



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

February 6, 2026

Todd Nicholson, Executive Director
Port of Friday Harbor
204 Front Street
Friday Harbor, WA 98250

Re: Albert-Jensen Site -Haul-out Pier Interim Action:

Site Name:	Albert Jensen & Sons
Site Address:	1293 Turn Point Rd Friday Harbor, 98250 San Juan County
Cleanup Site ID:	14759
Facility Site ID: 4	2226979
Agreed Order No.:	DE 18071

Dear Todd Nicholson:

The Toxic Cleanup Program's (TCP) desire is for effective communication between TCP and the Port of Friday Harbor (PFH) on subjects pertaining to the Albert Jensen cleanup site (Site).

Recently, TCP has become troubled with the apparent breakdown in communication regarding upcoming permit applications and work planned to occur at the Site. This letter seeks to address this communication breakdown, clarify concerns raised on the January 22, 2026, Site meeting, and re-establish TCP's expectations moving forward.

Last September, Ecology's Shorelands & Environmental Assistance Program informed TCP of the Port's Joint Aquatic Resources Permit Application (JARPA) permit application for the construction of a haul out pier at Shipyard Cove and the demolition of the old haul out pier at the Site.

During the meeting with the Port and in subsequent communications, TCP made it clear that any work on the Albert Jensen site should be communicated with TCP ahead of time. This cleanup Site is subject to the requirements in the Agreed Order No. DE 18071, issued pursuant to the Model Toxics Control Act (MTCA). In-water work at the Site related to the JARPA application would constitute as an interim action under MTCA.

At the end of our recent meeting on January 22, 2026, the Port's consultant indicated that their opinion was that the removal of the haul out pier constituted maintenance action and was not an interim action, and that the Port was working on a fast timeline for the haul out pier construction and removal.

Ecology wants to make it very clear that any intent to conduct upland or in-water/sediment work at an active MTCA cleanup site needs to be communicated to Ecology in a timely manner. Furthermore, the removal of the old haul out pier, which is composed of creosote pilings and is resting in a contaminated sediment site, constitutes an interim action and does not fall under "maintenance". Any work on the Albert Jensen Site under this permit must follow the MTCA rule on interim actions [WAC 173-340-430](https://app.leg.wa.gov/wac/default.aspx?cite=173-340-430)¹ and Ecology's [Sediment Cleanup User's Manual](https://apps.ecology.wa.gov/publications/SummaryPages/1209057.html)² (SCUM) best management practices for pilings removal and in-water work.

Per section VI.E of the Agreed Order for the Site and WAC 173-340-430, the anticipated haul out pier removal falls within the definition of an interim action. Under section VII.E of the Order, before the Port can conduct an interim action it must provide Ecology with an interim action work plan for Ecology's review and approval. Ecology notes that the removal of creosote pilings, if done incorrectly, can exacerbate contamination conditions.

As it stands, the Port is not working within the framework of the Agreed Order, and we are asking that this be corrected immediately. This submission and approval of an Interim Action Work Plan for removal of the haul out pier is required by Ecology and must occur before construction. It is a requirement of MTCA and the Agreed Order that this work be conducted under an Ecology-approved Interim Action Work Plan to ensure the work is compliant within the terms of the Agreed Order and is sufficiently protective of human health and the environment.

The PFH has expressed, on multiple occasions, a concern regarding the pace at which the cleanup process is proceeding. However, inconsistent, or delayed communication of large scale in water projects only further delays this process and is something TCP wishes to avoid in the future. Effective, timely and constructive communication on this Site between TCP and the PFH is important to the success of this cleanup.

¹ <https://app.leg.wa.gov/wac/default.aspx?cite=173-340-430>

² <https://apps.ecology.wa.gov/publications/SummaryPages/1209057.html>

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Ecology looks forward to continuing work with the PFH. Thank you and if there are any questions or concerns, please feel free to contact me at chase.williams@ecy.wa.gov or at (564) 669-4206.

Sincerely,

A handwritten signature in black ink, appearing to read "Chase Williams", with a stylized, sweeping flourish extending from the end.

Chase Williams, PhD
Sediments Specialist, Headquarters Cleanup Section
Toxics Cleanup Program

cc: Grant Haynsworth, Crete Consulting
Peter Leon, Leon Environmental
Frank Winslow, Ecology