

**Port Angeles HarborWorks Development Authority**  
**Board of Directors Regular Meeting**  
**Vern Burton Meeting Room, City Hall**  
**March 1, 2010**

**MINUTES**

**Call to Order**

The meeting was called to order by President Orville Campbell at 3:30 p.m.

**Roll Call**

Directors Present: President Orville Campbell and Directors Jerry Hendricks, James Hallett,  
Kaj Ahlburg

Staff Present: Jeff Lincoln, Elizabeth Duan

Port Representatives

Present: Dave Hagiwara

City Representatives

Present: Nathan West

Others Present: Doug Sellon, Sally Fisher, Paige Dickerson, Dick Goodman, James  
Creelman, Darlene Schanfald, Norma Turner, Larry Dunn

**Approval of Agenda**

Jeff Lincoln stated that he would like to add an Executive Session to the agenda, not to exceed 15 minutes. Jerry Hendricks stated that he would like to add a brief discussion about the Board President position.

**Approval of Minutes: February 1, 2010 Board of Directors Meeting and February 24, 2010 Board of Directors Meeting**

MOTION: James Hallett moved to approve the meeting minutes from the February 1, 2010 Board of Directors Meeting. Jerry Hendricks seconded the motion. The motion carried unanimously.

MOTION: James Hallett moved to approve the meeting minutes from the February 24, 2010 Board of Directors Meeting. Kaj Ahlburg seconded the motion. The motion carried unanimously.

### **Board Member Comments**

James Hallett asked if any of the Board members had had the opportunity to visit the local bird sanctuary, which could be a possible and compatible use for the Rayonier site. Jeff Lincoln stated that he had visited the sanctuary. James Hallett mentioned that he has visited the sanctuary as well. He stated that it is important that the Board members consider public comments, questions and suggestions regarding possibilities for the site. Jeff Lincoln commented that the bird sanctuary was an extraordinary site with marine birds and waterfowl type habitat. He stated that this is just one of many possible concepts for the site.

### **Finance – Voucher Review**

Orville Campbell stated that the vouchers were being passed around for review by the Board members.

### **Executive Director Report**

Jeff Lincoln stated that the draft report, including environmental documents, is on the HarborWorks website. There is some improvement being made to the graphic display data which will replace the current data. The archaeological summary will be published within the next two weeks. There is not much difference from what has already been published on the Rayonier site, but this report allows all the information to be accessible to the public on the HarborWorks website. The report contains some big files, but all documents can be downloaded in PDF format. HarborWorks will be holding another public meeting near the end of March to obtain public comment on the draft report.

Jeff Lincoln reported that HarborWorks had a good meeting with the Department of Ecology on February 10. Serious discussions are also taking place with Rayonier, which is helping move the process along.

### **Public Comment Period**

No public comments were made.

### **Work/Study Session**

#### **Consideration of Resolution 01-10 regarding the Department of Ecology's proposed Agreed Order with Rayonier**

Jeff Lincoln proposed Resolution 01-10 to the HarborWorks Board as a way to address the concerns regarding the Department of Ecology (DOE) project timeline. There is universal disappointment with DOE in regards to the Rayonier situation and moving this project forward. This resolution addresses the four main concerns. The performance schedule that DOE has produced is too long and DOE has separated uplands and water activities, requiring separate Remedial Investigations to be pulled together into one final document. There is a large amount of information available for both environments and those must be addressed separately. HarborWorks is requesting that DOE accelerate the schedule to define the extent of the site. There was already an off-property survey done by DOE, the data is available, but

the report is not yet complete two years later. Jeff Lincoln proposed that the resolution be sent for inclusion in the public comments that the DOE is collecting.

Orville Campbell asked if both drafts received by the Board are the same. Jeff Lincoln stated that there were only minor changes made and that a signature copy of the resolution is ready. However, changes can still be made if requested by the Board. Jerry Hendricks asked for clarification on the questions expressed by Kaj Ahlburg prior to the Board meeting. Jeff Lincoln answered that the "Site" (the extent of contamination as defined under MTCA) has not yet been defined by DOE, but the DOE had agreed with Rayonier to define and address a study area presumed to be within the "Site". The "Site" is defined by the extent of contamination and where the contamination has come to rest. The resolution urges DOE to move forward with defining the site while completing some of the work on the Study Area.

Jerry Hendricks asked whether Rayonier would still be liable if the DOE identified the geographic site area today and then three years from now found additional pollution outside the defined area. Jeff Lincoln answered that it would be contestable if there was a consent decree defining the Site previously and that DOE could tell Rayonier to pursue the contamination. Jerry Hendricks concluded then that the area defined today would conclude that Rayonier would not have liability beyond that area. Jeff Lincoln stated that under the agreed order this would be true, but that under a consent decree, which is the final step, this would not be true.

James Hallett asked how helpful it would be to HarborWorks if DOE is asked to determine the Site. Jeff Lincoln answered that HarborWorks will be entering into negotiations with Rayonier regarding their interests, such as property and liability. If HarborWorks goes forward with acquisition of the property, HarborWorks would become a Potentially Liable Person (PLP) for the entire site. HarborWorks must then ensure that the risk is covered in regards to dollars as well as with DOE under a separate agreement. HarborWorks' attorneys will be helping with this process as they are cognitive of the term's meanings. James Hallett stated that this will be to HarborWorks' advantage concerning a certainty in regards to price. Jeff Lincoln acknowledged that was a good statement of the issues.

Kaj Ahlburg complimented Jeff Lincoln on hitting the four key points regarding DOE's control, as well as the acceleration of the process. He recommended that discussions be held with each of the 24<sup>th</sup> Legislative District representatives and that the resolution also be sent to them. Jeff Lincoln stated that this will be done and mentioned that the Port and the City also sent similar resolutions to DOE. However, their resolutions did not emphasize the point regarding what will happen in the future (definition of the entire Site). The language used in HarborWorks' resolution to the DOE was modeled from the resolution language sent by the Port. Jeff Lincoln stated that the resolutions were a coordinated effort by the Port, City, and HarborWorks. The coordination between entities is part of the reason HarborWorks is able to move the process forward.

James Hallett mentioned that, based on the public meeting sponsored by DOE, actions are being taken by other individuals and organizations in support of this project and in accelerating the schedule, including by the Port Angeles Chamber of Commerce. Jeff

