



PO Box 2019
500 North Custer Street
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www.historicalseaport.org

September 7, 2017

Joyce Mehuri, Cleanup Project Manager
Washington State Department of Ecology
PO Box 47775
Olympia, WA 98504-7775

Re: Removal of Restrictive Covenant #980406028

- Site name: Weyerhaeuser Sawmill Aberdeen
- Site address: 500 North Custer Street, Aberdeen
- Facility Site Number: 1126
- Cleanup Site Number: 4987
- Agreed Order: DE 11225
- Tax Parcels: 029901100100, 027401900000, 029901000101

Dear Ms. Mercuri:

The Grays Harbor Historical Seaport Authority (GHSA) respectfully requests that the Restrictive Covenant on our property (980406028 dated April 3, 1998) be removed. There are discrepancies in the Restrictive Covenant that make it difficult to implement and a fundamental change in the status of the property that make it no longer relevant.

This covenant was placed on the property, while the former sawmill was still in operation. The Restrictive Covenant was applied in coordination with a No Further Action determination for remediation actions in response to a pentachlorophenol release. The sawmill closed in 2012 and GHSA has acquired the property for the purpose of redevelopment as a maritime heritage center and homeport for the Lady Washington and Hawaiian Chieftain tall ships. In partnership with the Department of Ecology (Ecology), GHSA has begun to move this site through the cleanup process to comprehensively address potential environmental concerns in both the uplands and tidelands. GHSA has entered into an Agreed Order (DE 11225) with Ecology and is actively working to complete a Remedial Investigation and Feasibility Study.

We understand there are residual environmental impacts on the property and are actively engaged in the cleanup process in compliance with Model Toxics Control Act (MTCA) regulations and under Ecology's oversight. While we work through the cleanup process. There are several challenges with the Restrictive Covenant that create the need to remove it.



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- Location: The Restrictive Covenant does not include a figure or legal description depicting the geographic location or extent of its application. The tax parcel referenced in its attachment (029901100100) does not match the tax parcel where the pentachlorophenol release actually occurred (027401900000).
- Industrial Use: The Restrictive Covenant includes language related to the industrial use cleanup standards applied to remediation of the pentachlorophenol release. Current remediation efforts are applying unrestricted land use cleanup levels.
- On-going Cleanup Process: The purpose of a Restrictive Covenant, to protect the integrity of the pentachlorophenol remedial action is no longer relevant, since GHSA is undertaking a more comprehensive cleanup under Ecology oversight.

Removing the Restrictive Covenant will create a clean slate for defining new cleanup action plans and institutional controls that are appropriately designed for the future use of the property. It will also provide GHSA with the flexibility it needs to move forward with the redevelopment that will generate revenue to support cleanup.

We look forward to working with Ecology to remove the Restrictive Covenant and implement a long-term solution to remediation of the property. Please contact me to discuss the steps to be taken to meet this request.

Sincerely,

Brandi Bednarik
Executive Director