Appendix C: History of the Site

Note: This history is a compilation of a number of government documents, news stories, reports without references, and in some cases simply personal recollections. Hence the information below should be treated not as an authoritative history of the site, but rather with the intent of serving as a narrative to render a sense of place for Bill Point. ***Charles Schmid***

Geology

The site consists extensively of glacial till, sand and gravel fill. It is located on top of the western extension of the seismic Blakely Fault. The steepest gravity gradient in North America is said to be SSE of Bill Point. Sedimentary bedrock raises above sea level just south of the site on Rockaway beach, and contains fossils around 19 million years old. The aquifer below the site once provided an artesian well for the site with a four feet head.

Native American and Explorers [1,2]

Captain Vancouver anchored off Beans Bight, south of Restoration Point on Bainbridge Island in May, 1792, while his survey teams mapped Puget Sound. He was greeted by area natives including the Suquamish and Duwamish. A member of the Suquamish named Kitsap assisted in the survey crews. At that time there were Suquamish Indian camps dotted around the island. It is said that Bill Point was named along with Wing Point as parts of the eagle for Eagle Harbor by the surveyors of the U.S. exploration under Lt. Charles Wilkes in 1841.

Early History 1875-1904[1,2]

A logger named Mike Taylor lived at the site in 1875. He sold timber to the Port Blakely Mill. Glenn Reeve became a neighbor in 1881. He had children whom he rowed over to Winslow for schooling. Captain Sadler ran a brickyard at the site for five years before the site was used as a wood treatment plant. At the time it was the second largest brickyard in Puget Sound. There was a mine at the site which provided sand for the brick manufacturing west of the stream that runs down from Creosote Hill. In later years this area was used by the wood treatment plants to stockpile bark chips, some of which still remain.

HISTORY OF THE WOOD TREATMENT FACILITY AT BILL POINT 1904-1988 [3]

The first use of Bill Point as facility for preservative treatment of wood using creosote occurred in **1904** when the **Perfection Pile Preserving Co.** started operations on the sand spit. This was some 50 years after logging and saw milling had started in the Puget Sound basin including the start-up of two saw mills on Bainbridge Island; the Port Blakely Mill began operation, and the Port Madison Mill.

Preservative treatment was becoming a matter of economic necessity by the turn of the century because damage of timbers from immersion in water or exposed to the elements often made it necessary to replace untreated structural timber after a short time. This included pilings for docks, railroad ties, telephone poles, and pavers. Also the technology of wood preservative treatment had

advanced in these times. Techniques using dried green or wet timber were developed that extended the useful life of structural timbers from a few months to many years. Large steel vessels called retorts were used as part of the treatment cycle where the wood was subjected to either a vacuum or placed under pressure with creosote. Creosote is a dark oily liquid distilled from coal tar. It is sometimes produced as a by-product in the manufacture of coke or coal gas. It can also be made from wood.

The original configuration of the Bill Point sandspit on which the first treatment plant was located had a large back-shore lagoon, which has changed drastically over the years by bulkheading and fill which provided more land for the treatment plant. Two years after the plant was first installed on Bill Point new management came in. With it came the name change to **Pacific Creosoting Co. and American Cross Arm Co.** and a period of aggressive manufacturing and marketing commenced.

By **1917** the plant had been totally rebuilt and was equipped with modern equipment designed to produce a much expanded product line. Initially there were eight retorts connected to the engine room. Between 1917 and 1929 the engine room was rebuilt, and five retorts were replaced by 6 new ones making a total of 9 retorts (See Figure C3). The spark for all this activity came from a notably successful railroad builder, capitalist and industrialist, Horace C. Henry. His interest in controlling a reliable source of creosoted timber for trestles, bridges, tunnel shoring and ties was a result of obtaining a contract to build railroads across Montana and Idaho. He went on to expand the market for his products to virtually every port and continent around the world, including furnishing creosoted timber and pilings for the construction of the Panama Canal. Later in life he gave art to the Frye Art Museum and the University of Washington along with funds to build an art museum on the University campus, a building that now bears his name, the Henry Gallery.

