



Lower Elwha Klallam Tribe

ʔəɬɬxʷə nəxʷsɬ'ay' əm "The Strong People"

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June 17, 2026

Casey Sixkiller, Director
Washington Department of Ecology
P.O. Box 47600
Lacey, WA 98504-7600

Re: Concurrence in Interim Action Plan, Rayonier Mill Site, Port Angeles Harbor

Dear Director Sixkiller:

In accordance with the provisions of our 1999 Preliminary Agreement and our 2000 Deferral Agreement, which also includes EPA, this letter is to convey the Lower Elwha Klallam Tribe's concurrence in and acceptance of the Interim Action Plan (IAP) for the cleanup of the Rayonier Mill Site in Port Angeles Harbor, as well as the associated Consent Decree and SEPA Checklist. Once approved as a binding order of the Clallam County Superior Court, the Consent Decree will require Potentially Liable Parties (PLPs) Rayonier Advanced Materials Inc. (RYAM) and Rayonier A.M. Properties LLC (RAMP) to perform and implement the IAP.¹

As you know, the Preliminary and Deferral Agreements provide for Ecology to serve as lead agency for the cleanup of this contaminated site under authority of the State's Model Toxics Control Act (MTCA), subject to certain provisions that protect the Tribe's interests in cultural resources, ancestral burials, aquatic resources and habitats, and treaty rights. Included in those provisions is the Tribe's unique right of concurrence in all major cleanup decisions and other actions protective of the Tribe's interests. Section 5.h of the Preliminary Agreement sets forth a

¹ Specifically, we concur in: the form of the final IAP that Ecology shared with the Tribe on or about June 8, 2026, which was modified slightly after the conclusion of the public comment period to include a couple of statements about Ecology's additional Disproportionate Cost Analysis; the form of the Consent Decree executed by PLP representatives and posted on Ecology's Port Angeles Harbor website as of June 6, 2025; and the SEPA Determination posted on the same website, dated June 11, 2025.

non-exhaustive list of “all major decision points in the cleanup process,” and of special relevance here, Section 5.g thereof provides specifically that, “Cleanup activities must not preclude physical and biological restoration of Ennis Creek and its estuary.”

Restoration of Ennis Creek as a productive salmon stream has been a primary goal of the Tribe, and of the broader community, since closure of the mill in 1997. It is the only snow-fed watershed draining into Port Angeles Harbor originating within the pristine wilderness areas of Olympic National Park. Barrier culverts upstream from the mill site are being replaced to allow fish passage, and soon the only remaining impediment to meaningful salmon restoration will be the seriously degraded condition of Ennis Creek’s floodplain and estuary. The Tribe’s 2000 Cooperative Agreement with Rayonier contemplates restoration of Ennis Creek, and in a process separate from the cleanup, the Trustee Council has been negotiating a natural resources damages agreement with RYAM to accomplish this restoration. Section 6.1.2 of the IAP acknowledges the potential restoration of Ennis Creek and provides for a path to coordinate that with the remedy.

In addition, the Tribe has been very concerned that the reconfiguration of the shoreline and removal of structures and treated timbers be resolved either as a matter of the cleanup or as a coordinated element of the closeout of RYAM’s lease with DNR. Section 6.1.1 of the IAP acknowledges the relationship between these elements and provides that structures and timbers in contact with water or sediment will be removed as part of the cleanup if not as part of lease closeout.

Without the coordination provisions in Section 6.1, it is doubtful that the Tribe could have concurred in the final IAP. The Tribe appreciates that Ecology supported these provisions over the initial resistance by the PLP. A cleanup may not be able to mandate restoration of Ennis Creek, but it certainly can promote an integrated approach to remediation, lease closeout, and habitat restoration. In the long run, that approach is best for the resources involved and for the communities that depend on them.

There are other elements in the IAP that provide reason to concur. For example, the sampling and modeling associated with the contingent sediment remedy for SMA-3 and SMA-4 will aid in confirming whether these critical areas should be dredged. And, the development of a Materials Management Plan (MMP) will provide an opportunity to evaluate whether dredged sediments must be disposed of offsite rather than in the soils consolidation area.

It has taken many years to develop the Consent Decree and IAP, as well as other cleanup documents on which these are based – such as the Decision Framework that laid the foundation for the contingent sediments remedy (Appendix A to the IAP), or the 2024 amendment to the 2010 Agreed Order (providing for the sampling and modeling work that is currently being performed). We have appreciated the working relationship with Ecology and the level of acceptance by Ecology of our input into all of these documents. We believe Ecology would agree that our participation has helped strengthen and improve them.

There will be further major decisions for this cleanup, for which the Tribe's concurrence will be necessary, such as the approval of the MMP, Engineering Design Report, Conceptual Site Model, and the selected site-specific remedies for shoreline and subtidal cleanup. We look forward to continued collaboration with Ecology on these as well.

Development of the present cleanup documents was possible because both the Tribe and Ecology were willing to listen to and learn from one another. The Tribe truly appreciates the relationship of mutual trust, respect, and collaboration that has developed between us these past few years. We are committed to sustaining that in the coming years and look forward to working together to ensure that this long-awaited cleanup finally becomes a reality.

In the shorter term, we will continue to actively participate in review of PLP sampling and modeling activities and reports. And, we look forward to the submission of the Consent Decree and IAP to the Clallam County Superior Court in the very near future, and to the Court's approval thereof.

Finally, we were sorry to learn that you are unable to come out here for our meeting with senior Ecology staff on the 22nd. This is a busy time for everyone. We do hope to have an opportunity to meet with you in person in the near future. In the meantime, please do not hesitate to contact me with any questions or concerns.

Sincerely,



Melissa A. Gilman, Chairwoman
Lower Elwha Klallam Tribe

cc: Marian Abbett, Section Manager, SWRO/TCP
Sam Meng, Site Manager
Bobbak Talebi, SW Regional Director
Nhi Irwin, TCP Manager
Lower Elwha Tribal Council
Matt Beirne, Natural Resources Director