AGENDA

BOARD OF CLALLAM COUNTY COMMISSIONERS

223 East 4th Street Room 160

Port Angeles, Washington

Tuesday, April 13, 2021 – 9:00 a.m.

****ATTENTION****

In response to the current Governors order Clallam County has moved Phase 3 of the Healthy Washington Roadmap to Recovery Plan. To be in compliance with the Healthy Washington Roadmap to Recovery Plan the following general requirements for COVID safety for meetings held in the Board of Commissioners Board Room are as follows:

1. All attendees are encouraged to provide contact information on a sign in sheet which will be retained for 28 days for contact tracing purposes.
2. Public seating areas and Board member seating must be arranged to ensure physical distancing is maintained.
3. Meeting attendees must wear a proper face covering and maintain six feet of physical distance between other persons.
4. No food or drink should be consumed in the BOCC Board Room.
5. Meeting organizers shall clean or arrange to have cleaned high-touch surfaces before and after each meeting.
6. Hand sanitizing stations will be available in the BOCC Board Room.
7. Keep doors and windows open where possible to improve ventilation.
8. The Chair of the meeting shall ensure masking and social distancing practices are enforced and practices by all event attendees.

This meeting can be viewed on a live stream at this link: http://www.clallam.net/features/meetings.html

If you would like to participate in the meeting via BlueJeans audio only, call 408-419-1715 and join with Meeting ID: 875 561 784

If you would like to participate in the meeting via BlueJeans video conference, visit www.bluejeans.com and join with Meeting ID: 875 561 784

Public comment and questions can be directed to the Clerk of the Board at 360-417-2256 or agores@co.clallam.wa.us.

EXECUTIVE SESSION - 8 a.m.
The Human Resources Department requests an Executive Session with the BOCC at 8 a.m. to discuss collective bargaining and contract negotiations with all represented unions of Clallam County.

RCW 42.30.140 (4)(a) - Collective bargaining sessions with employee organizations, including contract negotiations, grievance meetings, and discussions relating to the interpretation or application of a labor agreement; or (b) that portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress.

The Board may recess into Executive Session to consider employment or dismissal of personnel, to

review the performance of a public employee, to consult with legal counsel, to consider the position to be taken in collective bargaining, to consider acquisition or sale of real estate, or other matters per RCW 42.30.110

CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA

Modification - Item 4b postponed and item 5c amended

PUBLIC COMMENT FOR AGENDA ITEMS – Please limit comments to three minutes

CONSENT AGENDA – Any Commissioner may remove items for discussion

1a. Approval of vouchers for the week of April 5

Approval of vouchers

1b. Approval of minutes for the week of April 5

Approval of minutes

REPORTS AND PRESENTATIONS

CONTRACTS AND AGREEMENTS

2a. Agreement with Washington State University Extension to provide educational programs in the Extension Program

Agreement

2b. Agreement with Clallam Conservation District for the National Estuary/Department of Health Pollution Identification and Correction Grant

Agreement

2c. Agreement amendment with US Department of Transportation – Federal Highway Administration for the Spruce Railroad Trail Segment B Project

Agreement amendment

BIDS AND AWARDS

3a. Notice of call for bids to be received no later than 10 a.m., Tuesday, May 25, 2021 for Jail Control Room Upgrade and Improvement Project

Notice of call

ADMINISTRATION

4a. Resolution appointing Robert Knapp to the Marine Resources Committee

Resolution

4b. Postponed: Letter of Support for Jamestown S'Klallam Tribe - Traffic Calming and Pedestrian Safety in Blyn, Washington

Letter of Support

BUDGET

5a. Notice that the following budget reductions will be adopted by Resolution on April 27:
Department of Community Development - Long Range Planning - Budget reduction due to Planner III position moving from DCD - Long Range Planning to Human Resources - Risk Management/($69,981)

Notice

5b. Notice that the following supplemental appropriations will be adopted by Resolution on April 27:
Sheriff - Operations - Additional funds from Washington Association of Sheriffs & Police Chiefs (WASPC) to purchase 2 portable breath test instruments/$1,000

Notice

5c. Resolution calling for a hearing to be held April 27 at 10:30 a.m. for the following debatable emergencies:
Parks & Facilities - Additional funding for expenses related to COVID-19 for goods and services expenditures incurred in January and February, 2021 expected to be reimbursed through FEMA/$14,530
Auditor - Return unused 2020 HAVA CARES Act grant funds (received in 2020)/$29,030
Sheriff - Emergency Services - Additional funding for expenses related to COVID-19 for goods and services expenditures incurred January - March, 2021/$5,873
Sheriff - Jail Medical - Additional funding for expenses related to COVID-19 for inmate testing expenditures incurred January - March, 2021/$20,700
Sheriff - Operations
* Additional funding for ExecuTime Scheduling and Time & Attendance software training project costs/$10,035
* Additional funding for expenses related to COVID-19 for salary and benefits of Grant Coordinator incurred January - March, 2021/$3,939

Debatable Emergencies

Debatable Emergencies - Item 5c was amended after the agenda packet was posted on 4-8-21

PUBLIC COMMENT – Please limit comments to three minutes

EXECUTIVE SESSION
The Board may recess into Executive Session to consider employment or dismissal of personnel, to review the performance of a public employee, to consult with legal counsel, to consider the position to be taken in collective bargaining, to consider acquisition or sale of real estate, or other matters per RCW 42.30.110

HEARING(S) – Beginning at 10:30 a.m.

H1. Resolution for allocation of Regional Surface Transportation Block Grant (STBG) Program Federal Funding

Resolution

H2. Charter Review Recommendation Hearings:

1) Increasing monitoring of the Department of Natural Resources (DNR) management of its trust lands by hiring a forester

2) Meet all housing needs by creating permanent housing

Charter Review Recommendations

PUBLIC COMMENT – Please limit comments to three minutes

The following meetings are scheduled for the Board of Commissioners April 12 - 16
Monday, April 12:
9:00 a.m. Work Session
12:00 p.m. WSAC Virtual COVID Update
1:00 p.m. Charter Review Commission Recommendation Hearing
5:00 p.m. Charter Review Commission Recommendation Hearing

Tuesday, April 13:
8:00 a.m. Executive Session
10:00 a.m. Board Meeting
10:30 a.m. Hearing(s) - See Agenda
1:00 p.m. KONP

Friday, April 16:
10:00 a.m. COVID-19 Briefing

INSTRUCTIONS FOR SPEAKING AT A COMMISSIONERS' MEETING:

- Members of the public wishing to address the Board on general items may do so during the designated times on the agenda.
- Members of the public wishing to comment at the public hearing are asked to sign in on the sheet provided giving their name and address.
- The Chair may limit the comment period to 3 minutes for each speaker subject to Board concurrence.
- Speakers, generally, will be heard in the order they signed up. All comments must be made from the speaker's rostrum and any individual making comments shall first state their name and address for the official record.
- General comments, applause, booing from members of the audience are inappropriate and may result in removal.

These guidelines are intended to promote an orderly system for conducting a public hearing so that each person has an opportunity to be heard and to ensure that exercising their right of free speech embarrasses no one.

Note: Written testimony presented by members of the public during the Board meeting is considered a public document and must be submitted to the Clerk of the Board. Copies of public documents from Board meetings are available by contacting the Public Records Department.

M E M O R A N D U M

LONI GORES
Clerk of the Board

April 12, 2021

TO: Board of Commissioners, Administrator Sill

RE: Regular Agenda Modification(s)

FILE: A14.09.18

- The following item has been postponed - April 13 Regular Meeting:

ADMINISTRATION

4b Letter of Support for Jamestown S'Klallam Tribe - Traffic Calming and Pedestrian Safety in Blyn, Washington

- The following item is amended on the April 13 Regular Meeting:

BUDGET

5c Resolution calling for a hearing to be held April 27 at 10:30 a.m. for the following debatable emergencies:
Parks & Facilities – Additional funding for expenses related to COVID-19 for goods and services expenditures incurred in ~~January and February~~ March, 2021 expected to be reimbursed through FEMA/$14,530
Auditor – Return unused 2020 HAVA CARES Act grant funds (received in 2020)/~~$29,030~~ $2,834
Sheriff – Emergency Services - Additional funding for expenses related to COVID-19 for goods and services expenditures incurred January - March, 2021/$5,873
Sheriff – Jail Medical - Additional funding for expenses related to COVID-19 for inmate testing expenditures incurred January - March, 2021/$20,700
Sheriff – Operations
- Additional funding for ExecuTime Scheduling and Time & Attendance software training project costs/$10,035
- Additional funding for expenses related to COVID-19 for salary and benefits of Grant Coordinator incurred January - March, 2021/$3,939

19
4/13/21

Date of report: April 7, 2021

General	**$118,341.09**
Other	**$276,912.84**
Total	**$395,253.93**

STATE OF WASHINGTON)
)
County of Clallam)

This is to certify that the foregoing Final Check Lists a.k.a., Register of Warrants for the period herein indicated, is a full, true, and correct representation of the corresponding payments for services rendered to and supplies and equipment received by all Clallam County government operations as recorded in the books or original entry maintained by this office.

WITNESS MY HAND AND OFFICIAL SEAL THIS ____ DAY OF _____ 2021.

COPY

_____COUNTY AUDITOR
SHOONA RIGGS

CLALLAM COUNTY BOARD OF COMMISSIONERS does hereby certify that the services and merchandise herein specified have been received and that the claims listed and numbered above are hereby approved for payment:

BOARD OF COMMISSIONERS
CLALLAM COUNTY, WASHINGTON

_____
MARK OZIAS, Chair

_____
BILL PEACH

COPY

_____
RANDY JOHNSON

_____
RICH SILL (Interim County Administrator)

Weekly Expenditures

April 5 - 9, 2021

Fund #	Department	Expenditures		Use Tax	
		General Fund	Other	General Fund	Other
00100.211	**Assessor**	874.50			
00100.221	**Auditor**	437.87			
00100.241/291	**Commissioners (BOCC)**	688.40			
19914.291	BOCC - Veterans Relief		1,153.73		
19925.291	BOCC - Hotel/Motel		195.00		
00100.331-334	**Dept. of Community Develop't (DCD)**	3,314.23			
00100.881	**District Court II**	166.57			
11301.511	**Health & Human Services (HHS)**		10,585.55	13.08	
00100.511	HHS - Environmental Health	1,247.05			
11331.511	HHS - Developmental Disabilities		66,042.00		
00100.411	**Information Technology (IT)**	5,746.09			
00100.851	**Juvenile Services**	14,515.49			
13001/13051	**Noxious Weed/LMD #2** (Lake Mgmt. Dist.)		2,044.63		
00100.911/912	**Parks Fair Facilities (PFF)**	40,179.52			
00100.841-843	**Prosecuting Attorney**	10,441.16			
11701.841	Pros Atty - Local Crime Victim		1,388.80		
	Public Works (PW)				
10101.611	PW - Roads		124,944.17		
40201.611	PW - Solid Waste		1,376.70		
41401.611	PW - Clallam/Sekiu Sewer		33,871.33		
42401.611	PW - Carlsborg Sewer		356.17		
43401.611	PW - Bullman Beach Water System		4,938.63		
50301.611	PW - ER&R (Equip't Rental & Revolving)		27,991.63		
00100.811-815	**Sheriff**	35,014.85		1,260.60	
00100.816	Sheriff - Jail Medical	3,547.45			
11065.811	Sheriff - OPSCAN Operations		1,666.64		
11080.811	Sheriff - Inmate Commissary		245.00		8.36
00100.891	**Superior Court Clerk**	88.77			
	Treasurer				
12201.231	Treasurer - O&M (Operation & Maintenance)		104.50		
00100.931	**WSU Extension**	805.46			
	Total	**117,067.41**	**276,904.48**	**1,273.68**	**8.36**

Report Reconciliation		Totals			
Total	**393,971.89**	**General Fund**	**118,341.09**		
Final Check Lists	**393,971.89**	**Other**	**276,912.84**		
Difference	-	**Total**	**395,253.93**	**Use Tax**	**1,282.04**

COPY

Prepared by: _____

Sara DeBiddle, Clallam County Auditor's Office

Invoice History Use Tax Report
CLALLAM COUNTY

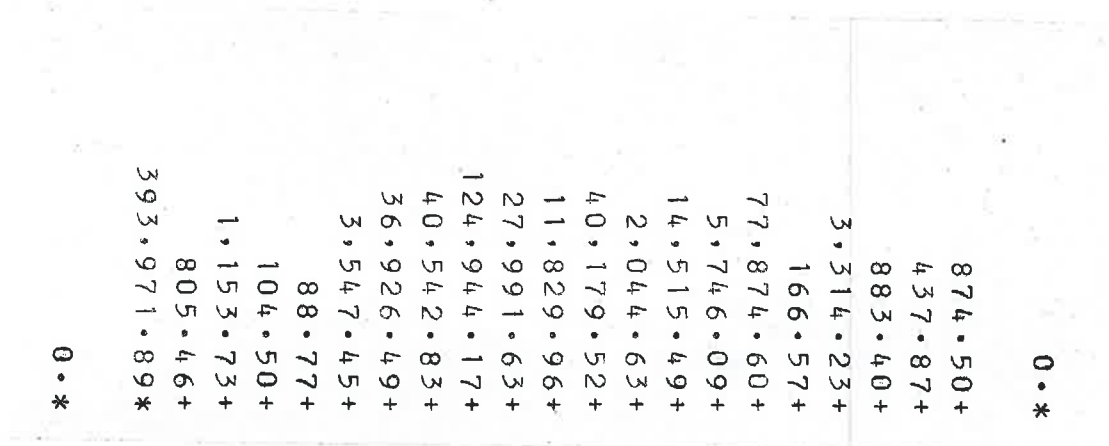
Tran Date	Vendor Name	Invoice / Credit Memo No.	Doc Group	Taxable Amount	Tax Amount	Invoice Total
4/1/2021	ONSOLVE LLC	15163354	jkoon	14,325.00	1,260.60	14,325.00
4/1/2021	SWANSONS SERVICES CORP.	1418265	jkoon	47.00	4.14	47.00
4/1/2021	SWANSONS SERVICES CORP.	1420899	jkoon	48.00	4.22	48.00
4/13/2021	NCL OF WISCONSIN INC	451894	cthompso	148.66	13.08	148.66
			Totals:	**14,568.66**	**1,282.04**	**14,568.66**

Final Check List
CLALLAM COUNTY

Assessor

Bank : apbank U S BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
	4/13/2021	0000360	CLALLAM COUNTY ER&R	2021.083E	4/1/2021	VEHICLE RENTAL FOR MARC	634.44	634.44
	4/13/2021	0001641	VERIZON WIRELESS	9876181648	4/1/2021	DATA FOR APPRAISAL COLLE	240.06	240.06
						Sub total for U S BANK:		874.50



Final Check List
CLALLAM COUNTY

Auditor

Bank : apbank U S BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
	4/13/2021	0000289	CDW GOVERNMENT, INC.	9549914	3/18/2021	ADOBE INDESIGN SUBSCRIP	396.55	396.55
	4/13/2021	0001113	OFFICE DEPOT, INC	161447953001	3/10/2021	NAME PLATES FOR TANNER	41.32	41.32
						Sub total for U S BANK:		437.87

Final Check List
CLALLAM COUNTY

BOCC

Bank : apbank U S BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
	4/13/2021	0001240	PITNEY BOWES	1017789019	4/1/2021	TAPE & SEALER	228.40	228.40
	4/13/2021	0001632	U S POSTMASTER	Jury 4/01/2021	4/1/2021	1,000 SUMMONS @ .46	460.00	460.00
	4/13/2021	0003114	SEQUIM CHAMBER OF COMM	5076	4/1/2021	MEMBERSHIP DUES MARCH	195.00	195.00
						Sub total for U S BANK:		883.40

Final Check List
CLALLAM COUNTY

DCD

Bank : apbank U S BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
	4/13/2021	0000360	CLALLAM COUNTY ER&R	2021.076E	3/31/2021	MARCH 2021 CE & INSPECTC	398.67	398.67
	4/13/2021	0001113	OFFICE DEPOT, INC	162701653001	3/23/2021	ADMIN OFFICE SUPPLIES	71.19	71.19
	4/13/2021	0001641	VERIZON WIRELESS	9876089139	3/22/2021	INSPECTOR MARCH 2021	26.58	
				9876089138	3/22/2021	INSPECTOR MARCH 2021	24.18	
				9876089140	3/22/2021	LRP MARCH 2021	22.25	73.01
	4/13/2021	0021760	CARLSEN, ERIC	CARLSEN MAR(	3/30/2021	G133 PSAR MILEAGE	151.76	151.76
	4/13/2021	0026025	KAWAL, LARA	2021-03 MARCH	3/30/2021	G133 PROFESSIONAL SERVI(	1,524.60	1,524.60
	4/13/2021	0039496	CLEAN WATER TECHNOLOGI	35516	3/16/2021	CODE ENFORCEMENT REGIS	1,095.00	1,095.00
						Sub total for U S BANK:		3,314.23

Final Check List
CLALLAM COUNTY

District Court II

Bank : apbank U S BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
	4/13/2021	0000296	CENTURYLINK	CentLinkMar202	4/5/2021	MARCH 2021 TELEPHONE SE	109.05	109.05
	4/13/2021	0019100	PLUMLEY, WILLIAM L	671488	4/5/2021	SPANISH INTERPRETOR CV2	45.00	45.00
	4/13/2021	0021386	STAPLES ADVANTAGE	8061447871	4/5/2021	OFFICE SUPPLIES	12.52	12.52
						Sub total for U S BANK:		166.57

Final Check List
CLALLAM COUNTY

HHS

Bank : apbank U S BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
	4/13/2021	0000335	CLALLAM COUNTY DEPT OF,	PIC 2021 02	3/25/2021	WQ-CONSULTING SERVICES	1,098.39	1,098.39
	4/13/2021	0001058	NCL OF WISCONSIN INC	451894	3/16/2021	WATER LAB-LAB SUPPLIES	148.66	148.66
	4/13/2021	0022148	CENTURYLINK BUSINESS SE	211559569	3/24/2021	HOPS - FORKS OFFICE 1-800	8.09	8.09
	4/13/2021	0000546	EXPRESS SERVICES, INC	25156160	3/17/2021	HOPS - PUBLIC HEALTH MED	4,268.94	
				25156161	3/17/2021	HOPS - CALL CENTER REPRE	-645.39	3,623.55
	4/13/2021	0040427	NORPOINT GROUP LLC	1157 NPG	3/28/2021	HOPS - SDC SECURITY SERV	4,102.00	4,102.00
	4/13/2021	0001159	ON THE MOVE MEDIA, INC	2914	3/1/2021	HOPS - COVID-19 TRANSIT C	1,341.60	
				2901	1/19/2021	HOPS - COVID-19 TRANSIT C	1,341.60	2,683.20
	4/13/2021	0001300	PUBLIC UTILITY DISTRICT	PUD 3-25-21	3/25/2021	HOPS - FORKS OFFICE UTILI	168.71	168.71
	4/13/2021	0001017	MORNINGSIDE INC	MS State Feb20	3/24/2021	DDD - STATE CONTRACT - FE	38,754.00	38,754.00
	4/13/2021	0017530	PIERCE JONES & ASSOCIATE	PJA State Feb 2(	3/23/2021	DDD - STATE CONTRACT - FE	27,288.00	27,288.00
						Sub total for U S BANK:		77,874.60

Final Check List
CLALLAM COUNTY

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Bank : apbank U S BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
	4/13/2021	0000392	COMPU-TECH INC	44972-00	3/30/2021	IT202210330F - COMPUTER C	105.00	105.00
	4/13/2021	0000674	GOVCONNECTION, INC.	71121597	3/30/2021	IT202210317 - KANGURU DISI	2,536.79	
				71121538	3/30/2021	IT20210316 - (2) NETWORK 8-	1,295.20	3,831.99
	4/13/2021	0001156	OLYPEN INC	210328-0017	3/30/2021	COJUVI	69.95	69.95
	4/13/2021	0001828	NIKOLA ENGINEERING INC	48563	3/30/2021	BLYN JUSTICE CENTER HIGH	55.00	55.00
	4/13/2021	0004211	CENTURYLINK	206T222202-033	3/30/2021	COURTHOUSE T-1 LINE #2	490.14	
				206T211472-033	3/30/2021	FORKS T-1 LINE	233.16	723.30
	4/13/2021	0023718	AT&T	3064574863-033	3/30/2021	JUVIE FAX LINES (3) LD	76.09	76.09
	4/13/2021	0033218	CLOUDPWR, LLC	2284	3/30/2021	IT20210324B - (2) BOX LICEN	884.76	884.76
						Sub total for U S BANK:		5,746.09

Final Check List
CLALLAM COUNTY

Juv Svcs

Bank : apbank U S BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
	4/13/2021	0000360	CLALLAM COUNTY ER&R	2021.085E	3/31/2021	VEHICLE RENTAL/LEASE	1,500.00	1,500.00
	4/13/2021	0000363	CLALLAM COUNTY SHERIFF	C21-006	3/15/2021	DET MEALS	578.20	578.20
	4/13/2021	0000371	CLALLAM TRANSIT SYSTEM	2021-J03	3/31/2021	PRO SVCS	162.00	162.00
	4/13/2021	0000628	GALLS LLC	017952096	3/23/2021	UNIFORMS & CLOTHING	385.59	
				017952097	3/23/2021	UNIFORMS & CLOTHING	329.01	
				017925128	3/19/2021	UNIFORMS & CLOTHING	250.68	
				017952099	3/23/2021	UNIFORMS & CLOTHING	233.65	
				017940571	3/22/2021	UNIFORMS & CLOTHING	233.00	
				017952222	3/23/2021	UNIFORMS & CLOTHING	166.46	
				017895701	3/16/2021	UNIFORMS & CLOTHING	163.15	
				017949502CR	3/22/2021	UNIFORMS & CLOTHING	-127.30	1,634.24
	4/13/2021	0000674	GOVCONNECTION, INC.	70808668	12/23/2020	OP SUPPLIES & SMALL TOOL	614.87	614.87
	4/13/2021	0001179	PACIFIC OFFICE EQUIPMENT	1076618	3/19/2021	EQUIP-REPAIR/MAINT	144.27	144.27
	4/13/2021	0001212	PENINSULA DISPUTE RESOL	JFS#139C2	2/5/2021	PRO SVCS	1,847.00	1,847.00
	4/13/2021	0001252	PORT ANGELES, CITY OF	21621PA	3/26/2021	UTILITIES-CITY OF PA	4,542.54	4,542.54
	4/13/2021	0002271	JACOBSEN, JODY	471545	3/17/2021	OP SUPPLIES & AWARDS ANI	199.84	199.84
	4/13/2021	0003696	GOODRICH, JOLEEN	32921JG	3/29/2021	TRVL BUS-REIMB GOODRICH	13.11	13.11
	4/13/2021	0017787	DAIRY FRESH FARMS INC	8082108509	3/26/2021	DET FOOD	71.80	71.80
	4/13/2021	0019100	PLUMLEY, WILLIAM L	674190	3/23/2021	PRO SVCS	78.75	78.75
	4/13/2021	0028699	SOUND PUBLISHING INC	PDN921362	3/10/2021	ADVERTISING-LEGAL NOTICI	184.86	184.86
	4/13/2021	0042636	HARBOR FOODSERVICE	271871	3/24/2021	DET FOOD & SUPPLIES	842.28	
				274494	3/31/2021	DET SUPPLIES	392.66	1,234.94
	4/13/2021	0043864	ZOOM VIDEO COMMUNICATI	Q900830	3/31/2021	SOFTWARE LICENSE	1,709.07	1,709.07
						Sub total for U S BANK:		14,515.49

Final Check List
CLALLAM COUNTY

Nox Weeds

Bank : apbank U S BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
	4/13/2021	0001641	VERIZON WIRELESS	9875546990	3/30/2021	GEN=1.22, FS=1.22	2.44	2.44
	4/13/2021	0020849	U S BANK	169529849	3/30/2021	HERBICIDE RDS=752.55 FS=7	1,505.11	
				11847657SL	3/30/2021	SURFACTANT-RDS=268.54 FS	537.08	2,042.19
						Sub total for U S BANK:		2,044.63

Bank : apbank U S BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
	4/13/2021	0000332	CLALLAM CO AUDITORS TAX	PFF March 2021	4/1/2021	PFF MARCH 2021 EXCISE TA	8,760.81	8,760.81
	4/13/2021	0000360	CLALLAM COUNTY ER&R	2021.059E	4/1/2021	PARKS FAIR Q1 2021 ERR	13,184.22	13,184.22
	4/13/2021	0000360	CLALLAM COUNTY ER&R	2021.068e	4/1/2021	DRA SMPK FUEL	33.16	33.16
	4/13/2021	0000427	CRESCENT WATER ASSOCIA	507 3/21	4/1/2021	SC MARCH WATER	543.89	
				459 3/21	4/1/2021	FWB MARCH WATER	50.00	593.89
	4/13/2021	0000546	EXPRESS SERVICES, INC	25156156	4/1/2021	CH COVID CUSTODIAN WK E	2,394.00	
				25184429	4/1/2021	CH COVID CUSTODIAN WK E	1,915.20	4,309.20
	4/13/2021	0000677	GRAINGER INC	9834481864	4/1/2021	CH COVID PLEXIGLAS SHEE	1,564.76	
				9852939249	4/1/2021	CH EYEWASH STATION FAUC	90.09	
				9851027962	4/1/2021	CH MOTOR START CAPACITC	8.05	
				9853593201	4/1/2021	CH COVID PLEXIGLAS CREDI	-1,564.76	98.14
	4/13/2021	0000725	HEARTLINE, THE	a17569	4/1/2021	CH MEDIUM BARK	15.78	15.78
	4/13/2021	0000750	HOME DEPOT CREDIT SERVI	1973924	4/1/2021	CDJ 2 VINYL WINDOWS	497.09	
				1061156	4/1/2021	CDJ TROWEL, CULTIVATOR	19.54	516.63
	4/13/2021	0000939	M & P OVERHEAD DOORS	3169	4/1/2021	JAIL SALLY PORT DOOR SER	155.53	155.53
	4/13/2021	0001252	PORT ANGELES, CITY OF	60387-154442 3/	4/1/2021	FG MARCH UTIL	432.39	
				60387-152998 3/	4/1/2021	FG MARCH UTIL	320.55	
				60327-152976 3/	4/1/2021	CIB MARCH UTIL	314.20	
				60387-154282 3/	4/1/2021	FG MARCH UTIL	264.83	
				60387-152668 3/	4/1/2021	FG MARCH UTIL AND GARBA	263.01	
				60387-153004 3/	4/1/2021	FG MARCH UTIL	259.06	
				60387-154714 3/	4/1/2021	FG MARCH UTIL	239.57	
				60387-153006 3/	4/1/2021	FG MARCH UTIL	221.51	
				60387-158232 3/	4/1/2021	FG MARCH UTIL	31.90	2,347.02
	4/13/2021	0001253	PORT ANGELES SOLID WAST	978106	4/1/2021	CH DUMP FEE	83.41	
				977641	4/1/2021	DRA DUMP FEE	10.00	
				978229	4/1/2021	VET DUMP FEE	9.78	103.19
	4/13/2021	0001300	PUBLIC UTILITY DISTRICT	75463 3/21	4/1/2021	SC MARCH ELECT	854.04	
				13572 3/21	4/1/2021	SC MARCH ELECT	418.53	
				13575 3/21	4/1/2021	SC MARCH ELECT	294.52	
				13573 3/21	4/1/2021	SC MARCH ELECT	51.91	
				13571 3/21	4/1/2021	SC MARCH UNMETERED LIG	18.74	1,637.74

Bank : apbank U S BANK (Continued)

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
	4/13/2021	0001540	SWAIN'S GENERAL STORE IN	285142	4/1/2021	CH DEER NETTING	84.73	
				285076	4/1/2021	SC MISCELLANEOUS SANITA	77.87	
				285196	4/1/2021	CH COUPLER HEX BUSHING	9.62	
				285021	4/1/2021	CH MISC BOLTS	3.70	175.92
	4/13/2021	0001576	THURMAN SUPPLY	748190	4/1/2021	JAIL LAUNDRY TUB	48.44	
				748489	4/1/2021	CH HOSE AND ADAPTER FOF	10.40	58.84
	4/13/2021	0001641	VERIZON WIRELESS	9876181645	4/1/2021	CH ADM JUV FG MARCH CEL	301.26	301.26
	4/13/2021	0001767	WEST WASTE & RECYCLING	0000211093	4/1/2021	CB LKPLSNT GARBAGE	72.00	72.00
	4/13/2021	0021769	HANSON SIGN CO	020521051	4/1/2021	JUV ADA PARKING SIGNS	368.40	368.40
	4/13/2021	0037116	ASSA ABLOY ENTRANCE SYS	sci 63189	4/1/2021	CH BI ANNUAL SERVICE FRO	528.77	528.77
	4/13/2021	0041295	C & C TIMBER INC	8877	4/1/2021	DRA 200 FIREWOOD BUNDLE	698.00	698.00
	4/13/2021	0041514	TRIVERUS LLC	3398	4/1/2021	CH POROUS PARKING LOT C	5,222.40	5,222.40
	4/13/2021	0041605	HOME DEPOT PRO	606359768	4/1/2021	CH COVID HAND SANITIZER	469.20	
				606089050	4/1/2021	CH COVID HAND SANITIZER	40.80	510.00
	4/13/2021	0043891	JON-DON LLC	20380025	4/1/2021	JUV 5 GALL FLOOR FINISH	244.31	
				4203809	4/1/2021	JUV 5 GALL FLOOR FINISH	244.31	488.62

Sub total for U S BANK: 40,179.52

Final Check List
CLALLAM COUNTY

Prosecutor

Bank : apbank U S BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
	4/13/2021	0000421	CRAVERS RENT A SPACE	CRAVERS2021	4/1/2021	CRAVERS RENTAL	1,793.00	1,793.00
	4/13/2021	0000546	EXPRESS SERVICES, INC	25156172	4/1/2021	EXPRESS	3,784.92	3,784.92
	4/13/2021	0001113	OFFICE DEPOT, INC	163995111001	4/1/2021	OFFICE SUPPLIES	69.65	
				160333044001	4/1/2021	OFFICE SUPPLIES	58.87	
				162524319001	4/1/2021	OFFICE SUPPLIES	56.35	
				161156826001	4/1/2021	OFFICE SUPPLIES	32.63	
				161159196001	4/1/2021	OFFICE SUPPLIES	30.97	248.47
	4/13/2021	0001136	OLYMPIC MEDICAL CENTER	9712050706140(	4/1/2021	CORONER	250.00	250.00
	4/13/2021	0001154	OLYMPIC VIEW PROPERTIES	OLYMPICVIEWF	4/1/2021	2ND QUARTER LEASE	4,800.00	4,800.00
	4/13/2021	0001641	VERIZON WIRELESS	9876181646	4/1/2021	VERIZON	953.57	953.57
						Sub total for U S BANK:		11,829.96

Final Check List
CLALLAM COUNTY

Public Works ER+R

Bank : apbank U S BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
	4/13/2021	0000056	ALPINE PRODUCTS INC	TM-200516	3/23/2021	Roadlazer gun rebuild kit - PA 5	1,871.63	1,871.63
	4/13/2021	0000091	ANGELES MILLWORKS & LUM	284875	3/26/2021	Propane - PA 830	20.32	20.32
	4/13/2021	0000099	A-1 AUTO PARTS	1312933	3/17/2021	Wash down kit - SQ 401	229.01	
				1312029	3/11/2021	Grommets, LEDs, 12" batter-SC	56.17	
				1311423	3/8/2021	Dielectric,gasacinch,battery pro	47.08	
				1310836	3/4/2021	A/C auto temp, heater relay - S(	38.59	
				1314124	3/24/2021	1924-01-01 - SQ 733	7.70	
				1311755	3/10/2021	Studs - SQ 480	2.39	380.94
	4/13/2021	0000354	CLALLAM COUNTY SEWER DI	2021-018CBS	3/27/2021	1st Quarter Shop Rent-CB	450.00	450.00
	4/13/2021	0000377	PACWEST MACHINERY LLC	20345665	3/30/2021	Shock pin, absorber; hinge pin -	373.11	373.11
	4/13/2021	0000440	D & K RENTALS	162189	3/23/2021	Rentals: lift, trailmax - PA 20-B2	571.20	571.20
	4/13/2021	0000592	FORKS AUTO ELECTRIC	758138	2/17/2021	Bulb socket, alternator, battery-	527.01	527.01
	4/13/2021	0000594	DECKER CITY HARDWARE, TI	637408	3/25/2021	Propane - WE 831	14.73	14.73
	4/13/2021	0000599	FORKS OUTFITTERS	26MAR2021	3/26/2021	Hardware - WE 415	4.32	4.32
	4/13/2021	0000772	INDUSTRIAL HYDRAULICS IN(	A333416	3/22/2021	Air motor & fluid repair kits - PA	1,344.06	
				A333465	3/23/2021	Replace L & U valve assemblies	1,015.22	2,359.28
	4/13/2021	0000786	INTERSTATE BATTERY SYSTE	22066363	3/30/2021	PA Stores/Battery	138.12	138.12
	4/13/2021	0000848	PAPE KENWORTH NORTHWE	10532411	3/24/2021	Seat, AMCPT+ CV - PA 242	538.56	
				10529688	3/22/2021	Sensor-fuel lvl - PA 207	248.02	
				10528458	3/22/2021	Connector, sensor-temp - PA 2(	36.48	
				10525033	3/19/2021	Sensor-fuel lvl, harness,fuel SE	23.32	
				10527370	3/20/2021	DEF dosing modu - PA 401	-279.40	566.98
	4/13/2021	0000894	LARSCO INC	1107076-02	3/12/2021	F6 self wrap braided loom box -	89.42	89.42
	4/13/2021	0001255	PRICE FORD LINCOLN MERCI	5037579	3/24/2021	AC3Z glass - PA 130	182.26	182.26
	4/13/2021	0001300	PUBLIC UTILITY DISTRICT	9896/03252021	3/25/2021	Electric util.chgs, 160 Grant Rd-	753.01	
				109032/0325202	3/25/2021	Electric utility charges - G.Pit R(	62.96	815.97
	4/13/2021	0001426	SEQUIM, CITY OF	1295.0/0401202	4/1/2021	Utility charges (water & sewer) -	197.57	197.57
	4/13/2021	0001457	SME SOLUTIONS LLC	304940Z	3/17/2021	UST leak detection testing - CH	600.00	600.00
	4/13/2021	0001586	TRAFFIC SAFETY SUPPLY CO	INV036221	3/17/2021	30x9D3, 32X9D3 - SQ	790.82	790.82
	4/13/2021	0001641	VERIZON WIRELESS	9876089138 E	3/22/2021	PA Sign Shop Laptop line - PA	80.02	80.02
	4/13/2021	0001767	WEST WASTE & RECYCLING	212802	3/31/2021	Sanican - CB	120.00	
				210925	3/31/2021	Garbage collection - LC	72.00	
				210926	3/31/2021	Garbage collection - CB	36.00	228.00

Bank : apbank U S BANK (Continued)

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
	4/13/2021	0001781	WHITEHEADS AUTO PARTS IN	190253	3/24/2021	Br.calipers, core deposits, pads	626.95	
				190940	3/31/2021	Wld/wire - LC	101.10	
				191083	4/1/2021	Wld/wire - LC	101.10	
				190165	3/23/2021	Glow plug relay - WE 108	48.93	
				190489	3/26/2021	CB ant, antenna - WE 225	39.04	
				190378	3/25/2021	SP/wrench - WE	31.62	
				190379	3/25/2021	LC Stores/Filters	30.60	
				190376	3/25/2021	Returns: Core deposits - WE 1(	-143.22	836.12
	4/13/2021	0002237	ASSOCIATED PETROLEUM, IN	313781-IN	3/24/2021	Diesel & Unleaded fuel purchas	7,014.80	7,014.80
	4/13/2021	0004448	DAREN'S POINT S TIRE & AUT	84718	4/1/2021	Mount, balance tires - PA S338	73.77	73.77
	4/13/2021	0006886	SYSTEMS FOR PUBLIC SAFET	39369	3/3/2021	Lighted push bumper - PA S354	1,213.00	
				39418	3/4/2021	Whelen Vertix LED, blue - PA S	99.97	1,312.97
	4/13/2021	0017663	ARAMARK UNIFORM SVCS IN	512000019806	3/23/2021	Laundry services - PA	34.74	
				512000021874	3/25/2021	Laundry services - SQ	16.32	
				512000024280	3/30/2021	Laundry services - PA	16.32	67.38
	4/13/2021	0018831	APPLIED INDUSTRIAL TECHN	7021110457	3/18/2021	Dodge F4BSC104 - PA 1774	504.46	504.46

Bank : apbank U S BANK (Continued)

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
	4/13/2021	0022435	RACE STREET AUTO PARTS	523887	2/26/2021	PA Stores/Filters	315.72	
				527802	3/25/2021	Brake Calipers, core deposits -	304.57	
				526982	3/19/2021	SQ Stores/Filters	125.50	
				527451	3/23/2021	Oil / fuel filters; washer fluid-SQ	124.63	
				528615	3/31/2021	PA Stores/Filters	77.94	
				527922	3/26/2021	PA Stores/Filters	72.38	
				528614	3/31/2021	Air filters - PA 408	65.40	
				527921	3/26/2021	Air & hydraulic filters - PA 413	64.95	
				527770	3/25/2021	Air hose, 1/2" - PA 904	58.69	
				528315	3/29/2021	Blower motor w/o wheel, heater	53.13	
				528238	3/29/2021	Air hoses - PA 904	41.26	
				528361	3/30/2021	Air filter - PA 167	36.60	
				524844	3/5/2021	Relays - SQ 401	35.12	
				527797	3/25/2021	Wheel seal, rear - PA 130	33.73	
				527650	3/24/2021	S/T/T lamps - PA 401	29.96	
				528616	3/31/2021	Coolant fan switch - PA 408	24.32	
				527769	3/25/2021	Air hose - PA 904	19.56	
				526712	3/18/2021	Oil seals - SQ 905	18.32	
				528602	3/31/2021	Fuel filter - PA 408	17.03	
				527875	3/26/2021	Oil seal - PA 130	16.86	
				528210	3/29/2021	PA Stores/Filters	12.90	
				525506	3/10/2021	Oil filter, washer fluid - SQ	11.62	
				527898	3/26/2021	Bat bolt - PA 1063	6.53	
				527894	3/26/2021	Returns: core deposits - PA 130	-143.62	1,423.10
	4/13/2021	0028699	SOUND PUBLISHING INC	FOF922547	3/25/2021	F.Forum-Notice Surplus Auctior	13.20	
				SEQ922546	3/24/2021	Gazette-Notice Surplus Auction	12.10	25.30
	4/13/2021	0029002	3M	9410793523	3/23/2021	Pres.Sensitive Sign Film - PA S	2,932.14	2,932.14
	4/13/2021	0035531	PUGET SOUND HARDWARE, I	8308	3/11/2021	Shackle, key cores, keys - PA 2	238.33	238.33
	4/13/2021	0041488	WEX BANK DBA WRIGHT EXP	4953444/040621	4/6/2021	Fuel purchases - PA S327	95.61	95.61
	4/13/2021	0042872	PROPANE NORTHWEST	1503707048	3/22/2021	Propane delivery - LC	219.03	219.03
	4/13/2021	0043469	PETROCARD	407135-IN	3/24/2021	Hydraulic fluid - LC bulk	1,624.47	
				407016-IN	3/25/2021	5W20 bulk oil - PA	579.09	2,203.56
	4/13/2021	0043863	CUMMINS SALES AND SERVI	07-13239	3/17/2021	INSITE PRO - SQ 20-SMTOOL	837.76	
				07-13299	3/18/2021	INSITE Lite - SQ 20-SMTOOL	783.36	
				07-13297	3/18/2021	Credit: INSITE PRO - SQ 20-SI	-837.76	783.36

Sub total for U S BANK: 27,991.63

Bank : apbank U S BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
	4/13/2021	0000091	ANGELES MILLWORKS & LUM	285019	3/29/2021	MAINTENANCE SUPPLIES - P	212.17	
				284105	3/16/2021	MAINTENANCE SUPPLIES - P	138.11	
				283307	3/5/2021	MAINTENANCE SUPPLIES - C	28.61	
				101920 033121 (	3/31/2021	CREDIT MEMO TO CLEAN UP	-197.64	181.25
	4/13/2021	0000360	CLALLAM COUNTY ER&R	2021.078E	3/31/2021	03/21 EQUIPMENT RENT	103,176.81	
				2021.075E	3/27/2021	2021 Q1 RADIO EQUIPMENT I	681.00	103,857.81
	4/13/2021	0000546	EXPRESS SERVICES, INC	25184428-10101	3/23/2021	03/15/21~03/21/21 ROADS	5,111.28	5,111.28
	4/13/2021	0000555	FASTENAL COMPANY	WAPOR81795	3/18/2021	MAINTENANCE SUPPLIES - S	130.08	130.08
	4/13/2021	0000594	DECKER CITY HARDWARE, TI	636908	3/22/2021	MAINTENANCE SUPPLIES - L	41.21	41.21
	4/13/2021	0000709	HARBOR SAW & SUPPLY	644637	3/17/2021	MAINTENANCE SUPPLIES - L	112.39	
				645778	3/25/2021	MAINTENANCE SUPPLIES - P	19.74	132.13
	4/13/2021	0001140	OLYMPIC PRINTERS INC	27532	3/24/2021	ADMIN SUPPLIES - RECEIPT	552.70	552.70
	4/13/2021	0001148	OLYMPIC SPRINGS INC	337449	3/31/2021	MAINTENANCE SUPPLIES - L	43.13	43.13
	4/13/2021	0001551	TACOMA SCREW PRODUCTS	14403424	3/23/2021	MAINTENANCE SUPPLIES - P	161.45	
				14403738	3/25/2021	MAINTENANCE SUPPLIES - P	142.48	
				14403591	3/24/2021	MAINTENANCE SUPPLIES - S	140.50	
				14403737	3/25/2021	MAINTENANCE SUPPLIES - S	27.65	472.08
	4/13/2021	0001641	VERIZON WIRELESS	9876089138-101	3/22/2021	03/21 CELL CHARGES	354.37	354.37
	4/13/2021	0005032	OWEN EQUIPMENT COMPAN	00101219	3/19/2021	BROOM RENTAL - SQ	11,019.21	11,019.21
	4/13/2021	0017663	ARAMARK UNIFORM SVCS IN	512000019813	3/23/2021	LAUNDRY SERVICE - PA	16.32	
				512000021872	3/25/2021	LAUNDRY SERVICE - SQ	16.32	
				512000021687	3/25/2021	LAUNDRY SERVICE - LC	16.28	48.92
	4/13/2021	0044988	COMPRAISE	2106	3/30/2021	APPRAISAL REPORT REVIEW	3,000.00	3,000.00
						Sub total for U S BANK:		124,944.17

Final Check List
CLALLAM COUNTY

Public Works

Bank : apbank U S BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
	4/13/2021	0000360	CLALLAM COUNTY ER&R	2021.080E	3/31/2021	03/21 EQUIPMENT RENT	21.06	21.06
	4/13/2021	0000361	CLALLAM COUNTY ROAD DEF	2021.019R	3/28/2021	02/16/21~03/15/21 EMPLOYEE	515.04	515.04
	4/13/2021	0000546	EXPRESS SERVICES, INC	25184428-40201	3/23/2021	03/15/21~03/21/21 SOLID WAS	840.60	840.60
	4/13/2021	0000074	AM TEST, INC.	120655	3/31/2021	MAINTENANCE SUPPLIES - W	420.00	420.00
	4/13/2021	0044956	ANGLER'S NW LCC	032421932 TCKI	3/24/2021	SEKIU AIRPORT ROAD SEWE	500.00	500.00
	4/13/2021	0036092	AQUA TERRA CULTURAL, RES	JE-04-20-014	3/29/2021	SEKIU AIRPORT ROAD SEWE	27,386.32	27,386.32
	4/13/2021	0037716	CASCADE COLUMBIA DISTRIE	802079	3/16/2021	MAINTENANCE SUPPLIES - W	1,271.42	1,271.42
	4/13/2021	0000360	CLALLAM COUNTY ER&R	2021.081E	3/31/2021	03/21 EQUIPMENT RENT	913.39	913.39
	4/13/2021	0000361	CLALLAM COUNTY ROAD DEF	2021.020R	3/28/2021	02/16/21~03/15/21 EMPLOYEE	763.28	763.28
	4/13/2021	0000546	EXPRESS SERVICES, INC	25184428-41401	3/23/2021	03/15/21~03/21/21 CLALLAM E	1,219.14	1,219.14
	4/13/2021	0001300	PUBLIC UTILITY DISTRICT	23007-032421	3/24/2021	02/18/21~03/22/21 176 FRONT	797.67	
				22991-032421	3/24/2021	02/18/21~03/22/21 15180 HWY	197.57	
				23221-032421	3/24/2021	02/18/21~03/22/21 12901 HWY	192.51	
				23040-032421	3/24/2021	02/18/21~03/22/21 FRONT ST	174.03	1,361.78
	4/13/2021	0001767	WEST WASTE & RECYCLING	0000210934	3/31/2021	03/21 WWTP GARBAGE SERV	36.00	36.00
	4/13/2021	0000360	CLALLAM COUNTY ER&R	2021.082E	3/31/2021	03/21 EQUIPMENT RENT	71.21	71.21
	4/13/2021	0000361	CLALLAM COUNTY ROAD DEF	2021.021R	3/28/2021	02/16/21~03/15/21 EMPLOYEE	125.05	125.05
	4/13/2021	0001300	PUBLIC UTILITY DISTRICT	119586-032521	3/25/2021	02/11/21~03/22/21 1453 W WA	59.87	59.87
	4/13/2021	0001641	VERIZON WIRELESS	9876207570	3/23/2021	03/21 MACHINE TO MACHINE	100.04	100.04
	4/13/2021	0000361	CLALLAM COUNTY ROAD DEF	2021.023R	3/29/2021	2021 Q1 PAYROLL EXPENSES	4,449.77	4,449.77
	4/13/2021	0000546	EXPRESS SERVICES, INC	25184428-43401	3/23/2021	03/15/21~03/21/21 BBWA	280.49	280.49
	4/13/2021	0041605	HOME DEPOT PRO	606534147	3/18/2021	MAINTENANCE SUPPLIES - B	146.19	146.19
	4/13/2021	0001300	PUBLIC UTILITY DISTRICT	24561-032421	3/24/2021	02/21/21~03/21/21 BULLMAN E	62.18	62.18
						Sub total for U S BANK:		40,542.83