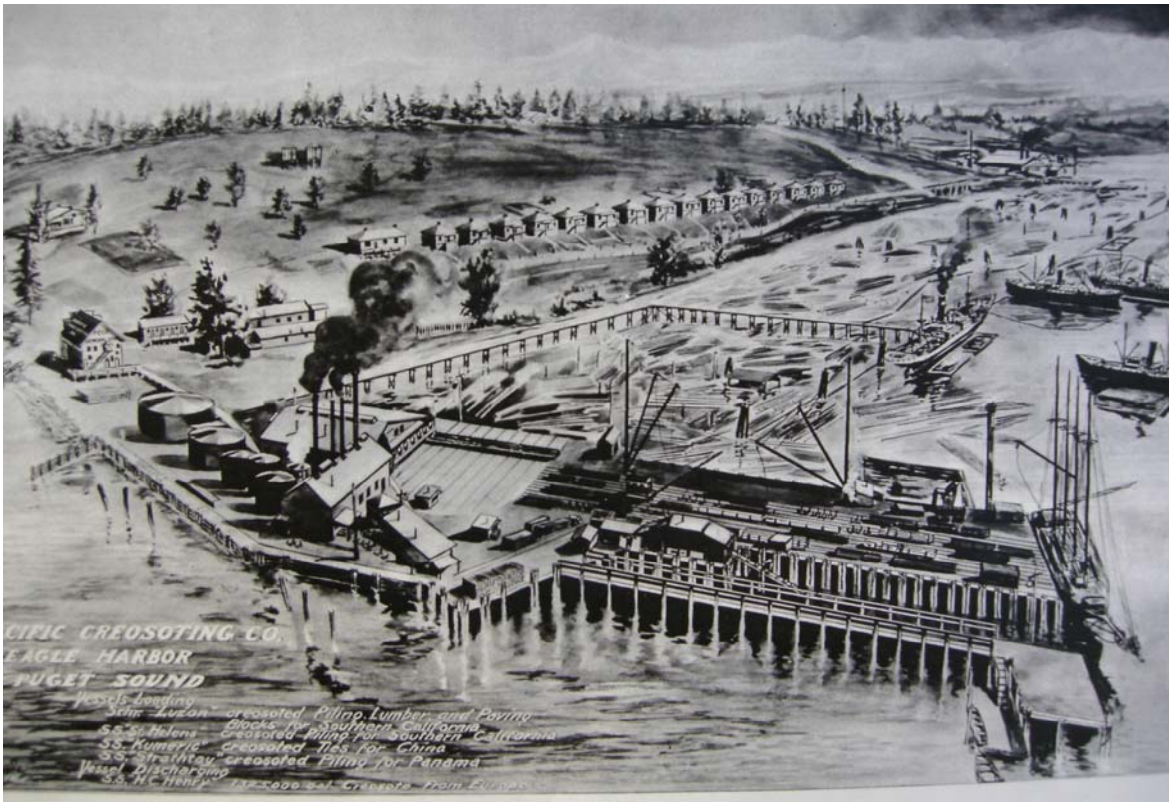


Figure C-1 Creosote Facility circa 1917

Figure C-1 shows the early development of the Pacific Creosoting Co. treatment plant and the area known as the town of Creosote. It had a U.S. Post Office, bunk house, row houses, a general store, a domestic water system, electric generating and distribution system, excursion steamer dock, a street system, ferry dock, a dance hall, public parks and a bathing beach, etc. The worker row houses are shown along the waterfront. Although nothing remains, it still carries the name of Creosote on many maps of the region.

Figure C-2 West Coast Wood Preserving Company around 1940

J.M. Coleman had started a separate treatment plant using creosote in 1884 on Elliott Bay at the foot of what became the Denny Regrade area. It was later moved to West Seattle. For some 25 years Coleman and Henry had competed in world markets for treated wood products. Horace C. Henry died in **1929**. As a result in **1930** the **West Coast Wood Preserving Co.** was formed as a leasing and operating company to handle both the Coleman and Henry Plants. The work force, which at Bill Point often exceeded 100, was unionized in 1937.

Figure C-2 shows how large the operation had become around 1940. The logs were stored along the flatlands, and the worker's homes had been moved to the top of the hill. There are still reminders of the homes that once there in the form of ornamental plants and trees, and an old wash line. In the background of the photo the wood burner can be seen in operation as well as the Eagledale Dock where the photo in Figure C-4 was taken.

In **1947** Walter L. Wyckoff, who was in the real estate business and had been associated with the Colemans, bought out the Coleman interest in the two operations. It was renamed the **West Coast Wood Preserving Co. and the Baxter-Wyckoff Company** in 1959 when he joined J.H. Baxter of San Francisco. and they had bought out the remaining Henry family interest. The two partners later simplified the name to the **Baxter-Wyckoff Co** and operated the two treatment plants under one management.

Figure C-3 Retorts to pressurize logs with creosote

Pentachlorophenol in crystalline form was introduced during this period. When carried in a light petroleum solvent in the treatment process wood members were dry to the touch, odorless and paintable. Also proprietary products such as Chemonite (ACA) came into use. These products were usually of the dry and paintable type. There was little historic information of the waste management practices at the Wyckoff facility. A major source of pollution was from the eight retorts where the logs were pressure treated (See Figure C-3). After the treating cycle, the chemical solutions were drained from the retorts and went directly into the soil and seeped into the ground.

In **1964** Walter Wyckoff purchased the Baxter interest in the Company and changed the company name to the **Wyckoff Co.** He continued to operate the plants on Bainbridge Island and Seattle very much as they had been before. The Point remained the location for processing the creosote logs, timbers, and railroad ties while the western portion of the property was used to store the logs and remove the bark. The bark was piled where the old sand pit was located, and provided an endless supply for residents around the Island through the 1970s. Some of the decayed bark still remains creating a very fertile area.

By far the most significant influence on future prospects for the treatment plant was the emerging environmental movement that began to change public awareness across America beginning in the 1960's. This movement was raising public understanding of the danger to public health, fish and

wildlife caused by industrial pollution that existed across America. The Bill Point Plant was no exception. In response to growing public concern corrections were made at the Bill Point Plant. The burning of wood waste and sawdust was discontinued and the burner shown in **Figure C-2** removed. Collection trough sumps and drains at the retorts and elsewhere were installed or improved, although thousands of gallons of the collected creosote waste was taken to the Vincent Road Landfill which had to be removed in the 1990s. All of the company's efforts was too little and too late to fully meet the growing public expectations. The company could not correct for almost 90 years of previous industrial practices. The continuing spillage of treatment chemicals, fuel, and oil and the handling of waste and sludge had saturated the ground which seeped into the harbor. The company had to close its doors, and as described below, ceased operations on Bainbridge Island in 1988.

HISTORY OF THE WWII INTERNMENT MARCH 30, 1942

After the attack on Pearl Harbor President Roosevelt signed executive order 9066 on February 19, 1942. This executive order gave authority to the war department to remove people from areas across the west coast. On March 30, **1942,** 227 men, women and children from Bainbridge Island, Washington were assembled and escorted by armed U.S. Army soldiers to the Eagledale ferry landing at the Taylor Road end. (**Figure C-4**). This landing was west of the creosote plant as can be seen in the previous photo. Only allowed to bring what they could carry or wear, they passed military cordons of soldiers armed with rifles and bayonets, and neighbors before boarding a ferry, leaving their island home in the heart of Puget Sound. They sailed to Seattle, where they were loaded onto trains for a three-day journey that would take them to the Manzanar concentration camp in California's Mojave Desert. This dock served the Eagledale community from 1937-1947. The Bainbridge Island Nikkei WWII Internment and Exclusion Memorial is located where they were taken from the Island, and remnant pilings still can be seen marking where the dock once was located. The *Bainbridge Review* was unique among west coast newspapers, as it openly opposed the violation of the U.S. Constitution's Bill of Rights as exemplified by the internment and incarceration of Japanese American citizens from their community.

Figure C-4 Internment of Bainbridge Islanders

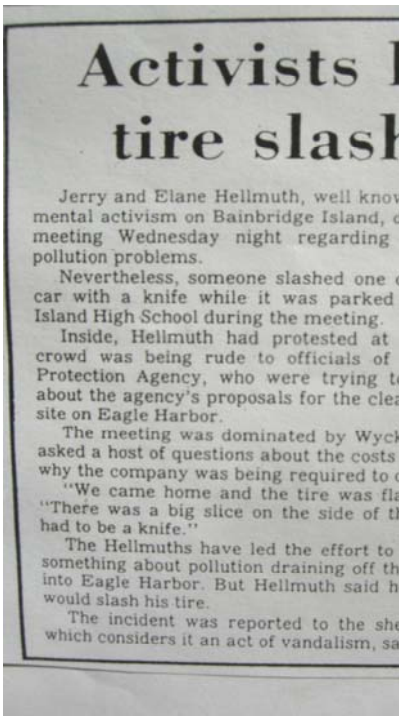
Editors and publishers Walt and Milly Woodward continued to report on the lives of their neighbors in the internment camps so as to keep them part of the community. After the war, about one half of the Island's Japanese Americans returned to their island to resume their lives, raise families, and

again be contributing members of the community. (See Appendix D for more information.)

