enclosed substantive requirements. The Hydraulic Code Rule for **Test boring in saltwater areas** provides requirements for sediment sampling which are listed in the enclosed substantive requirements. WAC 220-660-450. Subsection (2) of this rule notes that "Boring-related impacts to fish life are usually minor and short term and include increased turbidity and noise levels and small vibrations created mainly from the drill rig." Subsection (3) of this rule includes practices to minimize impacts, which have been incorporated into the enclosed substantive requirements.

In addition, the Salish Sea Nearshore Programmatic Consultations List of Requirements (Version: May 25, 2023) acknowledge that sediment sampling has minor and short-term impacts to fish life. General Construction Measures (GCM) #2 states that sediment sampling is not constrained by the work timing constraints of an HPA.

2.	**In-Water Work Timing**
	Complete all work waterward of the line of the Highest Astronomical Tide (HAT) during dates listed in the most recent version of in-water work guidelines, Washington Department of Fish and Wildlife (WDFW) Marine Water Work Windows: https://app.leg.wa.gov/WAC/default.aspx?cite=220-660-330
	Hydraulic and bathymetric measurement, sediment sampling and geotechnical sampling are not constrained by the work timing constraints above and may be completed at any time.

Accordingly, the sediment sampling component of the project is not constrained by the work times in WAC Chapter 220-660.

However, this project also includes removal of over-water structures in the approximately 25,000 sq. ft. area along the shoreline associated with limiting trespassing onto the dock structure. The authorized work time provisions of WAC 220-660-330, do apply to this activity. Under "Fish life concerns," "work in or near salt waters of the state can harm fish life at sensitive life stages including spawning,

incubation, juvenile migration, rearing, and feeding. Therefore, work must occur at times of the year when the risk to fish life is reduced unless the risk can be avoided." The HPA substantive requirements currently identify an Authorized Work Time for work below the ordinary high-water line of September 1 to February 15.

If you have any questions, I can be reached at (360) 489-4569 or marian.abbett@ecy.wa.gov.

Sincerely,

Marian L. Abbett, PE
Section Manager
Toxics Cleanup Program
Southwest Region Office

MLA:kw

Enclosure: Hydraulic Project Approval Substantive Requirements

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Ecology Site File

Enclosure

Hydraulic Project Approval Substantive Requirements

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Hydraulic Project Approval Substantive Requirements. *Note: strikeout in black provided by WDFW. Edits in red provided by Ecology.*

Project Description: *This project is sampling of contaminated sediment via 24 sample borings in the beach, intertidal, and nearshore areas to be performed from equipment stationed on a barge or from the existing overwater structure. To aid sediment sampling, several timber dock stringers over-water will be removed. In addition, the work involves removal of approximately 25,000 square feet of creosote overwater materials (no piles to be removed) from the existing pier to prevent access to the pier by trespassers~~, to add in sampling access~~. The sampling has the potential to create temporal impacts to fish life via vibration and water quality degradation which are by rule minor and short-term. The project will result in substantial ongoing benefit to nearshore habitat by the removal of creosote materials and the permanent removal of overwater structures that currently impede nearshore function and fish usage.*

AUTHORIZED WORK TIMES

1. Work below the ordinary high water line must only occur between September 1 and February 15 of any year.

This authorized work time is applicable to the removal of over-water structures in the approximately 25,000 sq. ft. area along the shoreline associated with limiting trespassing onto the dock structure. The sediment sampling and removal of over-water structures as necessary to support the sediment sampling are not constrained by the in-water work time and may be completed at any time.

PROJECT APPROVALS

2. Work must be accomplished per the plans and specifications submitted with the application and ~~approved by the Washington Department of Fish and Wildlife~~ entitled "ProjectPlanDrawings_202151015-NWS2021936-PmtDrawings","Other_Westland Resources - MIDP_draft_10-01-25", and "JARPA_20251015-NWS2021936-JARPA (Compiled)"dated 10.17.2025, ~~except as modified by this Hydraulic Project Approval~~. You must have a copy of these plans available on site during all phases of the project construction.