Final Check List
CLALLAM COUNTY

Sheriff

Bank : apbank U S BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
	4/13/2021	0000091	ANGELES MILLWORKS & LUM	284886	3/26/2021	MAINTENANCE SUPPLIES	16.74	16.74
	4/13/2021	0000258	BUSINESS TELECOM PRODU	314239	2/17/2021	BIAURAL NOISE CANCELING,	406.12	406.12
	4/13/2021	0000323	CIVIC RESEARCH INSTITUTE	3082770-R1	3/1/2021	SUBSCRIPTION RENEWAL - 6	179.95	179.95
	4/13/2021	0000360	CLALLAM COUNTY ER&R	2021.086E	3/31/2021	CHAIN GANG VEHICLE RENT	3,800.00	
				2021.070E	3/25/2021	FUEL & MISC PARTS FOR CH	689.50	
				2021.062E	3/25/2021	LABOR ON CHAIN GANG & S/	198.00	
				2021.071E	3/25/2021	PARTS & LUBE FOR OPNET V	156.27	
				2021.063E	3/25/2021	LABOR ON OPNET VEHICLES	132.00	4,975.77
	4/13/2021	0000664	GLOBALSTAR USA	AC00152690a	3/31/2021	SATELLITE PHONE SERVICE	90.39	90.39
	4/13/2021	0001140	OLYMPIC PRINTERS INC	27575	3/24/2021	FORMS - REQUEST FOR BUS	235.01	235.01
	4/13/2021	0001203	PEN PRINT INC	38578	3/11/2021	FORMS RELATED TO VACCIN	1,868.10	
				38552	2/22/2021	FORMS RELATED TO VACCIN	598.37	2,466.47
	4/13/2021	0001300	PUBLIC UTILITY DISTRICT	115366-Mar21a	3/25/2021	UTILITIES - EDWARDS RD 2/1	451.40	451.40
	4/13/2021	0001543	SWANSONS SERVICES CORP	1420899	3/25/2021	INDIGENT PACKS	48.00	
				1418265	3/18/2021	INDIGENT PACKS	47.00	95.00
	4/13/2021	0001641	VERIZON WIRELESS	9876181644	3/23/2021	CELL PHONE SERVICE	672.34	672.34
	4/13/2021	0001828	NIKOLA ENGINEERING INC	48564	3/23/2021	END POINTS	1,198.50	1,198.50
	4/13/2021	0003171	ANGELES CLINIC FOR ANIMAI	355402	2/23/2021	CARE OF SEIZED PUPPIES	656.59	656.59
	4/13/2021	0019508	HAM RADIO OUTLET, INC.	P1-365439	2/4/2021	FM TRANSCEIVERS & ACCES	6,782.75	6,782.75
	4/13/2021	0027917	COMMERCIAL REPAIR	263266	3/16/2021	CLEANING & MAINTENANCE	499.92	499.92
	4/13/2021	0031772	WE PROMOTE YOU	41763617	2/5/2021	10,000 ASSORTED COLORS F	2,937.60	2,937.60
	4/13/2021	0037247	HAIR BY NICOLE	032321	3/23/2021	INMATE HAIRCUTS	150.00	150.00
	4/13/2021	0039377	ONSOLVE LLC	15163354	3/25/2021	CODERED SUBSCRIPTION	14,325.00	14,325.00
	4/13/2021	0043511	OPEN TEXT INC	9002342376	3/1/2021	ENCASE FORENSIC MAINTEI	786.94	786.94
						Sub total for U S BANK:		36,926.49

Bank : apbank U S BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
	4/13/2021	0001136	OLYMPIC MEDICAL CENTER	OMC 4.1.21	4/1/2021	INMATE MEDICAL	3,193.11	3,193.11
	4/13/2021	0004826	OLYMPIC MEDICAL PHYSICIAI	71226466080	4/1/2021	INMATE MEDICAL	24.80	
				71226455850	4/1/2021	INMATE MEDICAL	24.80	49.60
	4/13/2021	0025115	RADIA INC PS	Z7NQXMI	4/1/2021	INMATE MEDICAL	57.80	57.80
	4/13/2021	0041537	MCKESSON MEDICAL-SURGI(	18086976	3/18/2021	CLINIC SUPPLIES	131.93	
				18093046	3/22/2021	CLINIC SUPPLIES	100.33	
				43445236	2/22/2021	CLINIC SUPPLIES	14.68	246.94
						Sub total for U S BANK:		3,547.45

Final Check List
CLALLAM COUNTY

Clerk

Bank : apbank U S BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
	4/13/2021	0001179	PACIFIC OFFICE EQUIPMENT	1077219	4/2/2021	CLERK'S OFFICE CONTRACT	39.51	
				1077218	4/2/2021	CLERK'S OFFICE CONTRACT	36.38	75.89
	4/13/2021	0033199	LEMAY MOBILE SHREDDING	4695954	4/2/2021	CLERK'S OFFICE SHRED	12.88	12.88
						Sub total for U S BANK:		88.77

Final Check List
CLALLAM COUNTY

Treasurer

Bank : apbank U S BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
	4/13/2021	0000331	CLALLAM COUNTY AUDITOR	21-126793	4/1/2021	DFL REMOVAL RECORDING 2	104.50	104.50
						Sub total for U S BANK:		104.50

Final Check List
CLALLAM COUNTY

Veterans

Bank : apbank U S BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
	4/1/2021	0001300	PUBLIC UTILITY DISTRICT	WT0047 3/31/21	3/31/2021	UTILITY	253.73	253.73
	4/1/2021	0020849	U S BANK	BG6299 3/31/21	3/31/2021	FOOD	150.00	
				MJ3268 3/31/21	3/31/2021	FOOD	150.00	
				VA5478 3/31/21	3/31/2021	FOOD	150.00	
				DR7414 3/31/21	3/31/2021	FOOD	75.00	525.00
	4/1/2021	0020849	U S BANK	FC8568 3/31/21	3/31/2021	FOOD	150.00	
				DR7414 3/31/21	3/31/2021	FOOD	75.00	225.00
	4/1/2021	0020849	U S BANK	MC2576 3/31/21	3/31/2021	SHELL-FUEL	150.00	150.00
						Sub total for U S BANK:		1,153.73

Final Check List
CLALLAM COUNTY

WSU Ext

Bank : apbank U S BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
	4/13/2021	0000360	CLALLAM COUNTY ER&R	2021.084E	3/30/2021	VEHICLE #166 MARCH 2021 F	405.00	405.00
	4/13/2021	0000596	FORKS FORUM	2021	4/1/2021	FORKS FORUM YEARLY SUB:	85.00	85.00
	4/13/2021	0001179	PACIFIC OFFICE EQUIPMENT	1077278	4/6/2021	PACIFIC OFFICE EQUIPMENT	64.41	64.41
	4/13/2021	0001641	VERIZON WIRELESS	9876181649	4/1/2021	VERIZON MARCH 2021	251.05	251.05
						Sub total for U S BANK:		805.46

BOARD of CLALLAM COUNTY COMMISSIONERS
MINUTES for the week of April 5 – 9, 2021

16
4/13/21

WORK SESSION – 9 a.m.

The work session convened at 9 a.m., Monday, April 5, 2021. Present were Commissioners Ozias (video), Johnson and Peach, and Deputy Administrator Reyes.

Items of discussion per the agenda published April 1 were:

- Calendar/Correspondence
- Notice of call for bids to be received no later than 10 a.m., Tuesday, May 25, 2021 for Jail Control Room Upgrade and Improvement Project
- Agreement with Washington State University Extension to provide educational programs in the Extension Program
- Bullman Beach Water System update and next steps
- Agreement with Clallam Conservation District for the National Estuary/Department of Health Pollution Identification and Correction Grant
- Agreement amendment with US Department of Transportation – Federal Highway Administration for the Spruce Railroad Trail Segment B Project
- Discussion on Measuring the Impact of Economic Development Efforts
- Dungeness water exchange pricing update
- Resolution appointing Robert Knapp to the Marine Resources Committee
- Letter of Support for Jamestown S'Klallam Tribe - Traffic Calming and Pedestrian Safety in Blyn, Washington

Meeting adjourned at 11:12 a.m.

REGULAR MEETING OF THE BOARD OF CLALLAM COUNTY COMMISSIONERS

Chair Ozias (video) called the meeting to order at 10 a.m., Tuesday, April 6, 2021. Also present were Commissioners Johnson and Peach and Deputy Administrator Reyes.

REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA

1e Added: Letter of Support for Jamestown S'Klallam Tribe - Traffic Calming and Pedestrian Safety in Blyn, Washington

ACTION TAKEN: CRJm to adopt the agenda as modified, CMOs, mc

PUBLIC COMMENT

- Ed Bowen, Clallam Bay, sent in written comments on item 1e (see attached).

CONSENT AGENDA

1a Approval of vouchers for the week of March 29
1b Approval of minutes for the week of March 29
1c Letter to Natural Resources Conservation Service regarding the Dungeness Off-Channel Reservoir Project
1d Proclamation recognizing April 6, 2021 as National Service Recognition Day

ACTION TAKEN: CRJm to adopt the consent agenda, CMOs, mc

ADMINISTRATION

1e Letter of Support for Jamestown S'Klallam Tribe - Traffic Calming and Pedestrian Safety in Blyn, Washington

ACTION TAKEN: Discussion was held and CMO noted no action will be taken. The Board will bring a revised letter back at a later date

DRAFT

REPORTS AND PRESENTATIONS

- CMO read Proclamation recognizing April 6, 2021 as National Service Recognition Day
  - Sarah McWilliams, United Way, commented on the Proclamation.
- CRJ commented on Emergency Operation Center, House Bill regarding Coroner
- CMO commented on Olympic Area Agency on Aging Meeting, Conservation Futures Program Advisory Board

HEARING(S)

H1 Charter Review Recommendation Hearings:

1) Consider an Ordinance ensuring franchises comply with the National Environmental Protection Act (NEPA)
2) Consider a resolution calling on the state legislature to pass legislation, which would enable the County (and other Jurisdictions in the state) to adopt ranked-choice voting for local elections, if they so choose

- Commissioner Ozias read the agenda item summary into the record.
- Sue Erzen, 2020 Charter Review Commission Chair, provided a brief summary of the Charter Review recommendations (see attached).

ACTION TAKEN: CRJm to open the public hearing, CMOs, mc

First Hearing:

1) Consider an Ordinance ensuring franchises comply with the National Environmental Protection Act (NEPA)

- The following made comments:
  - Ed Bowen, Clallam Bay
  - Jim McEntire, Sequim
  - Tony Corrado, Sequim
- The following sent in written testimony: Ocean Mist, Patricia Schroeder-Nell, William Kildall, Therese Stokan, Hope Fellows, Tony Corrado, Debra Koich, Margie Weaver, Rick Marschall, Kraig Kyllo, Brett Romano, Lisa Romano, Anne Pelayo, Ronald Underwood, Ed Bowen, Judy Larson, Rose Marschall, Jane Hielman, Mary Doherty (see attached).

Second Hearing:

2) Consider a resolution calling on the state legislature to pass legislation, which would enable the County (and other Jurisdictions in the state) to adopt ranked-choice voting for local elections, if they so choose

- The following made comments:
  - David Mattern, Port Angeles
  - Kristina Holtrop, Sequim
  - Brett Eiland, Port Angeles
  - Ed Bowen, Clallam Bay
  - Jim McEntire, Sequim
- The following sent in written testimony: H. William (Bill) Dettmer, Karen Fink, Janis Whipple, John Cosmez, Christine Cosmez, Patrick Russell, Bobbie Piety, Elizabeth (Beth) C. Glick, Bruce Liebsch, Mary Liebsch, Gary DeKorte, Norma Steinbacher, Shelby DePas, Therese Stokan, Ed Bowen, Rose Marschall, Jane Hielman, Mary Doherty, Brian Hogan, Don Carey, Judy Larson, Sue Forde, Betsy Robins, Candace Pratt

ACTION TAKEN: CRJm to continue the hearing to Monday, April 12, 2021 at 1 p.m., CMOs, mc
CMO noted there will also be a hearing on Monday, April 12, 2021 at 5 pm.

DRAFT

CONTRACTS AND AGREEMENTS

2a Contract amendment 1 with Morningside for Developmental Disabilities
ACTION TAKEN: CRJm to approve, CMOs, mc

2b Contract amendment 1 with Pierce, Jones & Associates for Developmental Disabilities
ACTION TAKEN: CRJm to approve, CMOs, mc

2c Contract amendment 1 with Concerned Citizens for Developmental Disabilities
ACTION TAKEN: CRJm to approve, CMOs, mc

2d Agreement with Peninsula Daily News for legal advertising
ACTION TAKEN: CRJm to approve, CMOs, mc

ADMINISTRATION

3a Resolution and form for designation of the Associate Development Organization
ACTION TAKEN: CRJm to adopt, CMOs, mc

3b Resolution regarding Peninsula Housing Authority
ACTION TAKEN: CRJm to adopt, CMOs, mc

3c Notice of hearing to be held Tuesday, April 20, 2021 at 10:30 a.m. for amending Clallam County Policy 952- Boards and Committees
ACTION TAKEN: CRJm to issue, CMOs, mc

PUBLIC COMMENT

- Ed Bowen, Clallam Bay, commented on item 1e letter of support, Charter Review Commission recommendation hearings.
- Cheryl T. Woodward, sent in written comment (see attached).

Meeting concluded at 11:37 a.m. and continued to 9 a.m., Monday, April 12, 2021.

There are no BlueJeans chat logs for the week of April 5.

The Board of Commissioners attended WSAC Virtual Assembly – COVID 19 update, and a COVID-19 Briefing during the week of March 29.

PASSED AND ADOPTED this thirteenth day of April 2021

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias, Chair

Randy Johnson

Bill Peach

ATTEST:

Loni Gores, CMC, Clerk of the Board

KEY TO ABBREVIATIONS:

ARS	Administrator Rich Sill	m	moved
CMO	Commissioner Mark Ozias	mc	motion carried
CRJ	Commissioner Randy Johnson	s	seconded
CBP	Commissioner Bill Peach		

DRAFT

Ed Bowen
Public Comment
Item 1e 4/6/21

Gores, Alanna

From: Ed Bowen <rockypt@olypen.com>
Sent: Monday, April 05, 2021 7:50 AM
To: Peach, Bill; Johnson, Randy; Ozias, Mark
Cc: Gores, Alanna
Subject: Opposition to worksession and board meeting agenda for highway letter of support

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Commissioners,

Your topic of a letter of support for the earmark to build a roundabout on Hwy 101 at Blyn I totally oppose, at this time, for the purpose and the devastating impact this will have to all citizens of this county. Have you reached out to we the people to get our input before doing this, I certainly haven't heard a peep from my representatives.

This violates the comprehensive planning of arterial traffic flow that I have brought to your attention on many occasions. Understand that Hwy 101 is our only interstate highway traffic arterial flow model on the peninsula; we are not afforded the luxury that urban areas of the state allow.

I already spend five hours getting to my health care; this fluffy fix for an individual entity that already has the corridor blocked from other solutions will not only extend that trip but will put me in harm's way for the traveling visiting public that don't get it, the roundabout on a major corridor. The people of this country are not educated on roundabouts and the sociological effect of such options to a local entity wanting to access a trail system at the expense of a safe traffic flow will add the mental health impact to the drivers of vehicles forced in to this poor management of the arterial system. In tune with if you decided to put a four way stop at this location.

So no on this earmark support, get to this when you and the remainder of the representative governments develop an affective comprehensive plan because this letter is contraire to such planning that the rest of the citizens are bound to use as the process to live and survive.

I protest this approach.

Ed Bowen
P.O. Box 111
Clallam Bay, WA 98326

Ed Bowen
Public Comment
Item 1e 4/6/21

Gores, Alanna

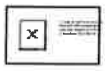
From: Ed Bowen <rockypt@olypen.com>
Sent: Tuesday, April 06, 2021 10:05 AM
To: Ozias, Mark; Johnson, Randy
Cc: Gores, Alanna; Peach, Bill
Subject: Not being able to stay connected today Public Comment to BOCC 6APR2021 item 1e

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

I cannot get on to Blue Jeans or the phone call in, it keeps kicking me off, so please take this as my public comment on the agenda at the beginning of the meeting today. I believe you still have listed agenda item 1e Letter of Support. I am asking you to delay the letter approval for the unknowns that are now popping out at the last minute, short notice. In speaking with WSDOT regional administrator their process is to treat this as a "developer's project", and only relies on the proponent/developer to reach out to the public; at best complete SEPA. WSDOT's commitment to a roundabout is in review only and has not "selected a preferred alternative". Since they do not have a public process to engage the affect user groups of this limited access arterial highway, the only arterial highway through this reach of the north peninsula, the county is the only public known process at this meeting today. Are you willing to accept that responsibility with the moving forward for a project in the form of this letter of support.

Please do not approve this letter.

Ed Bowen
P.O. Box 111
Clallam Bay, WA 98326


Virus-free. www.avg.com

Public Comment
Cheryl Woodward
4/6/2021

March 28, 2021

RECEIVED
CLALLAM CO. COMMISSIONERS
MAR 30 2021
1...2...3...A...

To: Board of Challam County Commissioners
223 East 4th Street. Room 160
Port Angeles, WA.

From: Cheryl T. Woodward
172 Moonkist Ter.
Sequim, WA. 98382

RE: Tuesday, March 2, 2021. 10.00 a.m. Community Meeting:

Dear Commissoners and interested parties,

I, Cheryl T. Woodward am responding to remarks and accusations made against myself and my husband, Val D. Woodward during your March 2, 2021 10.00 a.m. community meeting by the following individuals who are residents of Challam county; Greg Madsen, Cheryl Weekes and Priscilla Hudson.

The before mentioned individuals did willfully and publicly spread lies, half truths, hearsay, false information and slander regarding ourselves and our privately owned property located in the East Sequim Bay area. They also without our permission have taken photographs of our persons and property which they presented to you during the meeting.

Located within our 6 acre property is a lower portion that has been designgated by Challam county as wetlands. We are at this time just finishing a lengthy mitigation with the Challam county planning committee and the county attorney, in preparation of obtaining permits for our future home site which is not located in the wetland or buffer zone location on our property.

To move forward in obtaining our building permits it was deemed neccesary by ourselves and the planning committee that our wetland and buffer zone be resurveyed by a wetland expert. This we did at our own expense. His findings and recommendations are a part of the mitigation process and are on file with the counties planning committee. We have been following and have since completed the counties guidelines which includes; planting trees, shrubs, and other vegetation in the buffer zone surrounding said wetland and weed removal and maintenance. This process also included preparing the ground in the buffer zone for planting which has involved a large tractor to remove invaisive non-native black berries, thisel, scotch broom, tansey, and stinging nettle.

The before mentioned indivduals have taken offense to our replanting efforts. Greg Maden and Cheryl Weekes have resorted
to aggressive harassment and hostility and covert surveillance, towards us whenever we are planting or preparing the ground for planting in the buffer zone and also if we are working in our non wetlands area.

Their ongoing harassment has became very ugly their actions and behavior is mean, agressive, face-to-face confrontations toward us while trespassing on our property. They have resorted to badgering, bullying, and threatening tactics which usually become mean, nasty, hateful episodes with them becoming manic, with them screaming and shouting using vular and obscene language and gestures. We do our best not to engage with them and try to ingore their actions.

The harssment has become so constant and threatening that we had to call the Sheriffs deparment to intervene. A deputy was dispatched and paid a visit to Greg Madsen, to no avail. He continues with his hostile and offensive harassment. This all occured before he and his fellow harassers spoke at your meeting and still is occurring at this time.

Our efforts to inform these individuals that what we are doing is legal and is a restoration of the buffer which will benefit the wetland area is futile as they refuse to listen.

We have also been accused of killing off wildlife in the area, which is false. We own no weapons and are not hunters. Native deer and elk cross through our property as well as our neighbors. Quail, song birds, eagles, hawks, ravens, black birds, woodpeakers, flickers, humming birds, sea birds, owls, coyotes, frogs, lizards, banana slugs, snakes, salamanders and even bats are our neighbors and we respect them.

We are not cutting trees down in the buffer zone or wetland area. We are taking down a few trees in the area where our home is to be built which is not located in the restricted buffer or wetland area.

As stated previsouly we are in the process of getting all the required permits from the county to build our retirement home in the area of our property that is above said buffer and wetlands. Unfortunately we are also being harassed as we work in our non wetland portion of our property.

In regards to the accusations made about our building a road through the wetlands to the East Sequim Bay road is another fabrication and a lie. So is the statement that we drive a tractor through said wetlands to the East Sequim Bay road which would be impossible as anything that would attempt to cross through it would sink or get stuck in the swamp.

We want to be good stewards for our beautiful property and especially for our wetlands. I must publicly state that our land is private property. We are following the legal proper channels to have our future home built without harming our wetland area.

We feel that we have been unjustly targeted with a hate campaign of harassment and covert surveillance which infringe on our personal privacy, safety, and peace of mind.

Please add this correspondence to your meeting minutes.

We also would like to request a copy of the meeting minutes and copies of any photos that the above said individuals gave to you.

Thank You.

Cheryl T Woodward

Val D. Woodward

cc: Challam County Planning Department
Eric M. Swinyard, Attorney at Law
Challam County Superior Court

RANKED-CHOICE VOTING COMMENTS

BOARD OF CLALLAM COUNTY COMMISSIONERS PUBLIC HEARING

H1 Consider a resolution calling on the state legislature to pass legislation, which would enable the County (and other Jurisdictions in the state) to adopt ranked-choice voting for local elections, if they so choose

I declare under penalty of perjury under the laws of the State of Washington that any testimony that I give is true and accurate.

№	PRINTED NAME	SIGNATURE	ADDRESS
1	Daniel Matheny	Dan Matheny	716 W 9th St Port Angeles WA 98362
2	Kristina Hoffrop	Kristina Hoffrop	94 Rowland Drive Sequim, WA
3	Brett Eiland	Brett Eiland	418 S Cherry St Port Ange
4			
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20			

Signed on April 6, 2021 in Port Angeles, Washington

Sue Erzen
2020 CRC Chair
Public Hearing #1
4/6/21

Hearings on EMF & RCV

An introduction from Sue Erzen, Chair of 2020 CRC

Tuesday 4/6/20 10:30, Monday 4/12/20 1:00 & 5:00

Thank you for attending this public hearing about 2 proposals that the Charter Review Commission sent to the Board of County Commissioners in 2020.

I'd like to make two points about the 2020 CRC:

(1) It took place during the COVID 19 Pandemic. The final in-person meetings, for both the Charter Review Commissioners and the public, was March 12, 2020. All CRC meetings thereafter were virtual.

(2) Our decisions about what to put on the ballot was partly based on the difference between the Clallam County Home Rule Charter, an ordinance, a resolution, a code and policies.

Here is a short summary of the Commissions actions regarding (1) **Franchises/EMF** and (2) Rank Choice Voting (RCV).

1. **The topic of Franchises/ EMF** was raised in January of 2020 and several members of the public spoke in support of an amendment to our Charter. An amendment about Franchises and EMF was presented at the end of February.

CRC Members discussed 5g/EMF/Franchises and whether this topic fits within the County Charter.

We requested and received 2 Legal opinions from deputy Prosecuting Attorney Stanley on whether Clallam County has authority over the denial of franchises for new telecommunications equipment, whether Clallam County has franchise jurisdiction over Washington State highways and whether the county needs to require applicants for franchises to comply with NEPA. One legal opinion was issued in April and another in June because the amendment proposal was changed over time. You can read the entire Legal opinions on our county website. My summary of the legal opinions is that our county has limited ability to regulate telecommunications equipment and that Federal Regulations already require NEPA compliance for an Environmental Assessment.

In July, a motion was made that the Commission approve the EMF/Franchise Amendment and place it on the ballot. The Commissioners voted to change the proposed amendment. The commissioners voted that the proposed amendment not be placed on the ballot as an amendment, but be sent to the County Commissioners to consider it as an ordinance.

EMF was addressed by 43 individuals from the Public. 40 supported an amendment and 3 opposed it.

2. Now I'll summarize actions in regards to **Rank Choice Voting**.

14 years ago in 2007, an amendment to the Charter to adopt Instant Runoff Voting (the same concept as RCV) was defeated by the voters in Clallam County. State law later changed and now our State mandates a "Top Two" primary system for all jurisdictions.

In early November 2020, a Recommendation was proposed to ask the County Commissions to write in support of a bill in the state legislature to allow counties to adopt RCV for their elections if they so choose. A public meeting about RCV was held virtually on November 5.

At the Novembers 12th Charter Review Commission meeting, Fair Vote WA gave a presentation in support of RCV. A motion was made to send the recommendation on RCV to the BOCC .

The recommendation was amended to remove "Local Options Bill" and substitute "legislation". With that change, the Commission unanimously voted to send the recommendation to the BOCC.

Six years ago, the 2015 CRC passed an amendment to our Charter that was approved by the voters. It mandated that the BOCC hold hearings about any Recommendations from the CRC and, after the hearings, provide a written response explaining their decisions. That is why you are here for these public hearings. Now is your time to share your opinions about these two Recommendations.

Thank you for participating today.

Gores, Alanna

From: Bill Dettmer <gsi@goalsys.com>
Sent: Thursday, December 10, 2020 8:41 AM
To: Gores, Alanna
Subject: Instant Runoff Voting

This was rejected by a 56% margin in 2007. It hasn't changed since then.
There is no reason to bring it up again.

I strongly oppose Instant Runoff Voting.

H. WILLIAM DETTMER

Port Angeles, WA

Gores, Alanna

From: ckfink@olypen.com
Sent: Thursday, December 10, 2020 7:58 PM
To: Gores, Alanna
Subject: voting

Dear Commissioners,

I do not want Ranked-Choice Voting

Thank you,

Karen Fink
343 Pierson RD
Sequim, WA 98382

Gores, Alanna

From: ckfink@olypen.com
Sent: Thursday, December 10, 2020 8:01 PM
To: Gores, Alanna
Subject: Voting

Dear Commissioner,

I do not want Ranked-Choice Voting

Thank- you,
Karen Fink
343 Pierson Rd.
Sequim, WA 98382

Gores, Alanna

From: ckfink@olypen.com
Sent: Thursday, December 10, 2020 8:04 PM
To: Gores, Alanna
Subject: Voting

Dear Clerk,

I do not want Ranked-Choice Voting

Thank- you,
Karen Fink
343 Pierson Rd.
Sequim, WA 98382

Gores, Alanna

From: Janis Whipple <jsw1047@gmail.com>
Sent: Friday, December 11, 2020 8:54 AM
To: Gores, Alanna
Subject: Voting Rights and Proposed Changes in Clallam County

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Dear Commissioners:

It is with great dismay that I learned of your most recent plan to interfere with our "one person, one vote" voting right, and your extreme attempt to allow a candidate with 50%+1 of the votes to actually be put into office. Our voting laws, while faulty, have always given Americans a voice and that you would consider at any level taking that away is appalling. Don't you think there's enough distrust and discontent in our country, state and county already? Are we to become the Communist State of Washington?? I urge you to unanimously throw out these issues at your hearing for the garbage they are and remember that you have been elected to "represent the PEOPLE" of your county, not your selective partisan politics.

Respectfully,
Janis Whipple
Clallam County Resident

Gores, Alanna

From: Ozias, Mark
Sent: Friday, December 11, 2020 9:58 AM
To: John Cosmez
Cc: Gores, Alanna
Subject: RE: Ranked Choice Voting

Mr. and Mrs. Cosmez,

We will not be voting on ranked choice voting. The Charter Review Commission forwarded a formal recommendation relating to ranked choice voting to the County Commissioners and they will be presenting that recommendation at tomorrow's work session. Our Charter proscribes a response process to these formal recommendations (this year there were five) which include public meetings and a written response.

Sincerely,

Mark Ozias
Clallam County Commissioner

P.S. I have included our Clerk on this response to ensure your comment is attached to the record for this topic.

From: John Cosmez [cosmez1@att.net]
Sent: Friday, December 11, 2020 9:03 AM
To: Ozias, Mark
Subject: Ranked Choice Voting

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Dear Mr. Ozias,

Please vote against Ranked Choice Voting. This type of voting is an invitation for fraud. The current system is not broken, so let's don't change it.

Thank you!

John and Christine Cosmez
Port Angeles
(360) 477-4403

Gores, Alanna

From: Patrick Russell <prussell7@hotmail.com>
Sent: Saturday, December 12, 2020 10:19 PM
To: Gores, Alanna
Subject: I Oppose Instant Runoff Voting (IRV)

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

To The Clallam County Commissioners Clerk:

I'm writing to voice my opposition to the resolution on Instant Runoff Voting (IRV), otherwise known as "Ranked-Choice Voting". This system does not follow the "one-person, one-vote" premise that is part of our founding principles.

This proposal was voted down by approximately 56% of voters in 2007.

Per the League of Women Voters:
1) We'll be required to change our voting systems and machines at great expense to us, the taxpayers.
2) The "vetting" process seems to be unclear and subjective.
3) It's possible that you'll still fail to obtain a candidate with a majority of the vote.
4) The process of determining who will be allowed on the ballot seems to be complicated.

This IRV system has either been rejected outright or approved and subsequently repealed in many counties around the country.
Let's not make the same mistake here in Clallam County.

Thank you for your opposition to this proposal.
Patrick Russell
Clallam County Resident and Voter
PO Box 1868
Sequim, WA 98382

Gores, Alanna

From: Bobbie <bobbiep89@gmail.com>
Sent: Sunday, December 13, 2020 7:28 AM
To: Gores, Alanna; Ozias, Mark; Johnson, Randy; Peach, Bill; Gores, Alanna
Subject: Rank Choice Voting - Please oppose

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Dear Commissioners,

I strongly believe that Rank Choice Voting fails to truly represent the voters' will, and should NOT replace plurality voting, which everyone understands clearly and which better represents their will.

Please do not approve it.

Bobbie Piety, Sequim, WA

Gores, Alanna

From: Beth Glick <robeth@olypen.com>
Sent: Sunday, December 13, 2020 10:06 AM
To: Gores, Alanna
Cc: Johnson, Randy; Ozias, Mark; Peach, Bill; Gores, Alanna
Subject: RESOLUTION RE: RUNOFF VOTING

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

After the doubt created about the legitimacy of our recent national election, mostly due to unnecessary changes in the voting process, it is unbelieveable that this resolution to change a voting system that is working here is being brought forth at this time. It creates doubt as to what the real agenda is behind this proposal!

If the Commissioners are truly concerned about One Person One Vote integrity in our local elections, then perhaps they should be considering THESE actions to strengthen election integrity:

1. Be sure the voter rolls are cleared up every 30 days as required by law
2. Make sure only legal citizens are voting
3. Return to regular polling places where identity can be ascertained by photo ID
4. Get rid of ballot harvesting

This Runoff Voting Proposal should be rejected now just as Runoff Voting was rejected in 2007 by the residents of Clallam County. It was a bad idea then, it is a bad idea now.

Elizabeth C. Glick
280 Brittany Lane
Sequim, WA
robeth@olypen.com

Gores, Alanna

From: lavender221 <lavender221@olypen.com>
Sent: Sunday, December 13, 2020 8:34 PM
To: Johnson, Randy
Subject: FW: Instant Runoff Voting

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------
From: lavender221 <lavender221@olypen.com>
Date: 12/12/20 10:34 PM (GMT-08:00)
To: mozias@co.clallam.wa.us
Subject: Instant Runoff Voting

We are opposed to having IRV in Clallam County!

We have already voted against having this in 2007. Please do not approve it. It is a bad idea.

Bruce and Mary Liebsch
Sequim Resident

Sent from my Verizon, Samsung Galaxy smartphone

Gores, Alanna

From: Patrick Russell <prussell7@hotmail.com>
Sent: Sunday, December 13, 2020 11:28 PM
To: Gores, Alanna; Ozias, Mark; Gores, Alanna
Subject: I Oppose Instant Runoff Voting (IRV)

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

To The Clallam County Commissioners and Clerk Loni Gores:

I'm writing to voice my opposition to the resolution on Instant Runoff Voting (IRV), otherwise known as "Ranked-Choice Voting". This system does not follow the "one-person, one-vote" premise that is part of our founding principles.

This proposal was voted down by approximately 56% of voters in 2007.

Per the League of Women Voters:
1) We'll be required to change our voting systems and machines at great expense to us, the taxpayers.
2) The "vetting" process seems to be unclear and subjective.
3) It's possible that you'll still fail to obtain a candidate with a majority of the vote.
4) The process of determining who will be allowed on the ballot seems to be complicated.

This IRV system has either been rejected outright or approved and subsequently repealed in many counties around the country.
Let's not make the same mistake here in Clallam County.

Thank you for your opposition to this proposal.
Patrick Russell
Clallam County Resident and Voter
PO Box 1868
Sequim, WA 98382

Gores, Alanna

From: Ozias, Mark
Sent: Monday, December 14, 2020 8:38 AM
To: GBDeKorte@hotmail.com
Cc: Gores, Alanna
Subject: RE: Instant Runoff Voting, a.k.a. Ranked-Choice Voting

Mr. and Mrs. DeKorte,

Thank you for taking the time to write. We will not be voting on ranked choice voting. The Charter Review Commission forwarded a formal recommendation relating to ranked choice voting to the County Commissioners and they will be presenting that recommendation at today's work session. Our Charter proscribes a response process to these formal recommendations (this year there were five) which include public meetings and a written response.

Sincerely,

Mark Ozias
Clallam County Commissioner

P.S. I have included our Clerk on this response to ensure your comment is attached to the record for this topic.

From: GB DeKorte [GBDeKorte@hotmail.com]
Sent: Friday, December 11, 2020 3:12 PM
To: Ozias, Mark; Peach, Bill; Johnson, Randy
Subject: Instant Runoff Voting, a.k.a. Ranked-Choice Voting

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Dear Sirs:

My wife Becky S. DeKorte and I are firmly ***opposed*** to the consideration of Instant Runoff Voting for many reasons, I will list our top objections to keep the letter brief.

1. IRV is an expensive system that has been tried by many cities and counties, only to be repealed later.
2. IRV in addition to being an expensive system for ballot costs and ballot counting, is a complicated system.
3. IRV effectively removes the "one person, one vote" premise that our Constitutional Republic was founded upon.
4. IRV is a proposition that is sponsored by George Soros and his Open Society Foundation, both agents for one-world Socialism.
5. During this time of Constitutional crisis and the unanswered voter fraud questions, this IRV consideration would be madness.

Thank you,

Gary DeKorte
Becky S. DeKorte
162 Heron Hill Road

Sequim, WA. 98382

360-808-9498

Gores, Alanna

From: Ozias, Mark
Sent: Tuesday, December 15, 2020 8:33 AM
To: ryka@olypen.com
Cc: Gores, Alanna
Subject: RE: Ranked Choice Voting

Ms. Steinbacher,

Thank you for taking the time to write. We will not be voting on ranked choice voting. The Charter Review Commission forwarded a formal recommendation relating to ranked choice voting to the County Commissioners and they presented that recommendation at yesterday's work session. Our Charter proscribes a response process to these formal recommendations (this year there were five) which include public meetings and a written response.

Sincerely,

Mark Ozias
Clallam County Commissioner

P.S. I have included our Clerk on this response to ensure your comment is attached to the record for this topic.

From: ryka@olypen.com [ryka@olypen.com]
Sent: Monday, December 14, 2020 11:11 PM
To: Johnson, Randy
Subject: Ranked Choice Voting

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

wI was shocked that you would even consider an action such as ranked choice voting! When I cast my ballot, I expect it to be counted for the individual I have chosen to support. To, at any time, move that vote to another individual (or cause) is a direct violation of the Constitution of the United states. Nowhere in the Constitution is anyone given the right to negate or dilute or increase the weight another's vote except by having cast an opposing ballot in that same election.
I am appalled that the county commissioners would even consider such a thing. Needless to say, anyone who supports this action will never again receive my vote!

Norma Steinbacher
3394 MT. Pleasant Rd.
Port Angeles, WA

Gores, Alanna

From: Ozias, Mark
Sent: Tuesday, December 15, 2020 12:56 PM
To: Shelby DePas
Cc: Gores, Alanna
Subject: RE: Instant run off voting resolution

Dear Shelby,

Thank you for taking the time to write. We will not be voting on ranked choice voting. The Charter Review Commission forwarded a formal recommendation relating to ranked choice voting to the County Commissioners and they presented that recommendation at yesterday's work session. Our Charter proscribes a response process to these formal recommendations (this year there were five) which include public meetings and a written response.

Sincerely,

Mark Ozias
Clallam County Commissioner

P.S. I have included our Clerk on this response to ensure your comment is attached to the record for this topic.

From: Shelby DePas [shdepas@gmail.com]
Sent: Tuesday, December 15, 2020 8:56 AM
To: Ozias, Mark; Johnson, Randy; Peach, Bill; kevin.vandewege@leg.wa.gov; steve.tharinger@leg.wa.gov; mike.chapman@leg.wa.gov
Subject: Instant run off voting resolution

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Dear county commissioners, and district representatives :
I wanted to express my strong disagreement with pursuit of an instant runoff voting resolution. I unfortunately missed yesterday's meeting. This proposal is completely contradictory to our one citizen, one vote system. The cost and complexity is exactly opposite of the direction our voting system in this state should be going.
Our current mail in voting system lacks transparency and as noted by Jimmy Carter is the most vulnerable to fraud. The electronic voting system is in itself high risk. Why can we not go back to going to the polls? Showing your ID, getting scratched off the list and submitting your ballot for a count. Allow this to happen over a seven day period with extended hours so everyone can easily find time to vote. Allow people to request an absentee ballot in specific circumstances. If people do not value voting enough to put at least a little effort into such an important thing, then they should not be voting. It is nice to get to research all the stuff on the ballot before deciding so the Voter Info pamphlet is very helpful. Mail them only to those who request to save money. The vast majority can review online. An amendment needs to be made to submissions to the voter pamphlet. Loren Culp's team submitted his information three times prior to the deadline but the SOS servers were having issues all three times (hmmm interesting). He got penalized for this by not having a writeup, when it was the SOS mess up. That is wrong. State representatives please amend that to make exception for SOS issues in receiving.
I would like a mechanism to look up my ballot choices that were registered to confirm what I submitted was what was registered (vs just accepted). Computer systems are hackable and really not hard to do.. How can machines not be connected to the internet as we watch live tallies of voting in our country? MIT supposedly has a system with full transparency and highest level security. Nothing connected to our voting process should

be made or touched by anyone outside of this country. There are too many handlers in the current WA system. Our vote is one of our most precious rights and we need to trust it.

I would also like to see a statewide, county based electoral system for statewide offices. This state is a perfect example of what would happen if the national electoral system were eliminated. The power to decide leadership sitting within the most populous areas of the state/country. Jay Inslee wins twelve counties (one within one-tenth of a percent) and Loren Culp wins **twenty-seven** counties. Please tell me how Inslee can represent this state with only 12 counties approving of him? He represents the corridor of special interest. How about one vote per county minimum and then added electoral votes in counties by population of the county.
I would beg all of you to sit down and read the constitution and do a refresher of our amazing history. Maybe something online from Hillsdale college for free. This is one of the most profound, divinely inspired documents of the ages. It is what I believe all of you have taken an oath to uphold. Our government at all levels has gotten too big and too powerful.
I also encourage you to read the Epoch Times newspaper for actual investigative journalism with more insight into China as a very bad actor around the world and especially within the US. The US is following how socialism took over other countries. The push to divide us by race, social class etc. The systemic racism narrative is infuriating.
Our governor proposing more tax dollars be spent to study and address "equity". Taxpayer dollars to investigate and prosecute the police that are here to protect us? How messed up is that? That should be handled by the department, unions, and their lawyers. Equity is a utopian communist failed ideology but it does not want to die because power and money are to be had. It is against human nature and the foundation of working hard and ability to better oneself that this country has been founded on. Watch Candace Ownens and Larry Elders or Thomas Sowell for some black american insights into the real challenges for the black community. Clarence Thomas documentary "Created Equal" is also wonderful.
Empower groups by creating an economy where good jobs are available, innovation and business ownership is simplified vs regulated and taxed to death. We need outstanding schools and school choice (dollars follow student). The public schools are a joke. They have become platforms for propaganda and socialist thought vs academic excellence and high expectations. Lowest ACT scores ever is a testament to the failure they have become.
I beg all of you to consider your oath of office, what your roll is as a public servant. Keep it simple. Less government is better. More money in tax payer hands is better for everyone.
If you made it to the end of this, thank you.
Shelby DePas
380 Ridge View Dr
Sequim WA 98382
360-301-8769

Gores, Alanna

From: THERESE STOKAN <hermanabaheda@aol.com>
Sent: Wednesday, December 16, 2020 11:46 AM
To: Gores, Alanna
Cc: suerzen@gmail.com
Subject: Thank you/Follow-up on "Recommendation in Favor of Legislation for Ranked-Choice Voting"- BOCC Meeting. Please forward to BOCC.

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Hello Clallam County Commissioners Mark Ozias, Randy Johnson and Bill Peach,

Thank you for the opportunity to present the Charter Review Commission's (CRC) proposal, "Recommendation in Favor of Legislation for Ranked-Choice Voting" on Monday, 12/14/2020, at your Work Session.

Cognizant of the fact that you had a very full agenda planned for the morning, we are grateful for the amount of time that was provided for Charter Review Commissioner Vice-Chair Norma Turner and myself to speak, as well as our two guests from FairVote Washington.

Your attention and excellent questions were much appreciated. In case you or others have additional questions, our guests have graciously offered their contact information.

Also, they are glad to help draft a "Resolution" for our state legislature, if you would like assistance with that, at some point in time. They are quite proficient and experienced in doing this.

Again, our guests were:
Lisa Ayrault, Executive Director, lisa.ayrault@fairvotewa.org
Marc Miller, MD, Board Member

Commissioner Ozias asked about the best approach to educating the public on what Ranked-Choice Voting is, so that members of our community can judge for themselves, whether this approach to elections should be considered in Clallam County.

That process is already beginning. As you know, many people stepped forth to endorse this proposal, once alerted about the CRC's "Recommendation" regarding Ranked-Choice Voting. As a result, interest is growing here, and Lisa reports to me that they are preparing to work with local supporters to arrange more informational sessions for groups in our area.

I was thinking about other groups that might enjoy having a virtual presentation on Rank-Choice Voting, hosted by FairVote Washington volunteer speakers - one of whom is a resident of Sequim. I think both of the major political parties (Republican and Democrat), the libraries, the business associations, and native communities would be great places to start.

Another idea is to coordinate a county-wide informational session on Zoom or BlueJeans, that could be advertised widely. On Monday evening, Lisa and volunteers in Spokane were hosting a virtual meeting with 50 people in attendance, including their County Auditor!

Please let me and/or Lisa know how we can assist you and our residents. We know you have a lot on your plate, and your employees are stretched thin with the added strain of COVID19.

Thanks again for your review of this proposal.