HISTORY AS A SUPERFUND SITE 1988-PRESENT [4689]

In the 1970s various reports of oil being discharged into the waters of Eagle Harbor, including near the Wyckoff Creosote Plant, were submitted by the State, the Coast Guard and the Environmental Protection Agency (EPA). But it wasn't until the mid-1980s that citizens of Bainbridge Island and local authorities became alarmed about pollution found in Eagle Harbor. A local environmental organization, the Association of Bainbridge Communities (ABC), became concerned of the pollution after reading an article in the *Bremerton Sun* in 1**983** which reported that the county assessor had lowered the property taxes for the creosote plant property. The assessor had decreased the land value based on an appeal by the Wyckoff Company that their property was worth less due to the land being polluted, and furthermore the federal government would have to spend a lot of money to clean it up! In **1984** the Kitsap Health District banned fishing in Eagle Harbor, and in **1985** ABC hosted two town hall meetings calling for monitoring the water quality in Eagle Harbor.

The increasing possibility that the surrounding waters were polluted prompted the National Oceanic and Atmospheric Administration (NOAA) to undertake a study which was completed in September of **1985**. NOAA advised the EPA and Washington State Department of Ecology that samples of sediments, fish, and shellfish taken from Eagle Harbor contained elevated levels of creosote derived polycyclic aromatic hydrocarbons (PAH), a chemical which can cause cancer. Furthermore NOAA declared Eagle Harbor the most polluted by PAHs in all of Puget Sound. Dr. Don Malins from NOAA showed slides of tumors on the organs of bottomfish caught at various sites in Puget Sound, including off Bill Point, at a public meeting on Bainbridge Island. His photos convinced many residents that action had to be undertaken by the authorities, while other residents felt that since PAH's weren't in the flesh part of the fish which is eaten, the problems were minimal. Sampling a few years later and observations by divers showed high levels of contamination in some of these areas, with one NOAA representative noting that "Eagle Harbor has been given as an example of what really bad looks like - a place with areas so toxic that all the bioassays die all the time." The EPA ordered the Wyckoff Company to conduct environmental tests, and by September **1985** the Wyckoff/Eagle Harbor Superfund site was proposed for listing on the National Priorities List (NPL). Receiving NPL status meant the site would become eligible for extensive, long term action under the Superfund Program.


Activists
tire slash

Jerry and Elane Hellmuth, well know
mental activism on Bainbridge Island,
meeting Wednesday night regarding
pollution problems.

Nevertheless, someone slashed one
car with a knife while it was parked
Island High School during the meeting.

Inside, Hellmuth had protested at
crowd was being rude to officials of
Protection Agency, who were trying
about the agency's proposals for the cle
site on Eagle Harbor.

The meeting was dominated by Wyck
asked a host of questions about the costs
why the company was being required to

"We came home and the tire was fl
"There was a big slice on the side of t
had to be a knife."

The Hellmuths have led the effort to
something about pollution draining off th
into Eagle Harbor. But Hellmuth said h
would slash his tire.

The incident was reported to the she
which considers it an act of vandalism, sa

Figure C-5 EPA Hearing to Close Creosote Plant

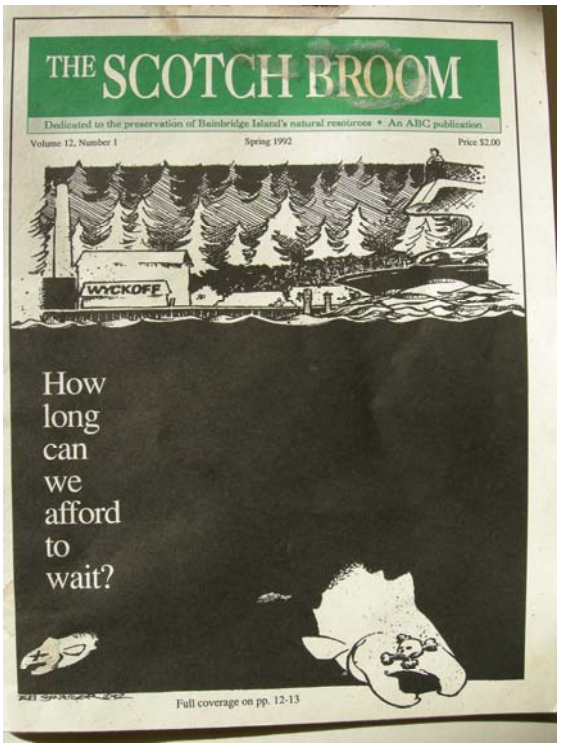
In **1985** ABC delivered a petition to Congressman John Miller at his office in Washington DC with some 2,000 names requesting that the site be placed on the NPL. Bainbridge citizens continued to pressure congressional representatives and the EPA giving reasons for placing it on the NPL. This occurred in **1987** in spite of Wyckoff's challenge of this designation. Wyckoff then constructed a wastewater treatment plant which used an innovative technique to filter out the creosote with a biotreatment tank using microbes which ingested oil.

The Wyckoff plant continued to treat poles, but in **1988** the EPA recommended closing the facility down. Around 250 people attended a meeting conducted by

the EPA at the Bainbridge High School on March 16th, 1988 to take testimony on EPA's proposal. The gathering of residents and workers from both the Seattle and Bainbridge Island plants became disruptive at times with most islanders and owners supporting keeping the facility open. Some pointed out that there was not a high incidence of cancer in employees or nearby residents. The few who spoke for closing the plant felt badly that it meant that neighbors would lose jobs, many of whom had enjoyed working at the plant for years, but added that it needed to be closed if the site were ever to be cleaned up. Some activists who supported closing the facility left the meeting to find a tire of their pickup truck slashed (See Figure C-5).

After the hearings, the EPA decided that the facility should close down its wood treatment operations. And even though operations were stopped, highly contaminated soil, sludges in tanks, and groundwater presented a significant threat to the Harbor and Puget Sound. Creosote pools with PAHs were found in the harbor bottom, along with mercury and other heavy metals which probably came from the shipyard across the harbor. In addition to worrying about the contaminants already in the ground, or seeping out into the harbor, there was a strong concern that the contaminates could sink down into the aquifers below and pollute drinking water. Two major aquifers - a lower and deeper one- are separated by a low permeability layer (aquitard). The lower one had been used as a water source for workers at the Wyckoff facility and also for nearby Rockaway Beach residents. The wells at the site were later capped in 1995 due to EPA's concerns that failing well casings would be a conduit for contaminants to sink down into the lower aquifer, and replacement well was drilled and constructed on Taylor Avenue.