NOTIFICATION REQUIREMENTS

3. ~~You or your agent must contact the Washington Department of Fish and Wildlife by e-mail at HPAapplications@dfw.wa.gov; mail to Post Office Box 43234, Olympia, Washington 98504-3234; or fax to (360) 902-2946 at least three business days before starting work and again within seven days after completing the work. The notification~~

~~must include the permittee's name, project location, starting date for work or date the work was completed, and the permit number. The Washington Department of Fish and Wildlife may conduct inspections during and after construction; however, the Washington Department of Fish and Wildlife will notify you or your agent before conducting the inspection.~~

4. FISH KILL/WATER QUALITY PROBLEM NOTIFICATION: If a fish kill occurs or fish are observed in distress at the job site, immediately stop all activities causing harm. Immediately notify the Washington Department of Fish and Wildlife of the problem. If the likely cause of the fish kill or fish distress is related to water quality, also notify the Washington Military Department Emergency Management Division at (800) 258-5990. Activities related to the fish kill or fish distress must not resume until the Washington Department of Fish and Wildlife gives approval. The Washington Department of Fish and Wildlife may require additional measures to mitigate impacts.

REPORTING REQUIREMENTS

5. PHOTOGRAPHS: You, your agent, or contractor must take photographs of the job site before the work begins and after the work is completed. You must provide the photos as part of the Draft Summary of Pre-Remedial Design Sediment & Hydrodynamic Modeling Results Report ~~upload the photographs to the post-permit requirement page in the Aquatic Protection Permitting System (APPS) or mail them to Washington Department of Fish and Wildlife at Post Office Box 43234, Olympia, Washington 98504-3234 within 30-days after the work is completed~~.

INVASIVE SPECIES CONTROL

6. Follow Method 1 for low-risk locations (i.e., clean/drain/rinse/dry). Thoroughly remove visible dirt and debris from all equipment and gear, including vessels, boots, waders, drive mechanisms, wheels, tires, tracks, buckets, and undercarriage—before arriving at and leaving the job site to prevent the transport and introduction of aquatic invasive species. For contaminated or high-risk sites, refer to the Method 2 Decontamination protocol. Clean, rinse, and dry all decontamination equipment used and properly dispose of any water and chemicals used for cleaning. For additional decontamination details, including specific protocols for freshwater, marine, and estuarine environments, refer to the Washington Department of Fish and Wildlife Invasive Species Management Protocols, available online at https://wdfw.wa.gov/species-habitats/invasive/prevention/clean-drain-dry#decontamination

STAGING, JOB SITE ACCESS, AND EQUIPMENT

7. Establish staging areas (used for activities such as equipment storage, vehicle storage, fueling, servicing, and hazardous material storage) in a location and manner that will prevent contaminants such as petroleum products, hydraulic fluid, fresh concrete, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials from entering waters of the state.

8. Check equipment daily for leaks and complete any required repairs in an upland location before using the equipment in or near the water.

9. Equipment used in or near water must use environmentally acceptable lubricants composed of biodegradable base oils. These are vegetable oils, synthetic esters, and polyalkylene glycols.

10. Operate vessels with minimal propulsion power and in adequate water depth to prevent impacts from grounding and propeller wash to seagrass, kelp, and Pacific herring spawning habitat.

SEDIMENT, EROSION, AND POLLUTION CONTAINMENT

11. Prevent project contaminants, such as petroleum products, hydraulic fluid, fresh concrete, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials, from entering or leaching into waters of the state.

12. Conduct boring to minimize turbidity and discharge of silt to the water column including:

a. Completely contain each boring and cone penetration action within the casing;

b. Do not discharge turbid or slurry-laden process water into state waters;

c. Minimize suspending sediment while collecting samples; and

d. Deposit all waste material such as drill spoils and cuttings, construction debris, silt, excess dirt, excess gravel, or overburden resulting from this project in an upland area above the limits of extreme high tidal water.

PROJECT LOCATION

13. Take samples only within the project area identified in the approved plan.

PROJECT IMPLEMENTATION

14. Do not deploy anchors or spuds in seagrass, kelp, or other saltwater habitats of special concern.

15. Remove overwater materials from the nearshore area as shown in the approved plans.

16. Creosote removal:

a. Place creosote contaminated materials on a construction barge or other dry storage site after removal.

b. When removing creosote, containment booms and absorbent booms (or other oil absorbent fabric) must be placed around the perimeter of the work area to capture wood debris, oil, and other materials released into marine waters as a result of construction activities to remove creosote pilings. All accumulated debris must be collected and disposed upland at an approved disposal site.

c. Creosote piling must be fully suspended during removal, so no portion drags through the water or onto the beach.

DEMOBILIZATION AND CLEANUP

17. Remove all debris or deleterious material resulting from construction from the beach area or bed and prevent from entering waters of the state.