Therese Stokan
Charter Review Commissioner, District 3

Gores, Alanna

From: Ozias, Mark
Sent: Tuesday, January 26, 2021 3:36 PM
To: Ed Bowen
Cc: Gores, Alanna
Subject: RE: CRC Recommendation and the means the BOCC is addressing the topics

Follow Up Flag: Follow up
Flag Status: Flagged

Ed,

We have a series of public hearings scheduled on 4 of the 5 CRC recommendations in April; the March meeting kicks off the process to schedule and notice the hearings. Each hearing will focus on two recommendations, and each hearing will be continued so that citizens will have multiple day/time options for participation. We will also continue to accept written comment through the end of the month of April.

There will be some kind of similar public process around the DCD recommendation but I don't have additional details at this time.

Mark O

From: Ed Bowen [rockypt@olypen.com]
Sent: Tuesday, January 26, 2021 11:10 AM
To: Ozias, Mark; Johnson, Randy; Peach, Bill
Subject: CRC Recommendation and the means the BOCC is addressing the topics

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Where has the BOCC met the requirements of the Charter regarding we the people and the recommendations from the CRC?

The BOCC letter regarding March 15th is not the requirements of the Charter for we the people, explain your position and authority to take this action.

I insist on representation, I am filing a grievance for lack of representation for me, I insist on a response made to record to hold this BOCC accountable for the clear and present danger of not abiding by the county Charter and creating a legal flaw.

Ed Bowen
Aggrieved Citizen

Virus-free. www.avg.com

Gores, Alanna

From: Jane Hielman <sunsetswestcoop@gmail.com>
Sent: Sunday, March 14, 2021 7:29 PM
To: Gores, Alanna
Subject: Randy Johnson, Bill Peach, Mark Ozias

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Clallam County Commissioners

Please consider having at least two Public Hearings, to discuss the Charter Review Commission Recommendations, in the evening, so "working people" can participate more readily?

Also, please consider the purchase of the tiny piece of land allowing walking access to the West Park from Clallam Bay residential area. It is of great value to our population and the Lion's Club who built the access path to the beach.

Jane Hielman

Chair for the Planning Commission and
President to the Chamber of Commerce Clallam Bay/Sekiu

16795 Hwy 112
Clallam Bay WA 98326
1 (360) 963 2189
www.sunsetswestcoop.weebly.com

Gores, Alanna

From: Mary Margaret Doherty <mmdoherty441@gmail.com>
Sent: Sunday, March 14, 2021 11:43 PM
To: Gores, Alanna
Subject: Request to BOCC

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Dear County Commissioners,

The idea of hearings for gathering public opinion around the CRC Recommendations is seemingly defeated by offering hearings when citizens are more likely to be employed and unable to attend. I urge you to hold at least one session in the evening to increase citizen participation by access to broaden the voice and input you receive on these important ideas.

Thank you for listening.

Peace, Mary Doherty

Gores, Alanna

From: Tree Stokan <treejstokan@gmail.com>
Sent: Sunday, March 14, 2021 5:40 PM
To: Ozias, Mark; Johnson, Randy; Peach, Bill
Cc: Gores, Alanna
Subject: We need to have at least two Charter Review Commission Public Hearings in the evening, please!

Hello BOCC Commissioners Mark Ozias, Randy Johnson and Bill Peach,

In reviewing tomorrow's (March 15) BOCC work session agenda and the proposed times for Public Hearings for the Charter Review Recommendations, I am noting that there are no options for working people to easily participate.

April 6, 12, 13, and 19 are two Mondays and two Tuesdays at either 10:30 AM or 1 PM. I realize that these times and dates are consistent with your work schedules.

However, the goal for these Public Hearings should really be to provide ample opportunity for all residents of Clallam County, including working individuals, to participate on the issues that are important to them.

I am urging the BOCC to consider having two evening Public Hearings, with an opportunity for working people to reading participate. Two Recommendations could be discussed at one evening Hearing and the two (or three) Recommendations could be discussed at the other. I believe that one of the Recommendations (DCD) is going to be discussed at a later time?

I would suggest 6 PM, which was the typical meeting time that the 2020 Charter Review Commission met.

I trust that your goal in serving the needs of the public and our county would include making participation in Public Hearings accessible to all members of our community, including working people.

Thank you,
Therese Stokan
Former 2020 Charter Review Commissioner, District 3

Gores, Alanna

From: Rose Marschall <rosemarschall@gmail.com>
Sent: Monday, March 15, 2021 12:52 PM
To: Gores, Alanna
Subject: Charter Revjew Commission

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

3/15/21

Dear Commission,

I highly recommend that you offer as PRIORITY evening meetings so working people can attend them. Your second time for meeting should be during the day. This is the right and respectable way to have your meetings, so a higher percentage of people can attend.

Thank you.

Marvelous Monday to you,

Rose Marschall

Gores, Alanna

From: Ozias, Mark
Sent: Thursday, March 25, 2021 3:48 PM
To: Brian Hogan
Cc: Gores, Alanna
Subject: RE: Upcoming Hearings

Mr. Hogan,

Thanks for writing and for the information. We won't actually be voting to allow, or not to allow, ranked choice voting. The CRC Recommendation reads:

THEREFORE, THE CHARTER REVIEW COMMISSION RECOMMENDS that the Clallam County Board of County Commissioners pass a resolution calling on the state legislature to pass legislation, which would enable the County (and other jurisdictions in the state) to adopt ranked-choice voting for local elections, if they so choose.

Eventually the BOCC will prepare a formal response to this formal recommendation, and that response will either be to pass such a resolution, or not. But even if we were to pass the resolution as recommended by the CRC, it would only be encouragement for the state legislature to change RCW and would have no immediate impact in Clallam County. It would take a vote of county residents - probably via an actual change to our county Charter - for us to actually adopt ranked choice voting.

Sincerely,

Mark Ozias
Clallam County Commissioner

From: Brian Hogan [bhogan@olypen.com]
Sent: Thursday, March 25, 2021 2:44 PM
To: Ozias, Mark
Subject: Upcoming Hearings

Mark,

I hope that when the County Commissioners hold hearings on the Charter Review Commission's recommendations you will oppose the recommendation to use ranked-choice voting in local elections.

I'm not sure which of the variations of ranked-choice voting was recommended, but each of them raises a number of issues. Game theory and other articles on the subject are plentiful. I have attached one such article. If you have a contact in Pierce County, you might ask what prompted it to repeal ranked-choice voting.

One fundamental problem is that ranked choices are not linear. For example: in a voter's view, the substantive difference between his/her second- and third-ranked candidates may differ significantly from the substantive difference between his/her third- and fourth-ranked candidates. Nor are rankings comparable among voters: one voter may feel as strongly about his/her choices down to third as another feels about his/her first choice.

A run-off election is a small price to pay fo accurately reflect the voters' will.

Brian Hogan

Board of Commissioners April 4-21
RE: "Rank choice voting"

As a citizen of Clallam County, I am opposed to "Rank choice voting".

This is an abhorent attack upon our most cherished Right of Liberty.

Don Carey

Don Carey
10 Erving Jacobs Rd
Port Angeles WA 98362

RECEIVED
CLALLAM CO. COMMISSIONERS
APR 05 2021
1...2...3...A...

Gores, Alanna

From: larjdyng@olypen.com
Sent: Monday, April 05, 2021 1:27 PM
To: Gores, Alanna
Subject: 4/6/21 BOC consideration of CCCRC Ranked-Choice Voting (RCV) recommendation

*I have read and endorse the 12-14-2020 CCCRC recommendation for the CCBOC to pass a resolution asking our state legislature to permit the option of the RCV in local elections.
*In tracking the status of the referenced HB 1722 & SB 5708 bills pertaining to "local options," I have learned that those 2019-2020 session bills did not move forward and that a related 2020-2021 HB 1156 did not move forward from the "house rules" committee.
*However, I do request that the BOC pass a resolution to ask the WA legislature to provide the needed permitting option for a Clallam County RCV in WA House/Senate 2021-2022 session.

Thank you for your consideration.

Judy Larson
1070 W. Palo Verde Loop
Sequim, WA 98382

Gores, Alanna

From: Mary Margaret Doherty <mmdoherty441@gmail.com>
Sent: Monday, April 05, 2021 7:38 PM
To: Gores, Alanna
Subject: Comment for 4/6 BOCC

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Dear County Commissioners: The CRC's Recommendation on Ranked Choice Voting was thoroughly discussed and passed on to you with overwhelming support after careful and detailed consideration. I hope you will likewise see the benefit of this more beneficial, efficient, cost effective and better nuanced contemporary methodology of voting!

Thank you!

Peace, Mary Margaret Doherty

Gores, Alanna

From: Sue Forde <sueforde@outlook.com>
Sent: Monday, April 05, 2021 10:05 PM
To: Gores, Alanna
Subject: Statement re: Ranked Choice Voting

To: commissioners@co.clallam.wa.us (Commissioners' Office)

This message was sent via the Clallam Website Email Form 04-05-2021.

Name: Sue Forde

Email: sueforde@outlook.com

Subject: Statement re: Ranked Choice Voting

Comments: Commissioners,

Ranked Choice Voting (RCV) requires all voters to fill out 3 ballots and tabulates each race three times. This completely removes the concept of majority wins and will be almost impossible to audit in a recount. Proponents of this state they can "guarantee" equity because more minorities will win.

Instant Runoff Voting (IRV) now called "Ranked Choice Voting" (RCV) was originally brought to the Home Rule Charter Commission in 2007, where it was placed on the ballot – and was defeated by almost 56% of the voters. Testimony by proponents disclosed that to change our voting machines and system to an Instant Runoff Voting (IRV/RCV) system would be very expensive to the taxpayers. It is also a complicated system.

According to various studies, it effectively removes the "one man, one vote" premise upon which our nation was founded.

It was tried at one time in Pierce County and repealed. A Pierce County newspaper's editorial board's statement issues a warning:
""Look back to the 2006 charter review cycle for an example of a commission taking a wrong turn. Ranked-choice voting was the next cool election idea, winning the support of the commission, the voters and this newspaper's editorial board. But instead of being as "easy as 1-2-3," RCV caused rampant confusion and was repealed a few years later. It would behoove this year's review panel to remember that mistake."

The national League of Women Voters (LWV), in their promotion of the idea, also point out a number of flaws in the system, including;
- The ballots and the counting of the ballots will be more expensive;
- The "vetting" is less clear;
- You could still fail to get a candidate with a majority; and
- it may be complicated to determine who will be allowed on the ballot.

There are other examples and reasons that the RCV is not a good idea.
Please vote against passing any resolution to enable it or calling on the state legislature to do so.

Thank you for your consideration.

Sue Forde
P. O. Box 3457
Sequim WA 98382

Gores, Alanna

From: Betsy Robins <betsyrobins114@gmail.com>
Sent: Tuesday, April 06, 2021 7:08 AM
To: Gores, Alanna
Subject: Ranked Choice Voting

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

I support the Clallam Charter Review recommendation that the Clallam County Board of County Commissioners pass a resolution calling on the state legislature to pass legislation, which would enable the County (and other jurisdictions in the state) to adopt ranked-choice voting for local elections, **if they so choose.**

Thank you,
Betsy Robins
114 N Peabody Street
Port Angeles, WA 98362

Gores, Alanna

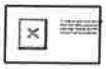
From: Candace Pratt <cpratt7545@gmail.com>
Sent: Tuesday, April 06, 2021 10:12 AM
To: Gores, Alanna
Subject: I support RCV

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Dear Commissioners,
I fully support RCV as a healthy advancement of our election options. Please urge the State Legislature to support SHB1156 so we Clallam citizens can consider the possibility of implementing it.

Respectfully,
Candace Pratt
893 N Oxford Way
Sequim WA 98382

Sent from Mail for Windows 10


Virus-free. www.avg.com

EMF COMMENTS

Sue Erzen
2020 CRC Chair
Public Hearing H1
4/6/21

Hearings on EMF & RCV

An introduction from Sue Erzen, Chair of 2020 CRC

Tuesday 4/6/20 10:30, Monday 4/12/20 1:00 & 5:00

Thank you for attending this public hearing about 2 proposals that the Charter Review Commission sent to the Board of County Commissioners in 2020.

I'd like to make two points about the 2020 CRC:

(1) It took place during the COVID 19 Pandemic. The final in-person meetings, for both the Charter Review Commissioners and the public, was March 12, 2020. All CRC meetings thereafter were virtual.

(2) Our decisions about what to put on the ballot was partly based on the difference between the Clallam County Home Rule Charter, an ordinance, a resolution, a code and policies.

Here is a short summary of the Commissions actions regarding (1) **Franchises/EMF** and (2) Rank Choice Voting (RCV).

1. **The topic of Franchises/ EMF** was raised in January of 2020 and several members of the public spoke in support of an amendment to our Charter. An amendment about Franchises and EMF was presented at the end of February.

CRC Members discussed 5g/EMF/Franchises and whether this topic fits within the County Charter.

We requested and received 2 Legal opinions from deputy Prosecuting Attorney Stanley on whether Clallam County has authority over the denial of franchises for new telecommunications equipment, whether Clallam County has franchise jurisdiction over Washington State highways and whether the county needs to require applicants for franchises to comply with NEPA. One legal opinion was issued in April and another in June because the amendment proposal was changed over time. You can read the entire Legal opinions on our county website. My summary of the legal opinions is that our county has limited ability to regulate telecommunications equipment and that Federal Regulations already require NEPA compliance for an Environmental Assessment.

In July, a motion was made that the Commission approve the EMF/Franchise Amendment and place it on the ballot. The Commissioners voted to change the proposed amendment. The commissioners voted that the proposed amendment not be placed on the ballot as an amendment, but be sent to the County Commissioners to consider it as an ordinance.

EMF was addressed by 43 individuals from the Public. 40 supported an amendment and 3 opposed it.

2. Now I'll summarize actions in regards to **Rank Choice Voting**.

14 years ago in 2007, an amendment to the Charter to adopt Instant Runoff Voting (the same concept as RCV) was defeated by the voters in Clallam County. State law later changed and now our State mandates a "Top Two" primary system for all jurisdictions.

In early November 2020, a Recommendation was proposed to ask the County Commissions to write in support of a bill in the state legislature to allow counties to adopt RCV for their elections if they so choose. A public meeting about RCV was held virtually on November 5.

At the Novembers 12th Charter Review Commission meeting, Fair Vote WA gave a presentation in support of RCV. A motion was made to send the recommendation on RCV to the BOCC .

The recommendation was amended to remove "Local Options Bill" and substitute "legislation". With that change, the Commission unanimously voted to send the recommendation to the BOCC.

Six years ago, the 2015 CRC passed an amendment to our Charter that was approved by the voters. It mandated that the BOCC hold hearings about any Recommendations from the CRC and, after the hearings, provide a written response explaining their decisions. That is why you are here for these public hearings. Now is your time to share your opinions about these two Recommendations.

Thank you for participating today.

BOARD OF CLALLAM COUNTY COMMISSIONERS PUBLIC HEARING

H1 Consider an Ordinance ensuring franchises comply with the National Environmental Protection Act (NEPA)

I declare under penalty of perjury under the laws of the State of Washington that any testimony that I give is true and accurate.

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Signed on April 6, 2021 in Port Angeles, Washington

Gores, Alanna

From: oceannmist <oceannmist@aol.com>
Sent: Wednesday, October 28, 2020 9:18 AM
To: Ozias, Mark; Johnson, Randy; Peach, Bill; Gores, Alanna; Breitbach, Tami; zDCDbldg; Breitbach, Tami; Unthank, Allison; dclawley@msn.com; gbsjrmd@sisna.com; jeanne@910rtc.com; bberezowsky@sequimwa.gov; warmacost@sequimwa.gov; tferrell@sequimwa.gov; bjanisse@sequimwa.gov; skincaid@sequimwa.gov; mpence@sequimwa.gov; dsmith@sequimwa.gov; jeffg@forkswashington.org; johnh@forkswashington.org; joes@forkswashington.org; juanitaw@forkswashington.org; mikeg@forkswashington.org; timf@forkswashington.org; council@cityofpa.us; kdexter@cityofpa.us; ncarr@cityofpa.us; mfrench@cityofpa.us; cmccaugh@cityofpa.us; lswawrin@cityofpa.us; losuggs@cityofpa.us; bmeyer@cityofpa.us; Corrado, Tony; Morris, Patti; Murray, Joseph; Lotzgesell, David; Richards, Nina; Stokan, Therese
Subject: 5G Detrimental Effects....Please Read and Educate Yourselves and Others...

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

I write to you as a concerned citizen who moved to the Olympic Peninsula twenty years ago in order to live in a clean and healthy environment, among other beneficial aspects of our great geographical area. Please help keep our people, physical environment, and insects and animals safe:

Detrimental Health Effects

5G – The Global Human Experiment without Consent

5G "Small Cell" Proliferation Takes a Hit in Cambridge MA

5G AirGig- What is It and Should You Be Worried-

5G and Wireless Technology Health Effects

5G Fiasco at Mission Viejo Commissioners Hearing

5G Wireless May Lead to Inaccurate Weather Forecasts

AC Aganst 5G

After Decision Upholding FCC's 5G Rules, Cities Now Weighing Appeal

An Apple Patent reveals their Wireless 5G NR Sub-6 GHz Architecture designed for Human Safety while Remaining Powerful

Apple's Big Surprise — No New Products Include 5G Compatibility

Big Tech 'Small Cell' Proliferation Takes a Hit in Cambridge, MA

Cellular and Wi-Fi radiation kills flies and other insects

CHD Holds Press Conference on Evidentiary Brief Filing in CHD V. FCC Lawsui

CHD's 5G and Wireless Harms Project- Monthly Summary, July 2020

CHD's Dafna Tachover, Talks About 5G Dangers With RT America

Closer Than Ever on FCC Accountability for Wireless Harms and Protection for 5G!

Do 5G Promises Come with Real Human Costs-

Durban residents eject 5G towers on their property (South Africa)

Easton CT is Saying NO THANKS to 5G, and We Can Too!

Employees at France's Biggest Phone Company Undermine Country's 5G Push

Epoch Times Covers CHD Case Against FCC, Quoting Robert F. Kennedy, Jr. and Petitioner

FCC still ignores wireless harms

Federal Judge Rules Against City's Cellphone Radiation Warning Law

Global 5G Protest Day—Uniting to Protect Life on Earth

Global 5G Protest Warns of Health and Ecological Costs

Government and industry combine to downplay the science on cell phone danger

Group asks Clallam County to review 5G impacts

Hawaii's Big Island Called Upon Telecom to Cease and Desist 5G Deployment

Health impacts of 5G on board of health agenda

If 5G is not deemed safe in the USA, and nowhere in the rest of the world, by the insurance industry ... why is it by the Danish government-

Join Dafna Tachover, Esq. to Stop 5G

Mayor in Alpine Silicon Valley Wants France to Hit Brakes on 5G

o is on a Mission to Educate About 5G Harms and Protect his Mom

Portland's Face-Recognition Ban Is a New Twist on 'Smart Cities'

Press Conference- Response Brief Filed in Landmark Case Against FCC

Press Conference CHD Filed Its Response Brief in Its Case Against the FCC

Proposal to Nationalize 5G Revitalized

Radiall proposes 'massive modular' 6G mesh networks with tiny antennas

Radio Frequency Radiation Health Risks- Implications for 5G (Grand Rounds, UC San Francisco)

Read the short press release

researches 5G

Response Brief Filed in Landmark Case Against FCC on 5G and Wireless Health Impacts

Russia Considers Ban on Smart Phones and Wi-Fi in Schools to Protect Children's Brains

Sounding the Alarm About Wireless Radiation and 5G

Starlink is the wrong path to broadband

The Dangers of 5G to Children's Health

The FCC Just Approved 6 GHz Frequency Band for Wi-Fi and Why You Shouldn't Use It

Washington Post Is Right That 5G Is a Lie, But Wrong About the Reason

THANK YOU!

Gores, Alanna

From: CP <cnell@earthlink.net>
Sent: Wednesday, November 18, 2020 9:05 AM
To: Gores, Alanna
Subject: Clallam County Charter Review Commission: Recommendation on Nuclear Weapons

Follow Up Flag: Follow up
Flag Status: Completed

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Good Morning,
Hope all is well with you all & your families as we move through COVID.

The COVID is a reminder that we do not have control over this health disaster but we must plan & alert & inform & prepare residents.
It has given myself and others time to give attention & urgency to another specific & extreme & highly probable disaster: Nuclear Weapons.
We began collaborating & preparing this Resolution several weeks ago.
We expected to submit it to the Charter Review Commission in November 2020 giving the Commission time to address this before their term ends on December 31,2021.
Today is November 18, 2020 & we request a review AS the the year of service commitment has not come to a close.
We value the service & purpose of the Clallam County Review Commission & look to the Commissioners to review this Recommendation.

Clallam County residents need to be alerted & informed & prepared for nuclear weapon disasters AS we live in area with the largest collection of deployed weapons in Western Hemisphere.

Thanks to you all for your service to the residents of Clallam County! We look to you to review this Recommendation.

All best from Patricia Schroeder-Nell

1417 S D Street
Port Angeles

Clallam County Charter Review Commission: Recommendation on Nuclear Weapons

WHEREAS, All Forms of Disaster require County Public Emergency attention with Safety and Medical
Plans & Responses that alert & inform & prepare residents. Clallam Cou nty must thoroughly
address & include efforts to prevent a Nuclear Disaster in Clallam Count y. A Plan on Nuclear Disaster &
Emergency Risks & Consequences to Public Safety & Health needs to be fully developed & communicated to all residents of Clallam County; and

WHEREAS, nearly 14,500 nuclear weapons still exist in the world & po se an intolerable risk to human survival, and the United States has roughl y 6,450 of these nuclear weapons, constituting the world's most lethal nu clearweapons capability; and

WHEREAS, Washington state has the largest collection of deployed nuc lear weapons in the Western Hemisphere, at the Strategic Weapons Facili ty Pacific (SWFPAC) or commonly referred to as Naval Base Kitsap-
Bangor onHood Canal, just 20 miles from Seattle, WA; AND just 50 mil es from Sequim, Clallam County; just 70 miles from Port Angeles, Clalla m County; just 127 miles from Forks, Clallam County & just 141 miles f rom Neah Bay,Clallam County; and

WHEREAS, Port Angeles
Harbor is the home of a US Navy Maritime Protection Unit for Trident N uclear Submarine/Missiles (MFPU). A single submarine carries an estim ated 90 warheads on its 20 onboard missiles. Each"boomer" sub packs an explosive force equivalent to roughly 1,000 Hiroshima-
sized nuclear bombs. About 540 of these warheads is the estimated # dep loyed on active Bangor-
bases submarines. MMPU in Port Angeles servesthem. Thus Clallam Co unty is directly invested in nuclear weapons; and

WHEREAS, the use and detonation of even a small number of nuclear weapons could have catastrophic human, environmental and economic c onsequences globally; and

WHEREAS,
these weapons pose a threat simply by existing, due to the possibility of a ccidents and miscalculations, many of which have been documented in th e past; and

WHEREAS, a single nuclear detonation in any city in WA could cause devastating
& immediate fatalities, injuries and illnesses from radiation, devastating destruction of agricultural land and natural resources for decades; and

WHEREAS, these nuclear weapons installations, added to Washington s tate's large city centers and many other military installations, makes our State a target in the event of a nuclear exchange; and

WHEREAS, Washington state is home to many other nuclear weapons s ites and nuclear reactor facilities, including: the Hanford Nuclear Site, th e most contaminated nuclear site in the Western Hemisphere, The Midnit

e Mine, aformer nuclear weapons uranium mine located on the Spokane Tribe of Indians Reservation, and one of the largest populations of Marsh all Islanders in the United States, whose home was the site of 67 atmosph eric nuclearweapons tests during the Cold War; and

WHEREAS, these nuclear weapons sites and activities disproportionatel y affect communities of color and indigenous people, none of whom hav e been adequately compensated for the environmental and health conseq uences ofnuclear weapons activities pursued by the United States govern ment during the 50 years of the Cold War; and

WHEREAS, these nuclear weapons and nuclear-related activities make this a uniquely local issue in Washington state; and

WHEREAS, Washington residents benefit from the safety and security o f preventing the New START treaty from expiring on February 5, 2021; and

WHEREAS, in July 2017, 122 nations called for the elimination of all nuclear weapons by adopting the Treaty on the Prohibition of Nuclear Weapons, which was ratified on October 24, 2020 and will enter into force on January22, 2021; and

WHEREAS, the United States Constitution gives Congress the sole pow er to declare war; and

WHEREAS, the United States could lead a global effort to prevent nucle ar war by:

- renouncing the option of using nuclear weapons first
- ending the President's sole, unchecked authority to launch a nuclear att ack
- taking U.S. nuclear weapons off hair-trigger alert
- canceling the plan to replace its entire arsenal with next-generation nuclear weapons
- actively pursuing a verifiable, multilateral agreement among nuclear-armed states to eliminate their nuclear arsenals & move towards the Treaty of the Prohibition of Nuclear Weapons; and

WHEREAS, the United States is currently planning to spend at least $1. 2 trillion rebuilding our entire nuclear weapons arsenal. If we move this money we can begin to address conventional military needs and social programslike education, h ealth care, and infrastructure; and the plan for nuclear weapons abolition while ensuring environmental restoration & clean energy conversion.

THEREFORE, THE CHARTER REVIEW COMMISSION RECOMMENDS:

The Clallam County Board of County Commissioners produce a Nuclear Disaster Emergency Plan to alert & prepare the public for consequences to this emergency that impacts their health & safety; and

The Clallam County Board of County Commissioners call on Congress to take appropriate steps to move back from the brink of nuclear war by establishing a system of checks and balances to ensure

that the President shall no longer have the sole, unchecked authority to launch nuclear weapons, except in circumstances of retaliation to a nuclear attack, and making it the policy of the United States to not use nuclear weapons first, and to move forward toward nuclear disarmament; and

The Clallam County Board of County Commissioners transmit copies of this Recommendation to the President and Vice President of the United States, to the Speaker of the House of Representatives, to Majority Leader of the Senate, and to each Senator and Representative from Washington in the Congress of the United States.

<Clallam County Charter Review Commission Recommendation on Nuclear Weapons.docx>

Gores, Alanna

From: Patricia Schroeder <cnell@earthlink.net>
Sent: Wednesday, November 18, 2020 11:16 AM
To: Gores, Alanna
Subject: Clallam County Charter Review Commission could complete their full term if they reconsidered?

Follow Up Flag: Follow up
Flag Status: Completed

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Please forward to Commissioners for their information & for them to explain why they concluded the term they were elected to EARLY - 43 days early.
And this important Commission will not return after a new election in 5 years, is that accurate.

Very disheartening & discouraging- could they not consider continuing for the rest of this term?

Please forward to the Commissioners.

Thank- You,
Patricia Schroeder-Nell

Sent from my iPhone

On Nov 18, 2020, at 9:14 AM, Gores, Alanna <agores@co.clallam.wa.us> wrote:

> Patricia Schroeder-Nell,
>
> Thank you for your email below.
> The Charter Review concluded their term for 2020 by a vote of 13 in favor and 1 opposed on November 12, 2020.
> Your email will stay part of the County electronic records.
>
> Loni
>
> *Loni Gores*
> *Clerk of the Board*
> *Commissioners Office*
> *223 East 4th Street, Suite 4*
> *Port Angeles, WA 98362*
> *Phone: 360-417-2256*
>
> **From:** CP [mailto:cnell@earthlink.net]
> **Sent:** Wednesday, November 18, 2020 9:05 AM

To: Gores, Alanna
Subject: Clallam County Charter Review Commission: Recommendation on Nuclear Weapons

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Good Morning,
Hope all is well with you all & your families as we move through COVID.

The COVID is a reminder that we do not have control over this health disaster but we must plan & alert & inform & prepare residents.
It has given myself and others time to give attention & urgency to another specific & extreme & highly probable disaster: Nuclear Weapons.
We began collaborating & preparing this Resolution several weeks ago.
We expected to submit it to the Charter Review Commission in November 2020 giving the Commission time to address this before their term ends on December 31,2021.
Today is November 18, 2020 & we request a review AS the the year of service commitment has not come to a close.
We value the service & purpose of the Clallam County Review Commission & look to the Commissioners to review this Recommendation.

Clallam County residents need to be alerted & informed & prepared for nuclear weapon disasters AS we live in area with the largest collection of deployed weapons in Western Hemisphere.

Thanks to you all for your service to the residents of Clallam County! We look to you to review this Recommendation.

All best from Patricia Schroeder-Nell

1417 S D Street
Port Angeles

Clallam County Charter Review Commission: Recommendation on Nuclear Weapons

WHEREAS, All Forms of Disaster require County Publ
ic Emergency attention with Safety and Medical

Plans & Responses that alert & inform & prepare residen ts. Clallam County must thoroughly address & include efforts to prevent a Nuclear Disaster i n Clallam County. A Plan on Nuclear Disaster & Emergency Risks & Consequences to Public Safety & H ealth needs to be fully developed & communicated to all residents of Clallam County; and

WHEREAS, nearly 14,500 nuclear weapons still exist i n the world & pose an intolerable risk to human survival, and the United States has roughly 6,450 of these nuclear weapons, constituting the world's most lethal nuclearwe apons capability; and

WHEREAS, Washington state has the largest collection of deployed nuclear weapons in the Western Hemispher e, at the Strategic Weapons Facility Pacific (SWFPAC) or commonly referred to as Naval Base Kitsap-Bangor onHood Canal, just 20 miles from Seattle, WA; AND just 50 miles from Sequim, Clallam County; just 7 0 miles from Port Angeles, Clallam County; just 127 mil es from Forks, Clallam County & just 141 miles from N eah Bay,Clallam County; and

WHEREAS, Port Angeles Harbor is the home of a US Navy Maritime Protection U nit for Trident Nuclear Submarine/Missiles (MFPU). A s ingle submarine carries an estimated 90 warheads on its 20 onboard missiles. Each"boomer" sub packs an explos ive force equivalent to roughly 1,000 Hiroshima-sized nuclear bombs. About 540 of these warheads is the estimated # deployed on active Bangor-bases submarines. MMPU in Port Angeles servesthem. T hus Clallam County is directly invested in nuclear weapo ns; and

WHEREAS, the use and detonation of even a small nu mber of nuclear weapons could have catastrophic human , environmental and economic consequences globally; an d

WHEREAS,
these weapons pose a threat simply by existing, due to th e possibility of accidents and miscalculations, many of w hich have been documented in the past; and

WHEREAS, a single nuclear detonation in any city in WA could cause devastating & immediate fatalities, injuries and illnesses from radiati on, devastating destruction of agricultural land and natur al resources for decades; and

WHEREAS, these nuclear weapons installations, added to Washington state's large city centers and many other

military installations, makes our State
a target in the event of a nuclear exchange; and

WHEREAS, Washington state is home to many other n uclear weapons sites and nuclear reactor facilities, includ ing: the Hanford Nuclear Site, the most contaminated nu clear site in the Western Hemisphere, The Midnite Mine, aformer nuclear weapons uranium mine located on the S pokane Tribe of Indians Reservation, and one of the larg est populations of Marshall Islanders in the United States , whose home was the site of 67 atmospheric nuclearwea pons tests during the Cold War; and

WHEREAS, these nuclear weapons sites and activities disproportionately affect communities of color and indig enous people, none of whom have been adequately comp ensated for the environmental and health consequences o fnuclear weapons activities pursued by the United States government during the 50 years of the Cold War; and

WHEREAS, these nuclear weapons and nuclear-
related activities make this a uniquely local issue in Was hington state; and

WHEREAS, Washington residents benefit from the safe ty and security of preventing
the New START treaty from expiring on February 5, 2021; and

WHEREAS, in July 2017,
122 nations called for the elimination of all nuclear weap ons by adopting the Treaty on the Prohibition of Nuclear Weapons, which was ratified on October 24,
2020 and will enter into force on January22, 2021; and

WHEREAS, the United States Constitution gives Congr ess the sole power to declare war; and

WHEREAS, the United States could lead a global effort to prevent nuclear war by:
- renouncing the option of using nuclear weapons first
- ending the President's sole, unchecked authority to lau nch a nuclear attack
- taking U.S. nuclear weapons off hair-trigger alert
- canceling the plan to replace its entire arsenal with nex t-generation nuclear weapons
- actively pursuing a verifiable, multilateral agreement a mong nuclear-
armed states to eliminate their nuclear arsenals & move towards the Treaty of the Prohibition of Nuclear Weapons; and

WHEREAS, the United States is currently planning to s pend at least $1.2 trillion rebuilding our entire nuclear w eapons arsenal. If we move this money we can begin to

address conventional military needs and social programs like education, health care, and infrastructure; and the plan for nuclear weapons abolition while ensuring environmental restoration & clean energy conversion.

THEREFORE, THE CHARTER REVIEW COMMISSION RECOMMENDS:

The Clallam County Board of County Commissioners produce a Nuclear Disaster Emergency Plan to alert & prepare the public for consequences to this emergency that impacts their health & safety; and

The Clallam County Board of County Commissioners call on Congress to take appropriate steps to move back from the brink of nuclear war by establishing a system of checks and balances to ensure that the President shall no longer have the sole, unchecked authority to launch nuclear weapons, except in circumstances of retaliation to a nuclear attack, and making it the policy of the United States to not use nuclear weapons first, and to move forward toward nuclear disarmament; and

The Clallam County Board of County Commissioners transmit copies of this Recommendation to the President and Vice President of the United States, to the Speaker of the House of Representatives, to Majority Leader of the Senate, and to each Senator and Representative from Washington in the Congress of the United States.

<Clallam County Charter Review Commission Recommendation on Nuclear Weapons.docx>

Gores, Alanna

From: William Kildall <drwmkildall@gmail.com>
Sent: Friday, November 20, 2020 10:02 AM
To: Gores, Alanna
Subject: Fwd: Clallam County Charter Review Commission (CRC) - Recommendation on Nuclear Weapons - Do you have time to review proposal and send e-mail to the CRC

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Dear Alanna,
Please copy this e-mail to all of our CRC members and County Commissioners my message of support for the proposed Recommendation on Nuclear Weapons. This resolution speaks to the clear and ever-present danger of nuclear weapons that hangs over our heads here in Clallam County. I urge passage of this resolution by the Commission Members and the County Commissioners to begin to alert our elected leaders to start to reclaim a major guarantee for a portion of the quality of life for all of our residents of this County, State, and Nation.
Respectfully,
Bill Kildall

On Thu, Nov 19, 2020 at 6:33 PM THERESE STOKAN <hermanabaheda@aol.com> wrote:
Hi Everyone!

Actually, I think this is a tremendous proposal and if anyone is willing to send an email in support of it, to the Charter Review Commission (CRC), please do so. It would be much appreciated and every email in support really does influence whether the CRC considers proposals! Please ask your other contacts in Clallam County to do so, also!

Send your e-mails to the Clerk of the Board:
Alanna Gores

agores@co.clallam.wa.us

Ask Alanna to share your email with all of the Charter Review Commissioners, and let you know that she received your email.

***This is how we educate the Charter Review Commissioners (and County Commissioners) and the community! It is another Platform to do so! Perhaps Anne and others can help with other proposals, like the ones initiated in Jefferson County. It is all good! It cannot hurt to try and even if it fails to be discussed by the Charter Review Commission, it will have provided quite an education!

***Why is this issue relevant to the CRC? Their job is to look at our Charter...which is our county's constitution. You may recall the Bill of Rights? The Bill of Rights are the first 10 amendments to the US Constitution and they deal with "quality of life" issues. I have discussed this issue repeatedly with a Constitutional Attorney, who agrees with this and the relevance/appropriateness of these type of proposals to the Clallam County Charter.

***Part of the problem, is that some of the CRC members have "limited vision" on what can be done with and in the Charter. As it stands, this would not be an "amendment proposal" because it would require more time

than this CRC is willing to meet. This is being proposed as a "Recommendation". Hope this helps explain why the CRC can and should consider this proposal!

This year, the CRC passed a "Recommendation" on "Affordable Housing" and on "Franchises/NEPA - National Environmental Protection Act...and compliance with it regarding EMF (electromagnetic field) and new technology".

These are "Quality of Life" issues. The issue of nuclear weapons is certainly a "quality of life" issue that merits a "Recommendation", in my opinion, as a Charter Review Commissioner.

Thanks for your review and, if you do send an e-mail in support of this proposal (or otherwise), could you please let me know? There was some difficulty in Pat getting confirmation that Alanna had shared her email with the Charter Review Commissioners.

Thanks!
Therese (Tree) Stokan
Charter Review Commissioner
District 3

Sent from my iPhone

On Nov 19, 2020, at 3:30 PM, Anne Hastings Murray <murray@olympus.net> wrote:

> The issue of nuclear weapons is of crucial importance, and I appreciate the effort to engage the county government. However, I do not believe this proposal is appropriate for the Charter Review Commission. I do think there is a need to garner significant community support and then present a resolution to the Commissioners. Port Townsend provided us with a means of gathering that support, but I am unaware of their initiative being pursued in Clallam County.
>
> Anne Murray

On Nov 17, 2020, at 11:46 PM, THERESE STOKAN <hermanabaheda@aol.com> wrote:

Hi Everyone!

Here is the most recent draft, as of Tuesday evening, 11/17/2020! Pat did a tremendous job today, combining input that she, Carly and Doug wrote.

I did a few edits...Please let us know what you think. Any corrections, changes, modifications?

Thanks!
Tree

Clallam County Charter Review Commission: Recommendation on Nuclear Weapons

WHEREAS, All Forms of Disaster require County Public Emergency attention with Safety and Medical
Plans & Responses that alert &inform & prepare residents. Clallam County must thorou ghly
address & include efforts to prevent a Nuclear Disaster in Clallam County. A Plan on N uclear Disaster & Emergency Risks & Consequences to Public Safety & Health needs to be fully developed & communicated to all residents of Clallam County; and

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WHEREAS, Washington state has the largest collection of deployed nuclear weapons i n the Western Hemisphere, at the Strategic WeaponsFacility Pacific (SWFPAC) or com monly referred to as Naval Base Kitsap-
Bangor on Hood Canal, just 20 miles from Seattle, WA; AND just50 miles from Sequim , Clallam County; just 70 miles from Port Angeles, Clallam County; just 127 miles from Forks, Clallam County & just141 miles from Neah Bay, Clallam County; and

WHEREAS, Port Angeles
Harbor is the home of a US Navy Maritime Protection Unit for Trident Nuclear Submari ne/Missiles (MFPU). Asingle submarine carries an estimated 90 warheads on its 20 onb oard missiles. Each "boomer" sub packs an explosive force equivalent toroughly 1,000 Hiroshima-
sized nuclear bombs. About 540 of these warheads is the estimated # deployed on active Bangor-
bases submarines.MMPU in Port Angeles serves them. Thus Clallam County is directly invested in nuclear weapons; and

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a target in the event of a nuclear exchange; and

WHEREAS, Washington state is home to many other nuclear weapons sites and nuclea r reactor facilities, including: the Hanford Nuclear Site,the most contaminated nuclear si te in the Western Hemisphere, The Midnite Mine, a former nuclear weapons uranium mi ne located on theSpokane Tribe of Indians Reservation, and one of the largest populatio ns of Marshall Islanders in the United States, whose home was the siteof 67 atmospheric nuclear weapons tests during the Cold War; and

WHEREAS, these nuclear weapons sites and activities disproportionately affect commu nities of color and indigenous people, none of whomhave been adequately compensated for the environmental and health consequences of nuclear weapons activities pursued by the United Statesgovernment during the 50 years of the Cold War; and

WHEREAS, these nuclear weapons and nuclear-related activities make this a uniquely local issue in Washington state; and

WHEREAS, Washington residents benefit from the safety and security of preventing the New START treaty from expiring on February 5, 2021; and

WHEREAS, in July 2017, 122 nations called for the elimination of all nuclear weapons by adopting the Treaty on the Prohibition of Nuclear Weapons, which was ratified on October 24, 2020 and will enter into force on January 22, 2021; and

WHEREAS, the United States Constitution gives Congress the sole power to declare war; and

WHEREAS, the United States could lead a global effort to prevent nuclear war by:

- renouncing the option of using nuclear weapons first
- ending the President's sole, unchecked authority to launch a nuclear attack
- taking U.S. nuclear weapons off hair-trigger alert
- canceling the plan to replace its entire arsenal with next-generation nuclear weapons
- actively pursuing a verifiable, multilateral agreement among nuclear-armed states to eliminate their nuclear arsenals & move towards the Treaty of the Prohibition of Nuclear Weapons; and

WHEREAS, the United States is currently planning to spend at least $1.2 trillion rebuilding our entire nuclear weapons arsenal. If we move this money we can begin to address conventional military needs and social programs like education, health care, and infrastructure; and the plan for nuclear weapons abolition while ensuring environmental restoration & clean energy conversion.

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The Clallam County Board of County Commissioners produce a Nuclear Disaster Emergency Plan to alert & prepare the public for consequences to this emergency that impacts their health & safety; and

The Clallam County Board of County Commissioners call on Congress to take appropriate steps to move back from the brink of nuclear war by establishing a system of checks and balances to ensure that the President shall no longer have the sole, unchecked authority to launch nuclear weapons, except in circumstances of retaliation to a nuclear attack, and making it the policy of the United States to not use nuclear weapons first, and to move forward toward nuclear disarmament; and

The Clallam County Board of County Commissioners transmit copies of this Recommendation to the President and Vice President of the United States, to the Speaker of the House of Representatives, to Majority Leader of the Senate, and to each Senator and Representative from Washington in the Congress of the United States.

<Clallam County Charter Review Commission Recommendation on Nuclear Weapons.docx>

Gores, Alanna

From: Tree Stokan <treejstokan@gmail.com>
Sent: Monday, December 14, 2020 11:20 AM
To: Gores, Alanna
Cc: Tony Corrado
Subject: Coconut Creek Florida Commission Passes 5G Resolution on Health and Environmental Effects of Wireless Radiofrequency - Environmental Health Trust

Please forward to the BOCC, (and Charter Review Commissioners), in anticipation of review of the Franchises/EMF/NEPA proposal, in January 2021.

Thanks,
Therese Stokan
Charter Review Commissioner
District 3

https://ehtrust.org/coconut-creek-florida-commission-passes-resolution-on-health-and-environmental-effects-of-wireless-radiofrequency/

Sent from my iPhone

Gores, Alanna

From: Hope Fellows <hopefellows@gmail.com>
Sent: Sunday, January 03, 2021 4:03 PM
To: Gores, Alanna
Subject: Please share this email with all members of the BOCC

The BOCC shall take all required and necessary legal actions to ensure that any franchise associated with new radio frequency devices or systems operating in the micro or millimeter wave frequency range, be accompanied by a scientific study determining that such law, regulation or franchise is in compliance with the National Environmental Protection Act (NEPA) prior to the enactment or granting of any franchise.

To date there's been no environmental testing of this network to know that it is safe. Thousands of scientists and doctors around the world have come out against this EMF technology as a public health threat.

Fiber optics are a proven to be safe alternative. That's the way we should be going.

Sincerely

Hope Fellows
2062 Spruce St
Port Townsend, Wa. 98368

Sent from my iPhone

Gores, Alanna

From: Tony Corrado <tony.corrado@gmail.com>
Sent: Monday, January 04, 2021 9:14 AM
To: Alex Fane; Gores, Alanna
Subject: 5G Comments
Attachments: 210104--EMF BOCC.pdf

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Ms. Gores,
Kindly forward this email and attachment to the BOCC. Thank you.

Commissioners,
Attached please find a submittal regarding my personal opinion regarding the 5G ordinance you will be considering at your work session this month. This attachment represents a summary of related issues and factual representations that you might choose to consider in your deliberations. As I am not sufficiently erudite to present the moral and ethical arguments regarding this issue, perhaps this excerpted quote from Thomas Paine can add perspective. "These are the times that try men's souls. The summer soldier and the sunshine patriot will in this crisis turn from the service of his country, but he that stands it now deserves the love and thanks of man and woman."

Respectfully Submitted,
Tony Corrado

A Perspective on The Electro Magnetic Fields (EMF) Issue

This document has been prepared to summarize the primary issues that the BOCC of Clallam County should consider when determining their positions on a potential ordnance related to EMF deployments in Clallam County. Text in *italics* have been copied from the referenced documents.

EMF is a very complex issue. It has technical, legal and political ramifications. Regardless, the protection of the health and safety of citizens should be based on science, not politics, greed nor propaganda.