The EPA reports of contamination at the site became more technical and extensive. ABC applied for and received the Region 10's first Technical Assistance Grant (TAG) in **1989** which allowed them to hire consultants to interpret information for ABC members and the community about the cleanup the site. This grant has been extended to the present time with information published in ABC's newsletter the SCOTCH *BROOM* [4] which has published almost 100 articles about the site over the years.


THE SCOTCH BROOM

Dedicated to the preservation of Bainbridge Island's natural resources • An ABC publication

Volume 12, Number 1 Spring 1992 Price $2.00

WYCKOFF

How long can we afford to wait?

Full coverage on pp. 12-13

Rising costs for capping the harbor and for cleaning up the site were accompanied by a lot of questioning by local citizens as to whether EPA's efforts were actually worth it. This discussion included members of the Winslow City Council and the local newspaper. In early **1992** the *Bainbridge Review* ran an editorial that the best solution for the Wyckoff facility was "to leave it alone." They argued the cleanup costs may approach $200 million, and "The reasoned approach is to walk away from it. Post signs warning people not to eat seafood from the harbor," advocating spending the money for medical and nutrition programs for the poor. Figure

But the EPA continued to remove contaminated sludge between **1992 and 1994,** taking out approximately 29,000 tons of creosote sludge, 100,000 gallons of contaminated oils, and 430 cubic yards of asbestos. One large block of almost pure naphthalene was uncovered about the size of a small car, looking and smelling like a giant mothball. The plant itself was disassembled between late 1994 and 1996 despite protests from local historic preser-vationists that EPA was not recording historical documentation of the buildings and their contents. An intensive historical research project was undertaken that led to a film history and program[2]. In addition a seventeen foot section of the 132 foot retort shown in Figure 3 was saved and is presently located in front of Bainbridge Island's Historical Museum.

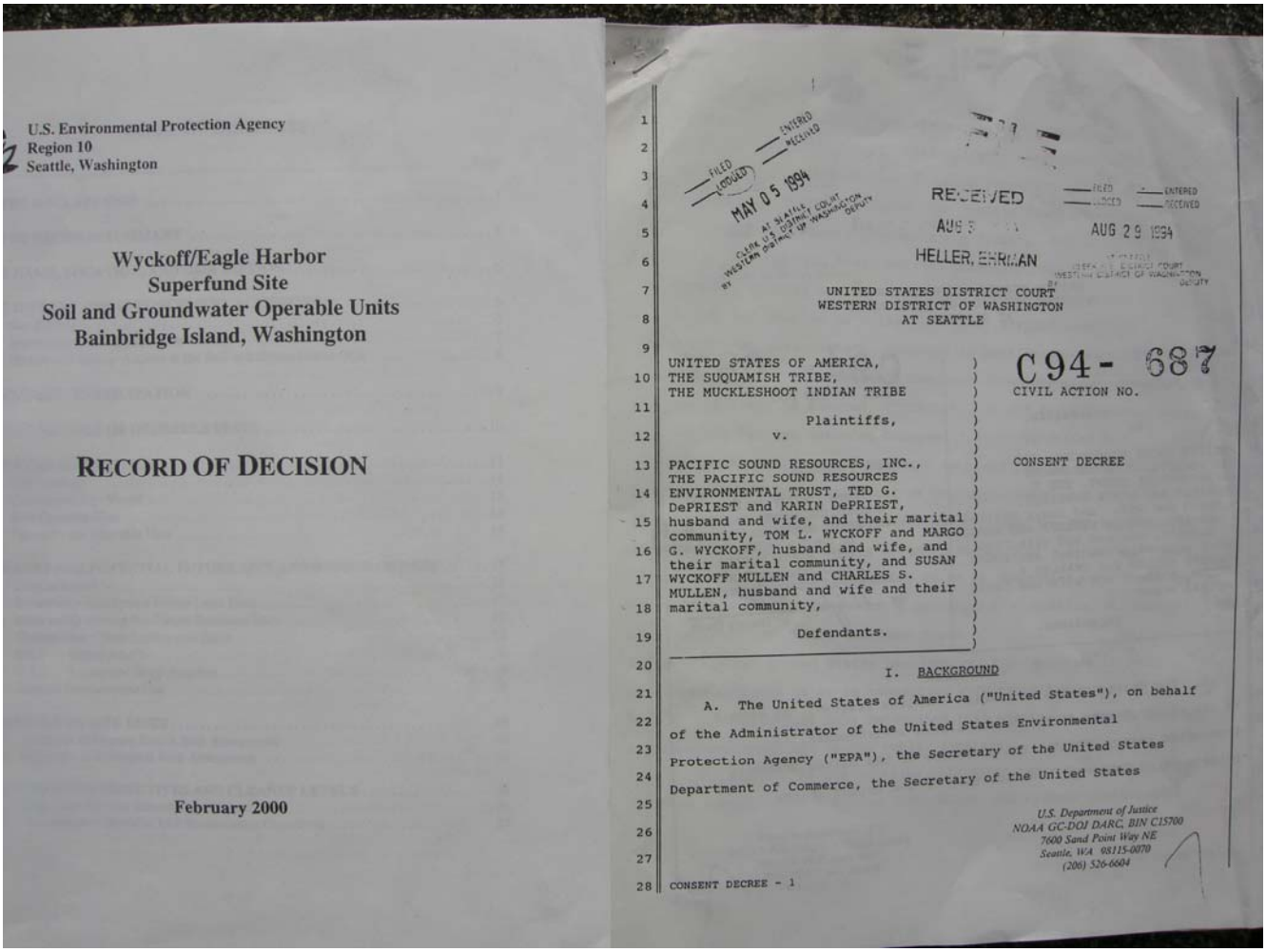
Figure C-7 A 17 foot section of the Retort now located at the Historical Museum on Ericksen Avenue

Figure C-8 Removal of the Smokestack

A large concrete cistern imbedded in the hillside is about the only structure remaining from the original plant. Sixteen buildings and 75 chemical tanks were demolished, leaving only the 100 foot smokestack which was removed in 1996. This was a regional landmark built in the mid-1930s and can be seen in Figure C-2. In addition EPA

recycled 660 long tons of steel from retorts, tanks, and other steel structures at the site.