As a means of simplifying the technical aspects, the following clarifications are offered:

1. Technical

    a. 5G is deliberatively discussed by the Federal Communications Commission (FCC) and telecommunications industry as a benign, principally cellphone, related technology. That posit is simply not factual. 5G, as a term used herein, actually encompasses all the RF frequencies from 300 MHz to 300 GHz in the RF spectrum. It includes smart meters, WIFI (2.45 GHz band), 3,4 and 5G cellphones, automotive sensors, security scanners, satellite up/down links, commercial and industrial applications of communication technology and tracking and detection systems.

    b. The prefix micro- in microwave is not meant to suggest a wavelength in the micrometer range. Rather, it indicates that microwaves are "small" (having shorter wavelengths), compared to the radio waves used prior to microwave technology. The boundaries between far infrared, terahertz radiation, microwaves, and ultra-high-frequency radio waves are fairly arbitrary and are used variously between different fields of study. Reference: https://en.wikipedia.org/wiki/Microwave

    c. Zero health related studies have been supplied for peer review at the higher frequency portions of the spectrum.

    d. The impact of microwaves and related EMF is verifiable in these latest reports of weaponized microwave induced effects at diplomatic embassies.
        i. https://www.washingtonpost.com/world/national-security/report-finds-microwave-energy-likely-made-us-diplomats-ill/2020/12/05/71c2b818-3768-11eb-9699-00d311f13d2d_story.html

    e. This reference points to a new DARPA initiative and report on EMF causing severe reactions to young, experienced and well-trained USAF pilots.
        i. https://emf-experts.news/emf-exposre-in-cockpits/

    f. This reference points to a German study documenting the effects of microwaves on insect life as researched in Germany.
        i. https://citizensfor5gawareness.org/2020/09/17/mobile-phone-radiation-may-be-killing-insects-german-study/

2. Legal

    a. It has been suggested that the existence of a Federal law, the National Environmental Protection Act (NEPA) obviates the need for a Clallam County ordinance requiring its compliance. This argument is both sophomoric and disingenuous. If posits that the mere existence of a law is sufficient to ensure its compliance. If this were an accurate posit, then major budget reductions could be realized by not enforcing driving regulations since speed limits constitute "existing law".

b. The FCC has attempted to obtain a ruling exempting them from the NEPA as they have universally failed to comply with the existing law. In a recent case, the courts have ruled that the FCC/industry must comply with the NEPA. Reference: https://ehtrust.org/for-immediate-release-appeals-court-unanimously-overturns-fcc-effort-to-eliminate-nepa-and-historic-review/ and https://scientists4wiredtech.com/2019/08/federal-court-overturns-fcc-order-bypassing-environmental-review-for-4g-5g-wireless-small-cell-densification/

c. The reason both "micro" and "millimeter" wave terms were defined for inclusion in the suggested ordinance is to prevent definitional differences enabling noncompliance based on a loose definition of frequencies of compliance. We reference the essential elements of any ordinance in the last paragraph of this missive.

d. A Clallam County ordinance would simply ensure compliance for the submittal of Environmental Assessments and Environmental Impact studies prior to the issuance of a franchise.

3. Health and environmental issues.

This section contains excerpts (italicized) from Dr, Martin Pall's extensive research relating the technology of 5G to biological effects. Dr, Pall is a Professor Emeritus of Biochemistry and Basic Medical Sciences, Washington State University. He is a recognized international resource related to EMF issues. His entire book is available free online at:
https://peaceinspace.blogs.com/files/5g-emf-hazards--dr-martin-l.-pall--eu-emf2018-6-11us3.pdf

a. Summary of health effects

1. Attack our nervous systems including our brains leading to widespread neurological/neuropsychiatric effects and possibly many other effects. This nervous system attack is of great concern.
2. Attack our endocrine (that is hormonal) systems. In this context, the main things that make us functionally different from single celled creatures are our nervous system and our endocrine systems – even a simple planaria worm needs both of these. Thus the consequences of the disruption of these two regulatory systems is immense, such that it is a travesty to ignore these findings.
3. Produce oxidative stress and free radical damage, which have central roles in essentially all chronic diseases.
4. Attack the DNA of our cells, producing single strand and double strand breaks in cellular DNA and oxidized bases in our cellular DNA. These in turn produce cancer and also mutations in germ line cells which produce mutations in future generations.
5. Produce elevated levels of apoptosis (programmed cell death), events especially important in causing both neurodegenerative diseases and infertility.
6. Lower male and female fertility, lower sex hormones, lower libido and increased levels of spontaneous abortion and, as already stated, attack the DNA in sperm cells.
7. Produce excessive intracellular calcium [Ca2+]i and excessive calcium signaling.
8. Attack the cells of our bodies to cause cancer. Such attacks are thought to act via 15 different mechanisms during cancer causation.
There is also a substantial literature showing that EMFs also cause other effects including life threatening cardiac effects (Chapter 3). In addition substantial evidence suggests EMF causation
of very early onset dementias, including Alzheimer's, digital and other types of dementias (Chapter 3); and there is evidence that EMF exposures in utero and shortly after birth can cause ADHD and autism (Chapter 5).

b. Mechanism of interactions with biological cells

i. *Each of these effects is produced via the main mechanism of action of microwave/lower frequency EMFs, activation of voltage-gated calcium channels (VGCCs) (Chapter 2). The extraordinary sensitivity of the VGCC voltage sensor to the forces of the EMFs tells us that the* ***current safety guidelines allow us to be exposed to EMF levels that are something like 7.2 million times too high. That sensitivity is predicted by the physics.*** *Therefore, the physics and the biology are each pointing to the same mechanism of action of non-thermal EMFs.*

c. Lack of governmental action

i. *The European Commission has done nothing to protect European citizens from any of these very serious health hazards and the U.S. FDA, EPA and National Cancer Institute have done nothing to protect American citizens.* ***The U.S. FCC has been much worse than that, acting vigorously with wanton disregard for our health.***

d. Safety Guidelines

i. *It can be seen, in summary, that we are far beyond the issue whether there are non-thermal EMF effects. Our current safety guidelines are based only on heating (thermal) effects. Heating is produced predominantly by forces on singly charged groups in the aqueous phases of the cell but the forces on the voltage sensor are approximately 7.2 million times higher.* ***Therefore, our current safety guidelines are allowing us to be exposed to EMFs that are approximately 7.2 million times too strong.***

e. Cumulative and irreversibility effects

i. *Two questions that must be raised about the effects of these low-intensity EMFs producing biological effects is are they cumulative and are they reversible?* ***I am aware of several different types of evidence for cumulative effects and also for irreversible effects.***

f. Factual nature of government-based positions

i. *The first set of flaws, is that SCENIHR (Scientific Committee on Emerging and Newly Identified Health Risks) is perfectly willing to make statements which they know or should have known are false. There is a vast literature, both in the review literature and in the primary literature studies, that disagrees strongly with the SCENIHR positions and is completely ignored by SCENIHR. Finally, we have three additional considerations which interact with each other to produce the completely bogus logic used by SCENIHR and by other organizations that have taken positions similar those taken by SCENIHR.* ***One of those considerations comes from our knowledge that pulsation pattern, cell type, polarization and frequency can all influence biological effects and that there are exposure windows that produce much larger effects than are seen with either lower or higher intensities.***

g. Total absence of "pulsed" EMF studies

i. *All wireless communication devices put out polarized EMFs that carry information via pulsations. Both the pulsations and the polarization make these EMFs much more biologically active. The only data we have, to my knowledge, on millimeter wave frequencies of 5G used non-pulsed*

ii. *The only data we have, to my knowledge, on millimeter wave frequencies of 5G used non-pulsed EMFs in the millimeter frequency range of 5G, not genuine 5G*

iii. *Switzerland has safety guidelines that are 100 times more stringent than ours, Russia has safety guidelines that are 1000 times more stringent than ours.*

h. Lack of regulatory agency transparency

i. *We in the U.S. often take great pride in our scientific research. That is, of course, especially true of U.S. scientists, of which I am one. We have far more Nobel laureates than any other country so we think of ourselves as being the #1 science country in the world.* ***But we have had, over the past 20 years, almost no scientific primary literature studies, either laboratory studies or epidemiological studies, on non-thermal microwave frequency EMF effects.***

i. Attacks by the Telecommunications Industry on U.S. Scientists

i. *Dr. Henry Lai from the University of Washington and a collaborator, NP Singh were using the alkaline comet assay, discussed earlier in this document to measure single stranded breaks in cellular DNA. They found a substantial elevation of the levels following low level EMF exposure in late 1994.* ***Before that finding had even been published, they found that they were targets of a severe attack from the telecommunications industry.***

j. Scientific references related to the environmental effects on plants

i. *In any case, these surface effects of 5G will have especially strong impact on organisms with much higher surface to volume ratios. Consequently, I predict that many organisms will be much more impacted than we will. This includes insects and other arthropods, birds and small mammals and amphibia. It includes plants including even large trees, because trees have leaves and reproductive organs that are highly exposed. I predict there will be major ecological disasters as a consequence of 5G. This will include vast conflagrations because EMF exposures make plants much more flammable.*

ii. References:

1. https://ehtrust.org/tree-damage-caused-mobile-phone-base-stations-observation-guide-helmut-breuniq/
2. https://pubmed.ncbi.nlm.nih.gov/25050479/
3. https://pubmed.ncbi.nlm.nih.gov/27552133/

k. International leaders with knowledge

i. *One question that can be asked is whether there are any major international political figures who appear to have a good understanding of the EMF/health issue? When I was asked that question, I was able to come up with only one person. That person is President Vladimir Putin of Russia. This inference comes from an interview of Dr. Dietrich Klinghardt, who practices in Seattle, by Dr. Joseph Mercola, that occurred in December 2017, an interview that was entirely focused on EMF health effects [117]. In that context Dr. Klinghardt states that a lecture that Putin gave to the Russian assembly said,* ***"We do not need to go to war with America. America is committing collective suicide by the way they are using electricity. We just have to wait until they are all in the psychiatric hospital."*** *When I saw that, I asked myself whether it is plausible that Vladimir Putin has a deep understanding of the neuropsychiatric effects of the EMFs? And then I thought, of course, Vladimir Putin was the head of the KGB when the latter studies reviewed by Dr. Karl Hecht*

[28] were being done in the Soviet Union. The most important effects that were shown to be produced by the EMFs, in those studies, were the neuropsychiatric effects. Furthermore, the Putin statement apparently shows not only a substantial understanding of those effects but ***also the fact that they are cumulative and become irreversible, as shown*** *in those studies [28] and in other studies discussed in Chapter 4. One thing that I would add is that President Putin apparently practices what he preaches. He avoids smart phones [118].*

4. Essential elements to be included in an ordinance:

   a. The hardware operational frequency range should be defined as 300 MHz through to 300 GHz of the RF spectrum.

   b. Compliance with the National Environmental Protection Act NEPA) should be required prior to the enactment or granting of any franchise by the BOCC.

   c. NEPA compliance shall require submission of environmental assessment (EAs) and environmental impact statements (EISs). All reports submitted by the requesting agency should be peer reviewed by scientists.

Respectfully Submitted,

Tony Corrado

Gores, Alanna

From: Debra Koich <debrakoich@hotmail.com>
Sent: Tuesday, January 05, 2021 3:53 AM
To: Gores, Alanna
Subject: Consider an Ordinance Ensuring Franchises Comply with the National Environmental Protection Act (NEPA)

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Good Morning

This communication is intended to exhibit my staunch support for an ordinance ensuring franchises comply with the National Environmental Protection Act (NEPA). Considering what I already know about millimeter wave frequencies, and perhaps more importantly, what I may not know (it could be even worse, but I already know that the effects on human, animal, and plant life is devastating), I can't think of anything that is more important than this. I hope that you agree with me that life is precious and should be protected from harm by those who are in a position to do just that. Please share my email with all members of the BOCC and if you could, please confirm that you have received this. Thank you so much for your time and attention.
Sincerely,

Debra Koich

Gores, Alanna

From: Margie Weaver <margie@yogamojo.com>
Sent: Tuesday, January 05, 2021 9:19 AM
To: Gores, Alanna
Subject: Request for action...

Dear Alanna Gores,

Please share this email with the Clallam County Board of County Commissioners (BOCC).

I am urging the BOCC to consider an ordinance ensuring franchises comply with the National Environmental Protection Act (NEPA).

Please support the Recommendation made by the 2020 Charter Review Commission, on this issue. I look forward to your prompt response to this Recommendation:

"The BOCC shall take all required and necessary legal actions to ensure that any franchise associated with new radio frequency devices or systems operating in the micro or millimeter wave frequency range, be accompanied by a scientific study determining that such law, regulation or franchise is in compliance with the National Environmental Protection Act (NEPA) prior to the enactment or granting of any franchise."

To date there's been no environmental testing of this network to know that it is safe. Thousands of scientists and doctors around the world have come out against this EMF technology as a public health threat.

Please let me know that you have received this email.

Thank you,
Margie Weaver
Resident of Port Angeles, Clallam County's

Gores, Alanna

From: Rick Marschall <rikmarsh5@gmail.com>
Sent: Tuesday, January 05, 2021 10:17 AM
To: Gores, Alanna
Subject: EMF technology health threat

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Hello Alanna Gores,

Could you please share this email with the Clallam County Board of County Commissioners (BOCC)?

I am urging the BOCC to consider an ordinance ensuring franchises comply with the National Environmental Protection Act (NEPA).

I strongly support the Recommendation made by the 2020 Charter Review Commission, on this issue. I look forward to your prompt response to this Recommendation:

> "The BOCC shall take all required and necessary legal actions to ensure that any franchise associated with new radio frequency devices or systems operating in the micro or millimeter wave frequency range, be accompanied by a scientific study determining that such law, regulation or franchise is in compliance with the National Environmental Protection Act (NEPA) prior to the enactment or granting of any franchise."

> To date there's been no environmental testing of this network to know that it is safe. Thousands of scientists and doctors around the world have come out against this EMF technology as a public health threat.

Please let me know that you have received this email.

Thank you,
Rick Marschall
Resident of Port Angeles

Gores, Alanna

From: William Kildall <drwmkildall@gmail.com>
Sent: Tuesday, January 05, 2021 11:29 AM
To: Gores, Alanna
Subject: Radio Frequency Devices

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Dead Alanna Gores, Clerk of the BOCC,
Please share this email with all of the Clallam County Commissioners.
I am urging the BOCC to consider and pass an ordinance ensuring any franchise operating within the County complies with the National Environmental Protection Act (NEPA) including Radio Frequency Devices which I strongly supported when the 2020 Charter Review Commission recommended such action be taken by the BOCC.
" The BOCC shall take all required and necessary legal action to ensure that any franchise associated with the new frequency devises or systems operating in the micro millimeter frequency range, be accompanied by a scientific study determining that such law, regulation or franchisee complies with the National Environmental Protection Act (NEPA) before the enactment or granting of any franchise. "
To this day there has been no reputable testing of this system in question to be guaranteed that it is safe. Thousands of scientists and physicians around the world have taken a stand against this EMF technology as a threat to public health. It is a matter of record that microwave technology when directed at certain U.S. Embassies in Cuba and China has caused U.S. diplomatic staff to have suffered permanent injury in the past few years according to official governmental reports.
Thank You,
William Kildall, Ed. D.
A resident of Port Angeles, WA. 98362

Gores, Alanna

From: K Kyllo <kskyllo@yahoo.com>
Sent: Tuesday, January 05, 2021 9:04 PM
To: Gores, Alanna
Subject: Attn: Alanna Gores Please forward this email to the Clallam County Board of County Commissioners

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Hello Alanna Gores,

Could you please share this email with the Clallam County Board of County Commissioners (BOCC)?

I am urging the BOCC to consider an ordinance ensuring franchises comply with the National Environmental Protection Act (NEPA).

I strongly support the Recommendation made by the 2020 Charter Review Commission, on this issue. I look forward to your prompt response to this Recommendation:

> "The BOCC shall take all required and necessary legal actions to ensure that any franchise associated with new radio frequency devices or systems operating in the micro or millimeter wave frequency range, be accompanied by a scientific study determining that such law, regulation or franchise is in compliance with the National Environmental Protection Act (NEPA) prior to the enactment or granting of any franchise."
>
> To date there's been no environmental testing of this network to know that it is safe. Thousands of scientists and doctors around the world have come out against this EMF technology as a public health threat.

Please let me know that you have received this email.

Thank you, Kraig Kyllo
Resident of Clallam County

Gores, Alanna

From: Tony Corrado <tony.corrado@gmail.com>
Sent: Wednesday, January 06, 2021 9:07 AM
To: Gores, Alanna
Subject: NEPA Requirement by Federal Appeals Court
Attachments: 210106-Legal 5G actions.pdf

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Ms. Gores,
Kindly forward the attachment hereto to the BOCC re: 5G Ordinance.

Thank you,
Tony Corrado

Commissioners, Clallam County, WA:

This ruling is specific to the issue of NEPA Compliance for 5G deployments.

1. COURT REQUIREMENT FOR NEPA COMPLAINCE:
    a. United States Court of Appeals FOR THE DISTRICT OF COLUMBIA CIRCUIT Argued March 15, 2019 Decided August 9, 2019 No. 18-1129 UNITED KEETOOWAH BAND OF CHEROKEE INDIANS IN OKLAHOMA, INDIVIDUALLY AND ON BEHALF OF ALL OTHER NATIVE AMERICAN INDIAN TRIBES AND TRIBAL ORGANIZATIONS, ET AL.

    b. Reference: https://ehtrust.org/wp-content/uploads/Court-Opinion.pdf

Gores, Alanna

From: Brett Romano <blrunnion@gmail.com>
Sent: Wednesday, January 06, 2021 5:53 PM
To: Gores, Alanna
Subject: Recommendation for BOCC

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Dear Alanna Gores,

Would you be so kind to please share this email with the Clallam County Board of County Commissioners (BOCC)?

I am requesting that the BOCC endorse an ordinance ensuring telecommunication franchises comply with the National Environmental Protection Act (NEPA).

I strongly support the recommendation made by the 2020 Charter Review Commission, on this issue. I look forward to your prompt response to this Recommendation:

> "The BOCC shall take all required and necessary legal actions to ensure that any franchise associated with new radio frequency devices or systems operating in the micro or millimeter wave frequency range, be accompanied by a scientific study determining that such law, regulation or franchise is in compliance with the National Environmental Protection Act (NEPA) prior to the enactment or granting of any franchise."

> To date there's been no environmental testing to know that it is safe. Thousands of scientists and doctors around the world have come out against this EMF technology as a public health threat.

Respectfully,
Brett and Lisa Romano
Resident of Sequim

Gores, Alanna

From: Annie Pelayo <pelayohk@gmail.com>
Sent: Thursday, January 07, 2021 4:46 PM
To: Gores, Alanna
Subject: 5g

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Hello Alanna Gores,

Could you please share this email with the Clallam County Board of County Commissioners (BOCC)?

I am urging the BOCC to consider an ordinance ensuring franchises comply with the National Environmental Protection Act (NEPA).

I strongly support the Recommendation made by the 2020 Charter Review Commission, on this issue. I look forward to your prompt response to this Recommendation:

> "The BOCC shall take all required and necessary legal actions to ensure that any franchise associated with new radio frequency devices or systems operating in the micro or millimeter wave frequency range, be accompanied by a scientific study determining that such law, regulation or franchise is in compliance with the National Environmental Protection Act (NEPA) prior to the enactment or granting of any franchise."

> To date there's been no environmental testing of this network to know that it is safe. Thousands of scientists and doctors around the world have come out against this EMF technology as a public health threat.

Please let me know that you have received this email.

Thank you,

Anne Pelayo
2411 S Lincoln St, Port Angeles, WA 98362

Gores, Alanna

From: Roland Underwood <lynnunderwood1@hotmail.com>
Sent: Friday, January 08, 2021 6:19 AM
To: Gores, Alanna
Subject: National Environmental Protection Act (NEPA

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Hello Alanna Gores,

Could you please share this email with the Clallam County Board of County Commissioners (BOCC)?

I am urging the BOCC to consider an ordinance ensuring franchises comply with the National Environmental Protection Act (NEPA).

I strongly support the Recommendation made by the 2020 Charter Review Commission, on this issue. I look forward to your prompt response to this Recommendation:

"The BOCC shall take all required and necessary legal actions to ensure that any franchise associated with new radio frequency devices or systems operating in the micro or millimeter wave frequency range, be accompanied by a scientific study determining that such law, regulation or franchise is in compliance with the National Environmental Protection Act (NEPA) prior to the enactment or granting of any franchise."

To date there's been no environmental testing of this network to know that it is safe. Thousands of scientists and doctors around the world have come out against this EMF technology as a public health threat.

Please let me know that you have received this email.

Thank you,
Roland Underwood
Resident of Sequim

Gores, Alanna

From: Ozias, Mark
Sent: Tuesday, January 26, 2021 3:36 PM
To: Ed Bowen
Cc: Gores, Alanna
Subject: RE: CRC Recommendation and the means the BOCC is addressing the topics

Follow Up Flag: Follow up
Flag Status: Flagged

Ed,

We have a series of public hearings scheduled on 4 of the 5 CRC recommendations in April; the March meeting kicks off the process to schedule and notice the hearings. Each hearing will focus on two recommendations, and each hearing will be continued so that citizens will have multiple day/time options for participation. We will also continue to accept written comment through the end of the month of April.

There will be some kind of similar public process around the DCD recommendation but I don't have additional details at this time.

Mark O

From: Ed Bowen [rockypt@olypen.com]
Sent: Tuesday, January 26, 2021 11:10 AM
To: Ozias, Mark; Johnson, Randy; Peach, Bill
Subject: CRC Recommendation and the means the BOCC is addressing the topics

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Where has the BOCC met the requirements of the Charter regarding we the people and the recommendations from the CRC?

The BOCC letter regarding March 15th is not the requirements of the Charter for we the people, explain your position and authority to take this action.

I insist on representation, I am filing a grievance for lack of representation for me, I insist on a response made to record to hold this BOCC accountable for the clear and present danger of not abiding by the county Charter and creating a legal flaw.

Ed Bowen
Aggrieved Citizen

Virus-free. www.avg.com

Gores, Alanna

From: THERESE STOKAN <hermanabaheda@aol.com>
Sent: Thursday, February 04, 2021 1:35 AM
To: Gores, Alanna
Subject: Letter to BOCC on Charter Review Commission's EMF/NEPA Recommendation and Dr. Martin Pall
Attachments: Letter to BOCC on CRC EMF Recommendation and Dr. Martin Pall.docx; ATT00001.htm

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Please forward to BOCC. Thank you!

Hello Clallam County Commissioners Mark Ozias, Randy Thomas, and Bill Peach,

One of the "Recommendations" which has been submitted by the 2020 Charter Review Commission is the following:

"Consider an Ordinance Ensuring Franchises Comply with the National Environmental Protection Act (NEPA)".

As I believe you are already aware, they are many residents in our county, who have come forth to express their concerns about different sources of EMF (electromagnetic field), with Smart Meters and 5G, most often mentioned.

Over the past several years, I have met many people, throughout Clallam County, who have taken the time to attend and offer public comments on this issue, at meetings of: BOCC, Clallam County Planning Commission, Sequim City Council and PUD.

While serving on the 2020 Charter Review Commission (CRC), *concern about EMF was the top issue noted, in terms of public comment.*

Remarkably, **40 people** either sent an e-mail and/or came to one of our meetings or virtual meetings, to express their concern about this topic, and wanted us to take action, in the form of an *"amendment" on the issue of EMF.*

(By comparison, note that the issue that came in second, had **14 people** giving public comment/e-mails, and those residents were in support of *Ranked Choice Voting.*)

EMF can be a complex issue. There have been a number of educational seminars on issues related to EMF, in the past several years, throughout our county: in Sequim, Port Angeles, and in Neah Bay, and in Jefferson County. One of our guest speakers for these seminars, has been Anthony (Tony) Corrado, who was very instrumental in authoring the Charter Review Commission's "Recommendation", noted above.

In case you are not aware of Mr. Corrado's background, please note the following: He has a BS Mechanical Engineering Degree from Fairleigh Dickinson University, and 40 years experience with defense related weapons, sensors, and technology development. He is an inventor, who holds 19 non-classified patents. We are quite fortunate to have him in our community, and to have had him serve on the 2020 Charter Review Commission.

Residents are *disappointed that the CRC did not bring a Charter amendment* proposal to the voters, on this very important issue. However, they are *grateful and hopeful – about the "Recommendation" for the Ordinance, which the CRC has brought to the BOCC.*

As you prepare to study this issue more closely, some of our residents are suggesting that the BOCC consider having a teleconference with another expert on the issue of EMF: Martin L. Pall, PhD.

Dr. Martin Pall, is a globally acknowledged expert on the health effects of EMF on all living things. He is a professor emeritus of biochemistry and basic medical science, from Washington State University. He is a specialist in Chronic Fatigue Syndrome, Multiple Chemical Sensitivity and the effects of low-intensity microwave frequency electromagnetic fields (MWV-EMF) on the human body.

Mr. Corrado has provided you with some written summaries, relating to Dr. Pall's work.

We have a number of residents who met Dr. Pall, while he was doing a lecture series on Vancouver Island, in the summer of 2019, and other residents who have corresponded with Dr. Pall.

In September 2019, I attended a continuing medical education conference in Scotts Valley, California, regarding EMF-related health conditions. There were international speakers and international guests at that conference and most, (if not all) of them referenced Dr. Pall and his writings.

We feel fairly confident that Dr. Pall would be willing to participate in a teleconference with the BOCC, if you would be interested in doing so. There are several options:

1. He could present a slide presentation detailing his findings (45 minutes) , and/or
2. He could avail himself to you for a brief Q&A session where he would only answer any questions you may have (10-15 minutes).

Please let me know if you would like him to be invited to one of your work sessions or general meetings. He is an international speaker, so offering several different time slots might be helpful. He does reside in our time zone, fortunately, which helps.

I/we know you have a lot of issues to deal with. Therefore, we would be immensely grateful if you could take some time to talk with this authority on the issue of EMF.

Sincerely,

Therese (Tree) Stokan
Osteopathic Family Physician
Former 2020 Charter Review Commissioner, District 3
Neah Bay
(360) 640-0695

Halencak, Morgann

From: Gores, Alanna
Sent: Friday, February 19, 2021 10:44 AM
To: Halencak, Morgann
Subject: FW: Letter to BOCC on Charter Review Commission's EMF/NEPA Recommendation and Dr. Martin Pall - follow-up e-mail

Please place in the EMF folder.

Loni Gores
Clerk of the Board
Commissioners Office
223 East 4th Street, Suite 4
Port Angeles, WA 98362
Phone: 360-417-2256

From: THERESE STOKAN [mailto:hermanabaheda@aol.com]
Sent: Friday, February 19, 2021 9:38 AM
To: Ozias, Mark; Johnson, Randy; Peach, Bill; Gores, Alanna
Subject: Re: Letter to BOCC on Charter Review Commission's EMF/NEPA Recommendation and Dr. Martin Pall - follow-up e-mail

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Hello Clallam County Board of Commissioners and Clerk of the Board - Alanna Gores,

I am checking in to make sure I did not miss any of your emails on this issue, since you received the one that I sent on 2/04/2021.

I may be speaking with Dr. Pall later today, and wanted to know if you would like to take advantage of a great opportunity to speak with a global authority on the issue of EMF (electromagnetic field), in preparation for reviewing the 2020 Charter Review Commission's "Recommendation" related to franchises and NEPA? (See link to the Recommendation).

http://www.clallam.net/bocc/documents/websitelinkemf.pdf

Perhaps PUD and others could also be invited to participate? Dr. Pall would likely be willing to either give a full presentation (50-60 min), or a shorter presentation (10 minutes) or have a brief Q&A, whatever best meets your needs.

I trust that the BOCC wants to make a really well-informed decision about this rather complex issue....and might appreciate ideas on how to best implement the "Recommendation" made by the Charter Review Commission. In addition to his scientific knowledge on the issue, Dr. Pall knows an extended network of people who have been struggling with similar issues, throughout the country and across the world.

If you want to communicate with Dr. Pall directly, please let me know and I will share his contact information.

Hope you all are healthy and well. Thanks for your hard work, on many issues!

Therese (Tree) Stokan
Former 2020 Charter Review Commissioner, District 3
(360) 640-0695

Sent from my iPhone

On Feb 4, 2021, at 7:24 AM, Gores, Alanna <agores@co.clallam.wa.us> wrote:

> Therese Stokan,
>
> Your email has been received and forwarded to the Board of Commissioners.
>
> Loni
>
> *Loni Gores*
> *Clerk of the Board*
> *Commissioners Office*
> *223 East 4th Street, Suite 4*
> *Port Angeles, WA 98362*
> *Phone: 360-417-2256*
>
> **From:** THERESE STOKAN [mailto:hermanabaheda@aol.com]
> **Sent:** Thursday, February 04, 2021 1:35 AM
> **To:** Gores, Alanna
> **Subject:** Letter to BOCC on Charter Review Commission's EMF/NEPA Recommendation and Dr. Martin Pall
>
> *** EXTERNAL EMAIL *** This message was sent from outside our County network.
>
> Please forward to BOCC. Thank you!
>
> Hello Clallam County Commissioners Mark Ozias, Randy Thomas, and Bill Peach,
>
> One of the "Recommendations" which has been submitted by the 2020 Charter Review Commission is the following:
>
> **"Consider an Ordinance Ensuring Franchises Comply with the National Environmental Protection Act (NEPA)".**
>
> As I believe you are already aware, they are many residents in our county, who have come forth to express their concerns about different sources of EMF (electromagnetic field), with Smart Meters and 5G, most often mentioned.
>
> Over the past several years, I have met many people, throughout Clallam County, who have taken the time to attend and offer public comments on this issue, at meetings of: BOCC, Clallam County Planning Commission, Sequim City Council and PUD.

While serving on the 2020 Charter Review Commission (CRC), *concern about EMF was the top issue noted, in terms of public comment.*

Remarkably, 40 people either sent an e-mail and/or came to one of our meetings or virtual meetings, to express their concern about this topic, and wanted us to take action, in the form of an "*amendment" on the issue of EMF.*

(By comparison, note that the issue that came in second, had 14 people giving public comment/e-mails, and those residents were in support of *Ranked Choice Voting*.)

EMF can be a complex issue. There have been a number of educational seminars on issues related to EMF, in the past several years, throughout our county: in Sequim, Port Angeles, and in Neah Bay, and in Jefferson County. One of our guest speakers for these seminars, has been Anthony (Tony) Corrado, who was very instrumental in authoring the Charter Review Commission's "Recommendation", noted above.

In case you are not aware of Mr. Corrado's background, please note the following: He has a BS Mechanical Engineering Degree from Fairleigh Dickinson University, and 40 years experience with defense related weapons, sensors, and technology development. He is an inventor, who holds 19 non-classified patents. We are quite fortunate to have him in our community, and to have had him serve on the 2020 Charter Review Commission.

Residents are *disappointed that the CRC did not bring a Charter amendment* proposal to the voters, on this very important issue. However, they are *grateful and hopeful – about the "Recommendation" for the Ordinance, which the CRC has brought to the BOCC.*

As you prepare to study this issue more closely, some of our residents are suggesting that the BOCC consider having a teleconference with another expert on the issue of EMF: Martin L. Pall, PhD.

Dr. Martin Pall, is a globally acknowledged expert on the health effects of EMF on all living things.
He is a professor emeritus of biochemistry and basic medical science, from Washington State University. He is a specialist in Chronic Fatigue Syndrome, Multiple Chemical Sensitivity and the effects of low-intensity microwave frequency electromagnetic fields (MWV-EMF) on the human body.

Mr. Corrado has provided you with some written summaries, relating to Dr. Pall's work.

We have a number of residents who met Dr. Pall, while he was doing a lecture series on Vancouver Island, in the summer of 2019, and other residents who have corresponded with Dr. Pall.

In September 2019, I attended a continuing medical education conference in Scotts Valley, California, regarding EMF-related health conditions. There were international speakers and international guests at that conference and most, (if not all) of them referenced Dr. Pall and his writings.

We feel fairly confident that Dr. Pall would be willing to participate in a teleconference with the BOCC, if you would be interested in doing so. There are several options:

1. He could present a slide presentation detailing his findings (45 minutes) , and/or

2. He could avail himself to you for a brief Q&A session where he would only answer any questions you may have (10-15 minutes).

Please let me know if you would like him to be invited to one of your work sessions or general meetings. He is an international speaker, so offering several different time slots might be helpful. He does reside in our time zone, fortunately, which helps.

I/we know you have a lot of issues to deal with. Therefore, we would be immensely grateful if you could take some time to talk with this authority on the issue of EMF.

Sincerely,

Therese (Tree) Stokan
Osteopathic Family Physician
Former 2020 Charter Review Commissioner, District 3
Neah Bay
(360) 640-0695

Gores, Alanna

From: Tony Corrado <tony.corrado@gmail.com>
Sent: Wednesday, March 03, 2021 9:50 AM
To: Gores, Alanna
Subject: 5G and NEPA
Attachments: 5g Court-Opinion.pdf

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Hello Ms. Gores,
Would you kindly forward this email to all three BOCC Commissioners. Thank you in advance.

Commissioners,
As you are scheduled to discuss the issue of 5G implementation and possible regulation in Clallam County, we wanted to ensure that we are providing options for you to hear from professionals that may influence your deliberations.

In previous email missives we have copied the BOCC on a successful lawsuit in which a Native American entity received a verdict from the Washington DC circuit court indicating that NEPA compliance was a legitimate requirement for which the FCC and telecommunications entities were obligated to comply. That decision is attached hereto for your consideration.

The law firm and affiliated attorneys *may* be available to address the BOCC if requested to do so. As expert professionals they are seeking appropriate fees which can be discussed. Is the BOCC interested in hearing directly from a related attorney as to the merits of the case and the decision rendered?

Respectfully Submitted,
Tony Corrado

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

Argued March 15, 2019 Decided August 9, 2019

No. 18-1129

UNITED KEETOOWAH BAND OF CHEROKEE INDIANS IN OKLAHOMA, INDIVIDUALLY AND ON BEHALF OF ALL OTHER NATIVE AMERICAN INDIAN TRIBES AND TRIBAL ORGANIZATIONS, ET AL.,
PETITIONERS

v.

FEDERAL COMMUNICATIONS COMMISSION AND UNITED STATES OF AMERICA,
RESPONDENTS

NATIONAL ASSOCIATION OF TRIBAL HISTORIC PRESERVATION OFFICERS, ET AL.,
INTERVENORS

Consolidated with 18-1135, 18-1148, 18-1159, 18-1184

On Petitions for Review of an Order of
the Federal Communications Commission

Stephen Díaz Gavin argued the cause for petitioners United Keetoowah Band of Cherokee Indians in Oklahoma, et al., and supporting intervenors. With him on the briefs were *J. Scott Sypolt*, *Joel D. Bertocchi*, *Joseph H. Webster*, *F. Michael*

Willis, *Andrew Jay Schwartzman*, *James T. Graves*, and *Elizabeth S. Merritt*. *Angela J. Campbell* entered an appearance.

Sharon Buccino argued the cause for petitioner Natural Resources Defense Council and intervenor Edward B. Myers. With her on the briefs was *Edward B. Myers*.

Natalie A. Landreth argued the cause for petitioners Blackfeet Tribe, et al. With her on the briefs were *Wesley J. Furlong*, *Joel West Williams*, *Troy A. Eid*, *Jennifer H. Weddle*, and *Heather D. Thompson*.

Jacob M. Lewis, Associate General Counsel, Federal Communications Commission, argued the cause for respondents. With him on the brief were *Jeffrey Bossert Clark*, Assistant Attorney General, U.S. Department of Justice, *Eric A. Grant*, Deputy Assistant Attorney General, *Andrew C. Mergen* and *Allen M. Brabender*, Attorneys, *Thomas M. Johnson Jr.*, General Counsel, Federal Communications Commission, *David M. Gossett*, Deputy General Counsel, and *C. Grey Pash Jr.*, Counsel. *Jonathan H. Laskin* and *Robert B. Nicholson*, Attorneys, U.S. Department of Justice, and *Richard K. Welch*, Deputy Associate General Counsel, Federal Communications Commission, entered appearances.

Joshua Turner argued the cause for intervenors in support of respondents. With him on the brief were *Christopher J. Wright* and *E. Austin Bonner*.

Before: TATEL and PILLARD, *Circuit Judges*, and EDWARDS, *Senior Circuit Judge*.

Opinion for the Court filed by *Circuit Judge* PILLARD.

PILLARD, *Circuit Judge*: Cellular wireless services, including telephone and other forms of wireless data transmission, depend on facilities that transmit their radio signals on bands of electromagnetic spectrum. The Federal Communications Commission (FCC or Commission) has exclusive control over the spectrum, and wireless providers must obtain licenses from the FCC to transmit. Wireless service in the United States has mostly depended on large, "macrocell" radio towers to transmit cell signal, but companies offering the next generation of wireless service—known as 5G—are in the process of shifting to transmission via hundreds of thousands of densely spaced small wireless facilities, or "small cells." As part of an effort to expedite the rollout of 5G service, the Commission has removed some regulatory requirements for the construction of wireless facilities. These petitions challenge one of the FCC's orders paring back such regulations, *In re Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment (Second Report & Order)* (*Order*), FCC 18-30, 2018 WL 1559856 (F.C.C.) (Mar. 30, 2018).

The *Order* exempted most small cell construction from two kinds of previously required review: historic-preservation review under the National Historic Preservation Act (NHPA) and environmental review under the National Environmental Policy Act (NEPA). Together, these reviews assess the effects of new construction on, among other things, sites of religious and cultural importance to federally recognized Indian Tribes. The *Order* also effectively reduced Tribes' role in reviewing proposed construction of macrocell towers and other wireless facilities that remain subject to cultural and environmental review.

Three groups of petitioners challenge the *Order* as violating the NHPA, NEPA, and the Administrative Procedure

Act on several grounds: that its elimination of historic-preservation and environmental review of small cell construction was arbitrary and capricious, an unjustified policy reversal, and contrary to the NHPA and NEPA; that the changes to Tribes' role in reviewing new construction was arbitrary and capricious; that the Commission arbitrarily and capriciously failed to engage in meaningful consultations with Tribes in promulgating the *Order*; and that the *Order* itself required NEPA review.

We grant in part the petitions for review because the *Order* does not justify the Commission's determination that it was not in the public interest to require review of small cell deployments. In particular, the Commission failed to justify its confidence that small cell deployments pose little to no cognizable religious, cultural, or environmental risk, particularly given the vast number of proposed deployments and the reality that the *Order* will principally affect small cells that require new construction. The Commission accordingly did not, pursuant to its public interest authority, 47 U.S.C. § 319(d), adequately address possible harms of deregulation and benefits of environmental and historic-preservation review. The *Order's* deregulation of small cells is thus arbitrary and capricious. We do not reach the alternative objections to the elimination of review on small cell construction. We deny the petitions for review on the remaining grounds.

BACKGROUND

I. Statutory and Regulatory Background

A. National Historic Preservation Act (NHPA)

Congress enacted the NHPA to "foster conditions under which our modern society and our historic property can exist

in productive harmony" and "contribute to the preservation of nonfederally owned historic property and give maximum encouragement to organizations and individuals undertaking preservation by private means." 54 U.S.C. § 300101(1), (4). As part of that mission, NHPA's Section 106 requires federal agencies to "take into account the effect of" their "undertaking[s] on any historic property." *Id.* § 306108.

Both "historic property" and "undertaking" have specific meanings under the statute. Historic properties include myriad monuments, buildings, and sites of historic importance, including "[p]roperty of traditional religious and cultural importance to an Indian tribe." *Id.* §§ 302706, 300308. Insofar as Tribal heritage is concerned, the Section 106 process requires federal agencies to "consult with any Indian tribe . . . that attaches religious and cultural significance to" a historic property potentially affected by a federal undertaking. *Id.* §§ 302706, 306102. To count as "historic," such properties need not be on Tribal land; in fact, they "are commonly located outside Tribal lands and may include Tribal burial grounds, land vistas, and other sites that Tribal Nations . . . regard as sacred or otherwise culturally significant." *Order* ¶ 97. Only a federal "undertaking," not a state or purely private one, triggers the Section 106 Tribal consultation process. A federal "undertaking," as relevant here, is "a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including . . . those requiring a Federal permit, license, or approval." 54 U.S.C. § 300320. We have construed the statute to mean that, for an action to be a federal undertaking, "only a 'Federal permit, license or approval' is required," not necessarily federal funding. *CTIA-Wireless Ass'n v. FCC*, 466 F.3d 105, 112 (D.C. Cir. 2006).

The Section 106 process requires that an agency "consider the impacts of its undertaking" and consult various parties, not

that it necessarily "engage in any particular preservation activities." *Id.* at 107 (quoting *Davis v. Latschar*, 202 F.3d 359, 370 (D.C. Cir. 2000)). The NHPA established an independent agency, the Advisory Council on Historic Preservation (Advisory Council), 54 U.S.C. § 304101, which is responsible for promulgating regulations "to govern the implementation of" Section 106, *id.* § 304108(a). Agencies must consult with the Advisory Council, State Historic Preservation Officers, and Tribal Historic Preservation Officers, the last of which adopt the responsibilities of State Historic Preservation Officers on Tribal lands. 54 U.S.C. §§ 302303, 302702; 36 C.F.R. §§ 800.3(c), 800.16(v)-(w) (defining State and Tribal Historic Preservation Officers).

The Advisory Council's regulations authorize the use of alternatives to the ordinary Section 106 procedures, called "programmatic agreements." 36 C.F.R. § 800.14(b). The Commission develops programmatic agreements in consultation with the Advisory Council, Tribes, and other interested parties, "to govern the implementation of a particular program or the resolution of adverse effects from certain complex project situations or multiple undertakings" in certain circumstances, such as when "effects on historic properties are similar and repetitive" or "effects on historic properties cannot be fully determined prior to approval of an undertaking." *Id.* § 800.14(1)(i)-(ii). Tribes' views must be taken into account where the agreement "has the potential to affect historic properties on tribal lands or historic properties of religious and cultural significance to an Indian tribe." *Id.* § 800.14(b)(1)(i), (f). For instance, the Commission has consulted with Tribes to use programmatic agreements to exclude from individualized review entire categories of undertakings that are unlikely to affect historic properties. *See In re Nationwide Programmatic Agreement Regarding the Section 106 [NHPA] Review Process* (*Section 106 Agreement*), 20 FCC Rcd. 1073, 1075 ¶ 2 (2004).

B. National Environmental Policy Act (NEPA)

Congress enacted NEPA to "encourage productive and enjoyable harmony between man and his environment" and "promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man," among other purposes. 42 U.S.C. § 4321. Like the NHPA, NEPA mandates a review process that "does not dictate particular decisional outcomes, but 'merely prohibits uninformed—rather than unwise—agency action.'" *Sierra Club v. U.S. Army Corps of Eng'rs*, 803 F.3d 31, 37 (D.C. Cir. 2015) (quoting *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 351 (1989)).

All "major Federal actions significantly affecting the quality of the human environment" trigger environmental review under NEPA, just as federal "undertakings" trigger historic preservation review under the NHPA. 42 U.S.C. § 4332(C). Major federal actions "include[] actions . . . which are potentially subject to Federal control and responsibility." 40 C.F.R. § 1508.18. Under the Commission's procedures implementing NEPA, if an action may significantly affect the environment, applicants must conduct a preliminary Environmental Assessment to help the Commission determine whether "the proposal will have a significant environmental impact upon the quality of the human environment," and so perhaps necessitate a more detailed Environmental Impact Statement. 47 C.F.R. § 1.1308; *see also* 40 C.F.R. § 1508.9. If, after reviewing the Environmental Assessment, the Commission determines that the action will not have a significant environmental impact, it will make a "finding of no significant impact" and process the application "without further documentation of environmental effect." 47 C.F.R. § 1.1308(d).

NEPA also has an analogue to the NHPA's Advisory Council. In enacting NEPA, Congress established the Council on Environmental Quality, in the Executive Office of the President, to oversee implementation of NEPA across the entire federal government. 42 U.S.C. §§ 4342, 4344. With the endorsement of the Council on Environmental Quality and by following a series of mandated procedures, agencies can establish "categorical exclusions" for federal actions that require neither an Environmental Assessment nor an Environmental Impact Statement. 40 C.F.R. § 1508.4. Categorical exclusions are appropriate for "a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency." *Id.* "Categorical exclusions are not exemptions or waivers of NEPA review; they are simply one type of NEPA review." Council on Environmental Quality, *Memorandum for Heads of Federal Dep'ts and Agencies: Establishing, Applying & Revising Categorical Exclusions under [NEPA]* (*Categorical Exclusion Memo*) 2 (2010).

C. Legal Framework for Wireless Infrastructure

The Communications Act of 1934 established the FCC to make available a "rapid, efficient ... wire and radio communication service with adequate facilities at reasonable charges." 47 U.S.C. § 151. In licensing use of the spectrum, the Commission is tasked with promoting "the development and rapid deployment of new technologies, products and services for the benefit of the public . . . without administrative or judicial delays," *id.* § 309, and "maintain[ing] the control of the United States over all the channels of radio transmission," *id.* § 301.

The Commission generally does not require construction permits before private parties can build wireless facilities. Congress largely eliminated the FCC's site-specific construction permits in 1982, and the Commission has since required construction permits only where it finds that the public interest would be served by such permitting. *See* Pub. L. 97-259, 96 Stat. 1087, § 119 (1982) (codified at 47 U.S.C. § 319(d)). It has not made such a finding for the wireless facilities at issue here.

The FCC does, however, require licensing of the spectrum used by wireless small cells. It does so by issuing geographic area licenses, which allow wireless providers to operate on certain frequency bands in a wide geographic area. *See* 47 U.S.C. § 309(j). Those licenses authorize using spectrum rather than building wireless facilities, but they necessarily contemplate facility construction. They have coverage requirements—for instance, one type of geographic area license required licensees to provide service to at least 40% of the population in their geographic service area by June 2013. *See* 47 C.F.R. § 27.14(h). If they fail to meet the coverage requirements, they can be stripped of authority to operate for the license's full term or serve part of its geographic area, and they "may be subject to enforcement action, including forfeitures." *Id.* The Commission also exercises continuing authority to inspect radio installations to ascertain their compliance with any and all applicable laws, whether or not the licensee itself constructed those installations. *See* 47 U.S.C. § 303(n); 47 C.F.R. § 1.9020(c)(5).

The Commission has not identified any period since the enactment of the NHPA (in 1966) and NEPA (in 1970) when it did not require historic-preservation and environmental review of wireless facilities. After Congress eliminated the construction permit requirement, the Commission for a time

required NEPA and NHPA review of facilities before it granted their service licenses. *See, e.g.*, *In re Amendment of Envtl. Rules in Response to New Regulations Issued by [CEQ]*, FCC 85-626, 1986 WL 292182, at *5 ¶ 18 (F.C.C.) (Mar. 26, 1986) (requiring review "during the period prior to grant of a station license"); *id.* at *8 App'x ¶ 7 (requiring NEPA review on "[f]acilities that will affect districts, sites, buildings, structures or objects . . . that are listed in the National Register of Historic Places or are eligible for listing," which includes property of religious or cultural significance to Indian Tribes, 54 U.S.C. § 302706(a)). In 1990, the Commission shifted review from the licensing stage to the construction stage by establishing a "limited approval authority" over construction of wireless facilities. *In re Amendment of Envtl. Rules* (*1990 Order*), 5 FCC Rcd. 2942 (1990). Limited approval authority required that, "where construction of a Commission-regulated radio communications facility is permitted without prior Commission authorization (*i.e.*, without a construction permit), the licensee must nonetheless comply with historic preservation and environmental review procedures." *Order* ¶ 51; *see also* 47 C.F.R. § 1.1312. The authority was "limited" in that it allowed "the Commission [to] exercise[] control over deployment solely to conduct federal historic and environmental review." Resp't Br. 12. The Commission emphasized that shifting review to the pre-construction stage served a practical function: Before it had established its limited approval authority, the FCC's rules "provide[d] that any required submission of [Environmental Assessments] and any required Commission environmental review take place at the licensing stage rather than prior to construction," with the result that "[a]pplicants who ha[d] already constructed their facilities" could "subsequently be denied licenses on environmental grounds." *1990 Order* 2942 ¶ 3. The Commission explained that it continued to require review "to ensure that the Commission fully complies with Federal

environmental laws in connection with facilities that do not require pre-construction authorization." *Id.* ¶ 4. It announced the changes as "necessary to ensure that the Commission addresses environmental issues early enough in the licensing process to ensure that it fully meets its obligations under Federal environmental laws," including NEPA and the NHPA. *Id.* at 2943 ¶ 9 & n.16.

The Commission has never required individualized review of each separate facility, however. A long series of regulations, programmatic agreements, and categorical exclusions has aggregated facilities for joint consideration and focused NHPA and NEPA review on those deployments most likely to have cultural or environmental effects. For instance, most collocations—deployments on existing structures—are excluded from individualized review under NHPA programmatic agreements and NEPA categorical exclusions. *See In re Implementation of the National Environmental Policy Act of 1969* (*Implementation of NEPA*), 49 F.C.C.2d 1313, 1319-20 (1974); *Nationwide Programmatic Agreement for the Collocation of Wireless Antennas* (*Collocation Agreement*), 47 C.F.R. pt.1, app. B (2001); *Section 106 Agreement*, 20 FCC Rcd. at 1075 ¶ 2; *Nationwide Programmatic Agreement for Review Under the National Historic Preservation Act*, 70 Fed. Reg. 556 (2005); *In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies* (*Improving Wireless Facilities Siting Policies*), 29 FCC Rcd. 12865, 12870 ¶ 11 (2014); 47 C.F.R. § 1.1320(b)(4). Categorical exclusions go through notice and comment, 40 C.F.R. § 1507.3; include impact findings, *Categorical Exclusion Memo* 9; require the Council on Environmental Quality to approve them as consistent with its regulations and NEPA, 40 C.F.R. § 1507.3(a); and reserve rights to interested parties to request further review in the event that atypical adverse effects do occur, 47 C.F.R. § 1.1307(c), (d). At the same time, they

achieve enormous efficiencies in the review processes for classes of actions or undertakings anticipated to have minimal or no adverse cultural or environmental effects.

Since 2004, the FCC has been conducting NHPA review in accordance with a broad programmatic agreement, the *Section 106 Agreement*, 20 FCC Rcd. 1073. Interested parties developed that agreement to "tailor the Section 106 review in the communications context in order to improve compliance and streamline the review process for construction of towers and other Commission undertakings, while at the same time advancing and preserving the goal of the NHPA to protect historic properties, including historic properties to which federally recognized Indian tribes . . . attach religious and cultural significance." *Id.* at 1074-75 ¶ 1. In the *Section 106 Agreement*, the Commission adopted "procedures for participation of federally recognized Indian tribes," among other changes. *Id.* at 1075 ¶ 2. It also formalized the use of the electronic Tower Construction Notification System, which notifies Tribes of proposed wireless construction in areas they have identified as containing properties of religious and cultural significance, and allows them to give applicants information on the potential effects of proposed construction. *Id.* at 1106-10 ¶¶ 89-100.

II. Order Under Review

The challenged *Order* eliminated NHPA and NEPA review on small cells that meet certain size and other specifications, based on the Commission's conclusion that such review was not statutorily required and would impede the advance of 5G networks, and that its costs outweighed any benefits. *See Order* ¶¶ 36-45. The *Order* also altered Tribal involvement in those Section 106 reviews that are still conducted on wireless facilities that were not encompassed in

the small cell exemption. *See id.* ¶¶ 96-130. Two of the five Commissioners dissented. *See Order*, Dissenting Statement of Comm'r Mignon L. Clyburn; Dissenting Statement of Comm'r Jessica Rosenworcel.

We consolidated five timely petitions for review of the *Order* into this action. They challenge the Commission's exclusion of small cell construction from NHPA and NEPA review, its changes to Tribal involvement in Section 106 review, and its promulgation of the *Order* itself. Three groups of petitioners and intervenors, each designated here by the name of its lead petitioner, challenge the *Order*. United Keetoowah Band of Cherokee Indians (Keetoowah) represents a group of Tribes and historic preservation organizations. Blackfeet Tribe (Blackfeet) represents another group of Tribes and the Native American Rights Fund. The Natural Resources Defense Council (NRDC) represents itself and Maryland citizen Edward B. Myers. Two wireless industry groups (jointly, CTIA) intervened to defend the order alongside the FCC.

ANALYSIS

We set aside an agency order only if it is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). Agencies' obligation to engage in "reasoned decisionmaking" means that "[n]ot only must an agency's decreed result be within the scope of its lawful authority, but the process by which it reaches that result must be logical and rational." *Michigan v. EPA*, 135 S. Ct. 2699, 2706 (2015) (quoting *Allentown Mack Sales & Serv., Inc. v. NLRB*, 522 U.S. 359, 374 (1998)). Although "a court is not to substitute its judgment for that of the agency," the arbitrary and capricious standard demands that the agency "examine the relevant data and articulate a satisfactory

explanation for its action including a rational connection between the facts found and the choice made." *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983) (internal quotation marks omitted). An agency action is arbitrary and capricious where the agency has "entirely failed to consider an important aspect of the problem" or "offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Id.*

The FCC is entitled to deference to its reasonable interpretations of ambiguous provisions of the Communications Act. *See Chevron, USA, Inc. v. Nat. Res. Def. Council, Inc.*, 467 U.S. 837, 844-45 (1984). We owe no deference to the FCC's interpretations of the NHPA or NEPA, which are primarily administered by the Advisory Council, *see McMillan Park Comm. v. Nat'l Capital Planning Comm'n*, 968 F.2d 1283, 1287-88 (D.C. Cir. 1992), and the Council on Environmental Quality, *see Grand Canyon Tr. v. FAA*, 290 F.3d 339, 341 (D.C. Cir. 2002) (as amended Aug. 27, 2002), respectively.

I. Eliminating NHPA and NEPA Review on Small Cells

The *Order* did not follow the processes for a programmatic agreement under the NHPA, a categorical exclusion from NEPA, or any other wholesale or aggregated form of review, but simply eliminated NHPA and NEPA review on most small cells by removing them from the FCC's limited approval authority. Small cells had not previously been defined or regulated separately from macrocell towers. The Commission defines the small cells that its *Order* deregulates as wireless facilities that are not on Tribal lands, do not require antenna structure registration because they could not constitute a

menace to air navigation, do not result in human exposure to radiofrequency radiation in excess of applicable safety standards, and that are "small" per the following conditions:

> (i) The facilities are mounted on structures 50 feet or less in height including their antennas . . . or the facilities are mounted on structures no more than 10 percent taller than other adjacent structures, or the facilities do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
>
> (ii) Each antenna associated with the deployment, excluding the associated equipment . . . is no more than three cubic feet in volume;
>
> (iii) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume.

47 C.F.R. § 1.1312(e)(2). Small cells that meet those requirements are now outside the purview of the Commission's limited approval authority, the mechanism by which it has required NHPA and NEPA review since 1990.

The Commission deregulated small cells as part of a broader effort to reduce regulations that the FCC says "are unnecessarily impeding deployment of wireless broadband networks" on which 5G service depends. *Order* ¶ 3. "Within the next few years," the Commission explained, "5G networks . . . will make possible once-unimaginable advances, such as

self-driving cars and growth of the Internet of Things," *i.e.* physical objects controllable over the internet. *Id.* ¶ 1. 5G networks "will increasingly need to rely on network densification," which entails "the deployment of far more numerous, smaller, lower-powered base stations or nodes that are much more densely spaced." *Id.* According to the Commission, rapid proliferation of hundreds of thousands of small cells would be hindered by the significant time and cost of NHPA and NEPA reviews, even as the benefits of such review—which it characterized as already minimal—would be negligible because small cells are "inherently unlikely to trigger environmental and historic preservation concerns." *Id.* ¶ 92; *see also id.* ¶¶ 9, 11-16. It noted that the FCC's baseline approach to environmental and historic-preservation review, which requires facility-specific review unless a programmatic agreement or categorical exclusion applies, "was developed when all or nearly all deployments involved large macrocell facilities and accordingly failed to consider both the relatively diminutive size of small wireless facilities and the proliferation of these facilities necessary for deployment of advanced wireless technologies." *Id.* ¶ 9.

In the *Order*, the Commission asserts that federal law does not independently require such review. The only basis for treating small cell construction as either a federal undertaking triggering NHPA review or a major federal action triggering NEPA review was, the Commission says, the limited approval authority the Commission exercised over that construction—which the *Order* eliminated. *See Order* ¶¶ 58-59. The Commission reasons that removing small cell construction from its limited approval authority removes the "sufficient degree of federal involvement" necessary to render an undertaking or action "federal." *Id.* ¶ 58. It now says its power to exercise limited approval authority over construction derives exclusively from its "public interest authority" under the

Communications Act, *see Order* ¶¶ 39, 53, 61, rather than from "its obligations under Federal environmental laws," *1990 Order* at 2943 ¶ 9. In this context, the "public interest authority" refers to the FCC's power to require pre-construction permits for wireless facilities if it "determines that the public interest, convenience, and necessity would be served by requiring such permits." 47 U.S.C. § 319(d). While the Commission has never made such a determination for the category of facilities at issue here, it has previously interpreted the public interest authority "as allowing the Commission to require covered entities [not requiring preconstruction permits] to nonetheless comply with environmental and historic preservation processing requirements." *Order* ¶ 53. In the *Order*, the Commission made a new determination that it was not in the public interest to require NHPA and NEPA review on small cells, so simply removed them from its limited approval authority.

Petitioners all argue that the FCC unlawfully excluded small cells from NHPA and NEPA review. They contend first that removing small cells from the FCC's limited approval authority was arbitrary and capricious. *See* 5 U.S.C. § 706(2)(A). Keetoowah and the NRDC argue that the Commission failed to adequately consider the harms of massive deployment and to justify its decision to completely exempt small cells from review. Additionally, all petitioners argue that the NHPA and NEPA mandate review of small cell construction. They assert that the geographic licenses the Commission grants, which allow wireless companies to operate on spectrum, constitute sufficient federal control over wireless facility construction to make the construction a federal undertaking and a major federal action triggering review under those statutes. Keetoowah also contends that the exclusion violates the Administrative Procedure Act on various other grounds, including that it is an unjustified policy reversal. If

petitioners prevail on any one or more of those grounds, we must vacate the *Order*'s deregulation of small cells and remand to the FCC.

The Commission failed to justify its determination that it is not in the public interest to require review of small cell deployments. We therefore grant the petitions in part because the *Order*'s deregulation of small cells is arbitrary and capricious. The Commission did not adequately address the harms of deregulation or justify its portrayal of those harms as negligible. In light of its mischaracterization of small cells' footprint, the scale of the deployment it anticipates, the many expedients already in place for low-impact wireless construction, and the Commission's decades-long history of carefully tailored review, the FCC's characterization of the *Order* as consistent with its longstanding policy was not "logical and rational." *Michigan v. EPA*, 135 S. Ct. at 2706. Finally, the Commission did not satisfactorily consider the benefits of review.

First, the Commission inadequately justified its portrayal of deregulation's harms as negligible. The FCC partly based its public-interest conclusion on a picture of small cells that the record does not support. It described small cells as "materially different from the deployment of macrocells in terms of . . . the lower likelihood of impact on surrounding areas." *Order* ¶ 41. In its brief, the Commission sums up its explanation of the difference: "small cells are primarily pizza-box sized, lower-powered antennas that can be placed on existing structures." Resp't Br. 3; *see also Order* ¶¶ 66, 92. It likened small cells to small household items that operate on radiofrequency such as "consumer signal boosters [and] Wi-Fi routers," which do not undergo review. *Order* ¶ 66. Small cells are, to be sure, quite different from macrocells in many ways, but the Commission fails to address that small cells are typically *mounted* on much

bigger structures, and the *Order* is not limited to deployments on structures that already exist or are independently subject to review. Small cells deregulated under the *Order* can be "mounted on structures 50 feet or less in height including their antennas" or "mounted on structures no more than 10 percent taller than other adjacent structures." 47 C.F.R. § 1.1312(e)(i). That makes them crucially different from the consumer signal boosters and Wi-Fi routers to which the FCC compares them.

The scale of the deployment the FCC seeks to facilitate, particularly given its exemption of small cells that require new construction, makes it impossible on this record to credit the claim that small cell deregulation will "leave little to no environmental footprint." *Order* ¶ 41. The Commission anticipates that the needed "densification of small deployments over large geographic areas," *id.*, could require 800,000 deployments by 2026, FCC, *Declaratory Ruling & Third Report & Order*, FCC 18-133 ¶ 126 (Sept. 26, 2018). Even if only twenty percent of small cells required new construction—as one wireless company estimates and the FCC highlights in its brief, *see* Resp't Br. 54—that could entail as many as 160,000 densely spaced 50-foot towers (or 198-foot towers, as long as they are located near 180-foot adjacent structures). The Commission does not grapple with that possibility. Instead, it highlights the small cells that can be collocated without addressing the many thousands that cannot be.

As Keetoowah points out, the FCC "offers no analysis of the footprint of" the new towers on which small cells can be mounted, "what equipment will be used, what ongoing maintenance or security will be provided and how often towers will be updated or rebuilt." Keetoowah Br. 15-16. Deployment of new small cells requires not only new construction but also wired infrastructure, such as electricity hookups, communications cables, and wired "backhaul,"

which connects the new antenna to the core network. *See, e.g.*, *Comment of Sprint*, Joint Appendix (J.A.) 380 (describing process of deploying small cells); *Comment of the Cities of Bos., Mass., et al.*, J.A. 705-06 (describing the equipment associated with small cells), NRDC Br. Ex. A, Decl. of Warren Betts ¶¶ 11-12 (describing concerns about disruption "by the laying of cables and wires, by the maintenance they require, [and] by the sound of the maintenance vehicles" in otherwise tranquil areas, and concerns "that trees may be cut down or damaged by the construction of small cells"). Construction, connection, and maintenance may entail excavation and clearing of land. The Tribal Historic Preservation Officer for the Seminole Tribe of Florida expressed concern about effects of anticipated "additional related infrastructure, such as fencing, security, and access for periodic maintenance and troubleshooting." Keetoowah Br. Add. 114, Decl. of Paul Backhouse, ¶ 28. While the Commission asserted that "deployment of small wireless facilities commonly (although not always) involves previously disturbed ground," it eliminated review of small cells that will involve new ground disturbance without responding to concerns about such disturbance. *Order* ¶ 92; *see also, e.g.*, *Comment of the Nat'l Cong. of Am. Indians, et al.* (NCAI), J.A. 430-31 (expressing concern about small cells that require ground disturbance); *Comment of the Cities of Bos., Mass., et al.*, J.A. 707 ("No explanation is offered by the Commission for its exclusion of any ground disturbance related conditions" in the draft *Order*).

The Commission also failed to assess the harms that can attend deployments that do not require new construction, particularly the cumulative harms from densification. While "Tribal Nations are most concerned with federal undertakings that disturb the ground and turn up dirt," even "[c]ollocations can affect cultural and historical properties th[r]ough disturbing view sheds" because "[t]he cultural and spiritual

traditions of Tribal Nations across the United States frequently involve the uninterrupted view of a particular landscape, mountain range, or other view shed." *Comment of NCAI*, J.A. 50. The FCC did not respond to historic-preservation commenters warning "that permanent, direct adverse effects will be more likely with small wireless facilities as in many cases they are proposed for installation on or in historic buildings," and "these multi-site deployments have a greater potential to cause cumulative effects to historic properties, cluttering historic districts with multiple towers, antennae, and utility enclosures." *Comment of Tex. Historical Comm'n*, J.A. 794; *see also, e.g.*, *Ex Parte Commc'n of Thlopthlocco Tribal Town Tribal Historic Pres. Officer*, J.A. 690 (noting that the Commission did not discuss "the issue of multiple collocations on the same pole which cumulatively would exceed the volume restriction and would create an adverse impact"); *Comment of Ark. State Historic Pres. Officer*, J.A. 751 ("[A]lthough individual small cells are unlikely to adversely impact individual historic properties or districts, the FCC doesn't address how the large scale, nationwide deployment of 5G and small cells facilities will cumulatively impact cultural and natural resources."). The Commission noted that all facilities remain subject to its limits on radiofrequency exposure, *Order* ¶ 45, but failed to address concerns that it was speeding densification "without completing its investigation of . . . health effects of low-intensity radiofrequency radiation," which it is currently reassessing. *Comment of BioInitiative Working Grp.*, J.A. 235.

The FCC does not reconcile its assertion that planned small cell densification does not warrant review because it will "leave little to no environmental footprint" with the *Order*'s principal deregulatory effect of eliminating review of precisely the new construction and other deployments that the Commission previously considered likely to pose cultural and

environmental risks. The Commission already had in place NEPA categorical exclusions and NHPA programmatic agreements covering most collocations—as well as other kinds of deployments unlikely to have cultural and environmental impacts. What the new *Order* accomplishes, then, is to sweep away the review the Commission had concluded should not be relinquished.

Since the 1970s, the Commission has explained that most collocations on existing towers or buildings are not "major" federal actions and therefore are not subject to NEPA review. *Implementation of NEPA*, 49 F.C.C.2d at 1319-20; 47 C.F.R. §§ 1.1301-1.1319. The FCC's NEPA regulations limit environmental review to a small subset of actions likely to have significant environmental effects, *see* 47 C.F.R. § 1.1307, as well as those actions found through Section 106 review to have adverse effects on historic properties, *see id.* § 1.1307(a)(4). Before it promulgated the challenged rule, the Commission had further shrunk the category of actions that receive individualized NHPA or NEPA review by adopting programmatic agreements and categorical exclusions. In chronological order, it excluded most collocations from individualized review, *see Collocation Agreement*, 47 C.F.R. Pt.1, App. B; adopted "categories of undertakings that are excluded from the Section 106 process because they are unlikely by their nature to have an impact upon historic properties," *Section 106 Agreement*, 20 FCC Rcd. at 1075 ¶ 2; excluded from individualized review new categories of wireless construction and modification unlikely to have historic preservation effects, *see Nationwide Programmatic Agreement for Review Under the National Historic Preservation Act*, 70 Fed. Reg. at 558; and, most recently, expanded NHPA and NEPA exclusions for collocations, *see Improving Wireless Facilities Siting Policies*, 29 FCC Rcd. at 12870 ¶ 11. In sum, the FCC had already streamlined and

minimized review of vast numbers of minor actions, focusing attention only on subcategories of deployments likely to have cultural or environmental effects.

Second, in sweeping away wholesale the review it had preserved for the small cell deployments most likely to be disruptive, the *Order* is not, as the FCC asserts, "consistent with the Commission's treatment of small wireless facility deployments in other contexts," but directly contrary to it. *Order* ¶ 42. We observe by way of example the Commission's assertion that "under the Collocation [Agreement], the Commission already excludes" from NHPA review "many facilities that meet size limits similar to those" of small cells. *Id.* As the Commission sees it, the *Order* thus "builds upon the insight underlying these existing rules that small wireless facilities pose little or no risk of adverse environmental or historic preservation effects." *Id.* But the *Collocation Agreement* exclusion was defined not just by size, but by other characteristics that minimized the likelihood of cultural harm. The section of the *Collocation Agreement* the FCC cites in fact only excludes from individualized NHPA review "small wireless antennas and associated equipment on building and non-tower structures that are outside of historic districts and are not historic properties," which include property of religious and cultural importance to Tribes. *Collocation Agreement*, 47 C.F.R. Pt.1, App. B § VI (formatting altered); *see also* 54 U.S.C. §§ 300308, 302706. A different section of the *Collocation Agreement*, which did exempt certain collocations of small antennas in historic districts or on historic properties, likewise included numerous conditions to minimize effects on historic properties. An antenna could only be collocated on a historic property if, for example, "a member of the public, an Indian Tribe, a [State Historic Preservation Office] or the [Advisory] Council" had not complained "that the collocation ha[d] an adverse effect on one or more historic properties,"

Collocation Agreement, 47 C.F.R. Pt.1, App. B § VII(A)(6), and if the antenna was installed "using stealth techniques that match or complement the structure on which or within which it is deployed," *id.* § VII(A)(2)(c), and "in a way that does not damage historic materials and permits removal of such facilities without damaging historic materials," *id.* § VII(A)(4), among other conditions. After the *Order*, none of those limiting conditions applies. The insight of the *Collocation Agreement* was not that small cells by their nature "pose little or no risk of adverse environmental or historic preservation effects," *Order* ¶ 42, but that small cells under certain carefully defined conditions pose little such risk.

Similarly, the FCC explains its "conclusion that, as a class, the nature of small wireless facility deployments appears to render them inherently unlikely to trigger environmental and historic preservation concerns" by reference to limiting criteria that it chose *not* to place on its small cell exemption. *Id.* ¶ 92. It notes, for example, that "deployment of small wireless facilities commonly (although not always) involves previously disturbed ground, where fewer concerns generally arise than on undisturbed ground," and reiterates that "use of existing structures, where feasible, can both promote efficiency and avoid adverse impacts on the human environment." *Id.* But the Commission decided not to limit the *Order*'s exemption only to facilities sited on previously disturbed ground, or those that are collocated on existing structures. It therefore fails to justify its conclusion that small cells "as a class" and by their "nature" are "inherently unlikely" to trigger concerns.

By ignoring the extent to which it had already streamlined review, the Commission also overstated the burdens of review. It said it could not "simply turn a blind eye to the reality that the mechanical application of [limited approval authority] requirements to each of [the] small deployments" necessary for

5G "would increase the burden of review both to regulated entities and the Commission by multiples of tens or hundreds." *Id.* ¶ 65. As the preceding discussion of the *Collocation Agreement* illustrates, however, the FCC was not indiscriminately or "mechanic[ally]" requiring full NHPA and NEPA review for each individual small cell. The Commission fails to explain why the categorical exclusions and programmatic agreements in place did not already minimize unnecessary costs while preserving review for deployments with greater potential cultural and environmental impacts.

Third, given that only the most vulnerable cases were still subject to individualized NHPA or NEPA review, the Commission did not adequately address either the possible benefits of retaining review, or the potential for further streamlining review without eliminating it altogether. It dismissed the benefits of historic-preservation and environmental review in a two-sentence paragraph, describing most of the comments that highlight those benefits as "generalized" and the comments that point to specific benefits as "few." *Id.* ¶ 78. Characterizing a concern as "generalized" without addressing that concern does not meet the standard of "reasoned decisionmaking." *Michigan v. EPA*, 135 S. Ct. at 2706.

The Commission found that adverse effects are rare, but it considered neither the importance of the sites review does save, nor how that rarity depends on the very review it eliminates, which forestalled adverse effects that otherwise would have occurred. The FCC cited comments suggesting that only 0.3 or 0.4% of requests for Tribal review result in findings of adverse effects or possible adverse effects. *Order* ¶ 79. Based on the estimate of 800,000 small cell deployments, that could mean 3,200 adverse effects. The *Order* displayed no consideration of the importance of the 3,200 Tribal sites that might be saved

through review except to describe that benefit as "*de minimis* both individually and in the aggregate." *Id.* As counsel for petitioner Blackfeet Tribe said at oral argument: "They may think that's infinitesimal. To us, it means the world." Oral Argument at 1:16:16-20. The Commission also did not address comments that "no adverse effects in 99% of tower deployments shows that the current system is working" because "[o]ften, after an applicant enters a location into" the Tower Construction Notification System, a Tribal representative "will notify the applicant of an issue and the applicant will choose a new location or resolve that effect," which "gets counted as having no adverse effect." *Comment of Nat'l Ass'n of Tribal Historic Pres. Officers*, J.A. 661. Other commenters agreed that "[t]he lack of significant impact should be a testament to the value of the review process in these instances, not negate its necessity." *Comment of Tex. Historical Comm'n*, J.A. 794 ("In our experience, the vast majority of adverse effects for cell projects are resolved through sensitive design modifications, including stealth measures, modifying how equipment is attached if directly mounted to a historic building or structure, or relocation to an alternate site further removed from historic properties.").

Similarly, the Commission dismissed the point that its own oversight deters adverse effects by describing comments to that effect as "generalized, and undercut by our conclusion that, as a class, the nature of small wireless facility deployments appears to render them inherently unlikely to trigger environmental and historic preservation concerns." *Order* ¶ 92. For the reasons already explained, the FCC's conclusion that small cells are inherently unlikely to trigger concerns is arbitrary and capricious, and describing comments as "generalized" does not excuse the agency of its obligation to consider those comments as part of reasoned decisionmaking.

We hold that the *Order*'s deregulation of small cells is arbitrary and capricious because its public-interest analysis did not meet the standard of reasoned decisionmaking. We therefore decide neither the alternative grounds for holding that the *Order* is arbitrary and capricious or otherwise violated the Administrative Procedure Act, nor the claim that small cell construction is a federal undertaking and a major federal action requiring NHPA and NEPA review.

II. Tribal Involvement in Section 106 Review

The *Order* also made three changes to Tribal involvement in the Section 106 review not eliminated by the *Order*, such as review of macrocells and small wireless facilities on Tribal land. The first two changes relate to two types of Tribal involvement that the Commission and the Advisory Council distinguish from one another: (a) government-to-government consultation between the agency and the Tribes, in which Tribes function in their governmental capacity, and (b) the "identification and evaluation phase of the Section 106 process when the agency or applicant is carrying out its duty to identify historic properties that may be significant to an Indian tribe." Advisory Council, *Consultation with Indian Tribes in the Section 106 Review Process: A Handbook* (*Section 106 Handbook*), J.A. 1015; *see also* FCC, *Voluntary Best Practices for Expediting the Process of Communications Tower and Antenna Siting Review Pursuant to Section 106 of the NHPA*, J.A. 933; *Order* ¶¶ 118-19.

Section 106 review comprises "four steps": "initiation, identification, assessment [or evaluation], and resolution." *Section 106 Handbook*, J.A. 1018. Government-to-government consultation is a background requirement of Section 106 review at every stage. *See id.* at J.A. 1014, 1018; Advisory Council, *Fees in the Section 106 Review Process*,

J.A. 913; 36 C.F.R. § 800.2(c)(2)(ii)(A) (consultation requires giving the interested Tribe "a reasonable opportunity to identify its concerns about historic properties, advise on the identification and evaluation of historic properties, . . . articulate its views on the undertaking's effects on such properties, and participate in the resolution of adverse effects"). In the identification and evaluation period, however, applicants have often paid for expertise and assistance from Tribes acting "in a role similar to that of a consultant or contractor" such as by providing "specific information and documentation regarding the location, nature, and condition of individual sites" or even conducting surveys. *Section 106 Handbook*, J.A. 1015. The *Order* explains that identification and evaluation involves "activities undertaken after the initial determination that historic properties are likely to be located in the site vicinity," and that it includes "monitoring and other activities directed toward completing the identification of historic properties as well as assessing and mitigating the project's impacts on those properties." *Order* ¶ 124.

The "initial determination" falls into the government-to-government consultation category. *See Section 106 Handbook*, J.A. 1021 (explaining that initiating contact with Tribes is part of the Commission's "responsibilities to conduct government-to-government Consultation"). In practice, however, Tribes have been allowing applicants to contact them directly, in lieu of government-to-government consultation, to help make the initial determination. *See Section 106 Agreement*, 20 FCC Rcd. at 1108 ¶¶ 95-96; Keetoowah Br. 37. The *Section 106 Agreement* "expresses the ambition that this initial contact will lead to voluntary direct discussions through which applicants and tribes . . . will resolve questions involving the presence of relevant historic properties and effects on such properties to the tribe['s] . . . satisfaction without Commission involvement." 20 FCC Rcd. at 1108 ¶ 97. But "if an applicant and an Indian

tribe . . . disagree regarding whether an undertaking will have an adverse effect on a historic property of religious and cultural significance, or if the tribe . . . does not respond to the applicant's inquiries," the Commission steps in to consult and ultimately "make a decision regarding the proposed undertaking." *Id.*

The Advisory Council explains that "[t]hese two tribal roles"—government-to-government consultation, and assistance with identification and evaluation—"are not treated the same when it comes to compensation, although the line between them may not be sharp." Advisory Council, *Fees in the Section 106 Review Process*, J.A. 913. Advisory Council guidance states that "agencies are strongly encouraged to use available resources to help overcome financial impediments to effective tribal participation in the Section 106 process" and applicants are likewise "encouraged to use available resources to facilitate and support tribal participation." Advisory Council, *Section 106 Handbook*, J.A. 1015. At the same time, it says that agencies and applicants should not expect to pay fees for government-to-government consultation, which "give[s] the Indian tribe an opportunity to get its interests and concerns before the agency," Advisory Council, *Fees in the Section 106 Review Process*, J.A. 913, but "should reasonably expect to pay" fees for the identification and evaluation, which puts Tribes in a "consultant or contractor" role, Advisory Council, *Section 106 Handbook*, J.A. 1015. It notes, however, that "this encouragement is not a legal mandate; nor does any portion of the NHPA or the [Advisory Council's] regulations require an agency or an applicant to pay for any form of tribal involvement." *Id.*

First, apparently because applicants had been consistently paying upfront fees, *see* Keetoowah Br. 37, the *Order* made clear that applicants' payment of upfront fees to Tribes is

voluntary. *See Order* ¶ 116. Upfront fees are payments made to Tribes for the initial determination whether the Tribe actually has religiously or culturally significant properties that might be affected by a proposed construction. *See id.* ¶ 116. Applicants contact Tribes for that initial determination when Tribes have noted that properties in the general area of proposed construction may have religious or cultural significance for them. *Id.* When an applicant follows up "to ascertain whether there are in fact such properties that may be affected," some Tribes have requested upfront fees before they will respond. *Id.* As the *Order* describes the practice, the upfront fees "do not compensate Tribal Nations for fulfilling specific requests for information and documentation, or for fulfilling specific requests to conduct surveys," but are "more in the nature of a processing fee" to "obtain a response" to an applicant's initial Tower Construction Notification contact with a Tribal Nation. *Id.* ¶ 119.

Second, while the *Order* approved of fees for identifying and evaluating properties that may be significant to Tribes, as opposed to upfront fees, *see id.* ¶ 123, it also authorized applicants to consult with non-Tribal parties in the identification and evaluation phase, *see id.* ¶¶ 124-45. The Commission found that, if an applicant asks a Tribe to perform work to aid it in documenting, surveying, or analyzing potentially historic properties, "the applicant should expect to negotiate a fee for that work" and, if the parties are "unable to agree on a fee, the applicant may seek other means to fulfill its obligations." *Id.* ¶ 125. "The agency or applicant is free to refuse just as it may refuse to pay for an archeological consultant, but the agency still retains the duties of obtaining the necessary information for the identification [and evaluation] of historic properties . . . through reasonable means." *Id.* (quoting Advisory Council, *Section 106 Handbook*, J.A. 1015).

Third, the *Order* shortened from 60 to 45 days the timeline for Tribes to respond to notifications on the Tower Construction Notification System, eliminated the requirement that applicants make a second attempt to contact Tribes, and shortened from 20 to 15 days the timeline for Tribal response to Commission contact. *Id.* ¶¶ 110-11.

Keetoowah and Blackfeet challenge those three changes as arbitrary and capricious and inconsistent with the NHPA. Keetoowah complains that the *Order* "encourages applicants, which have until this point voluntarily paid fees, to refuse paying Tribes" upfront fees, Keetoowah Br. 37; that "FCC implementation goes far beyond the terms of the Order by refusing to even allow Tribes to request voluntary fees through" the Tower Construction Notification System, *id.* at 37-38; that letting applications proceed where Tribes refuse to participate without compensation or are not hired as consultants violates the Commission's legal obligation to consult with Tribes, *id.* at 38; and that the shortened timelines are unreasonable, *id.* at 40. Blackfeet asserts that the Commission lacks "the authority to prohibit tribes from collecting fees" because only the Advisory Council may promulgate regulations implementing Section 106. Blackfeet Br. 16.

None of those challenges is availing. The clarification that applicants are not required to pay upfront fees is consistent with the Advisory Council's preexisting guidance and does not violate the Commission's duty to consult with Tribes. The *Order* permissibly authorizes applicants to contract with non-Tribal parties in the identification-and-evaluation phase because it stipulates that contractors must be "properly qualified," which we understand does not authorize hiring other contractors in any circumstance in which only Tribes are

qualified. *Order* ¶ 128. The shortened timeline for Tribal response is reasonable and sufficiently explained.

A. Upfront Fees

The *Order* permissibly confirms that upfront fees for Tribes to comment on proposed deployments are voluntary. Unchallenged Advisory Council regulations already make clear that fees are voluntary, so the *Order*'s reiteration of the same point is not arbitrary and capricious. While applicants have apparently been uniformly paying upfront fees for Section 106 review, no party asserts that they have been required to do so. *See* Keetoowah Reply Br. 20. The Advisory Council has been explicit that no "portion of the NHPA or the [Advisory Council's] regulations require an agency or an applicant to pay for any form of tribal involvement." Advisory Council, *Section 106 Handbook*, J.A. 1015; *see also* Advisory Council, *Fees in the Section 106 Review Process*, J.A. 913 (neither the NHPA nor Advisory Council regulations "requires Federal agencies to pay for any aspect of tribal [or] other consulting party participation in the Section 106 process"). Blackfeet's complaint that "[t]he FCC does not have the authority to prohibit tribes from collecting fees" and that the *Order* is impermissibly "implementing and administering Section 106 through regulation" is misplaced. The challenged *Order* contains no such prohibition, but does no more than recognize and reiterate the Advisory Council's existing rule.

The Commission has a non-delegable duty to consult with Tribes about the effect of federal undertakings on property significant to the Tribes, which Tribes can invoke or waive as they choose. The NHPA mandates that, "[i]n carrying out its responsibilities under [Section 106], a Federal agency shall consult with any Indian tribe . . . that attaches religious and cultural significance to property." 54 U.S.C. § 302706(b). The

Advisory Council has explained that "federal agencies cannot unilaterally delegate their tribal consultation responsibilities to an applicant," but can only delegate if "expressly authorized by the Indian tribe to do so." Advisory Council, *Limitations on the Delegation of Authority by Federal Agencies to Initiate Tribal Consultation under Section 106 of the National Historic Preservation Act* (*Limitations on Section 106 Delegation*) 1 (2011), https://go.usa.gov/xyWGq. The Commission has also recognized that its "fiduciary responsibility and duty of consultation [to Tribes] rest with the Commission as an agency of the federal government, not with licensees, applicants, or other third parties." *Section 106 Agreement*, 20 FCC Rcd. at 1106 ¶ 91.

Keetoowah says its challenge is not to the "FCC's clarification that fees are voluntary," but to "the Order's determination that FCC will process applications without tribal input if tribes insist on charging applicants for their reviews." Keetoowah Reply Br. 19-20. That determination, Keetoowah asserts, violates the Commission's "statutory obligation to consult with tribes." *Id.* at 19. Under the *Section 106 Agreement*, Tribes can and do permit applicants to contact them to request review of proposed construction—essentially agreeing to accept that contact in satisfaction of the Commission's responsibility to consult with Tribes directly. 20 FCC Rcd. at 1108 ¶ 96; *see also* Keetoowah Br. 37; *Comment of the Seminole Tribe of Florida*, J.A. 743 ("[T]ribes participate in review . . . on a voluntary basis" as a substitute for "direct Section 106 consultation with the FCC.") But Tribes can request "the federal agency to reenter the consultation process at any time . . . since the federal agency remains responsible for government-to-government consultation." *Limitations on Section 106 Delegation* 2. Keetoowah implies that Tribes have only agreed to accept direct contact from applicants under the condition that

applicants pay for Tribes' responses—meaning that if Tribes refuse to respond without being paid upfront fees, they will not have waived the Commission's responsibility to consult with them directly. Without having fulfilled its legal obligation to consult, Keetoowah contends, the Commission cannot permit applicants to go ahead with construction.

Keetoowah overlooks the fact that when a Tribe refuses to review an application without being paid, the *Order* requires the Commission to step in to ask the Tribe for a response before allowing applicants to construct. Tribes' refusal to respond triggers a process in which applicants can refer the matter to the Commission, the Commission must contact Tribes directly, and Tribes have 15 days from Commission contact to respond. *See Order* ¶ 111. Only if the Tribe does not timely respond to the Commission are "the applicant's pre-construction obligations . . . discharged with respect to that Tribal Nation." *Id.* The Tribe is guaranteed the opportunity to consult as a sovereign—a capacity in which it need not be paid—and the Commission cannot force an unwilling Tribe to respond. Therefore, if a Tribe refuses to respond when the Commission requests its views on an application, the Commission has discharged its obligation of direct Commission-to-Tribe consultation. *See id.* ¶ 111. Apart from the shortened timeframe, discussed below, Keetoowah has not offered any reason the Commission's contacting Tribes directly with a request to consult that the Tribe rejects does not satisfy the Commission's consultation obligation.

Finally, the objection that the Commission is prohibiting Tribes from requesting voluntary fees on the Tower Construction Notification System, Keetoowah Br. 38-40, is not properly before us. That prohibition does not appear in the *Order* itself but seems to originate with a later decision of Commission staff. *See* Resp't Br. 64 n.19.

B. Non-Tribal Consultation

The *Order* states that applicants need not contract with Tribes to identify which properties have historic or cultural significance to Tribes and determine how to assess or mitigate adverse effects of construction. *Order* ¶¶ 124-25, 128-29. Keetoowah argues that allowing applicants to contract with non-Tribal parties is arbitrary and capricious because "only Tribes are qualified to perform" such services "based on their unique, often sacred, knowledge." Keetoowah Br. 23. Because the *Order* stipulates that contractors must be "properly qualified," we reject the arbitrary-and-capricious claim. *Order* ¶ 128.

Advisory Council regulations require the agency to "make a reasonable and good faith effort to carry out appropriate identification efforts" under Section 106. 36 C.F.R. § 800.4(b)(1). The *Order* explains that "the applicant is not bound to any particular method of gathering information," *Order* ¶ 125, but it stipulates that contractors must be "properly qualified," *id.* ¶ 128. The "reasonable and good faith efforts" standard together with the *Order*'s mandate that parties be "properly qualified" may sometimes require applicants to hire Tribes—for instance, where Tribes have "unique" and "sacred" knowledge of historic properties. Advisory Council guidance supports that notion, explaining that "unless an archeologist has been specifically authorized by a tribe to speak on its behalf on the subject, it should not be assumed that the archaeologist possesses the appropriate expertise to determine what properties are or are not of significance to an Indian tribe." *Section 106 Handbook*, J.A. 1022. The *Order* itself suggests that applicants should try to hire Tribes first: "[I]f an applicant asks a Tribal Nation" to perform identification and evaluation of historic properties, "the applicant should expect to negotiate a fee for that work," but if the Tribe and applicant "are unable

to agree on a fee, the applicant may seek other means to fulfill its obligations." *Order* ¶ 125. We cannot say, *ex ante*, how often as a practical matter applicants might find qualified non-Tribal contractors or whether, as applied, the law will ordinarily require hiring Tribes. If a Tribe believes an applicant has hired an unqualified contractor, that issue can be litigated when it arises.

C. Timeline Changes

Keetoowah's one-paragraph challenge to the *Order*'s shortening the timeline for Tribal response to Tower Construction Notification System notifications provides no basis on which to hold the shortened timeline arbitrary and capricious. Keetoowah Br. 40. Its sole objection is that Tribes "operate with limited staff and budget, making the shortening of Tribal review time unreasonable." *Id.* The Commission acted within its discretion and "considered the relevant factors and articulate[d] a rational connection between the facts found and the choice made." *Vonage Holdings Corp. v. FCC*, 489 F.3d 1232, 1241 (D.C. Cir. 2007) (quoting *BellSouth Telecomms., Inc. v. FCC*, 469 F.3d 1052, 1056 (D.C. Cir. 2006) (alteration in original)). It reasonably justified the decision as a compromise between industry requests for even shorter timelines to address delays, and Tribes' need for adequate time to review submissions. *See Order* ¶¶ 112 n.262, 113.

III. Promulgation of the *Order* Itself

All petitioners argue that the promulgation of the *Order* itself violated the law. Keetoowah and Blackfeet argue that the Commission violated its duty to consult with Tribes, as established by the Tribes' sovereign status and the government-to-government relationship recognized in Article I, Section 8 of the Constitution, the NHPA, and the Commission's regulations. *See* Keetoowah Br. 40-42; Blackfeet Br. 20-21.

The NRDC argues that the *Order* itself was a major federal action that required NEPA review. *See* NRDC Br. 10-11. Because the *Order* documents extensive consultation with Tribes, we reject the first contention. We lack jurisdiction to consider the second because the NRDC forfeited it by failing to raise it to the Commission.

As for the Tribes' contention that the *Order* is invalid because the Commission did not meet its obligations to consult with Tribes, the Commission responds that it extensively consulted with Tribes, and that in any event its consultation obligation is not judicially enforceable. Resp't Br. 69-74. We conclude that the Commission fulfilled its obligation to consult. The Commission presented abundant evidence that it "consulted" Tribes in the ordinary sense of the word, and the Tribes have offered no other concrete standard by which to judge the Commission's efforts.

On this record, we cannot say that the Commission failed to consult with Tribes in its meetings and other communications, which began in 2016 and continued through early 2018. *See Order* ¶¶ 19, 34. The Commission documented extensive meetings it held with Tribes before it issued the *Order*. *See Order* ¶¶ 19-35. Under Advisory Council regulations, "[c]onsultation means the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the section 106 process." 36 C.F.R. § 800.16(f); *see also* 54 U.S.C. § 302706(b). The dictionary definition of consulting is "seek[ing] advice or information of." *Consult*, *American Heritage Dict.* (5th ed. 2019). Keetoowah complains that the FCC's efforts were "listening sessions, briefings, conference calls, and delivery of remarks by a Commissioner" rather than "consultations," and presents evidence that Tribes did not view these meetings as

consultations. Keetoowah Br. 44. But it offers no standard by which to judge which consultations were "listening sessions" or whether a "listening session" or a conference call qualifies as a consultation. The only case Keetoowah cites interpreting an agency's failure to consult is inapposite: there, an agency official "acknowledged at trial" that the contested decision "had already been made prior to" the first meeting between Tribal members and agency officials discussing the decision. *Oglala Sioux Tribe of Indians v. Andrus*, 603 F.2d 707, 710 (8th Cir. 1979). No evidence in this record suggests the Commission had already determined the *Order*'s substance before meeting with Tribes—and the series of communications and meeting commenced even before the Commission issued the Notice of Proposed Rulemaking. *See Order* ¶ 19. The Commission appeared to "seek[], discuss[], and consider[] the views of" the Tribes, even if it did not ultimately adopt those views.