During that time the Wyckoff Company realized that liabilities were more than its net worth, and changed its name to Pacific Sound Resources. In **1993** the EPA took over the groundwater extraction and treatment system because the Wyckoff Company was financially not able to do so. After a long negotiation, Pacific Sound Resources entered into a consent agreement in August **1994** with EPA and the Suqaumish and Muckshoot Tribes which limited the company's liability in exchange for creating a trust. This trust included the 50 acres at Bill Point as well as several properties in Seattle, including the second creosote plant which Coleman had started. This change in ownership was followed by a stack of EPA documents setting procedures for cleanup, often under the title Record of Decision (ROD). Interested parties should consult the two 5 year plans for a summary of this information.[6 8 9]



U.S. Environmental Protection Agency
Region 10
Seattle, Washington

Wyckoff/Eagle Harbor
Superfund Site
Soil and Groundwater Operable Units
Bainbridge Island, Washington

RECORD OF DECISION

February 2000

FILED
ENTERED
LODGED
RECEIVED
MAY 05 1994
AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

RECEIVED
AUG 29 1994
HELLER, EHRMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
THE SUQUAMISH TRIBE,
THE MUCKLESHOOT INDIAN TRIBE

Plaintiffs,

v.

PACIFIC SOUND RESOURCES, INC., THE PACIFIC SOUND RESOURCES ENVIRONMENTAL TRUST, TED G. DePRIEST and KARIN DePRIEST, husband and wife, and their marital community, TOM L. WYCKOFF and MARGO G. WYCKOFF, husband and wife, and their marital community, and SUSAN WYCKOFF MULLEN and CHARLES S. MULLEN, husband and wife and their marital community,

Defendants.

C94- 687
CIVIL ACTION NO.

CONSENT DECREE

I. BACKGROUND

A. The United States of America ("United States"), on behalf of the Administrator of the United States Environmental Protection Agency ("EPA"), the Secretary of the United States Department of Commerce, the Secretary of the United States

U.S. Department of Justice
NOAA GC-DOJ DARC, BIN C15700
7600 Sand Point Way NE
Seattle, WA 98115-0070
(206) 526-6604

CONSENT DECREE - 1

Figure C-9 Front pages of the documents on EPA's Record of Decision (2000) and Consent Agreement (1993-4)

Figure C-10 Bill Point circa 1996

Figure C-11 Bill Point circa 2002

In **1999** the huge west dock shown in Figure C-10 was removed. This paved the way for 1,800 lineal feet of a sheet pile containment wall to be placed around the former process area between 2000 and **2001** (See line on perimeter of point on Figure C-11). The steel sections came from Great Britain, and were vibrated and hammered into the ground to depths of 40 to 100 feet depending on the location of the aquitard. This action was partially in response to observing a continuing problem of oily seeps of NAPL in the eastern and northern shorelines. In 1997 divers had found pools of creosote 20 to 40 feet across on the harbor bottom. One EPA manager expressed surprise at the diver's observations, adding that "The divers came back to the surface and their eyes were as big as saucers." A novel thermal treatment was proposed in 1999 to speed up the cleaning process since the pump and treat process which was being used would take decades, if not centuries to finish the cleanup, and even then probably would never meet required standards. Another 530 lineal feet of sheet pile were placed around an inner 1 acre test section for a steam injection pilot project (see inner line on Figure C-11) and a new well drilled just east of the ravine on south side of the flatlands. This would be a test for this relatively new and untried thermal approach (it had been used successfully once at similar EPA site in California). In **2002** the vapor cap over the steam injection area was laid, with 16 injection wells and seven extraction wells. Over 600 thermal monitoring devices were placed throughout the pilot site, and a boiler and a building to house it and auxiliary pumps were constructed.

The uplands and western part of the site did not show as the high levels of contamination which were present at the point since these areas did not appear to have served as a dumping area for waste chemicals. Workers had lived on the uplands, and the former log storage/peeler area had been

located on the western portion of the property. Some creosote storage and pumping did occur on the western portion, and hence 10,000 cubic yards of contaminated soil had to be removed from that area. As mitigation for habitat loss caused by the sheet pile wall extending into the near shore, the EPA created 2 acres of habitat beach along Eagle Harbor where a failing bulkhead had existed (See difference in shoreline between Figures C-10 and C-11). 40,000 cubic yards of contaminated soil were removed and clean sand was brought in as fill to create a new beach and healthier habitat by capping the harbor bottom. About 2,000 native trees, shrubs, plants and grasses were planted in a 20-foot habitat buffer long the upper beach.

By **2002** the EPA estimated they had removed about 100,000 gallons of non-aqueous phase liquids (NAPL) from the ground and treated over 370 million gallons of contaminated groundwater. The NAPL present at the Wyckoff site consists mostly of a mixture of creosote, pentachorophenol, and/or aromatic carrier oils. An estimated one million gallons of NAPL still remain at the site.

The thermal treatment pilot plant began operations in October **2002.** Unfortunately the high content of napthalene in the creosote transform it from the gaseous state directly into the solid state when cooled, skipping the intermediate liquid state. The reverse process is in fact why mothballs work. The resulting solidification clogged up the pumps and rubber fittings. The Army Corp of Engineers also had difficulties getting the boiler to work as it was intended. However the engineering problems aside, the actual trial test of heating the creosote to remove it from the sediment worked better then expected.[12] The EPA initially said that they remained committed to making the pilot project as successful as possible for the Wyckoff site, as well as to advancing its understanding of the technology nationally. The EPA said it was evaluating the necessary design changes to meet the regulatory requirements before the filtered groundwater was released into Eagle Harbor.

But by **2004** EPA appeared to be abandoning the steam cleaning approach, stating that this technique would not meet the States Model Toxics Control Act (MCTA) standard. They added this was true even if they removed 98% of the contamination, or 980,000 gallons of the estimated 1 million remaining. In its place EPA suggested that the Point be capped and contained, and the present pump and filter operation continue. In the meantime the thermal equipment for the pilot project has been removed and stored outside the building where it presently sits. The building will now house the new wastewater treatment plant, replacing the older facility which is located along the shoreline.

Now that the City owns the point, it is interested in having it clean as soon as possible, and hired an attorney and environmental consultants [20]. Ecology, which will take over the cleanup after the EPA leaves, is also interested in the level of contamination of the land, and the life span for the rusting steel sheet pile wall. A number of legal documents have been signed to codify agreements between the City, Ecology and EPA about the legal responsibilities for the site. [19] The City, Ecology, and ABC have met with EPA and Congressman Inslee to discuss the final remedy to try to arrive at a plan satisfactory to all parties, and this dialogue is continuing.