The NRDC argues that promulgating the *Order* was itself a major federal action that required NEPA review. *See* NRDC Br. 10-11. But, as intervenor CTIA points out, the NRDC forfeited that argument by failing to make it to the Commission, *see* CTIA Br. 38, and we lack jurisdiction to review a claim that was not raised there. *Free Access & Broad. Telemedia, LLC v. FCC*, 865 F.3d 615, 619 (D.C. Cir. 2017). While the NRDC points to its own and others' comments "urg[ing] the Commission to conduct a NEPA analysis," NRDC Reply Br. 3, none of those comments said the Commission was required to perform a NEPA analysis *of the Order*. The NRDC cites its own comment "that if the FCC sought to exclude an entire category of wireless facilities from NEPA, it was required to establish a categorical exclusion." *Id.* (citing J.A. 787-90). But the NRDC did not there contend, as it now does, that the *Order* is a major federal action. Rather, the NRDC's argument was that the federal character of the

geographic area license meant that the Commission could not entirely exempt wireless facility construction from NEPA review, J.A. 790—the same statutory argument it made here—and that the proper approach to exempting federal "activities that by their nature do not have significant impacts on the environment is with a categorical exclusion," J.A. 789. Whether the licenses or construction are federal, the basis of the NRDC's argument, is irrelevant to the question whether the *Order* overall is a major federal action that requires NEPA review. One of the other two comments it cites asserted that the proposed rule failed to comply with NEPA, but again, not because the *Order* required NEPA analysis—rather because the issuance of licenses constitutes a major federal action. *See Comment of the Nat'l Trust for Historic Pres.*, J.A. 770. The third comment urged the Commission to consider the cumulative effects of radiofrequency exposure, but did not even mention NEPA. *See Comment of BioInitiative Working Grp.*, J.A. 235-38. The argument that the *Order* required independent NEPA review was never fairly before the Commission.

CONCLUSION

We grant the petitions to vacate the *Order*'s removal of small cells from its limited approval authority and remand to the FCC. We deny the petitions to vacate the *Order*'s changes to Tribal involvement in Section 106 review and to vacate the *Order* in its entirety.

So ordered.

Gores, Alanna

From: Tree Stokan <treejstokan@gmail.com>
Sent: Friday, March 05, 2021 11:30 AM
To: Gores, Alanna
Subject: Green Party of California Statement on 5G Wireless Technology Environmental Oversight | Green Party of California (GPCA)

Hello Alanna,

Please share this important link with the BOCC, as they ponder the Franchises Recommendation by the CRC.

Thank you,
Therese (Tree) Stokan
Neah Bay
Recently served on 2020 Charter Review Commission, District 3

https://www.cagreens.org/green-party-california-statement-5g-wireless-technology-environmental-oversight

Sent from my iPhone

Gores, Alanna

From: Tony Corrado <tony.corrado@gmail.com>
Sent: Wednesday, March 10, 2021 1:50 PM
To: Gores, Alanna
Subject: Re: 5g
Attachments: COVID-19-and-RFR-SUBMITTED.pdf

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Ms. Gores,
Opps! Getting old shows up more and more. Thanks for alerting me.
Ciao,
Tony Corrado

On Wed, Mar 10, 2021 at 6:42 AM Gores, Alanna <agores@co.clallam.wa.us> wrote:

Mr. Corrado,

There was nothing attached to the previous email you sent. Please resend with the attachment.

Hope you have a nice day!

Loni

Loni Gores

Clerk of the Board

Commissioners Office

223 East 4th Street, Suite 4

Port Angeles, WA 98362

Phone: 360-417-2256

From: Tony Corrado [mailto:tony.corrado@gmail.com]
Sent: Tuesday, March 09, 2021 9:48 PM
To: Gores, Alanna
Subject: 5g

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Hello Ms. Gores,

The attached scientific paper purports to show a correlation between 5G EMF and Covid 19 health effects. Would you kindly forward to the BOCC members for their consideraton.

Thank you,

Regards,

Tony Corrado

Journal Name

Original Research Paper

Evidence for a Connection between COVID-19 and Exposure to Radiofrequency Radiation from Wireless Telecommunications Including Microwaves and Millimeter Waves

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Abstract: COVID-19 public health policy has focused on the SARS-CoV-2 virus and its effects on human health while environmental factors have been largely ignored. In considering the epidemiological triad (agent-host-environment) applicable to all disease, we investigated a possible environmental factor in the COVID-19 pandemic: ambient radiofrequency radiation from wireless communication systems including microwaves and millimeter waves. COVID-19 surfaced in Wuhan, China shortly after the implementation of city-wide 5G (fifth generation of wireless radiation), and spread globally, demonstrating a statistical correlation to international communities with 5G antennas installed. In this study, we examined the peer-reviewed scientific literature on the detrimental bioeffects of radiofrequency radiation (RFR) and identified several ways in which RFR may be contributing to COVID-19 as a toxic environmental cofactor. We conclude that RFR and, in particular, 5G, which involves 4G infrastructure densification, has exacerbated COVID-19 prevalence and severity by weakening host immunity and increasing SARS-CoV-2 virulence by (1) causing morphologic changes in erythrocytes including echinocyte and rouleaux formation that may be contributing to hypercoagulation; (2) impairing microcirculation and reducing erythrocyte and hemoglobin levels exacerbating hypoxia; (3) amplifying immune system dysfunction, including immunosuppression, autoimmunity, and hyperinflammation; (4) increasing cellular oxidative stress and the production of free radicals exacerbating vascular injury and organ damage; (5) augmenting intracellular Ca^{2+} essential for viral entry, replication, and release, in addition to promoting pro-inflammatory pathways; and (6) worsening heart arrhythmias and cardiac disorders. In short, RFR is a ubiquitous environmental stressor that contributes to adverse health outcomes of COVID-19. We invoke the Precautionary Principle and strongly recommend a moratorium on 5G wireless infrastructure at this crucial time to help mitigate the pandemic, and to preserve public health until governmental safety standards for RFR exposure based on current and future research are defined and employed.

Keywords: coronavirus; COVID-19; electromagnetic stress; EMF; environmental factor; microwave; millimeter wave; pandemic; public health; radiofrequency

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Science Publications

Introduction

Background

COVID-19 has been the focus of international public health policy throughout 2020. Despite unprecedented public health protocols to quell the pandemic, the number of COVID-19 cases continues to rise. We propose a reassessment of our public health strategies.

According to the Center for Disease Control and Prevention (CDC, 2020), the simplest model of disease causation is the epidemiological triad consisting of three interactive factors: the agent (pathogen), the environment, and the health status of the host. Extensive research is being done on the agent (SARS-CoV-2). Risk factors that make a host more likely to succumb to the disease have been elucidated. However, environmental factors have not been sufficiently explored. Are there environmental factors involved and actions that we can take to mitigate COVID-19? In this paper, we investigate the role of wireless communication radiation as a widespread environmental stressor.

This is the first comprehensive paper examining scientific evidence that radio-frequency radiation including 5G (fifth generation of wireless communication technology and its necessary earlier generations), henceforth referred to as RFR, may be a contributing factor in COVID-19. RFR from wireless technology has already been recognized as a form of environmental pollution and physiological stressor (Balmori, 2009). Assessing the detrimental health effects of RFR is crucial to develop an effective, rational public health policy that will expedite eradication of the COVID-19 pandemic. In addition, because we are on the verge of worldwide 5G deployment, it is critical to consider the damaging health effects of RFR before it is too late.

5G is a protocol that will use high frequency bands of the electromagnetic spectrum in the vast radiofrequency range from 600 MHz to 90 GHz, which includes millimeter waves, in addition to the currently used 3G and 4G LTE microwave bands. Focused pulsed beams of radiation will emit from new base stations and antennas placed close to homes and schools whenever persons access the 5G network. The system requires significant densification of 4G as well as new 5G antennas that will dramatically increase the population's wireless radiation exposure both inside structures and outdoors. In addition, up to 100,000 satellites are planned to be launched into low earth orbit to achieve a global wireless network. This infrastructure will significantly alter the world's electromagnetic environment to unprecedented levels and may cause unknown consequences to the entire biosphere, including humans.

COVID-19 began in Wuhan, China in December 2019, shortly after city-wide 5G had "gone live" on October 31, 2019. COVID-19 outbreaks soon followed in other areas where 5G had also been at least partially implemented, including South Korea, Northern Italy, New York City, Seattle, and Southern California. In April 2020, Payeras and Cifre (2020) reported a statistically significant correlation between the density of 5G antennas and the location of COVID-19 cases in specific regions throughout the world. During the first wave in the United States, COVID-19 attributed cases and deaths were higher in states with 5G infrastructure compared with states that did not yet have this technology (Tsiang and Havas, manuscript submitted). There is a large body of peer reviewed literature, since before World War II, on the biological effects of wireless radiation that impact many aspects of our health. In examining this literature, we found intersections between the pathophysiology of COVID-19 and detrimental bioeffects of wireless radiation exposure. Here we present the evidence that RFR is a contributing factor exacerbating COVID-19.

Overview on COVID-19

The clinical presentation of COVID-19 has proven to be highly variable, with a wide range of symptoms and variability from case to case. According to the CDC, early disease symptoms may include sore throat, headache, fever, cough, chills, among others. More severe symptoms including shortness of breath, high fever, and severe fatigue may occur in a later stage. The neurological sequela of taste and smell loss has also been described.

Ing *et al.,* (2020) determined 80% of those affected have mild symptoms or none, but older populations and those with comorbidities, such as hypertension, diabetes, and obesity, have a greater risk for severe disease (Garg *et al.,* 2020). Acute respiratory distress syndrome (ARDS) can rapidly occur (Wu *et al.,* 2020) and cause severe shortness of breath as endothelial cells lining blood vessels and epithelial cells lining airways lose their integrity, and protein rich fluid leaks into adjacent air sacs. COVID-19 can cause insufficient oxygen levels (hypoxia) that has been seen in up to 80% of intensive care unit (ICU) patients (Gattinoni, 2020) exhibiting respiratory distress. Decreased oxygenation and elevated carbon dioxide levels in patients' blood have been observed, although the etiology for these findings remains unclear.

Massive oxidative damage to the lungs has been observed in areas of consolidation documented on lung radiographs and CT scans in patients with COVID-19

pneumonia (Cecchini and Cecchini, 2020). This cellular stress may indicate a biochemical rather than a viral etiology (Cavezzi *et al.,* 2020).

Because disseminated virus can attach itself to cells containing an ACE-2 (angiotensin-converting enzyme 2) receptor, the disease can spread and damage organs and soft tissues throughout the body, including the lungs, heart, intestines, kidneys, blood vessels, fat, testes, and ovaries, among others. The disease can increase systemic inflammation and induce a hypercoagulable state. Without anticoagulation, intravascular blood clots can be devastating (Bikdeli *et al.*, 2020).

In COVID-19 patients referred to as "long-haulers," symptoms can wax and wane for months (Carfi *et al.,* 2020). Shortness of breath, fatigue, joint pain and chest pain can become persistent symptoms. Post-infectious brain fog, cardiac arrhythmia, and new onset hypertension have also been described. Long term chronic complications of COVID-19 are being defined as epidemiological data are collected over time.

As our understanding of COVID-19 continues to evolve, environmental factors, particularly those of wireless electromagnetic fields, remain unexplored variables that may be contributing to the disease including its severity in some patients. Next, we summarize the bioeffects of RFR exposure from the peer reviewed scientific literature published over decades.

Overview on Bioeffects of Radiofrequency Radiation (RFR) Exposure

Organisms are electrochemical beings, and low-level RFR from wireless communication devices, including cell phone antennas, base stations, Wi-Fi, and cell phones, among others, may disrupt regulation of numerous physiological functions. Non-thermal bioeffects (below the power density that causes tissue heating) from very low-level RFR exposure have been reported in thousands of peer-reviewed scientific publications at power densities below the ICNIRP (International Commission on Non-Ionizing Radiation Protection) exposure guidelines (ICNIRP, 2009). Low-level RFR has been found to impact the organism at all levels of organization, from the molecular to the cellular, physiological, behavioral, and psychological levels. Moreover, it has been shown to cause systemic detrimental health effects including increased cancer risk (Bortkiewicz *et al.*, 2017), endocrine changes (Sangun *et al.*, 2016), increased free radical production (Yakymenko *et al.*, 2016), DNA damage (Ruediger, 2009), changes to the reproductive system (Asghari et al., 2016), learning and memory defects (Zhang *et al.*, 2017), and neurological disorders (Pall, 2016). Having evolved within Earth's extremely low-level natural radiofrequency background, organisms lack the ability to adapt to heightened levels of unnatural radiation of wireless technology with digital pulse modulation.

The peer-reviewed world scientific literature has documented evidence for detrimental bioeffects from RFR exposure including 5G frequencies over several decades. The Soviet and Eastern European literature from 1960-70s demonstrates significant biological effects, even at exposure levels 100 times below 1 mW/cm^2, the current guideline for maximum public exposure in the US. Eastern studies on animal and human subjects were performed at low exposure levels (<1 mW/cm^2) for long durations (typically months). By contrast, most US research has been performed over short durations of weeks or less. There have been few long-term studies on animals or humans.

Illness from RFR exposure has been documented since the early use of radar. Prolonged exposure to microwaves and millimeter waves from radar was associated with various disorders termed "radio-wave sickness" decades ago by Russian scientists. A bibliography of over 3,700 references on the reported biological effects in the world scientific literature was published in 1972 (revised 1976) by the US Naval Medical Research Institute report (Glaser, 1972; 1976). The BioInitiative Report (Sage and Carpenter, 2012), authored by 29 experts from 10 countries, and updated in 2020, provides a scholarly contemporary summary of the literature on the bioeffects and health consequences from RFR exposure, including a compendium of supporting research. Recent reviews have been published (Belpomme *et al.*, 2018; Di Ciaula, 2018; Russell, 2018; Miller *et al.*, 2019). A comprehensive review on the bioeffects of millimeter waves reports that even short-term exposures produce marked bioeffects (Pakhomov *et al.*, 1998).

Methods

An ongoing literature study of the unfolding pathophysiology of COVID-19 was performed throughout 2020. To investigate a possible connection to bioeffects from RFR exposure, we examined over 250 peer-reviewed research reports from 1969 – 2020, including reviews and studies on cells, animals, and humans. This included the world literature in English and Russian reports translated to English, on RFR from 600 MHz – 90 GHz, the spectrum of wireless communication radiation (2G – 5G inclusive), at non-thermal power densities (< 5 mW/cm^2) and with particular emphasis on low power densities (<1mW/cm^2) and long term exposures. The following search terms were used in queries in MEDLINE® and the Defense Technical Information Center (https://discover.dtic.mil) to find relevant study reports: radiofrequency radiation, microwave, millimeter wave, radar, MHz, GHz, blood,

red blood cell, erythrocyte, hemoglobin, hemodynamic, oxygen, hypoxia, vascular, inflammation, pro-inflammatory, immune, lymphocyte, T cell, cytokine, intracellular calcium, sympathetic function, arrhythmia, heart, cardiovascular, oxidative stress, glutathione, ROS (reactive oxygen species), COVID-19, virus, and SARS-CoV-2. Occupational studies on RFR exposed workers were included. From analysis of these studies in comparison with new information unfolding on the pathophysiology of COVID-19, we identified several ways in which adverse bioeffects of RFR exposure intersect with COVID-19 manifestations and organized our findings into five categories.

Results

Table 1 lists the manifestations common to Covid-19 including disease progression and the corresponding adverse bioeffects from RFR exposure. Although these effects are delineated into categories—blood and vascular changes, oxidative stress, immune system disruption, increased Ca^{2+} levels, and cardiac arrhythmias—it must be emphasized that these effects are not independent of each other. For example, blood clotting and inflammation have overlapping mechanisms, and oxidative stress is implicated in erythrocyte morphological changes as well as in hypercoagulation, inflammation, and organ damage.

Table 1. Bioeffects of RFR exposure in relation to COVID-19 manifestations and their progression

RFR Exposure Bioeffects	COVID-19 Manifestations
Blood Changes	Blood and Vascular Changes
Short-term: rouleaux, echinocytes Long-term: reduced blood clotting time, reduced hemoglobin, hemodynamic disorders	Rouleaux, echinocytes Hemoglobin effects; vascular effects → Reduced hemoglobin in severe disease; autoimmune hemolytic anemia; hypoxemia and hypoxia → Endothelial injury; impaired microcirculation; hypercoagulation; disseminated intravascular coagulopathy (DIC); pulmonary embolism; stroke
Oxidative Stress	Oxidative Stress
Glutathione level decrease; free radicals and lipid peroxide increase; superoxide dismutase activity decrease Oxidative injury in tissues and organs	Glutathione level decrease; free radical increase and damage; apoptosis → Oxidative injury; organ damage in severe disease
Immune System Disruption and Activation	Immune System Disruption and Activation
Immune suppression in some studies; immune hyperactivation in other studies Long-term: suppression of T-lymphocytes; inflammatory biomarkers increased; autoimmunity; organ injury	Decreased production of T-lymphocytes; elevated inflammatory biomarkers. → Immune hyperactivation and inflammation; cytokine storm in severe disease; cytokine-induced hypo-perfusion with resulting hypoxia; organ injury; organ failure
Increased Intracellular Calcium	Effects of Increased Intracellular Calcium
From activation of voltage-gated calcium channels on cell membranes, with numerous secondary effects	→ Increased virus entry, replication, and release → Increased NF-kB, pro-inflammatory processes, coagulation, and thrombosis
Cardiac Effects	Cardiac Effects
Up-regulation of sympathetic nervous system; palpitations and arrhythmias	Arrhythmias → Myocarditis; myocardial ischemia; cardiac injury; cardiac failure

Effects on the Blood

RFR exposure can cause morphologic changes in blood readily seen via microscopic examination of peripheral blood samples. Two recent studies documented the formation of erythrocyte aggregates (Havas, 2013) and erythrocyte aggregates and echinocyte formation upon human exposure to 4G-LTE smart phone radiation (microwaves) (Rubik, 2014). One study investigated the effect of cell phone radiation on the peripheral blood of ten human subjects (Rubik, 2014). Exposure to radiation from a cell phone for two consecutive 45-minute periods caused two types of effects: initially increased stickiness of peripheral red blood cells and rouleaux formation (rolls of stacked red blood cells) and subsequently formation of echinocytes (spiky red blood cells).

Similar red blood cell changes have been described in peripheral blood of COVID-19 patients (Lakhdari *et al.*, 2020). Rouleaux formation is observed in 1/3 of COVID-19 patients, whereas spherocytes and echinocytes have been observed at variable levels. Rouleaux formation impedes the microcirculation. These blood changes may also impede oxygen transport, contributing to hypoxia, and increase the risk of thrombosis (Wagner *et al.*, 2013) and therefore stroke, which can manifest in COVID-19.

Additional blood effects have been observed in both humans and animals exposed to RFR. In 1977, a Russian study reported that rodents irradiated with 5 - 8 millimeter waves (60 - 37 GHz) at 1mW/cm^2 for 15 minutes/day over 60 days developed hemodynamic disorders, suppressed red blood cell formation, reduced hemoglobin, and an inhibition of oxygen utilization (oxidative phosphorylation by the mitochondria) (Zalyubovskaya, 1977). In 1978, a 3-year Russian study on 72 engineers exposed to millimeter wave (5G RFR) generators emitting at 1 mW/cm^2 or less showed a decrease in their hemoglobin levels and numbers of red blood cells, and a tendency toward hypercoagulation,

whereas a control group showed no changes (Zalyubovskaya and Kiselev, 1978). Such deleterious hematologic effects from RFR exposure may also contribute to the development of hypoxia and blood clotting observed in COVID-19 patients.

It has been proposed that the SARS-CoV-2 virus attacks erythrocytes and causes degradation of hemoglobin (Cavezzi et al., 2020). Viral proteins may attack the 1-beta chain of hemoglobin and capture the porphyrin, along with other proteins from the virus catalyzing the dissociation of iron from heme (Wenzhong and Li, 2020). In principal this would reduce the number of functional erythrocytes and cause the release of free iron ions that could cause oxidative stress, tissue damage, and hypoxia. With hemoglobin partially destroyed and lung tissue damaged by inflammation, patients would be less able to exchange CO_2 and O_2, and would become oxygen depleted. In fact some COVID-19 patients show reduced hemoglobin levels, measuring 7.1 g/L and even as low as 5.9 g/L in severe cases (Lippi and Mattiuzzi, 2020). Clinical studies of almost 100 patients from Wuhan revealed that the hemoglobin levels in the blood of most patients infected with SARS-CoV-2 are significantly lowered resulting in compromised delivery of oxygen to tissues and organs (Chen *et al.*, 2020). In a meta-analysis of 4 studies with a total of 1210 patients and 224 with severe disease, hemoglobin values were reduced in COVID-19 patients with severe disease compared to those with milder forms (Lippi and Mattiiuzzi, 2020). In another study on 601 COVID-19 patients, 14.7% of anemic COVID-19 ICU patients and 9% of non-ICU COVID-19 patients had autoimmune hemolytic anemia (Algassin et al., 2020). In patients with severe COVID-19 disease, decreased hemoglobin along with elevated erythrocyte sedimentation rate, C-reactive protein, lactate dehydrogenase, albumin (Ghahramani *et al.*, 2020) , serum ferritin (Cheng *et al.*, 2020), and low oxygen saturation (Tobin *et al.*, 2020) provide additional support for this hypothesis. In addition, packed red blood cell transfusion may promote recovery of COVID-19 patients with acute respiratory failure (Ejigu *et al.*, 2020).

In short, both RFR exposure and COVID-19 can cause deleterious effects on red blood cells and reduced hemoglobin levels contributing to hypoxia in COVID-19. Endothelial injury may also contribute to hypoxia and many of the vascular complications seen in COVID-19 (Varga *et al.*, 2020), discussed in the next section.

Oxidative Stress

Oxidative stress is a nonspecific pathological condition reflecting an imbalance between an increased production of ROS and an inability of the organism to detoxify the ROS or to repair the damage they cause to biomolecules and tissues (Betteridge, 2000). Oxidative stress can disrupt cell signaling, cause the formation of stress proteins, and generate free radicals, which are highly reactive and can cause DNA damage.

SARS-CoV-2 inhibits intrinsic pathways designed to reduce ROS levels, thereby increasing morbidity. Immune dysregulation, i.e. the upregulation of interleukin (IL)-6 and tumor necrosis factor α (TNF-α) (Giamarellos-Bourboulis *et al.*, 2020) and suppression of interferon α and interferon β (IFN-α, IFN-β) (Hadjadj *et al.*, 2020) has been identified in the cytokine storm accompanying severe COVID-19 infections and generates oxidative stress (Cecchini and Cecchini, 2020). Oxidative stress and mitochondrial dysfunction may further perpetuate the cytokine storm, worsening tissue damage, and increasing the risk of severe illness and death.

Similarly low-level RFR generates ROS in cells that cause oxidative damage. In fact, oxidative stress is considered as one of the primary mechanisms in which RFR exposure causes cellular damage. Among 100 currently available peer-reviewed studies investigating oxidative effects of low-intensity RFR, 93 studies confirmed that RFR induces oxidative effects in biological systems (Yakymenko *et al.*, 2015). RFR is an oxidative agent with a high pathogenic potential especially when exposure is continuous (Dasdag and Akdag, 2016).

Oxidative stress is also an accepted mechanism causing endothelial damage (Higashi *et al.*, 2009). This may manifest in patients with severe COVID-19 in addition to increasing the risk for blood clot formation and worsening hypoxemia (Cecchini and Cecchini, 2020). Low levels of glutathione, the master antioxidant, have been observed in a small group of COVID-19 patients, with the lowest level found in the most severe case (Polonikov, 2020). The finding of low glutathione levels in these patients further supports oxidative stress as a component of this disease (Polonikov, 2020). In fact, glutathione, the major source of sulfhydryl-based antioxidant activity in the human body may be pivotal in COVID-19 (Guloyan et al., 2020). Glutathione deficiency has been proposed as the most likely cause of serious manifestations in COVID-19 (Polonikov, 2020). The most common co-morbidities, hypertension (Marushchak *et al.*, 2019); obesity (Choromanska *et al.*, 2020); diabetes (Gordon-Strachan *et al.*, 2018); and COPD (Marushchak *et al.*, 2019)) support the concept that pre-existing conditions causing low levels of glutathione may work synergistically to create the "perfect storm" for both the respiratory and vascular complications of severe infection. Another paper citing two cases of COVID-19 pneumonia treated successfully with intravenous glutathione also supports this hypothesis (Horowitz *et al.* 2020).

Many studies report oxidative stress in humans exposed to RFR. Peraica *et al.* (2008) found diminished blood levels of glutathione in workers exposed to RFR from radar equipment (10 microW/cm^2 to 10 mW/cm^2; 1.5 –10.9 GHz). Garaj-Vrhovac *et al.* (2011) studied bioeffects following exposure to non-thermal pulsed microwaves from marine radar (3 GHz, 5.5 GHz and 9.4 GHz) and reported reduced glutathione levels and increased malondialdehyde (marker for oxidative stress) in an occupationally exposed group (Garaj-Vrhovac *et al.*, 2011). Blood plasma of individuals residing near mobile phone base stations showed significantly reduced glutathione, catalase, and superoxide dismutase levels over unexposed controls (Zothansiama *et al.*, 2017). In a study on human exposure to RFR from cell phones, increased blood levels of lipid peroxide were reported while enzymatic activities of superoxide dismutase and glutathione peroxidase in the red blood cells decreased, indicating oxidative stress from cell phone exposure (Moustafa *et al.*, 2001).

In a study on rats exposed to 2450 MHz (wireless router frequency), oxidative stress was implicated in causing red blood cell lysis (hemolysis) (Hassan *et al.*, 2010). In another study, rats exposed to 945 MHz (base station frequency) at 3.67 W/m^2 for 7 hours/day, over 8 days, demonstrated low glutathione levels and increased malondialdehyde and superoxide dismutase enzyme activity, hallmarks for oxidative stress (Yurekli *et al.*, 2006).

There is a correlation between oxidative stress and thrombogenesis (Loscalzo, 2003). ROS can cause endothelial dysfunction and cellular damage. The endothelial lining of the vascular system contains ACE-2 receptors that are targeted by SARS-CoV-2. The resulting endotheliitis can cause luminal narrowing and result in diminished blood flow to downstream structures. Thrombi in arterial structures can further obstruct blood flow causing ischemia and/or infarcts in involved organs, including pulmonary emboli and strokes. Abnormal blood coagulation leading to micro-emboli was a recognized complication early in the history of COVID-19 (Tang *et al.*, 2020). Out of 184 ICU COVID-19 patients, 31% showed thrombotic complications (Klok *et al.*, 2020). Cardiovascular clotting events are a common cause of COVID-19 deaths (Bikdeli *et al.*, 2020). Pulmonary embolism, disseminated intravascular coagulation (DIC), liver, cardiac and renal failure have all been observed in COVID-19 patients (Zaim *et al.*, 2020).

Patients with the highest cardiovascular risk factors in COVID-19 include males, the elderly, diabetics, and obese and hypertensive patients. However, increased incidence of strokes in younger patients with COVID-19 has also been described (Yaghi *et al.*, 2020).

Oxidative stress is caused by RFR exposure and is known to be implicated in cardiovascular disease. Ubiquitous environmental exposure to RFR may contribute to cardiovascular disease by creating a chronic state of oxidative stress (Bandara and Weller, 2017). This would lead to oxidative damage to cellular constituents and alter signal transduction pathways. In addition, pulse-modulated RFR can cause oxidative injury in liver, lung, testis, and heart tissues mediated by lipid peroxidation, increased levels of NOx, and suppression of the antioxidant defense mechanism (Esmekaya *et al.*, 2011).

In summary, oxidative stress is a major component in the pathophysiology of COVID-19 as well as in cellular damage caused by RFR exposure. Similar effects are observed in both that are caused by increased free radical formation and glutathione deficiency.

The Immune Response

When SARS-CoV-2 first infects the human body, it attacks cells lining the nose, throat, and upper airway harboring an ACE-2 receptor. Once the virus gains access to a cell via its spike protein, it converts the cell into a self-replicating machine. In response to COVID-19 infection, both an immediate systemic innate immune response as well as a delayed adaptive response has been shown to occur (Cao, 2020). The virus can also cause a dysregulation of the immune response, particularly in the decreased production of T- lymphocytes (Qin *et al.*, 2020). Severe cases tend to have lower lymphocyte counts, higher leukocyte counts and neutrophil-lymphocyte ratios, as well as lower percentages of monocytes, eosinophils, and basophils (Qin *et al.*, 2020). Severe cases of COVID-19 show the greatest impairment in T- lymphocytes.

In comparison, low-level RFR studies on laboratory animals also show impaired immune function (McCree, 1980). Findings include physical alterations in immune cells, a degradation of immunological responses, inflammation, and tissue damage. Baranski (1971) exposed guinea pigs and rabbits to continuous or pulse-modulated 3,000 MHz microwaves at an average power density of 3.5 mW/cm^2 for 3 hours/day over 3 months and found nonthermal changes in lymphocyte counts, abnormalities in nuclear structure, and mitosis in the erythroblastic cell series in the bone marrow and in lymphoid cells in lymph nodes and spleen. Other investigators have shown diminished T-lymphocytes or suppressed immune function in animals exposed to RFR. Rabbits exposed to 2.1GHz at 5mW/cm^2 for 3 hours/day, 6 days/week, for 3 months, showed suppression of T-lymphocytes (Nageswari *et al.*, 1991). Rats exposed to 2.45 GHz and 9.7 GHz for 2 hours/day, 7 days/week, for 21 months showed a significant decrease in the levels of

lymphocytes and an increase in mortality at 25 months in the irradiated group (Adang *et al.*, 2009). Lymphocytes harvested from rabbits irradiated with 2.45 GHz for 23 hours/day for 6 months show a significant suppression in immune response to a mitogen (McRee *et al.*, 1980).

In the acute phase of COVID-19 infection, blood tests demonstrate elevated erythrocyte sedimentation rate (ESR), C-reactive protein, and other elevated inflammatory markers (Zhou *et al.*, 2020), typical for an innate immune response. Rapid viral replication can cause death of epithelial and endothelial cells and result in leaky blood vessels and pro-inflammatory cytokine release (Yang, 2020). Cytokines, proteins, peptides and proteoglycans that modulate the body's immune response, are modestly elevated in patients with mild-to-moderate disease severity (Upadhyay *et al*, 2020). In those with severe disease, an uncontrolled release of pro-inflammatory cytokines--a cytokine storm--can occur. Cytokine storms originate from an imbalance in T-cell activation with dysregulated release of interleukin (IL)-6, IL-17, and other cytokines. Programmed cell death (apoptosis), ARDS, disseminated intravascular coagulopathy (DIC), and multi-organ system failure can all result from a cytokine storm and increase the risk of mortality.

By comparison, Soviet researchers found in the 1970s that RFR irradiation can damage the immune system of animals. Shandala (1977) exposed rats to 500 microW/cm^2 microwaves for 1 month, 7 hours per day, and found impaired immune competence and induction of autoimmune disease. Rats irradiated with 2.45 GHz at 500 microwatts/cm^2 for 7 hours daily for 30 days produced autoimmune reactions, and 100-500 microwatts/cm^2 produced persistent pathological immune reactions (Grigoriev *et al.*, 2010). Exposure to microwave radiation, even at low levels (100-500 microwatts/cm^2), can impair immune function, causing physical alterations in the essential cells of the immune system and a degradation of immunologic responses (Grigoriev, 2012). Szabo *et al.* (2001) examined the effects of 61.2 GHz exposure on epidermal keratinocytes and found an increase in IL-1b, a pro-inflammatory cytokine. Makar *et al.* (2003) found that immunosuppressed mice irradiated 30 minutes/day for 3 days by 42.2 GHz showed increased levels of tumor necrosis factor-alpha, a cytokine produced by macrophages.

In short, COVID-19 can lead to immune dysregulation as well as cytokine storm. By comparison, exposure to low-level RFR as observed in animal studies can also compromise the immune system, with chronic daily exposure producing immunosuppression or immune dysregulation including hyperactivation.

Intracellular Calcium Levels

Low-level nonthermal RFR exposure leads to increased intracellular Ca^{2+} via the activation of voltage-gated calcium channels (Pall, 2013), which is considered to be one of the primary mechanisms of action of RFR on organisms. Intracellular Ca^{2+} is also essential for virus entry, replication, and release, and it has been reported that viruses hijack calcium channels and increase intracellular Ca^{2+} (Chen *et al.*, 2019). Even though direct evidence has not been reported, there is indirect evidence that increased intracellular Ca^{2+} may be involved in COVID-19. In a recent study, elderly hospitalized COVID-19 patients treated with calcium channel blockers (CCBs amlodipine or nifedipine) were more likely to survive and less likely to require intubation or mechanical ventilation than controls (Solaimanzadeh, 2020). Furthermore, CCB drugs strongly limit SARS-CoV-2 entry and infection in cultured epithelial lung cells (Straus *et al.*, 2020). CCBs also block the increase of intracellular Ca^{2+} caused by RFR exposure (Pall, 2013).

Intracellular Ca^{2+} is a ubiquitous second messenger involved in numerous biochemical processes. Increased intracellular Ca^{2+} is a significant factor in up-regulation of transcription nuclear factor kB (NF-kB) (Sen *et al.*, 1996), an important regulator of pro-inflammatory cytokine production as well as coagulation and thrombic cascades. NF-kB is hypothesized to be a key factor underlying severe clinical manifestations of COVID-19 (Do *et al.*, 2020).

In short, RFR exposure may enhance the infectivity of the virus by increasing intracellular Ca^{2+} that may also indirectly contribute to inflammatory processes and thrombosis.

Heart Disease and Arrhythmias

Cardiac arrhythmias are more commonly encountered in critically ill patients with COVID-19 (Atri *et al.*, 2020). The cause for arrhythmia in COVID-19 patients is multifactorial and includes cardiac and extra-cardiac processes (Dherange et al, 2020). Direct infection of the heart muscle by SARS-CoV-19 causing myocarditis, myocardial ischemia caused by a variety of etiologies, and heart strain secondary to pulmonary or systemic hypertension can result in cardiac arrhythmia. Hypoxemia caused by diffuse pneumonia, ARDS, or extensive pulmonary emboli represent extra-cardiac causes of arrhythmia. Electrolyte imbalances, intravascular fluid imbalance, and side effects from pharmacologic regimens can also result in arrhythmias in COVID-19 patients. Patients admitted to the ICU have been shown to have a higher increase in cardiac arrhythmias, 16.5% in one study (Colon *et al.*, 2020).

Although no correlation between electromagnetic fields (EMFs) and arrhythmia in COVID-19 patients has been described in the literature, many ICUs are equipped with wireless patient monitoring equipment and communication devices producing a wide range of EMF pollution (Gokmen *et al.*, 2016).

COVID-19 patients commonly show increased levels of cardiac troponin, indicating damage to the heart muscle (Sandoval *et al.*, 2020). Cardiac damage has been associated with arrhythmias and increased mortality. Cardiac injury is thought to be more often secondary to pulmonary emboli and viral sepsis, but direct infection of the heart, i.e. myocarditis, can occur through direct viral binding to ACE-2 receptors on cardiac pericytes, affecting local and regional cardiac blood flow (Chen *et al.*, 2020).

Immune system activation along with alterations in the immune system may result in plaque instability, contributing to development of acute coronary events and cardiovascular disease in COVID-19.

Regarding RFR exposure bioeffects, in 1969 Christopher Dodge of the Biosciences Division, U.S. Naval Observatory in Washington DC, reviewed 54 papers and reported that RFR can adversely affects all major systems of the body, including impeding blood circulation; altering blood pressure and heart rate; affecting electrocardiograph readings; and causing chest pain and heart palpitations (Dodge, 1969). In the 1970s Glaser reviewed more than 2000 publications on RFR exposure bioeffects and concluded that microwave radiation can alter the ECG (electrocardiogram), cause chest pain, hypercoagulation, thrombosis, and hypertension in addition to myocardial infarction (Glaser, 1971; 1976). Seizures, convulsions, and alteration of the autonomic nervous system response (increased sympathetic stress response) have also been observed.

Since then many other researchers have concluded that RFR exposure can affect the cardiovascular system. Potekhina *et al.* (1992) found that certain frequencies (55 GHz; 73 GHz) caused pronounced arrhythmia. In 1997, a review reported that some investigators discovered cardiovascular changes including arrhythmias in humans from long-term low-level exposure to RFR including microwaves (Jauchem, 1997). However, the literature also shows some unconfirmed findings as well as some contradictory findings (Black and Heynick, 2003). Havas *et al.* (2010) reported that human subjects in a controlled, double-blinded study were hyper-reactive when exposed to 2.45 GHz, developing either an arrhythmia or tachycardia and up-regulation of the sympathetic nervous system, which is associated with the stress response. Saili *et al.*, (2015) found that exposure to Wi-Fi affects heart rhythm, blood pressure, and the efficacy of catecholamines on the cardiovascular system, indicating that RFR can act directly and/or indirectly on the cardiovascular system. Most recently, Bandara and Weller (2017) present evidence that people who live near radar installations (millimeter waves: 5G frequencies) have a greater risk of developing cancer and experiencing heart attacks. Similarly, those occupationally exposed have a greater risk of coronary heart disease. Microwave radiation affects the heart, and some people are more vulnerable if they have an underlying heart abnormality (Cleary, 1969).

In short, both COVID-19 and RFR exposure can affect the heart and cardiovascular system, directly and/or indirectly.

Discussion

According to the CDC and epidemiology, there are multiple causal factors that underlie disease, including environmental factors and the health status of the host. Evidence from the literature summarized here suggests a connection between several adverse health effects of RFR exposure and the clinical course of COVID-19. The evidence indicates that RFR may weaken the host, exacerbate COVID-19 disease, and thereby worsen the pandemic.

This evidence presented here does not claim causation. Clearly COVID-19 occurs in regions with little wireless communication. In addition, the relative morbidity caused by RFR exposure in COVID-19 is unknown. The question of causation could be investigated in controlled laboratory experiments.

Human exposure to ambient RFR has significantly increased in 2020 as a side effect to the pandemic. Stay-at-home measures designed to reduce the spread of COVID-19 have inadvertently resulted in greater public exposure to RFR, as people carry out work and school related activities via wireless communication. Telemedicine creates another source of RFR exposure. Even hospital inpatients, particular ICU patients, experience increased RFR exposure as new monitoring devices utilize wireless communication systems that may exacerbate COVID-19 and other health disorders.

The bioeffects of RFR exposure are typically nonlinear rather than exhibiting the familiar linear dose-response effects from biochemicals. RFR bioeffects depend upon specific values of wave parameters including frequency, power density, exposure time, and modulation, as well as the history of exposure. Importantly, RFR bioeffects can involve "response windows" of specific parameters whereby extremely low level fields can have disproportionally detrimental effects (Blackman *et al.*, 1989). This nonlinearity of RFR bioeffects can result in biphasic responses such as immune suppression from one set of parameters, and

immune hyperactivation from another set of parameters, as described herein.

RFR is a widespread, yet often neglected, environmental stressor that can produce a wide range of adverse bioeffects. For decades, independent international research scientists have emphasized the health risks and cumulative damage caused by wireless radiation (Sage and Carpenter, 2012; Russell, 2018). Our findings here are consistent with a large body of established research.

Some of the reported results on bioeffects from RFR exposure seem inconsistent but they are not always true replications. There may be small differences in methods, including unreported details such as the history of exposure of the organisms, or non-uniform body exposure. Additionally, industry-sponsored studies tend to show less adverse bioeffects than studies conducted by independent researchers, suggesting industry bias (Huss *et al.*, 2007). Yet studies employing real-life exposures from commercially available devices display high consistency in showing adverse effects (Panagopoulos, 2019). In gathering papers and examining existing data in this study, we looked for outcomes providing evidence to support a connection between the bioeffects of RFR exposure and COVID-19. We did not make an exhaustive search or attempt to weigh the evidence. The RFR exposure literature is extensive and currently contains over 30,000 research reports dating back several decades.

The telecommunication industry claims that 5G is safe because it complies with current RFR exposure guidelines. However, these guidelines were established in 1996, are antiquated, and are not safety standards. No scientific analyses of the health effects of 5G have been done, and none are currently planned by the industry. 5G networks would expose the public to RFR at an unprecedented scale. With the planned "internet of things," the entire environment of our planet will be drastically changed by unnatural, digitally pulse-modulated microwaves and millimeter waves with power densities trillions of times above the natural background. The long-term effects of this global experiment on humans and the biosphere are unknown.

When a course of action raises threats of harm to human health, precautionary measures should be taken, even if clear causal relationships are not yet fully established. Therefore, we must apply the Precautionary Principle (Kriebel *et al.*, 2001) regarding wireless 5G. The authors urge policymakers to execute an immediate worldwide moratorium on wireless 5G infrastructure until its safety can be assured.

Several unresolved safety issues must be addressed before wireless 5G is further implemented. Questions have been raised about 60 GHz, a key 5G frequency planned for extensive use that is a resonant frequency of the oxygen molecule (Tretyakov *et al.*, 2005). It is possible that adverse bioeffects might ensue from oxygen absorption of 60 GHz. Bioeffects from prolonged RFR exposure of the whole body need to be investigated in animal and human studies, and long-term exposure guidelines need to be considered. Independent scientists need to conduct concerted research to determine, once and for all, the biological effects of real-world exposure to RFR frequencies carrying digitally pulsed signals. Testing could also include real-life exposures to multiple toxins (chemical and biological) (Kostoff *et al.*, 2020). Environmental impact assessments are also needed. Once we understand the long-term biological effects of wireless 5G, we can set clear safety standards of public exposure limits and design an appropriate strategy for safe deployment.

Conclusion

We conclude that RFR and, in particular, 5G, which involves densification of 4G, has exacerbated the COVID-19 pandemic by weakening host immunity and increasing SARS-CoV-2 virulence by (1) causing morphologic changes in erythrocytes including echinocyte and rouleaux formation that may be contributing to hypercoagulation; (2) impairing microcirculation and reducing erythrocyte and hemoglobin levels exacerbating hypoxia; (3) amplifying immune dysfunction, including immunosuppression, autoimmunity, and hyperinflammation; (4) increasing cellular oxidative stress and the production of free radicals exacerbating vascular injury and organ damage; (5) augmenting intracellular Ca^{2+} essential for viral entry, replication, and release, in addition to promoting pro-inflammatory pathways; and (6) worsening heart arrhythmias and cardiac disorders. In short, wireless communication radiation is a ubiquitous environmental stressor, and evidence presented here suggests that it is a contributing factor in the COVID-19 pandemic.

This is the first scientific paper documenting a link between RFR emitted by wireless communication devices and COVID-19. Healthcare workers and policymakers should consider RFR as an environmental cofactor exacerbating the COVID-19 pandemic. Methods for reducing exposure to RFR should be provided to all patients and the general population.

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Author Contribution

Both authors made a substantial intellectual contribution to the work. Beverly Rubik searched and examined the RFR exposure literature and wrote most of the initial draft. Robert Brown contributed much of the material on COVID-19 and contributed to writing and editing the manuscript.

Author Disclosure

The authors declare that they have no conflicts of interest in preparing and publishing this manuscript. No competing financial interests exist.

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Gores, Alanna

From: larjdyng@olypen.com
Sent: Monday, March 15, 2021 8:41 AM
To: Gores, Alanna
Cc: Dean&Judy
Subject: 3/15/21 RE:Charter Review Commission (CRC) recommendation for EMF related Franchise Agreements

ATTN: Clallam County Board of Commissioners

I agree with/support the CRC's recommendation that our County needs to ensure ANY franchise associated with new radio frequency rf/EMF) devices or using micro/millimeter range wavelength/frequencies must provide scientific studies consistent with NEPA.

Many jurisdictions - domestic and international - have developed such requirements to ensure protections for human and environmental health and safety.

Thank you for your consideration.

Judy Larson
1070 W Palo Verde Loop
Sequim,WA 98382

P.S. The 3/14/21 PDN does not clearly state that your work sessionwill cover this.

Gores, Alanna

From: Jane Hielman <sunsetswestcoop@gmail.com>
Sent: Sunday, March 14, 2021 7:29 PM
To: Gores, Alanna
Subject: Randy Johnson, Bill Peach, Mark Ozias

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Clallam County Commissioners

Please consider having at least two Public Hearings, to discuss the Charter Review Commission Recommendations, in the evening, so "working people" can participate more readily?

Also, please consider the purchase of the tiny piece of land allowing walking access to the West Park from Clallam Bay residential area. It is of great value to our population and the Lion's Club who built the access path to the beach.

Jane Hielman

Chair for the Planning Commission and
President to the Chamber of Commerce Clallam Bay/Sekiu

16795 Hwy 112
Clallam Bay WA 98326
1 (360) 963 2189
www.sunsetswestcoop.weebly.com

Gores, Alanna

From: Mary Margaret Doherty <mmdoherty441@gmail.com>
Sent: Sunday, March 14, 2021 11:43 PM
To: Gores, Alanna
Subject: Request to BOCC

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Dear County Commissioners,

The idea of hearings for gathering public opinion around the CRC Recommendations is seemingly defeated by offering hearings when citizens are more likely to be employed and unable to attend. I urge you to hold at least one session in the evening to increase citizen participation by access to broaden the voice and input you receive on these important ideas.

Thank you for listening.

Peace, Mary Doherty

Gores, Alanna

From: Tree Stokan <treejstokan@gmail.com>
Sent: Sunday, March 14, 2021 5:40 PM
To: Ozias, Mark; Johnson, Randy; Peach, Bill
Cc: Gores, Alanna
Subject: We need to have at least two Charter Review Commission Public Hearings in the evening, please!

Hello BOCC Commissioners Mark Ozias, Randy Johnson and Bill Peach,

In reviewing tomorrow's (March 15) BOCC work session agenda and the proposed times for Public Hearings for the Charter Review Recommendations, I am noting that there are no options for working people to easily participate.

April 6, 12, 13, and 19 are two Mondays and two Tuesdays at either 10:30 AM or 1 PM. I realize that these times and dates are consistent with your work schedules.

However, the goal for these Public Hearings should really be to provide ample opportunity for all residents of Clallam County, including working individuals, to participate on the issues that are important to them.

I am urging the BOCC to consider having two evening Public Hearings, with an opportunity for working people to reading participate. Two Recommendations could be discussed at one evening Hearing and the two (or three) Recommendations could be discussed at the other. I believe that one of the Recommendations (DCD) is going to be discussed at a later time?

I would suggest 6 PM, which was the typical meeting time that the 2020 Charter Review Commission met.

I trust that your goal in serving the needs of the public and our county would include making participation in Public Hearings accessible to all members of our community, including working people.

Thank you,
Therese Stokan
Former 2020 Charter Review Commissioner, District 3

Gores, Alanna

From: Rose Marschall <rosemarschall@gmail.com>
Sent: Monday, March 15, 2021 12:52 PM
To: Gores, Alanna
Subject: Charter Revjew Commission

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

3/15/21

Dear Commission,

I highly recommend that you offer as PRIORITY evening meetings so working people can attend them. Your second time for meeting should be during the day. This is the right and respectable way to have your meetings, so a higher percentage of people can attend.

Thank you.

Marvelous Monday to you,

Rose Marschall

Gores, Alanna

From: Tree Stokan <treejstokan@gmail.com>
Sent: Monday, March 15, 2021 12:19 PM
To: Ozias, Mark; Johnson, Randy; Peach, Bill; Stanley, Elizabeth
Cc: Gores, Alanna
Subject: Re: 5g Court-Opinion.pdf - Attorney Stephen Díaz Gavin - is willing to consider a meeting with BOCC, on issue of NEPA, as was addressed in this case....

***In the next two weeks, there is only an 8-hour difference (instead of 9) between Central Europe Time and Pacific Daylight Time, so it would be a particularly good time for Attorney Gavin to participate in a meeting with you.

Next Monday, March 22, Attorney Gavin (note spelling correction) is available in the AM, if you want to arrange a meeting, or maybe the following Monday, March 29.

After that, we can still check his availability.

Thanks,
Therese

Sent from my iPhone

> On Mar 15, 2021, at 11:49 AM, Tree Stokan <treejstokan@gmail.com> wrote:
>
> Hello Clallam County Commissioners Mark Ozias, Randy Johnson and Bill Peach, and Attorney Elizabeth Stanley,
>
> First, I want to thank you and Alanna Gores for adding the additional early evening Public Hearings, for discussion of the 2020 Charter Review Commission Recommendations. I am sure that people who work the day shift and students will appreciate that effort in making the Public Hearings more accessible.
>
> Next, I was wondering if you had made a decision about inviting Attorney Stephen Díaz Gaven to attend/participate in a BOCC meeting, either with a presentation and/or Q&A session, regarding the case that he led, which successfully invoked NEPA (the National Environmental Protection Act). I am including the PDF, in this email.
>
> Attorney Gaven currently has a client in Europe, and he is staying overseas in the next few months. He is willing to participate in a meeting with the BOCC, and 9 AM might be the best time, on a Monday, (or other morning) or a little later. He is 9 hours ahead of us.
>
> Some of the people who have been working on the CRC Recommendation regarding Franchises/NEPA ...and others in the community, would be willing to pay the speakers fee to Attorney Gaven, if the county could not. We don't have a price yet, but I am fairly certain that we could find people willing to contribute to this. Perhaps a 15-30 minute session could be considered?
>
> Because the Public Hearings are approaching, it might be good to try to schedule Attorney Gaven soon, if BOCC agrees. This is a complex issue and an attorney, who specializing in this area, might help us to better understand NEPA and it's legal implications.
>
> Please let me know your thoughts and I will connect you by e-mail/provide a phone number, etc.
>
> Thank you,

> Therese Stokan
> ...served on 2020 Charter Review Commission, representing District 3
>
> <5g Court-Opinion.pdf>
>
>
> Sent from my iPhone

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

Argued March 15, 2019 Decided August 9, 2019

No. 18-1129

UNITED KEETOOWAH BAND OF CHEROKEE INDIANS IN OKLAHOMA, INDIVIDUALLY AND ON BEHALF OF ALL OTHER NATIVE AMERICAN INDIAN TRIBES AND TRIBAL ORGANIZATIONS, ET AL.,
PETITIONERS

v.

FEDERAL COMMUNICATIONS COMMISSION AND UNITED STATES OF AMERICA,
RESPONDENTS

NATIONAL ASSOCIATION OF TRIBAL HISTORIC PRESERVATION OFFICERS, ET AL.,
INTERVENORS

Consolidated with 18-1135, 18-1148, 18-1159, 18-1184

On Petitions for Review of an Order of
the Federal Communications Commission

Stephen Díaz Gavin argued the cause for petitioners United Keetoowah Band of Cherokee Indians in Oklahoma, et al., and supporting intervenors. With him on the briefs were *J. Scott Sypolt*, *Joel D. Bertocchi*, *Joseph H. Webster*, *F. Michael*

Willis, *Andrew Jay Schwartzman*, *James T. Graves*, and *Elizabeth S. Merritt*. *Angela J. Campbell* entered an appearance.

Sharon Buccino argued the cause for petitioner Natural Resources Defense Council and intervenor Edward B. Myers. With her on the briefs was *Edward B. Myers*.

Natalie A. Landreth argued the cause for petitioners Blackfeet Tribe, et al. With her on the briefs were *Wesley J. Furlong*, *Joel West Williams*, *Troy A. Eid*, *Jennifer H. Weddle*, and *Heather D. Thompson*.

Jacob M. Lewis, Associate General Counsel, Federal Communications Commission, argued the cause for respondents. With him on the brief were *Jeffrey Bossert Clark*, Assistant Attorney General, U.S. Department of Justice, *Eric A. Grant*, Deputy Assistant Attorney General, *Andrew C. Mergen* and *Allen M. Brabender*, Attorneys, *Thomas M. Johnson Jr.*, General Counsel, Federal Communications Commission, *David M. Gossett*, Deputy General Counsel, and *C. Grey Pash Jr.*, Counsel. *Jonathan H. Laskin* and *Robert B. Nicholson*, Attorneys, U.S. Department of Justice, and *Richard K. Welch*, Deputy Associate General Counsel, Federal Communications Commission, entered appearances.

Joshua Turner argued the cause for intervenors in support of respondents. With him on the brief were *Christopher J. Wright* and *E. Austin Bonner*.

Before: TATEL and PILLARD, *Circuit Judges*, and EDWARDS, *Senior Circuit Judge*.

Opinion for the Court filed by *Circuit Judge* PILLARD.

PILLARD, *Circuit Judge*: Cellular wireless services, including telephone and other forms of wireless data transmission, depend on facilities that transmit their radio signals on bands of electromagnetic spectrum. The Federal Communications Commission (FCC or Commission) has exclusive control over the spectrum, and wireless providers must obtain licenses from the FCC to transmit. Wireless service in the United States has mostly depended on large, "macrocell" radio towers to transmit cell signal, but companies offering the next generation of wireless service—known as 5G—are in the process of shifting to transmission via hundreds of thousands of densely spaced small wireless facilities, or "small cells." As part of an effort to expedite the rollout of 5G service, the Commission has removed some regulatory requirements for the construction of wireless facilities. These petitions challenge one of the FCC's orders paring back such regulations, *In re Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment (Second Report & Order)* (*Order*), FCC 18-30, 2018 WL 1559856 (F.C.C.) (Mar. 30, 2018).

The *Order* exempted most small cell construction from two kinds of previously required review: historic-preservation review under the National Historic Preservation Act (NHPA) and environmental review under the National Environmental Policy Act (NEPA). Together, these reviews assess the effects of new construction on, among other things, sites of religious and cultural importance to federally recognized Indian Tribes. The *Order* also effectively reduced Tribes' role in reviewing proposed construction of macrocell towers and other wireless facilities that remain subject to cultural and environmental review.

Three groups of petitioners challenge the *Order* as violating the NHPA, NEPA, and the Administrative Procedure

Act on several grounds: that its elimination of historic-preservation and environmental review of small cell construction was arbitrary and capricious, an unjustified policy reversal, and contrary to the NHPA and NEPA; that the changes to Tribes' role in reviewing new construction was arbitrary and capricious; that the Commission arbitrarily and capriciously failed to engage in meaningful consultations with Tribes in promulgating the *Order*; and that the *Order* itself required NEPA review.

We grant in part the petitions for review because the *Order* does not justify the Commission's determination that it was not in the public interest to require review of small cell deployments. In particular, the Commission failed to justify its confidence that small cell deployments pose little to no cognizable religious, cultural, or environmental risk, particularly given the vast number of proposed deployments and the reality that the *Order* will principally affect small cells that require new construction. The Commission accordingly did not, pursuant to its public interest authority, 47 U.S.C. § 319(d), adequately address possible harms of deregulation and benefits of environmental and historic-preservation review. The *Order's* deregulation of small cells is thus arbitrary and capricious. We do not reach the alternative objections to the elimination of review on small cell construction. We deny the petitions for review on the remaining grounds.

BACKGROUND

I. Statutory and Regulatory Background

A. National Historic Preservation Act (NHPA)

Congress enacted the NHPA to "foster conditions under which our modern society and our historic property can exist

in productive harmony" and "contribute to the preservation of nonfederally owned historic property and give maximum encouragement to organizations and individuals undertaking preservation by private means." 54 U.S.C. § 300101(1), (4). As part of that mission, NHPA's Section 106 requires federal agencies to "take into account the effect of" their "undertaking[s] on any historic property." *Id.* § 306108.

Both "historic property" and "undertaking" have specific meanings under the statute. Historic properties include myriad monuments, buildings, and sites of historic importance, including "[p]roperty of traditional religious and cultural importance to an Indian tribe." *Id.* §§ 302706, 300308. Insofar as Tribal heritage is concerned, the Section 106 process requires federal agencies to "consult with any Indian tribe . . . that attaches religious and cultural significance to" a historic property potentially affected by a federal undertaking. *Id.* §§ 302706, 306102. To count as "historic," such properties need not be on Tribal land; in fact, they "are commonly located outside Tribal lands and may include Tribal burial grounds, land vistas, and other sites that Tribal Nations . . . regard as sacred or otherwise culturally significant." *Order* ¶ 97. Only a federal "undertaking," not a state or purely private one, triggers the Section 106 Tribal consultation process. A federal "undertaking," as relevant here, is "a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including . . . those requiring a Federal permit, license, or approval." 54 U.S.C. § 300320. We have construed the statute to mean that, for an action to be a federal undertaking, "only a 'Federal permit, license or approval' is required," not necessarily federal funding. *CTIA-Wireless Ass'n v. FCC*, 466 F.3d 105, 112 (D.C. Cir. 2006).

The Section 106 process requires that an agency "consider the impacts of its undertaking" and consult various parties, not

that it necessarily "engage in any particular preservation activities." *Id.* at 107 (quoting *Davis v. Latschar*, 202 F.3d 359, 370 (D.C. Cir. 2000)). The NHPA established an independent agency, the Advisory Council on Historic Preservation (Advisory Council), 54 U.S.C. § 304101, which is responsible for promulgating regulations "to govern the implementation of" Section 106, *id.* § 304108(a). Agencies must consult with the Advisory Council, State Historic Preservation Officers, and Tribal Historic Preservation Officers, the last of which adopt the responsibilities of State Historic Preservation Officers on Tribal lands. 54 U.S.C. §§ 302303, 302702; 36 C.F.R. §§ 800.3(c), 800.16(v)-(w) (defining State and Tribal Historic Preservation Officers).

The Advisory Council's regulations authorize the use of alternatives to the ordinary Section 106 procedures, called "programmatic agreements." 36 C.F.R. § 800.14(b). The Commission develops programmatic agreements in consultation with the Advisory Council, Tribes, and other interested parties, "to govern the implementation of a particular program or the resolution of adverse effects from certain complex project situations or multiple undertakings" in certain circumstances, such as when "effects on historic properties are similar and repetitive" or "effects on historic properties cannot be fully determined prior to approval of an undertaking." *Id.* § 800.14(1)(i)-(ii). Tribes' views must be taken into account where the agreement "has the potential to affect historic properties on tribal lands or historic properties of religious and cultural significance to an Indian tribe." *Id.* § 800.14(b)(1)(i), (f). For instance, the Commission has consulted with Tribes to use programmatic agreements to exclude from individualized review entire categories of undertakings that are unlikely to affect historic properties. *See In re Nationwide Programmatic Agreement Regarding the Section 106 [NHPA] Review Process (Section 106 Agreement)*, 20 FCC Rcd. 1073, 1075 ¶ 2 (2004).

B. National Environmental Policy Act (NEPA)

Congress enacted NEPA to "encourage productive and enjoyable harmony between man and his environment" and "promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man," among other purposes. 42 U.S.C. § 4321. Like the NHPA, NEPA mandates a review process that "does not dictate particular decisional outcomes, but 'merely prohibits uninformed—rather than unwise—agency action.'" *Sierra Club v. U.S. Army Corps of Eng'rs*, 803 F.3d 31, 37 (D.C. Cir. 2015) (quoting *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 351 (1989)).

All "major Federal actions significantly affecting the quality of the human environment" trigger environmental review under NEPA, just as federal "undertakings" trigger historic preservation review under the NHPA. 42 U.S.C. § 4332(C). Major federal actions "include[] actions . . . which are potentially subject to Federal control and responsibility." 40 C.F.R. § 1508.18. Under the Commission's procedures implementing NEPA, if an action may significantly affect the environment, applicants must conduct a preliminary Environmental Assessment to help the Commission determine whether "the proposal will have a significant environmental impact upon the quality of the human environment," and so perhaps necessitate a more detailed Environmental Impact Statement. 47 C.F.R. § 1.1308; *see also* 40 C.F.R. § 1508.9. If, after reviewing the Environmental Assessment, the Commission determines that the action will not have a significant environmental impact, it will make a "finding of no significant impact" and process the application "without further documentation of environmental effect." 47 C.F.R. § 1.1308(d).

NEPA also has an analogue to the NHPA's Advisory Council. In enacting NEPA, Congress established the Council on Environmental Quality, in the Executive Office of the President, to oversee implementation of NEPA across the entire federal government. 42 U.S.C. §§ 4342, 4344. With the endorsement of the Council on Environmental Quality and by following a series of mandated procedures, agencies can establish "categorical exclusions" for federal actions that require neither an Environmental Assessment nor an Environmental Impact Statement. 40 C.F.R. § 1508.4. Categorical exclusions are appropriate for "a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency." *Id.* "Categorical exclusions are not exemptions or waivers of NEPA review; they are simply one type of NEPA review." Council on Environmental Quality, *Memorandum for Heads of Federal Dep'ts and Agencies: Establishing, Applying & Revising Categorical Exclusions under [NEPA]* (*Categorical Exclusion Memo*) 2 (2010).

C. Legal Framework for Wireless Infrastructure

The Communications Act of 1934 established the FCC to make available a "rapid, efficient ... wire and radio communication service with adequate facilities at reasonable charges." 47 U.S.C. § 151. In licensing use of the spectrum, the Commission is tasked with promoting "the development and rapid deployment of new technologies, products and services for the benefit of the public ... without administrative or judicial delays," *id.* § 309, and "maintain[ing] the control of the United States over all the channels of radio transmission," *id.* § 301.

The Commission generally does not require construction permits before private parties can build wireless facilities. Congress largely eliminated the FCC's site-specific construction permits in 1982, and the Commission has since required construction permits only where it finds that the public interest would be served by such permitting. *See* Pub. L. 97-259, 96 Stat. 1087, § 119 (1982) (codified at 47 U.S.C. § 319(d)). It has not made such a finding for the wireless facilities at issue here.

The FCC does, however, require licensing of the spectrum used by wireless small cells. It does so by issuing geographic area licenses, which allow wireless providers to operate on certain frequency bands in a wide geographic area. *See* 47 U.S.C. § 309(j). Those licenses authorize using spectrum rather than building wireless facilities, but they necessarily contemplate facility construction. They have coverage requirements—for instance, one type of geographic area license required licensees to provide service to at least 40% of the population in their geographic service area by June 2013. *See* 47 C.F.R. § 27.14(h). If they fail to meet the coverage requirements, they can be stripped of authority to operate for the license's full term or serve part of its geographic area, and they "may be subject to enforcement action, including forfeitures." *Id.* The Commission also exercises continuing authority to inspect radio installations to ascertain their compliance with any and all applicable laws, whether or not the licensee itself constructed those installations. *See* 47 U.S.C. § 303(n); 47 C.F.R. § 1.9020(c)(5).

The Commission has not identified any period since the enactment of the NHPA (in 1966) and NEPA (in 1970) when it did not require historic-preservation and environmental review of wireless facilities. After Congress eliminated the construction permit requirement, the Commission for a time

required NEPA and NHPA review of facilities before it granted their service licenses. *See, e.g.*, *In re Amendment of Envtl. Rules in Response to New Regulations Issued by [CEQ]*, FCC 85-626, 1986 WL 292182, at *5 ¶ 18 (F.C.C.) (Mar. 26, 1986) (requiring review "during the period prior to grant of a station license"); *id.* at *8 App'x ¶ 7 (requiring NEPA review on "[f]acilities that will affect districts, sites, buildings, structures or objects . . . that are listed in the National Register of Historic Places or are eligible for listing," which includes property of religious or cultural significance to Indian Tribes, 54 U.S.C. § 302706(a)). In 1990, the Commission shifted review from the licensing stage to the construction stage by establishing a "limited approval authority" over construction of wireless facilities. *In re Amendment of Envtl. Rules* (*1990 Order*), 5 FCC Rcd. 2942 (1990). Limited approval authority required that, "where construction of a Commission-regulated radio communications facility is permitted without prior Commission authorization (*i.e.*, without a construction permit), the licensee must nonetheless comply with historic preservation and environmental review procedures." *Order* ¶ 51; *see also* 47 C.F.R. § 1.1312. The authority was "limited" in that it allowed "the Commission [to] exercise[] control over deployment solely to conduct federal historic and environmental review." Resp't Br. 12. The Commission emphasized that shifting review to the pre-construction stage served a practical function: Before it had established its limited approval authority, the FCC's rules "provide[d] that any required submission of [Environmental Assessments] and any required Commission environmental review take place at the licensing stage rather than prior to construction," with the result that "[a]pplicants who ha[d] already constructed their facilities" could "subsequently be denied licenses on environmental grounds." *1990 Order* 2942 ¶ 3. The Commission explained that it continued to require review "to ensure that the Commission fully complies with Federal

environmental laws in connection with facilities that do not require pre-construction authorization." *Id.* ¶ 4. It announced the changes as "necessary to ensure that the Commission addresses environmental issues early enough in the licensing process to ensure that it fully meets its obligations under Federal environmental laws," including NEPA and the NHPA. *Id.* at 2943 ¶ 9 & n.16.

The Commission has never required individualized review of each separate facility, however. A long series of regulations, programmatic agreements, and categorical exclusions has aggregated facilities for joint consideration and focused NHPA and NEPA review on those deployments most likely to have cultural or environmental effects. For instance, most collocations—deployments on existing structures—are excluded from individualized review under NHPA programmatic agreements and NEPA categorical exclusions. *See In re Implementation of the National Environmental Policy Act of 1969* (*Implementation of NEPA*), 49 F.C.C.2d 1313, 1319-20 (1974); *Nationwide Programmatic Agreement for the Collocation of Wireless Antennas* (*Collocation Agreement*), 47 C.F.R. pt.1, app. B (2001); *Section 106 Agreement*, 20 FCC Rcd. at 1075 ¶ 2; *Nationwide Programmatic Agreement for Review Under the National Historic Preservation Act*, 70 Fed. Reg. 556 (2005); *In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies* (*Improving Wireless Facilities Siting Policies*), 29 FCC Rcd. 12865, 12870 ¶ 11 (2014); 47 C.F.R. § 1.1320(b)(4). Categorical exclusions go through notice and comment, 40 C.F.R. § 1507.3; include impact findings, *Categorical Exclusion Memo* 9; require the Council on Environmental Quality to approve them as consistent with its regulations and NEPA, 40 C.F.R. § 1507.3(a); and reserve rights to interested parties to request further review in the event that atypical adverse effects do occur, 47 C.F.R. § 1.1307(c), (d). At the same time, they

achieve enormous efficiencies in the review processes for classes of actions or undertakings anticipated to have minimal or no adverse cultural or environmental effects.

Since 2004, the FCC has been conducting NHPA review in accordance with a broad programmatic agreement, the *Section 106 Agreement*, 20 FCC Rcd. 1073. Interested parties developed that agreement to "tailor the Section 106 review in the communications context in order to improve compliance and streamline the review process for construction of towers and other Commission undertakings, while at the same time advancing and preserving the goal of the NHPA to protect historic properties, including historic properties to which federally recognized Indian tribes . . . attach religious and cultural significance." *Id.* at 1074-75 ¶ 1. In the *Section 106 Agreement*, the Commission adopted "procedures for participation of federally recognized Indian tribes," among other changes. *Id.* at 1075 ¶ 2. It also formalized the use of the electronic Tower Construction Notification System, which notifies Tribes of proposed wireless construction in areas they have identified as containing properties of religious and cultural significance, and allows them to give applicants information on the potential effects of proposed construction. *Id.* at 1106-10 ¶¶ 89-100.

II. Order Under Review

The challenged *Order* eliminated NHPA and NEPA review on small cells that meet certain size and other specifications, based on the Commission's conclusion that such review was not statutorily required and would impede the advance of 5G networks, and that its costs outweighed any benefits. *See Order* ¶¶ 36-45. The *Order* also altered Tribal involvement in those Section 106 reviews that are still conducted on wireless facilities that were not encompassed in

the small cell exemption. *See id.* ¶¶ 96-130. Two of the five Commissioners dissented. *See Order*, Dissenting Statement of Comm'r Mignon L. Clyburn; Dissenting Statement of Comm'r Jessica Rosenworcel.

We consolidated five timely petitions for review of the *Order* into this action. They challenge the Commission's exclusion of small cell construction from NHPA and NEPA review, its changes to Tribal involvement in Section 106 review, and its promulgation of the *Order* itself. Three groups of petitioners and intervenors, each designated here by the name of its lead petitioner, challenge the *Order*. United Keetoowah Band of Cherokee Indians (Keetoowah) represents a group of Tribes and historic preservation organizations. Blackfeet Tribe (Blackfeet) represents another group of Tribes and the Native American Rights Fund. The Natural Resources Defense Council (NRDC) represents itself and Maryland citizen Edward B. Myers. Two wireless industry groups (jointly, CTIA) intervened to defend the order alongside the FCC.

ANALYSIS

We set aside an agency order only if it is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). Agencies' obligation to engage in "reasoned decisionmaking" means that "[n]ot only must an agency's decreed result be within the scope of its lawful authority, but the process by which it reaches that result must be logical and rational." *Michigan v. EPA*, 135 S. Ct. 2699, 2706 (2015) (quoting *Allentown Mack Sales & Serv., Inc. v. NLRB*, 522 U.S. 359, 374 (1998)). Although "a court is not to substitute its judgment for that of the agency," the arbitrary and capricious standard demands that the agency "examine the relevant data and articulate a satisfactory

explanation for its action including a rational connection between the facts found and the choice made." *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983) (internal quotation marks omitted). An agency action is arbitrary and capricious where the agency has "entirely failed to consider an important aspect of the problem" or "offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Id.*

The FCC is entitled to deference to its reasonable interpretations of ambiguous provisions of the Communications Act. *See Chevron, USA, Inc. v. Nat. Res. Def. Council, Inc.*, 467 U.S. 837, 844-45 (1984). We owe no deference to the FCC's interpretations of the NHPA or NEPA, which are primarily administered by the Advisory Council, *see McMillan Park Comm. v. Nat'l Capital Planning Comm'n*, 968 F.2d 1283, 1287-88 (D.C. Cir. 1992), and the Council on Environmental Quality, *see Grand Canyon Tr. v. FAA*, 290 F.3d 339, 341 (D.C. Cir. 2002) (as amended Aug. 27, 2002), respectively.

I. Eliminating NHPA and NEPA Review on Small Cells

The *Order* did not follow the processes for a programmatic agreement under the NHPA, a categorical exclusion from NEPA, or any other wholesale or aggregated form of review, but simply eliminated NHPA and NEPA review on most small cells by removing them from the FCC's limited approval authority. Small cells had not previously been defined or regulated separately from macrocell towers. The Commission defines the small cells that its *Order* deregulates as wireless facilities that are not on Tribal lands, do not require antenna structure registration because they could not constitute a

menace to air navigation, do not result in human exposure to radiofrequency radiation in excess of applicable safety standards, and that are "small" per the following conditions:

> (i) The facilities are mounted on structures 50 feet or less in height including their antennas . . . or the facilities are mounted on structures no more than 10 percent taller than other adjacent structures, or the facilities do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
>
> (ii) Each antenna associated with the deployment, excluding the associated equipment . . . is no more than three cubic feet in volume;
>
> (iii) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume.

47 C.F.R. § 1.1312(e)(2). Small cells that meet those requirements are now outside the purview of the Commission's limited approval authority, the mechanism by which it has required NHPA and NEPA review since 1990.

The Commission deregulated small cells as part of a broader effort to reduce regulations that the FCC says "are unnecessarily impeding deployment of wireless broadband networks" on which 5G service depends. *Order* ¶ 3. "Within the next few years," the Commission explained, "5G networks . . . will make possible once-unimaginable advances, such as

self-driving cars and growth of the Internet of Things," *i.e.* physical objects controllable over the internet. *Id.* ¶ 1. 5G networks "will increasingly need to rely on network densification," which entails "the deployment of far more numerous, smaller, lower-powered base stations or nodes that are much more densely spaced." *Id.* According to the Commission, rapid proliferation of hundreds of thousands of small cells would be hindered by the significant time and cost of NHPA and NEPA reviews, even as the benefits of such review—which it characterized as already minimal—would be negligible because small cells are "inherently unlikely to trigger environmental and historic preservation concerns." *Id.* ¶ 92; *see also id.* ¶¶ 9, 11-16. It noted that the FCC's baseline approach to environmental and historic-preservation review, which requires facility-specific review unless a programmatic agreement or categorical exclusion applies, "was developed when all or nearly all deployments involved large macrocell facilities and accordingly failed to consider both the relatively diminutive size of small wireless facilities and the proliferation of these facilities necessary for deployment of advanced wireless technologies." *Id.* ¶ 9.

In the *Order*, the Commission asserts that federal law does not independently require such review. The only basis for treating small cell construction as either a federal undertaking triggering NHPA review or a major federal action triggering NEPA review was, the Commission says, the limited approval authority the Commission exercised over that construction—which the *Order* eliminated. *See Order* ¶¶ 58-59. The Commission reasons that removing small cell construction from its limited approval authority removes the "sufficient degree of federal involvement" necessary to render an undertaking or action "federal." *Id.* ¶ 58. It now says its power to exercise limited approval authority over construction derives exclusively from its "public interest authority" under the

Communications Act, *see Order* ¶¶ 39, 53, 61, rather than from "its obligations under Federal environmental laws," *1990 Order* at 2943 ¶ 9. In this context, the "public interest authority" refers to the FCC's power to require pre-construction permits for wireless facilities if it "determines that the public interest, convenience, and necessity would be served by requiring such permits." 47 U.S.C. § 319(d). While the Commission has never made such a determination for the category of facilities at issue here, it has previously interpreted the public interest authority "as allowing the Commission to require covered entities [not requiring preconstruction permits] to nonetheless comply with environmental and historic preservation processing requirements." *Order* ¶ 53. In the *Order*, the Commission made a new determination that it was not in the public interest to require NHPA and NEPA review on small cells, so simply removed them from its limited approval authority.

Petitioners all argue that the FCC unlawfully excluded small cells from NHPA and NEPA review. They contend first that removing small cells from the FCC's limited approval authority was arbitrary and capricious. *See* 5 U.S.C. § 706(2)(A). Keetoowah and the NRDC argue that the Commission failed to adequately consider the harms of massive deployment and to justify its decision to completely exempt small cells from review. Additionally, all petitioners argue that the NHPA and NEPA mandate review of small cell construction. They assert that the geographic licenses the Commission grants, which allow wireless companies to operate on spectrum, constitute sufficient federal control over wireless facility construction to make the construction a federal undertaking and a major federal action triggering review under those statutes. Keetoowah also contends that the exclusion violates the Administrative Procedure Act on various other grounds, including that it is an unjustified policy reversal. If

petitioners prevail on any one or more of those grounds, we must vacate the *Order*'s deregulation of small cells and remand to the FCC.

The Commission failed to justify its determination that it is not in the public interest to require review of small cell deployments. We therefore grant the petitions in part because the *Order*'s deregulation of small cells is arbitrary and capricious. The Commission did not adequately address the harms of deregulation or justify its portrayal of those harms as negligible. In light of its mischaracterization of small cells' footprint, the scale of the deployment it anticipates, the many expedients already in place for low-impact wireless construction, and the Commission's decades-long history of carefully tailored review, the FCC's characterization of the *Order* as consistent with its longstanding policy was not "logical and rational." *Michigan v. EPA*, 135 S. Ct. at 2706. Finally, the Commission did not satisfactorily consider the benefits of review.

First, the Commission inadequately justified its portrayal of deregulation's harms as negligible. The FCC partly based its public-interest conclusion on a picture of small cells that the record does not support. It described small cells as "materially different from the deployment of macrocells in terms of . . . the lower likelihood of impact on surrounding areas." *Order* ¶ 41. In its brief, the Commission sums up its explanation of the difference: "small cells are primarily pizza-box sized, lower-powered antennas that can be placed on existing structures." Resp't Br. 3; *see also Order* ¶¶ 66, 92. It likened small cells to small household items that operate on radiofrequency such as "consumer signal boosters [and] Wi-Fi routers," which do not undergo review. *Order* ¶ 66. Small cells are, to be sure, quite different from macrocells in many ways, but the Commission fails to address that small cells are typically *mounted* on much

bigger structures, and the *Order* is not limited to deployments on structures that already exist or are independently subject to review. Small cells deregulated under the *Order* can be "mounted on structures 50 feet or less in height including their antennas" or "mounted on structures no more than 10 percent taller than other adjacent structures." 47 C.F.R. § 1.1312(e)(i). That makes them crucially different from the consumer signal boosters and Wi-Fi routers to which the FCC compares them.

The scale of the deployment the FCC seeks to facilitate, particularly given its exemption of small cells that require new construction, makes it impossible on this record to credit the claim that small cell deregulation will "leave little to no environmental footprint." *Order* ¶ 41. The Commission anticipates that the needed "densification of small deployments over large geographic areas," *id.*, could require 800,000 deployments by 2026, FCC, *Declaratory Ruling & Third Report & Order*, FCC 18-133 ¶ 126 (Sept. 26, 2018). Even if only twenty percent of small cells required new construction—as one wireless company estimates and the FCC highlights in its brief, *see* Resp't Br. 54—that could entail as many as 160,000 densely spaced 50-foot towers (or 198-foot towers, as long as they are located near 180-foot adjacent structures). The Commission does not grapple with that possibility. Instead, it highlights the small cells that can be collocated without addressing the many thousands that cannot be.

As Keetoowah points out, the FCC "offers no analysis of the footprint of" the new towers on which small cells can be mounted, "what equipment will be used, what ongoing maintenance or security will be provided and how often towers will be updated or rebuilt." Keetoowah Br. 15-16. Deployment of new small cells requires not only new construction but also wired infrastructure, such as electricity hookups, communications cables, and wired "backhaul,"

which connects the new antenna to the core network. *See, e.g.*, *Comment of Sprint*, Joint Appendix (J.A.) 380 (describing process of deploying small cells); *Comment of the Cities of Bos., Mass., et al.*, J.A. 705-06 (describing the equipment associated with small cells), NRDC Br. Ex. A, Decl. of Warren Betts ¶¶ 11-12 (describing concerns about disruption "by the laying of cables and wires, by the maintenance they require, [and] by the sound of the maintenance vehicles" in otherwise tranquil areas, and concerns "that trees may be cut down or damaged by the construction of small cells"). Construction, connection, and maintenance may entail excavation and clearing of land. The Tribal Historic Preservation Officer for the Seminole Tribe of Florida expressed concern about effects of anticipated "additional related infrastructure, such as fencing, security, and access for periodic maintenance and troubleshooting." Keetoowah Br. Add. 114, Decl. of Paul Backhouse, ¶ 28. While the Commission asserted that "deployment of small wireless facilities commonly (although not always) involves previously disturbed ground," it eliminated review of small cells that will involve new ground disturbance without responding to concerns about such disturbance. *Order* ¶ 92; *see also, e.g.*, *Comment of the Nat'l Cong. of Am. Indians, et al.* (NCAI), J.A. 430-31 (expressing concern about small cells that require ground disturbance); *Comment of the Cities of Bos., Mass., et al.*, J.A. 707 ("No explanation is offered by the Commission for its exclusion of any ground disturbance related conditions" in the draft *Order*).

The Commission also failed to assess the harms that can attend deployments that do not require new construction, particularly the cumulative harms from densification. While "Tribal Nations are most concerned with federal undertakings that disturb the ground and turn up dirt," even "[c]ollocations can affect cultural and historical properties th[r]ough disturbing view sheds" because "[t]he cultural and spiritual

traditions of Tribal Nations across the United States frequently involve the uninterrupted view of a particular landscape, mountain range, or other view shed." *Comment of NCAI*, J.A. 50. The FCC did not respond to historic-preservation commenters warning "that permanent, direct adverse effects will be more likely with small wireless facilities as in many cases they are proposed for installation on or in historic buildings," and "these multi-site deployments have a greater potential to cause cumulative effects to historic properties, cluttering historic districts with multiple towers, antennae, and utility enclosures." *Comment of Tex. Historical Comm'n*, J.A. 794; *see also, e.g.*, *Ex Parte Commc'n of Thlopthlocco Tribal Town Tribal Historic Pres. Officer*, J.A. 690 (noting that the Commission did not discuss "the issue of multiple collocations on the same pole which cumulatively would exceed the volume restriction and would create an adverse impact"); *Comment of Ark. State Historic Pres. Officer*, J.A. 751 ("[A]lthough individual small cells are unlikely to adversely impact individual historic properties or districts, the FCC doesn't address how the large scale, nationwide deployment of 5G and small cells facilities will cumulatively impact cultural and natural resources."). The Commission noted that all facilities remain subject to its limits on radiofrequency exposure, *Order* ¶ 45, but failed to address concerns that it was speeding densification "without completing its investigation of . . . health effects of low-intensity radiofrequency radiation," which it is currently reassessing. *Comment of BioInitiative Working Grp.*, J.A. 235.

The FCC does not reconcile its assertion that planned small cell densification does not warrant review because it will "leave little to no environmental footprint" with the *Order*'s principal deregulatory effect of eliminating review of precisely the new construction and other deployments that the Commission previously considered likely to pose cultural and

environmental risks. The Commission already had in place NEPA categorical exclusions and NHPA programmatic agreements covering most collocations—as well as other kinds of deployments unlikely to have cultural and environmental impacts. What the new *Order* accomplishes, then, is to sweep away the review the Commission had concluded should not be relinquished.

Since the 1970s, the Commission has explained that most collocations on existing towers or buildings are not "major" federal actions and therefore are not subject to NEPA review. *Implementation of NEPA*, 49 F.C.C.2d at 1319-20; 47 C.F.R. §§ 1.1301-1.1319. The FCC's NEPA regulations limit environmental review to a small subset of actions likely to have significant environmental effects, *see* 47 C.F.R. § 1.1307, as well as those actions found through Section 106 review to have adverse effects on historic properties, *see id.* § 1.1307(a)(4). Before it promulgated the challenged rule, the Commission had further shrunk the category of actions that receive individualized NHPA or NEPA review by adopting programmatic agreements and categorical exclusions. In chronological order, it excluded most collocations from individualized review, *see Collocation Agreement*, 47 C.F.R. Pt.1, App. B; adopted "categories of undertakings that are excluded from the Section 106 process because they are unlikely by their nature to have an impact upon historic properties," *Section 106 Agreement*, 20 FCC Rcd. at 1075 ¶ 2; excluded from individualized review new categories of wireless construction and modification unlikely to have historic preservation effects, *see Nationwide Programmatic Agreement for Review Under the National Historic Preservation Act*, 70 Fed. Reg. at 558; and, most recently, expanded NHPA and NEPA exclusions for collocations, *see Improving Wireless Facilities Siting Policies*, 29 FCC Rcd. at 12870 ¶ 11. In sum, the FCC had already streamlined and

minimized review of vast numbers of minor actions, focusing attention only on subcategories of deployments likely to have cultural or environmental effects.

Second, in sweeping away wholesale the review it had preserved for the small cell deployments most likely to be disruptive, the *Order* is not, as the FCC asserts, "consistent with the Commission's treatment of small wireless facility deployments in other contexts," but directly contrary to it. *Order* ¶ 42. We observe by way of example the Commission's assertion that "under the Collocation [Agreement], the Commission already excludes" from NHPA review "many facilities that meet size limits similar to those" of small cells. *Id.* As the Commission sees it, the *Order* thus "builds upon the insight underlying these existing rules that small wireless facilities pose little or no risk of adverse environmental or historic preservation effects." *Id.* But the *Collocation Agreement* exclusion was defined not just by size, but by other characteristics that minimized the likelihood of cultural harm. The section of the *Collocation Agreement* the FCC cites in fact only excludes from individualized NHPA review "small wireless antennas and associated equipment on building and non-tower structures that are outside of historic districts and are not historic properties," which include property of religious and cultural importance to Tribes. *Collocation Agreement*, 47 C.F.R. Pt.1, App. B § VI (formatting altered); *see also* 54 U.S.C. §§ 300308, 302706. A different section of the *Collocation Agreement*, which did exempt certain collocations of small antennas in historic districts or on historic properties, likewise included numerous conditions to minimize effects on historic properties. An antenna could only be collocated on a historic property if, for example, "a member of the public, an Indian Tribe, a [State Historic Preservation Office] or the [Advisory] Council" had not complained "that the collocation ha[d] an adverse effect on one or more historic properties,"

Collocation Agreement, 47 C.F.R. Pt.1, App. B § VII(A)(6), and if the antenna was installed "using stealth techniques that match or complement the structure on which or within which it is deployed," *id.* § VII(A)(2)(c), and "in a way that does not damage historic materials and permits removal of such facilities without damaging historic materials," *id.* § VII(A)(4), among other conditions. After the *Order*, none of those limiting conditions applies. The insight of the *Collocation Agreement* was not that small cells by their nature "pose little or no risk of adverse environmental or historic preservation effects," *Order* ¶ 42, but that small cells under certain carefully defined conditions pose little such risk.

Similarly, the FCC explains its "conclusion that, as a class, the nature of small wireless facility deployments appears to render them inherently unlikely to trigger environmental and historic preservation concerns" by reference to limiting criteria that it chose *not* to place on its small cell exemption. *Id.* ¶ 92. It notes, for example, that "deployment of small wireless facilities commonly (although not always) involves previously disturbed ground, where fewer concerns generally arise than on undisturbed ground," and reiterates that "use of existing structures, where feasible, can both promote efficiency and avoid adverse impacts on the human environment." *Id.* But the Commission decided not to limit the *Order*'s exemption only to facilities sited on previously disturbed ground, or those that are collocated on existing structures. It therefore fails to justify its conclusion that small cells "as a class" and by their "nature" are "inherently unlikely" to trigger concerns.

By ignoring the extent to which it had already streamlined review, the Commission also overstated the burdens of review. It said it could not "simply turn a blind eye to the reality that the mechanical application of [limited approval authority] requirements to each of [the] small deployments" necessary for

5G "would increase the burden of review both to regulated entities and the Commission by multiples of tens or hundreds." *Id.* ¶ 65. As the preceding discussion of the *Collocation Agreement* illustrates, however, the FCC was not indiscriminately or "mechanic[ally]" requiring full NHPA and NEPA review for each individual small cell. The Commission fails to explain why the categorical exclusions and programmatic agreements in place did not already minimize unnecessary costs while preserving review for deployments with greater potential cultural and environmental impacts.

Third, given that only the most vulnerable cases were still subject to individualized NHPA or NEPA review, the Commission did not adequately address either the possible benefits of retaining review, or the potential for further streamlining review without eliminating it altogether. It dismissed the benefits of historic-preservation and environmental review in a two-sentence paragraph, describing most of the comments that highlight those benefits as "generalized" and the comments that point to specific benefits as "few." *Id.* ¶ 78. Characterizing a concern as "generalized" without addressing that concern does not meet the standard of "reasoned decisionmaking." *Michigan v. EPA*, 135 S. Ct. at 2706.

The Commission found that adverse effects are rare, but it considered neither the importance of the sites review does save, nor how that rarity depends on the very review it eliminates, which forestalled adverse effects that otherwise would have occurred. The FCC cited comments suggesting that only 0.3 or 0.4% of requests for Tribal review result in findings of adverse effects or possible adverse effects. *Order* ¶ 79. Based on the estimate of 800,000 small cell deployments, that could mean 3,200 adverse effects. The *Order* displayed no consideration of the importance of the 3,200 Tribal sites that might be saved

through review except to describe that benefit as "*de minimis* both individually and in the aggregate." *Id.* As counsel for petitioner Blackfeet Tribe said at oral argument: "They may think that's infinitesimal. To us, it means the world." Oral Argument at 1:16:16-20. The Commission also did not address comments that "no adverse effects in 99% of tower deployments shows that the current system is working" because "[o]ften, after an applicant enters a location into" the Tower Construction Notification System, a Tribal representative "will notify the applicant of an issue and the applicant will choose a new location or resolve that effect," which "gets counted as having no adverse effect." *Comment of Nat'l Ass'n of Tribal Historic Pres. Officers*, J.A. 661. Other commenters agreed that "[t]he lack of significant impact should be a testament to the value of the review process in these instances, not negate its necessity." *Comment of Tex. Historical Comm'n*, J.A. 794 ("In our experience, the vast majority of adverse effects for cell projects are resolved through sensitive design modifications, including stealth measures, modifying how equipment is attached if directly mounted to a historic building or structure, or relocation to an alternate site further removed from historic properties.").

Similarly, the Commission dismissed the point that its own oversight deters adverse effects by describing comments to that effect as "generalized, and undercut by our conclusion that, as a class, the nature of small wireless facility deployments appears to render them inherently unlikely to trigger environmental and historic preservation concerns." *Order* ¶ 92. For the reasons already explained, the FCC's conclusion that small cells are inherently unlikely to trigger concerns is arbitrary and capricious, and describing comments as "generalized" does not excuse the agency of its obligation to consider those comments as part of reasoned decisionmaking.

We hold that the *Order*'s deregulation of small cells is arbitrary and capricious because its public-interest analysis did not meet the standard of reasoned decisionmaking. We therefore decide neither the alternative grounds for holding that the *Order* is arbitrary and capricious or otherwise violated the Administrative Procedure Act, nor the claim that small cell construction is a federal undertaking and a major federal action requiring NHPA and NEPA review.