In **2005** a citizen walking along the mitigation beach noted the reappearance of creosote seeps. These darkened areas can be clearly seen in Figure C-11. The contaminated areas were signed and roped off by EPA, followed by extensive sediment testing during extreme low tides in the spring of 2006. According to EPA, the West Beach contaminants came from past operations of the creosote plant. The sand at the present beach was excavated in the winter of 2007and replaced with new cover in January **2008** consisting of a porous geotextile sheet, a one foot-thick layer of coble stones, and a two-foot thick layer of sand to act as fish habitat. [14]

Figure C-12
Signs Alerting Pedestrians to Keep Away from Contaminated Areas

HISTORY OF PUBLIC ACQUISITION OF THE PARK 1994-2006 [3,7]

As described in the history of the Superfund above, the signing of the consent agreement in **1994** created a trust, with the responsibility of the trustee to sell the assets for funds to support the Superfund remediation and resource restoration, in agreement with other beneficiaries which included the Suquamish and Muckelshoot Tribes. The properties included the Bill Point site as well as the second creosote plant in Seattle described in the history section above. The Port Authority bought the second site in West Seattle from the trust for use as a container terminal. This caused the new City of Bainbridge Island and a number of citizens to wonder about the future of the 50 acres at Bill Point. Layouts of cul de sacs with homes had already been drawn by developers interested in purchasing the land (See an example in Figure C-13). In addition, the EPA was asking the City if they expected the property to be clean enough for residential use. So in June **1995** Mayor Janet West appointed a citizen committee to look into the future of the property, including recommending a new zoning plan for the site designated waterfront industrial. In **1996** the committee produced a report entitled *Recommended Zoning for the Site of the Former Wyckoff Creosote Facility*[3]. They suggested that about 28 acres in the upland be zoned residential for single and multifamily, and about 10 acres for water-dependent commercial uses on the flatlands. The 11 acres on and surrounding the point would be reserved for a park. The Committee's recommendation was strongly influenced by communications they had with the trustee who inferred the land would be sold to the highest bidder.

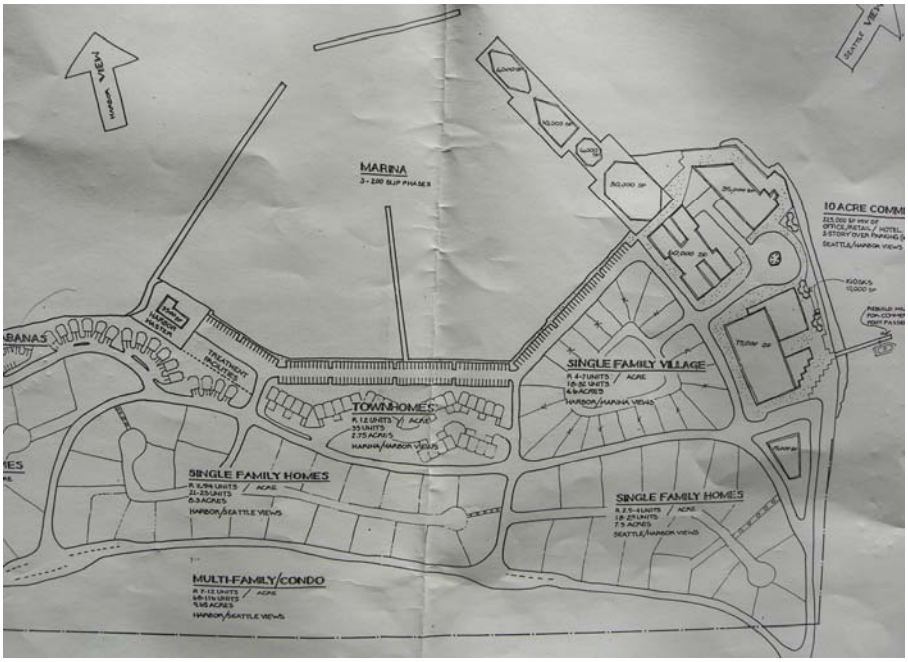


Figure C-13 One of the Initial Plans proposed by a potential developer

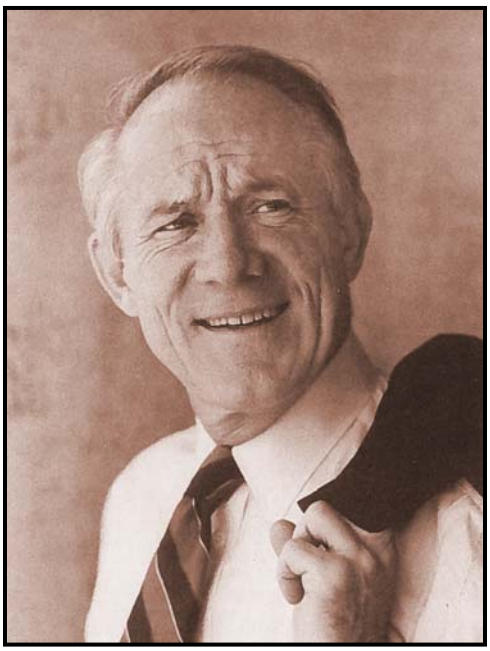


Figure C-14
Joel Pritchard

In **1997** a member of the citizen committee wrote to Ralph Munro, Secretary of State, asking his opinion about naming a park in honor of Joel Pritchard who had recently died in October at the age of 72 after serving two terms as the State's lieutenant governor. [5] Joel Pritchard had previously served as the U.S. representative for Bainbridge Island's congressional district from 1973-1985 where he was instrumental in passing a number of important environmental bills. He spent summers on Bainbridge beginning at the age of 2 months, and was know as one of the co-inventors of a game called pickleball. [10]

The situation for selling the property lay dormant while the EPA continued cleaning up the site. But in **2000** the City and the EPA had a slight disagreement as to future commercial uses of the site. The new mitigation beach on the harbor served as a habitat for aquatic life and as a cap over contamination. EPA therefore ruled out any off shore structures and anchoring since such uses could penetrate the layer of sand and let contaminants which were underneath seep to the surface. This requirement meant the City's plans for a dock and boat haul out facility as recommended in the 1996 report could not be built. A new Wyckoff Advisory Committee was formed in **2000** soon after this event. The group was comprised of citizens together with elected and staff members from the City

and Park District. Their task was to review and update the earlier 1996 report by the Zoning Committee. In June **2001** they issued this updated report entitled *Recommended Land Use for the Former Wyckoff Facility*[7]. In it was a "Preferred Alternative" for the entire property to become public parkland. Shortly before the final report was published, the City of Bainbridge Island and the Bainbridge Island Parks and Recreation District passed resolutions in support of public ownership of the entire property. Elements that were pivotal in this resolution related to EPA's recent improvements to the site. As described above, the sheet pile wall had recently been installed, a new mitigation beach created, and uplands and flatlands declared clean. While conclusions had not been rendered regarding the Superfund treatment plant and the proposed remedy, a pilot project was underway as called for in the ROD[8] (EPA's record of decision for the site) describing the specifics of the proposal related to thermal heating of the creosote in the area of the point contained by the piling wall.

A new group, the Wyckoff Acquisition Task Force, was appointed in July **2001**, shortly after the Wyckoff Acquisition Committee came out with their "preferred alternative." During this same time period a new trustee for Pacific Sound Resources was appointed who was open to discussions for public acquisition of the property. In order to determine a selling price an appraisal was carried out in August of 2001 by a firm located at Lake Stevens, which came in between $23 and $34 million. However the appraisal was not considered reasonable as it appeared the pollution of the site had not been fully considered. A new appraisal was carried out by a local firm in March of 2002 with a price of $8 million.

Figure C-15 Tour With Senator Maria Cantwell

Many tours of the site were arranged in **2001** and **2002** for citizen groups as well as for Congressman Inslee, Senators Murray and Cantwell, and their staff. This was the context at the time for the first University studio's overview and summary of designs offered in **2002** to educate leaders about the possibility for the site to become a park (see Chapter 7).

The Wyckoff Acquisition Task Force also held an open house at City Hall in October **2002,** as hopes were raised that necessary funds could be raised to buy the property. At the same time plans were being drawn up for the Bainbridge Island WWII Nikkei Exclusion Memorial at the western section of the Park. A ceremony marking the 60th anniversary of the removal of Japanese Americans took place **March 30th, 2002** along Taylor Avenue. In August 2002 the mayor and a member of the Task

Force testified at the U.S. Congress for a bill to direct the National Park Service to study the site for national memorial status. Later in February **2003** the City Council officially endorsed the name of Pritchard Park, replacing the old name of the Wyckoff Property. Congressman Jay Inslee, a strong backer for Pritchard Park, added that "it doesn't hurt to identify with a name people know. And it doesn't hurt that Pritchard was a Republican."

With all these plans it became apparent that $8 million would have to be raised to purchase the 50 acres of waterfront from the Pacific Sound Resources Trust, and additional funds for the development of the Memorial. On April 4, **2003** a group of interested citizens from various organizations decided that a public/private strategy was needed to acquire the park. A day long retreat was held at a local bed and breakfast with a small group representing the City Task Force, the City, the Parks District, the Memorial, and other citizen organizations to discuss an approach to raise the funds to buy the land for Pritchard Park which included the land for the Japanese-American Memorial.

Figure C-16 Creating a Strategy to Purchase Pritchard Park

Friends of Pritchard Park was soon formed to raise the community's awareness of this site to become a park, and also raise the necessary funds. The group consisted of 14 members from the community, including representatives from ABC, the Bainbridge Island Land Trust, Bainbridge Island Japanese American Community, and the Pritchard family. They worked in coordination with the Bainbridge Island Land Trust and the Trust for Public Land. They started meeting in **2003** and ended in 2005 when the State appropriated enough funds to purchase the final phase to buy the site. During that time they showed the value of creating a park to the community at social events, marching in the July 4th parade, gaining endorsements, and the distribution of a lot of brochures. The Land Trust was concerned about taking on a second major fund-raising activity at that time since it was also in the process of raising money for pristine shoreline property on the west side of the island.

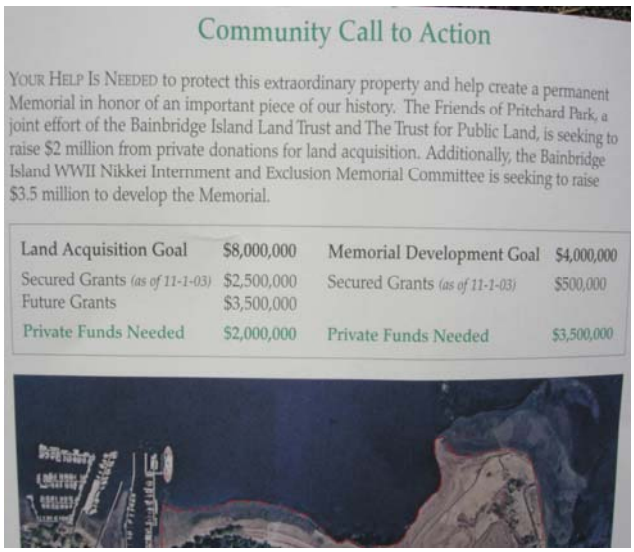


Figure C-17 Brochure for Fundraising

Nevertheless the Land Trust felt it was important to acquire Pritchard Park and contributed heavily to the project. Also agreements were worked out to decide how funds were to be distributed between

land acquisition and development of the Memorial which was underway. The Island's federal and state representatives assisted in obtaining grants, while representatives and staff from the City and Parks District worked hard to get state and local funds. They were assisted by a well-respected lobbyist for non-profits who lived on the Island. The technical assistance from the Trust for Public Land provided the Bainbridge Island Land Trust and local, state and the federal delegations with the expertise required to negotiate and purchase the site. A process and terms for options based on the amount of money raised were drawn up and negotiated with the seller - the trust for the Pacific Sound Resources Corporation. The plan would be for the Trust for Public Land to purchase as much of the property as possible based on the funding available, and then turn the property over to the City and Park District. During the campaign to raise funds a theme evolved that this would be a healing park- a healing for two wrongs in the past – one to the social fabric of the community and constitutional rights of citizens, and the second to the contamination of the land itself.

The purchase would also require a series of protective protocols and agreements important to the public purchasers of this type of Superfund site. The layering of protections against future actions and their rationale was critical for local decisions-makers seeking to purchase a park site that had a proposed remedy still years away from complete implementation. In **April 2003** an agreement was signed between the Pacific Sound Resources trustee and the Trust for Public Land regarding conditions for selling 49.5 acres for a total of $8 million with various options for purchasing parcels. [17] In this document a park use was envisioned, and cited as a future condition proposed for the site. Also in **June of 2003** the City agreed to purchase the land from the Trust for Public Land. The Memorial Committee continued their work in designing the Bainbridge Island WWII Nikkei Exclusion Memorial at the western section of the Park, and had a ground breaking on March 30, **2004**.

Figure C-18 Groundbreaking for Memorial

The site was purchased in three phases, beginning with Phase 1 in December **2nd, 2004** when the Mayor, a representative from the Parks and Recreation District, and the Trustee for Puget Sound Resources signed the sale for half the 50 acres which had been shown not to be contaminated. (See Figure C-19). The selling price of almost $5 million was a combination of funds coming from the federal, state, county, city and private donations. The purchases of the entire park area, including the polluted point, concluded with the final sale on **February 27, 2006.** The price for these parcels was over $3 million, again with funds provided by the same entities as for phase 1.

Figure C-19
Purchase of Phase 1 of
Pritchard Park

In **2005** the EPA signed an agreement not to sue the City of Bainbridge Island[18], and in **2006** the City signed and agreed order with the State's Department of Ecology to take remedial actions not in conflict with EPA's remedies.

In a review article in the *Bremerton Sun*[11], the reporter noted that "An extraordinary effort to get to this point started years ago with grass roots Bainbridge activists, and rose to the level of Congress. Through these efforts, organizers succeeded in keeping the land out of the hands of private developers and helped raise $8 million to buy it." (See list of some of the participants on page 19)

As noted in Chapter 5, the Pritchard Park Design Advisory Committee was established in April, **2007**.

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[1] **Picture Bainbridge - A Pictorial History of Bainbridge Island,** B.I. Historical Society - Jack Swanson 2002 and
and **Bainbridge through Bifocals,** Elsie Frankland Marriott, Gateway Printing 1941

[2] **A History of Creosote and Bill Point** video of a lecture by Jerry Elfendahl (Bainbridge Island Historical Society video 65)
Creosote Operation at the Seattle Plant in 1994 before closing down – (video 64)

[3] **Recommended Zoning for the Former Wyckoff Creosote Facility,** By the Wyckoff Zoning Advisory Committee, Judy Hartstone, Chair, August 1996

[4] ***Scotch Broom***, ABC newsletter articles beginning in 1981

[5] **Correspondences** between Ralph Munro and Charles Schmid 1997

[6] **Consent Agreement between USA, the Suquamish Tribe and the Muckslehoot Indian Tribe and**

Pacific Sound Resources September 1993 – April 1994

[7] **Recommended Land Use for the former Wyckoff Creosote Facility**, Wyckoff Advisory Committee 2001

[8] **Record of Decision Wyckoff/Eagle Harbor Superfund Site**, EPA February 2000

[9] **5-year Plans for Eagle Harbor/Wyckoff Superfund Site**, 2002 and 2007

[10] **Joel Pritchard's real legacy? It's pickleball** *Bainbridge Review* Tristan Baurick, January 4, 2006

[11] **Casting off the Dirty Past**, *Kitsap Sun*, Special Report, March 5, 2006 Rachel Pritchett

[12] **Thermal Remediation Pilot Study Summary Report (REV3)** prepared by U.S. Corps of Army Engineers – Seattle District for EPA October 2006

[13] **West Beach Investigation Data Evaluation Report Wyckoff/Eagle Harbor Superfund Sit**e prepared by CH2M Hill for EPA, October 2006

[14] **Wyckoff West Beach Exposure Barrier System (EBS) Design Concept** memo by CH2M HILL (Don Heyer) February 2007

[15] **Wyckoff Groundwater Conceptual Site Model Update Report**
Wyckoff/Eagle Harbor Superfund Site prepared by CH2M Hill for EPA, April 2007

[16] **Year Summary Repor**t EPA September 2007

[17] **Option Agreement between Pacific Sound Resources** (Seller and Trust for Public land (Buyer) to Purchase 49.5 Acres for $8 million (Exhibits A-F includes EPA access rights, Park Vision and Time Line and Milestones) April 2003 and
Agreement between Trust for Public land (Seller) and City of Bainbridge Island (Buyer) to Purchase 49.5 Acres for $8 million (amendments made June and December 2005 and

[18] **Agreement and Covenant not to Sue City of Bainbridge Island** (EPA Document 1—2005-0051 December 2004

[19] **Wyckoff/Eagle Harbor Site Phase III Acquisition Area** – Request for comments on proposed agreed order June 2006 and
Agreed Order between City of Bainbridge Island and the State Department of Ecology regarding Remedial Action of Phase III Acquisition Area of the Wyckoff/Eagle Harbor Site

[20] **Memo on Wyckoff/Eagle Harbor Conceptional Model Report**. Memo to Darlene Kordonowy from Aspect Consulting June 2007

[21] **Study of Alternatives/Environmental Assessment National Parks Service** produce by Jones and Jones Architects and Landscape Architects, December 2005

Members of Committees Contributing to the Creation of Pritchard Park

Wyckoff Zoning Advisory Committee 1995-96
Judith Hartstone, Chair
Robert Fortner
William Kreger
Fred Mann
Mark Norrander
Nick Rerecich
Charles Schmid
Bruce Weiland
Kathy James, Planner

Wyckoff Advisory Committee 2001
Christine Nasser
Merrill Robison
Dave Shorett
Chris Llewellyn
Perry Barrett
Charles Schmid
Judy Hartstone
Bill Kreger
Bob Fortner
Bob Selzler
Val Tollefson
Tom Yamasaki
Ed Kushner
Jack MacArthur
Libby Hudson

Wyckoff Acquisition Task Force 2001-02
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Perry Barrett
Ian Bentryn
Judy Hartstone
Libby Hudson
Neil Johannsen
Ed Kushner
Clarence Moriwaki
Mike Ryherd
Charles Schmid
Dave Shorett
Chris Llewellyn
Val Tollefson
Tom Yamasaki

Pritchard Park Retreat April 4, 2003
Perry Barrett
Cathy Cook
Judy Hartstone
Darlene Kordonowy
Ed Kushner
Clarence Moriwaki
Christine Rolfes
Charles Schmid
Dwight Sutton

Friends of Pritchard Park 2003-05
Sallie Maron, Chair
Perry Barrett
Heidi Dexter
Fred Grimm
Neil Johannsen
Ed Kushner
Clarence Moriwaki
Jeff Pritchard
Christine Rolfes
Charles Schmid
Bob Selzler
Frank Stowell
Steph Taylor
Val Tollefson
Kent Whitehead

Japanese-American Memorial Committee
Clarence Moriwaki, Chair
Dave Berfield
John Buday
Johnpaul Jones
Charlie Frame
Frank Kitamoto
Lily Kodama
Jim Matsudaria
Lisa Matsudaria
Joyce Nishimura
Lynn Nordby
Warren Read