II. Tribal Involvement in Section 106 Review

The *Order* also made three changes to Tribal involvement in the Section 106 review not eliminated by the *Order*, such as review of macrocells and small wireless facilities on Tribal land. The first two changes relate to two types of Tribal involvement that the Commission and the Advisory Council distinguish from one another: (a) government-to-government consultation between the agency and the Tribes, in which Tribes function in their governmental capacity, and (b) the "identification and evaluation phase of the Section 106 process when the agency or applicant is carrying out its duty to identify historic properties that may be significant to an Indian tribe." Advisory Council, *Consultation with Indian Tribes in the Section 106 Review Process: A Handbook* (*Section 106 Handbook*), J.A. 1015; *see also* FCC, *Voluntary Best Practices for Expediting the Process of Communications Tower and Antenna Siting Review Pursuant to Section 106 of the NHPA*, J.A. 933; *Order* ¶¶ 118-19.

Section 106 review comprises "four steps": "initiation, identification, assessment [or evaluation], and resolution." *Section 106 Handbook*, J.A. 1018. Government-to-government consultation is a background requirement of Section 106 review at every stage. *See id.* at J.A. 1014, 1018; Advisory Council, *Fees in the Section 106 Review Process*,

J.A. 913; 36 C.F.R. § 800.2(c)(2)(ii)(A) (consultation requires giving the interested Tribe "a reasonable opportunity to identify its concerns about historic properties, advise on the identification and evaluation of historic properties, . . . articulate its views on the undertaking's effects on such properties, and participate in the resolution of adverse effects"). In the identification and evaluation period, however, applicants have often paid for expertise and assistance from Tribes acting "in a role similar to that of a consultant or contractor" such as by providing "specific information and documentation regarding the location, nature, and condition of individual sites" or even conducting surveys. *Section 106 Handbook*, J.A. 1015. The *Order* explains that identification and evaluation involves "activities undertaken after the initial determination that historic properties are likely to be located in the site vicinity," and that it includes "monitoring and other activities directed toward completing the identification of historic properties as well as assessing and mitigating the project's impacts on those properties." *Order* ¶ 124.

The "initial determination" falls into the government-to-government consultation category. *See Section 106 Handbook*, J.A. 1021 (explaining that initiating contact with Tribes is part of the Commission's "responsibilities to conduct government-to-government Consultation"). In practice, however, Tribes have been allowing applicants to contact them directly, in lieu of government-to-government consultation, to help make the initial determination. *See Section 106 Agreement*, 20 FCC Rcd. at 1108 ¶¶ 95-96; Keetoowah Br. 37. The *Section 106 Agreement* "expresses the ambition that this initial contact will lead to voluntary direct discussions through which applicants and tribes . . . will resolve questions involving the presence of relevant historic properties and effects on such properties to the tribe['s] . . . satisfaction without Commission involvement." 20 FCC Rcd. at 1108 ¶ 97. But "if an applicant and an Indian

tribe . . . disagree regarding whether an undertaking will have an adverse effect on a historic property of religious and cultural significance, or if the tribe . . . does not respond to the applicant's inquiries," the Commission steps in to consult and ultimately "make a decision regarding the proposed undertaking." *Id.*

The Advisory Council explains that "[t]hese two tribal roles"—government-to-government consultation, and assistance with identification and evaluation—"are not treated the same when it comes to compensation, although the line between them may not be sharp." Advisory Council, *Fees in the Section 106 Review Process*, J.A. 913. Advisory Council guidance states that "agencies are strongly encouraged to use available resources to help overcome financial impediments to effective tribal participation in the Section 106 process" and applicants are likewise "encouraged to use available resources to facilitate and support tribal participation." Advisory Council, *Section 106 Handbook*, J.A. 1015. At the same time, it says that agencies and applicants should not expect to pay fees for government-to-government consultation, which "give[s] the Indian tribe an opportunity to get its interests and concerns before the agency," Advisory Council, *Fees in the Section 106 Review Process*, J.A. 913, but "should reasonably expect to pay" fees for the identification and evaluation, which puts Tribes in a "consultant or contractor" role, Advisory Council, *Section 106 Handbook*, J.A. 1015. It notes, however, that "this encouragement is not a legal mandate; nor does any portion of the NHPA or the [Advisory Council's] regulations require an agency or an applicant to pay for any form of tribal involvement." *Id.*

First, apparently because applicants had been consistently paying upfront fees, *see* Keetoowah Br. 37, the *Order* made clear that applicants' payment of upfront fees to Tribes is

voluntary. *See Order* ¶ 116. Upfront fees are payments made to Tribes for the initial determination whether the Tribe actually has religiously or culturally significant properties that might be affected by a proposed construction. *See id.* ¶ 116. Applicants contact Tribes for that initial determination when Tribes have noted that properties in the general area of proposed construction may have religious or cultural significance for them. *Id.* When an applicant follows up "to ascertain whether there are in fact such properties that may be affected," some Tribes have requested upfront fees before they will respond. *Id.* As the *Order* describes the practice, the upfront fees "do not compensate Tribal Nations for fulfilling specific requests for information and documentation, or for fulfilling specific requests to conduct surveys," but are "more in the nature of a processing fee" to "obtain a response" to an applicant's initial Tower Construction Notification contact with a Tribal Nation. *Id.* ¶ 119.

Second, while the *Order* approved of fees for identifying and evaluating properties that may be significant to Tribes, as opposed to upfront fees, *see id.* ¶ 123, it also authorized applicants to consult with non-Tribal parties in the identification and evaluation phase, *see id.* ¶¶ 124-45. The Commission found that, if an applicant asks a Tribe to perform work to aid it in documenting, surveying, or analyzing potentially historic properties, "the applicant should expect to negotiate a fee for that work" and, if the parties are "unable to agree on a fee, the applicant may seek other means to fulfill its obligations." *Id.* ¶ 125. "The agency or applicant is free to refuse just as it may refuse to pay for an archeological consultant, but the agency still retains the duties of obtaining the necessary information for the identification [and evaluation] of historic properties . . . through reasonable means." *Id.* (quoting Advisory Council, *Section 106 Handbook*, J.A. 1015).

Third, the *Order* shortened from 60 to 45 days the timeline for Tribes to respond to notifications on the Tower Construction Notification System, eliminated the requirement that applicants make a second attempt to contact Tribes, and shortened from 20 to 15 days the timeline for Tribal response to Commission contact. *Id.* ¶¶ 110-11.

Keetoowah and Blackfeet challenge those three changes as arbitrary and capricious and inconsistent with the NHPA. Keetoowah complains that the *Order* "encourages applicants, which have until this point voluntarily paid fees, to refuse paying Tribes" upfront fees, Keetoowah Br. 37; that "FCC implementation goes far beyond the terms of the Order by refusing to even allow Tribes to request voluntary fees through" the Tower Construction Notification System, *id.* at 37-38; that letting applications proceed where Tribes refuse to participate without compensation or are not hired as consultants violates the Commission's legal obligation to consult with Tribes, *id.* at 38; and that the shortened timelines are unreasonable, *id.* at 40. Blackfeet asserts that the Commission lacks "the authority to prohibit tribes from collecting fees" because only the Advisory Council may promulgate regulations implementing Section 106. Blackfeet Br. 16.

None of those challenges is availing. The clarification that applicants are not required to pay upfront fees is consistent with the Advisory Council's preexisting guidance and does not violate the Commission's duty to consult with Tribes. The *Order* permissibly authorizes applicants to contract with non-Tribal parties in the identification-and-evaluation phase because it stipulates that contractors must be "properly qualified," which we understand does not authorize hiring other contractors in any circumstance in which only Tribes are

qualified. *Order* ¶ 128. The shortened timeline for Tribal response is reasonable and sufficiently explained.

A. Upfront Fees

The *Order* permissibly confirms that upfront fees for Tribes to comment on proposed deployments are voluntary. Unchallenged Advisory Council regulations already make clear that fees are voluntary, so the *Order*'s reiteration of the same point is not arbitrary and capricious. While applicants have apparently been uniformly paying upfront fees for Section 106 review, no party asserts that they have been required to do so. *See* Keetoowah Reply Br. 20. The Advisory Council has been explicit that no "portion of the NHPA or the [Advisory Council's] regulations require an agency or an applicant to pay for any form of tribal involvement." Advisory Council, *Section 106 Handbook*, J.A. 1015; *see also* Advisory Council, *Fees in the Section 106 Review Process*, J.A. 913 (neither the NHPA nor Advisory Council regulations "requires Federal agencies to pay for any aspect of tribal [or] other consulting party participation in the Section 106 process"). Blackfeet's complaint that "[t]he FCC does not have the authority to prohibit tribes from collecting fees" and that the *Order* is impermissibly "implementing and administering Section 106 through regulation" is misplaced. The challenged *Order* contains no such prohibition, but does no more than recognize and reiterate the Advisory Council's existing rule.

The Commission has a non-delegable duty to consult with Tribes about the effect of federal undertakings on property significant to the Tribes, which Tribes can invoke or waive as they choose. The NHPA mandates that, "[i]n carrying out its responsibilities under [Section 106], a Federal agency shall consult with any Indian tribe . . . that attaches religious and cultural significance to property." 54 U.S.C. § 302706(b). The

Advisory Council has explained that "federal agencies cannot unilaterally delegate their tribal consultation responsibilities to an applicant," but can only delegate if "expressly authorized by the Indian tribe to do so." Advisory Council, *Limitations on the Delegation of Authority by Federal Agencies to Initiate Tribal Consultation under Section 106 of the National Historic Preservation Act* (*Limitations on Section 106 Delegation*) 1 (2011), https://go.usa.gov/xyWGq. The Commission has also recognized that its "fiduciary responsibility and duty of consultation [to Tribes] rest with the Commission as an agency of the federal government, not with licensees, applicants, or other third parties." *Section 106 Agreement*, 20 FCC Rcd. at 1106 ¶ 91.

Keetoowah says its challenge is not to the "FCC's clarification that fees are voluntary," but to "the Order's determination that FCC will process applications without tribal input if tribes insist on charging applicants for their reviews." Keetoowah Reply Br. 19-20. That determination, Keetoowah asserts, violates the Commission's "statutory obligation to consult with tribes." *Id.* at 19. Under the *Section 106 Agreement*, Tribes can and do permit applicants to contact them to request review of proposed construction—essentially agreeing to accept that contact in satisfaction of the Commission's responsibility to consult with Tribes directly. 20 FCC Rcd. at 1108 ¶ 96; *see also* Keetoowah Br. 37; *Comment of the Seminole Tribe of Florida*, J.A. 743 ("[T]ribes participate in review . . . on a voluntary basis" as a substitute for "direct Section 106 consultation with the FCC.") But Tribes can request "the federal agency to reenter the consultation process at any time . . . since the federal agency remains responsible for government-to-government consultation." *Limitations on Section 106 Delegation* 2. Keetoowah implies that Tribes have only agreed to accept direct contact from applicants under the condition that

applicants pay for Tribes' responses—meaning that if Tribes refuse to respond without being paid upfront fees, they will not have waived the Commission's responsibility to consult with them directly. Without having fulfilled its legal obligation to consult, Keetoowah contends, the Commission cannot permit applicants to go ahead with construction.

Keetoowah overlooks the fact that when a Tribe refuses to review an application without being paid, the *Order* requires the Commission to step in to ask the Tribe for a response before allowing applicants to construct. Tribes' refusal to respond triggers a process in which applicants can refer the matter to the Commission, the Commission must contact Tribes directly, and Tribes have 15 days from Commission contact to respond. *See Order* ¶ 111. Only if the Tribe does not timely respond to the Commission are "the applicant's pre-construction obligations . . . discharged with respect to that Tribal Nation." *Id.* The Tribe is guaranteed the opportunity to consult as a sovereign—a capacity in which it need not be paid—and the Commission cannot force an unwilling Tribe to respond. Therefore, if a Tribe refuses to respond when the Commission requests its views on an application, the Commission has discharged its obligation of direct Commission-to-Tribe consultation. *See id.* ¶ 111. Apart from the shortened timeframe, discussed below, Keetoowah has not offered any reason the Commission's contacting Tribes directly with a request to consult that the Tribe rejects does not satisfy the Commission's consultation obligation.

Finally, the objection that the Commission is prohibiting Tribes from requesting voluntary fees on the Tower Construction Notification System, Keetoowah Br. 38-40, is not properly before us. That prohibition does not appear in the *Order* itself but seems to originate with a later decision of Commission staff. *See* Resp't Br. 64 n.19.

B. Non-Tribal Consultation

The *Order* states that applicants need not contract with Tribes to identify which properties have historic or cultural significance to Tribes and determine how to assess or mitigate adverse effects of construction. *Order* ¶¶ 124-25, 128-29. Keetoowah argues that allowing applicants to contract with non-Tribal parties is arbitrary and capricious because "only Tribes are qualified to perform" such services "based on their unique, often sacred, knowledge." Keetoowah Br. 23. Because the *Order* stipulates that contractors must be "properly qualified," we reject the arbitrary-and-capricious claim. *Order* ¶ 128.

Advisory Council regulations require the agency to "make a reasonable and good faith effort to carry out appropriate identification efforts" under Section 106. 36 C.F.R. § 800.4(b)(1). The *Order* explains that "the applicant is not bound to any particular method of gathering information," *Order* ¶ 125, but it stipulates that contractors must be "properly qualified," *id.* ¶ 128. The "reasonable and good faith efforts" standard together with the *Order*'s mandate that parties be "properly qualified" may sometimes require applicants to hire Tribes—for instance, where Tribes have "unique" and "sacred" knowledge of historic properties. Advisory Council guidance supports that notion, explaining that "unless an archeologist has been specifically authorized by a tribe to speak on its behalf on the subject, it should not be assumed that the archaeologist possesses the appropriate expertise to determine what properties are or are not of significance to an Indian tribe." *Section 106 Handbook*, J.A. 1022. The *Order* itself suggests that applicants should try to hire Tribes first: "[I]f an applicant asks a Tribal Nation" to perform identification and evaluation of historic properties, "the applicant should expect to negotiate a fee for that work," but if the Tribe and applicant "are unable

to agree on a fee, the applicant may seek other means to fulfill its obligations." *Order* ¶ 125. We cannot say, *ex ante*, how often as a practical matter applicants might find qualified non-Tribal contractors or whether, as applied, the law will ordinarily require hiring Tribes. If a Tribe believes an applicant has hired an unqualified contractor, that issue can be litigated when it arises.

C. Timeline Changes

Keetoowah's one-paragraph challenge to the *Order*'s shortening the timeline for Tribal response to Tower Construction Notification System notifications provides no basis on which to hold the shortened timeline arbitrary and capricious. Keetoowah Br. 40. Its sole objection is that Tribes "operate with limited staff and budget, making the shortening of Tribal review time unreasonable." *Id.* The Commission acted within its discretion and "considered the relevant factors and articulate[d] a rational connection between the facts found and the choice made." *Vonage Holdings Corp. v. FCC*, 489 F.3d 1232, 1241 (D.C. Cir. 2007) (quoting *BellSouth Telecomms., Inc. v. FCC*, 469 F.3d 1052, 1056 (D.C. Cir. 2006) (alteration in original)). It reasonably justified the decision as a compromise between industry requests for even shorter timelines to address delays, and Tribes' need for adequate time to review submissions. *See Order* ¶¶ 112 n.262, 113.

III. Promulgation of the *Order* Itself

All petitioners argue that the promulgation of the *Order* itself violated the law. Keetoowah and Blackfeet argue that the Commission violated its duty to consult with Tribes, as established by the Tribes' sovereign status and the government-to-government relationship recognized in Article I, Section 8 of the Constitution, the NHPA, and the Commission's regulations. *See* Keetoowah Br. 40-42; Blackfeet Br. 20-21.

The NRDC argues that the *Order* itself was a major federal action that required NEPA review. *See* NRDC Br. 10-11. Because the *Order* documents extensive consultation with Tribes, we reject the first contention. We lack jurisdiction to consider the second because the NRDC forfeited it by failing to raise it to the Commission.

As for the Tribes' contention that the *Order* is invalid because the Commission did not meet its obligations to consult with Tribes, the Commission responds that it extensively consulted with Tribes, and that in any event its consultation obligation is not judicially enforceable. Resp't Br. 69-74. We conclude that the Commission fulfilled its obligation to consult. The Commission presented abundant evidence that it "consulted" Tribes in the ordinary sense of the word, and the Tribes have offered no other concrete standard by which to judge the Commission's efforts.

On this record, we cannot say that the Commission failed to consult with Tribes in its meetings and other communications, which began in 2016 and continued through early 2018. *See Order* ¶¶ 19, 34. The Commission documented extensive meetings it held with Tribes before it issued the *Order*. *See Order* ¶¶ 19-35. Under Advisory Council regulations, "[c]onsultation means the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the section 106 process." 36 C.F.R. § 800.16(f); *see also* 54 U.S.C. § 302706(b). The dictionary definition of consulting is "seek[ing] advice or information of." *Consult, American Heritage Dict.* (5th ed. 2019). Keetoowah complains that the FCC's efforts were "listening sessions, briefings, conference calls, and delivery of remarks by a Commissioner" rather than "consultations," and presents evidence that Tribes did not view these meetings as

consultations. Keetoowah Br. 44. But it offers no standard by which to judge which consultations were "listening sessions" or whether a "listening session" or a conference call qualifies as a consultation. The only case Keetoowah cites interpreting an agency's failure to consult is inapposite: there, an agency official "acknowledged at trial" that the contested decision "had already been made prior to" the first meeting between Tribal members and agency officials discussing the decision. *Oglala Sioux Tribe of Indians v. Andrus*, 603 F.2d 707, 710 (8th Cir. 1979). No evidence in this record suggests the Commission had already determined the *Order*'s substance before meeting with Tribes—and the series of communications and meeting commenced even before the Commission issued the Notice of Proposed Rulemaking. *See Order* ¶ 19. The Commission appeared to "seek[], discuss[], and consider[] the views of" the Tribes, even if it did not ultimately adopt those views.

The NRDC argues that promulgating the *Order* was itself a major federal action that required NEPA review. *See* NRDC Br. 10-11. But, as intervenor CTIA points out, the NRDC forfeited that argument by failing to make it to the Commission, *see* CTIA Br. 38, and we lack jurisdiction to review a claim that was not raised there. *Free Access & Broad. Telemedia, LLC v. FCC*, 865 F.3d 615, 619 (D.C. Cir. 2017). While the NRDC points to its own and others' comments "urg[ing] the Commission to conduct a NEPA analysis," NRDC Reply Br. 3, none of those comments said the Commission was required to perform a NEPA analysis *of the Order*. The NRDC cites its own comment "that if the FCC sought to exclude an entire category of wireless facilities from NEPA, it was required to establish a categorical exclusion." *Id.* (citing J.A. 787-90). But the NRDC did not there contend, as it now does, that the *Order* is a major federal action. Rather, the NRDC's argument was that the federal character of the

geographic area license meant that the Commission could not entirely exempt wireless facility construction from NEPA review, J.A. 790—the same statutory argument it made here—and that the proper approach to exempting federal "activities that by their nature do not have significant impacts on the environment is with a categorical exclusion," J.A. 789. Whether the licenses or construction are federal, the basis of the NRDC's argument, is irrelevant to the question whether the *Order* overall is a major federal action that requires NEPA review. One of the other two comments it cites asserted that the proposed rule failed to comply with NEPA, but again, not because the *Order* required NEPA analysis—rather because the issuance of licenses constitutes a major federal action. *See Comment of the Nat'l Trust for Historic Pres.*, J.A. 770. The third comment urged the Commission to consider the cumulative effects of radiofrequency exposure, but did not even mention NEPA. *See Comment of BioInitiative Working Grp.*, J.A. 235-38. The argument that the *Order* required independent NEPA review was never fairly before the Commission.

CONCLUSION

We grant the petitions to vacate the *Order*'s removal of small cells from its limited approval authority and remand to the FCC. We deny the petitions to vacate the *Order*'s changes to Tribal involvement in Section 106 review and to vacate the *Order* in its entirety.

So ordered.

Gores, Alanna

From:	Tree Stokan <treejstokan@gmail.com>
Sent:	Monday, March 15, 2021 11:39 PM
To:	Ozias, Mark; Johnson, Randy; Peach, Bill
Cc:	Stanley, Elizabeth; Gores, Alanna
Subject:	Re: 5g Court-Opinion.pdf - Attorney Stephen Díaz Gavin - is willing to consider a meeting with BOCC, on issue of NEPA, ...response to Chair Ozias' e-mail. (Further considerations.)
Follow Up Flag:	Follow up
Flag Status:	Flagged

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Hello Mark Ozias, Chair of BOCC,

Thank you for your response to my email, regarding the suggestion to invite Attorney Stephen Diaz Gavin to meet with the BOCC.

I thought it might be helpful to share **some additional information about the process** that led to the following Recommendation by the 2020 Charter Review Commission:

"Consider an Ordinance Ensuring Franchises Comply with the National Environmental Protection Act (NEPA)."

Clallam County residents began to assemble in early 2019, concerned about the harmful effects of EMF (electromagnetic field), ranging from smart meters to 5G. I don't know if you ever saw the video of the *large group of people who attended the Clallam County Planning Commission Meeting, on February 20, 2019.* I know that Commissioner Peach watched it, per a conversation that I had with him, more than a year ago. Residents with similar concerns have come to *BOCC meetings, Sequim City Council meetings, and PUD meetings. Residents have sponsored a series of "educational seminars" on the topic, held in Sequim, Port Angeles, Neah Bay, and beyond....including Jefferson County.*

If you go to the Charter Review Commission web page, at Clallam.net, you may want to click on the third "Document" listed: "Charter Review Commission public comments". **There was no topic that had more public input, during our one-year CRC term, than support for an amendment on EMF/Franchises and NEPA. "40 people".** Only three opposed, one was PUD.

It might be a bit labor-intensive, but you could review multiple e-mails on this issue, sent to the CRC, in the minutes of our CRC meetings.

From the very beginning of our term, residents who were concerned about this issue sent e-mails, showed up in-person (one in a wheelchair), and later by BlueJeans participation. I cannot recall the number of revisions that the EMF/Franchisees/NEPA proposal went through, in an effort to win support for an amendment on this issue.

When the amendment proposal did not pass in July 2020, the next step was to come up with a "Recommendation". While some members of the EMF group considered the eventual document to be "watered-down", and a lot weaker than initial drafts, those revisions were necessary to win the support of the Charter Review Commissioners. **The "Recommendation" in its current form was approved in September 2020, nine months from the time that the belabored process began.**

Compliance with NEPA "made sense" to the majority of the Charter Review Commissioners.

A number of our residents believe that Attorney Stephen Diaz Gavin may be one of the most knowledgeable attorneys in this "country" on the issue of NEPA. He did successfully litigate a case, invoking NEPA, at the United States Court of Appeals, for the District of Columbia Circuit, on August 9, 2019.

All of this said, I want you to realize that **much work has already been done, in this county**, researching this issue and determining the best path forward. **By no means are you starting from ground zero.**

If our residents have recommended that you invite and learn from Attorney Gavin, on the issue of NEPA and its legal implications, **I (and they) see no reason to delay.**

I think you can gather public comments from our county, as planned, and simultaneously seek knowledge from those who are authorities/experts in their field.

I think **this is a concept that should apply to all of the Recommendations** proposed by the Charter Review Commission. Invite the most knowledgeable people, from "both sides" of an issue, for and against each Recommendation, and **let members of the public hear "both sides" before** they start giving their public comments or **simultaneously.**

After gaining more information, people may end up changing their mind about an issue**. I don't think it makes sense to wait until the "end" of the public hearings to offer valuable information for people to consider when forming their opinions on an issue.**

More information is better than less. **It is difficult for me to imagine why the BOCC would not welcome the expertise of a high-caliber attorney, who is very knowledgeable about NEPA.** You have residents willing to pay the speaker fee, if necessary, so you need not be concerned about the financial aspect.

I am adding Commissioner Randy Johnson and Commissioner Bill Peach to this e-mail, for their review, also.

Here is the e-mail address for: Attorney Stephen Diaz Gavin - Stephen.diaz.gavin@rimonlaw.com. Remember that he is in Central Europe time zone, currently.

Thank you.

Therese Stokan

Former 2020 Charter Review Commissioner, District 3

Sent from my iPhone

On Mar 15, 2021, at 3:31 PM, Ozias, Mark <mozias@co.clallam.wa.us> wrote:

> Thank you for making us aware of this resource. At this point I would prefer to use the public hearings as an opportunity to hear broad feedback from county residents which I hope will help us shape follow-up steps for each recommendation. I can more easily imagine doing this kind of a deep-dive as one of several potential "next steps" related to the wireless franchise recommendation, but that will depend on what we hear and on how we end up shaping the next steps in the process.
>
> Sincerely,
>
> Mark Ozias
> Chair, Board of County Commissioners
>
> ---
> From: Tree Stokan [treejstokan@gmail.com]
> Sent: Monday, March 15, 2021 12:19 PM
> To: Ozias, Mark; Johnson, Randy; Peach, Bill; Stanley, Elizabeth
> Cc: Gores, Alanna
> Subject: Re: 5g Court-Opinion.pdf - Attorney Stephen Díaz Gavin - is willing to consider a meeting with BOCC, on issue of NEPA, as was addressed in this case....
>
> ***In the next two weeks, there is only an 8-hour difference (instead of 9) between Central

Europe Time and Pacific Daylight Time, so it would be a particularly good time for Attorney Gavin to participate in a meeting with you.

Next Monday, March 22, Attorney Gavin (note spelling correction) is available in the AM, if you want to arrange a meeting, or maybe the following Monday, March 29.

After that, we can still check his availability.

Thanks,
Therese

Sent from my iPhone

On Mar 15, 2021, at 11:49 AM, Tree Stokan <treejstokan@gmail.com> wrote:

> Hello Clallam County Commissioners Mark Ozias, Randy Johnson and Bill Peach, and Attorney Elizabeth Stanley,
>
> First, I want to thank you and Alanna Gores for adding the additional early evening Public Hearings, for discussion of the 2020 Charter Review Commission Recommendations. I am sure that people who work the day shift and students will appreciate that effort in making the Public Hearings more accessible.
>
> Next, I was wondering if you had made a decision about inviting Attorney Stephen Díaz Gaven to attend/participate in a BOCC meeting, either with a presentation and/or Q&A session, regarding the case that he led, which successfully invoked NEPA (the National Environmental Protection Act). I am including the PDF, in this email.
>
> Attorney Gaven currently has a client in Europe, and he is staying overseas in the next few months. He is willing to participate in a meeting with the BOCC, and 9 AM might be the best time, on a Monday, (or other morning) or a little later. He is 9 hours ahead of us.
>
> Some of the people who have been working on the CRC Recommendation regarding Franchises/NEPA ...and others in the community, would be willing to pay the speakers fee to Attorney Gaven, if the county could not. We don't have a price yet, but I am fairly certain that we could find people willing to contribute to this. Perhaps a 15-30 minute session could be considered?
>
> Because the Public Hearings are approaching, it might be good to try to schedule Attorney Gaven soon, if BOCC agrees. This is a complex issue and an attorney, who specializing in this area, might help us to better understand NEPA and it's legal implications.

Please let me know your thoughts and I will connect you by e-mail/provide a phone number, etc.

Thank you,

Therese Stokan

...served on 2020 Charter Review Commission, representing District 3

<5g Court-Opinion.pdf>

Sent from my iPhone

Gores, Alanna

From: THERESE STOKAN <hermanabaheda@aol.com>
Sent: Wednesday, March 31, 2021 3:46 PM
To: Gores, Alanna
Subject: List of Countries, Cities, Towns, and Councils that have Banned 5G – Stop 5G Blacktown

Hello Alanna Gores, Clerk of the Board,

Please share this email and link with the BOCC, in preparation for consideration of the CRC Recommendation on Franchises/EMF/NEPA.

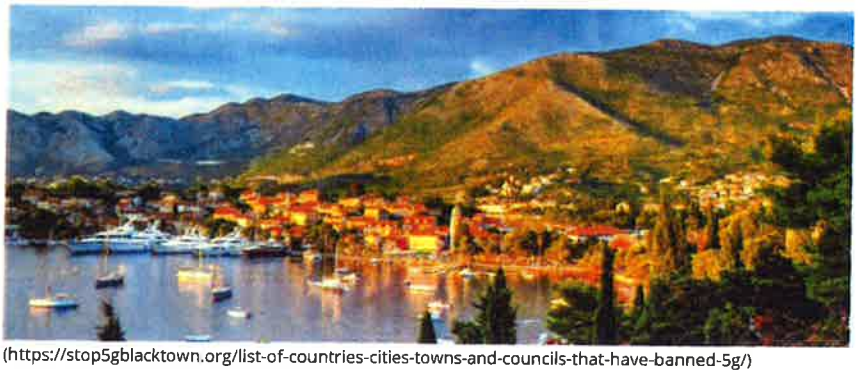
Thanks,
Therese Stokan
2020 Charter Review Commissioner, District 3

https://stop5gblacktown.org/list-of-countries-cities-towns-and-councils-that-have-banned-5g/

Sent from my iPhone

(https://stop5gblacktown.org/)

List of Countries, Cities, Towns, and Councils that have Banned 5G



(https://stop5gblacktown.org/list-of-countries-cities-towns-and-councils-that-have-banned-5g/)

1. Brussels is the first City to halt 5G due to adverse health effects. https://smombiegate.org/brussels-first-major-city-to-halt-5g-due-to-health-effects/

2. UK Glastonbury Town Council have halted 5G due to adverse health effects. https://www.somersetlive.co.uk/news/local-news/glastonbury-council-opposes-5g-roll-2998413

3. UK Frome Town Council has a moral responsibility to protect public health and the local environment. Until there is more independent scientific consensus that 5G wireless radiation is harmless to humans and the environment FTC adopts the precautionary principle and will not endorse the roll out of 5G. https://www.frometowncouncil.gov.uk/frome-town-council.../

4. Ireland County Clare has halted 5G due to adverse health effects. http://www.clare.fm/news/clare-county-council/motion-oppose-5g-rollout-clare-receives-council-backing/

5. Ireland Roscommon County halt 5g due to adverse health effects. https://www.facebook.com/groups/796999407353013/permalink/877482035971416/

6. Ireland Leitrim Council https://www.leitrimobserver.ie/news/home/476112/councillors-opposed-to-the-dangers-of-5g.html?fbclid=IwAR1eo8BW_ByCdZxUkxwHGFN3DsuMTaYW2yeYk0xKjtTOH1cWqLWTBRDfCU8

7. Ireland Sligo https://www.facebook.com/stop5gsligo/posts/210209590412424

8. UK Totnes Devon 5G Moratorium https://www.dailymail.co.uk/news/article-7544239/5G-campaigners-force-Devon-council-pause-installation-new-high-speed-network.html, https://www.newsweek.com/small-town-bans-5g-high-speed-network-due-health-concerns-5g-dangerous-1463974

9. Australia h alts 5G due to adverse health effects (I think its only TPG a leading Tech Co. that has halted 5G) https://www.activistpost.com/2019/09/health-concerns-have-stopped-5g-rollout-in-australia.html

Link 2 https://l.facebook.com/l.php?u=https%3A%2F%2Fau.finance.yahoo.com%2Fnews%2Ftpg-says-community-health-fears-035230703.html%3Fsoc_src%3Dcommunity%26soc_trk%3Dfb&h=AT2qflJMfMAXfRz1FWp-CmV7mO0fs9nGaG8O_oNSbnyxgSBrwBK6k7a3mRke211BBQSqBHmTxdtoLkhhMjO5nhX8pZI7EGVdAVq4kRXIFIIX7QaHngH9sE-xSr5tnD891xQg

10. USA Portland Oregan 24th March 2019 City officials state clear opposition to the installation of 5G networks on health grounds, supported by the mayor and two commissioners. https://digitalsurvivor.uk/.../portland-officials.../

11. Italy Florence 28 March 2019 Florence applies the precautionary principle, refusing permissions for 5G and referring to "the ambiguity and the uncertainty of supranational bodies and private bodies (like ICNIRP)", which "have very different positions from each other, despite the huge evidence of published studies".

12. Russia 28 March 2019 – The Russian Ministry of Defence refuses to transfer frequencies for 5G, which

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UK Prime Minister Warns Of Danger From Digital Authoritarianism (https://stop5gblacktown.org/255-2/)

The 5G Propaganda War: The Telcos And Mainstream Media Are Losing (https://stop5gblacktown.org/the-5g-propaganda-war-the-telcos-and-mainstream-media-are-losing/)

High Radiation Levels Found At Local Cafe (https://stop5gblacktown.org/high-radiation-levels-found-at-local-cafe/)

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effectively delays any 5G roll out there for several years.

13. Netherlands 4 April 2019 Members of Parliament in the Netherlands insist that radiation research must be carried out before any approval of the 5G network.

14. USA California 5th April 2019 California Supreme Court Justices unanimously uphold a 2011 San Francisco ordinance requiring telecommunications companies to get permits before placing antennas on city infrastructure.

15. Switzerland Geneva 10th April 2019 Geneva adopts a motion for a moratorium on 5G, calling on the Council of State to request WHO to monitor independent scientific studies to determine the harmful effects of 5G. https://www.letemps.ch/.../geneve-adopte-une-motion-un...16/ Switzerland 9 April :-The Canton of Vaud adopts a resolution calling for a moratorium on 5G antennas until the publication this summer of a report on 5G by the Swiss Federal Office for the Environment.

16. USA District of Columbia August 9th 2019. The US Court of Appeals for the District of Columbia Circuit issued a decision substantially setting back the efforts of the Federal Communications Commission to expedite the deployment of 5G technology. https://ehtrust.org/federal-court-overturns-fcc-order.../...

17. Cyprus MPs want Health Hazard study prior to 5G https://cyprus-mail.com/2019/09/19/mps-want-health-hazard-study-prior-to-allowing-5g/

18. Switzerland 5G Opponents Block 320 of 326 Antennas https://mieuxprevenir.blogspot.com/2019/09/switzerland-5g-opponents-block-320-or.html

19. Italy 14 municipalities, including Rome, stopped 5G. https://www.5gexposed.com/2019/07/05/italy-stop-5g-mayors-here-is-italys-first-suspension-order/

20. Malta Godfrey Farrugia MP will be tabling a 5G warning in Parliament. https://www.maltatoday.com.mt/news/national/97919/Godfrey_Farrugia_will_be_tabling_a_5G_warning_in_Parliament

21. Ireland Wicklow 7th October Kat Redmond Just to let everyone know Motion to Oppose 5G In Co. Wicklow was passed 5 mins ago at Council Meeting. Further update later.

22. UK Kingsbridge Devon 8th October Moratorium https://youtu.be/Nggr_ZlGsd0

23. UK Shepton Mallet 8th October Moratorium https://www.somersetlive.co.uk/news/local-news/somerset-council-blocks-5g-roll-3420355

24. Brighton October 2019 5G Masts rejected. http://www.theargus.co.uk/news/17966374.win-anti-5g-group-mast-plans-rejected

25. France October 2019, French NGOs Demand Moratorium on 5G Due to Its "Out of Control" Consequences On Society.

26. Bangladesh October 2019, The High Court issued 12-point directives including imposition of a ban on installation of mobile or telecommunication towers on the rooftops of residential area, educational institutions, hospitals, jail premises, heritage sites, playgrounds and places of worship. http://www.newagebd.net/article/87920/hc-orders-removal-of-mobile-towers-from-sensitive-areas

27. USA Louisiana June 2019 Louisiana Becomes First State to Call for Study on Health Impacts of 5G https://www.wakingtimes.com/2019/06/07/louisiana-becomes-first-state-to-call-for-study-on-health-impacts-of-5g

28. Italy October 2019, Isabella Conti blocks the 5G in San Lazzaro

"Without guarantees on health effects, therefore, in San Lazzaro no new generation antennas. The 5G radio frequencies, underlines Conti, "are completely unexplored: as administrators we cannot close our eyes to the absence of scientific studies on the possible effects on health" http://www.bolognatoday.it/cronaca/antenne-5g-blocco-bologna-san-lazzaro.html

29. USA October 2019 New York becomes the next State to introduce a Bill to establish a Commission to study the Health and Environmental effects of 5G.

30. USA Encinitas to ban 5G wireless antennas near schools, daycares, residences https://www.sandiegouniontribune.com/communities/north-county/story/2019-10-31/encinitas-to-ban-5g-wireless-antennas-near-schools-daycares-residences

31. France 2015 France: New National Law Bans WIFI in Nursery School https://ehtrust.org/france-new-national-law-bans-wifi-nursery-school/

32. UK 2019 November, Wellington Somerset. Charlie Kay As of tonight Wellington Town Council have just invoked the Precautionary Principle. There were only 6 of us with 2 of us speaking. If you are not already doing so then now is the time to speak to your county, town ,district, parish council. Action conquers fear. Rise up!

33. UK 2019 November ANNOUNCEMENT – Winchester CC responded and OBJECTED to the Government proposal to support 5G deployment – WIN.

34. WALES Lampeter. Dinah Mulholland, Labour 1 November. Glad to let you know that last night Lampeter Town Council passed a motion urging that the precautionary principle be applied to the installation and roll out of 5G. The motion was proposed by Gary Thorogood and I seconded, it was passed with overwhelming support, no votes against and only two abstentions. The meeting was packed with concerned members of the public. Town Council will write to our AMs, MP, and Ceredigion Council asking for them to also apply the precautionary principle, and be active in encouraging research into the effects of 5G on people and the environment. Lampeter Town Council is leading the way in responding to concerns over 5G and the climate crisis. I feel very proud to be a member of Lampeter Town Council, and to live in this amazing community.

35. LAOIS COUNTY, IRELAND – https://smombiegate.org/laois-county-ireland-to-suspend-5g-due-to-health-concerns-non-coverage-by-insurance/ (https://smombiegate.org/laois-county-ireland-to-suspend-5g-due-to-health-concerns-non-coverage-by-insurance/)

36. 20th November 2019 – Mayor of Bad Wiessee in Bavaria, Germany announces unanimous decision of Town Council to invoke precautionary principle and reject 5G rollout (November 2019)

Dear Residents and Visitors of Bad Wiessee,

Bad Wiessee has a long-established reputation as a popular destination for health and well-being and this informs the present and future decision-making of the Council. Many of our visitors come here seeking medical treatments, physical rehabilitation or simply to improve their well-being and most, if not all, of our town's prosperity depends on providing such services. As such, the Council takes its responsibilities in protecting and promoting health tourism very seriously.

At a public meeting, the Council unanimously decided to oppose the rollout of the untested 5G network. The Council felt a great sense of responsibility towards both residents and visitors in taking this decision, given the significance of Bad Wiessee as a health destination.

5G offers many things that are attractive to people who love technology, such as time-saving automation, autonomous vehicles, ubiquitous smart homes, real time data-transfer, and the Internet of Things, to name but a few. But 5G also means increasing the number of cell towers in Germany from 90,000 to 750,000; launching approximately 12,000 5G satellites into space; increasing public exposure to microwave radiation from around 2.5 GHz currently to 200 GHz; seeing potential liability claims against owners of cell-tower locations; chopping down trees on a large scale (to ensure good transmission); as well as irradiating plants and animals. Above all, there is uncertainty about whether 5G can be considered safe in terms of public health. This is a very serious matter and, until such uncertainty is adequately clarified, the precautionary principle must be applied.

Not only the residents and visitors of Bad Wiessee, but also future generations are entitled to expect their Council representatives to exercise their duty of care. The Council's responsibility is all the greater given that the character and spirit of Bad Wiessee is defined in terms of health and well-being. The Council's decision with regard to 5G was taken after serious deliberation, which showed that all the Council representatives recognized its importance. This decision is not intended to restrict progress, but solely to examine critically the price we pay for such progress. If you are interested in the topic of 5G, I would ask you to inform yourself about it in order to form your own opinion.

Very sincerely from your Town Mayor,

Peter Höß

37. Switzerland – Some Swiss regions have suspended the use of new mobile sites constructed for 5G due to health concerns. The country is one of the most advanced 5G nations in Europe, with Swisscom and Sunrise among the first to launch next-generation networks. Speeds and coverage outpace other nations in the region and the government itself is interested in using 5G for applications like smart farming. However, Switzerland is also home to a vocal community of anti-5G campaigners. Protests have taken place in major cities while rural mayors have declared their desire to remain '5G-free zones'. https://smombiegate.org/switzerland-halts-rollout-of-5g-over-health-concerns (https://smombiegate.org/switzerland-halts-rollout-of-5g-over-health-concerns)/

38. Santa Barbara City Council – https://smombiegate.org/council-hits-big...bara-independent/ (https://smombiegate.org/council-hits-big%E2%80%A6bara-independent/) Facing a gathering storm of opposition from anti-radiation activists worried about the health effects of the new 5G cellular technology,

the Santa Barbara City Council voted to delay authorizing a licensing agreement with Verizon that would have allowed the cell phone service giant to install up to 60 new 5G cell phone antennas on light fixtures downtown.

39. 5G has been halted in Slovenia while officials take more time to investigate health effects of the new technology. A letter (https://ehtrust.org/wp-content/uploads/Odgovor-Medveda-MJU.Horvatu-iz-ZSKS-9.12.-2019-2.pdf) from Minister Rudi Medved (unofficial translation below) states they will reopen the debate on potential health risks. https://smombiegate.org/slovenia-halts-5g-to-investigate-health-and-safety/ (https://smombiegate.org/slovenia-halts-5g-to-investigate-health-and-safety/)

40. 100 Municipalities in Italy are officially Stop 5G – DECEMBER 10 2019 "A small Italian miracle in defense of public health. Just 9 months after the approval of the Vicovaro Resolution (https://oasisana.com/2019/03/02/alleanza-italiana-stop-5g-ecco-la-risoluzione-di-vicovaro-per-governo-parlamento-sindaci-e-cittadini/) in the consensus of the 1st Stop 5G national meeting promoted on 2 March 2019 by the Italian Alliance Stop 5G, today 100 Italian Municipalities are officially Stop 5G . Before Vicovaro the void in the local administration of the *tsunami* of *wireless* fifth generation did not speak at all, completely ignored the risk, but now – less than 300 days from the first historical event (https://oasisana.com/2019/03/02/alleanza-italiana-stop-5g-ecco-la-risoluzione-di-vicovaro-per-governo-parlamento-sindaci-e-cittadini/)– a rising tide of awareness in the claim of a right enshrined in art. 32 of the Constitution, recalling the European precautionary principle, spreads relentlessly from the Valle d'Aosta to Sicily , from the province of Bolzano to that of Caltanissetta and Nuoro , passing through the cities of Rome (Municipio XII), Turin, Catania, Florence and Bologna . And we're just beginning.

https://oasisana.com/2019/12/10/il-5g-ora-e-pure-un-problema-democratico-100-comuni-ditalia-sono-ufficialmente-stop-5g-ecco-la-lista-unica-in-europa/ (https://translate.google.ca/translate?sl=auto&tl=en&u=https%3A%2F%2Foasisana.com%2F2019%2F12%2F10%2Fil-5g-ora-e-pure-un-problema-democratico-100-comuni-ditalia-sono-ufficialmente-stop-5g-ecco-la-lista-unica-in-europa%2F)

41. Papua New Guinea's ICT Minister wants the country's internet providers to hold off on any development of 5G until all risks from the new technology are evaluated. DEC 31, 2019 – https://www.rnz.co.nz/international/pacific-news/406411/png-govt-puts-hold-on-5g-development (https://www.rnz.co.nz/international/pacific-news/406411/png-govt-puts-hold-on-5g-development)

42. Los Altos, CA Unanimously Denies All 4G/5G Cell Node Appeals – After substantial pushback from Los Altos residents, all 13 cell node application appeals submitted by Verizon and AT&T were denied by the city council on the basis of " insubstantial evidence." https://www.5gcrisis.com/post/los-altos-ca-unanimously-denies-all-4g-5g-cell-node-appeals (https://www.5gcrisis.com/post/los-altos-ca-unanimously-denies-all-4g-5g-cell-node-appeals)

in Uncategorized (https://stop5gblacktown.org/category/uncategorized/) 0 (https://stop5gblacktown.org/list-of-countries-cities-towns-and-councils-that-have-banned-5g/#respond)

About Editor Blacktown

(https://stop5gblacktown.org/author/editorial-team/)

◂ UK Prime Minister Warns Of... (https://stop5gblacktown.org/255-2/)

STOP

(https://stop5gblacktown.org/)

Gores, Alanna

From: larjdyng@olypen.com
Sent: Monday, April 05, 2021 12:44 PM
To: Gores, Alanna
Subject: RE: 4/6/21 BOC consideration of Charter Review Commission (CRC) recommendation for EMF related Franchise Agreements
Attachments: 2cea04_9c8a5103ca93461bae13dd604f64364b.pdf; SCIENCE EXPLAINED 5G Crisis.htm

*In addition to your forwarding my 3/15/21 comments to attention of the Board of Commissioners, I am adding an attachment for their consideration.
*I will also be forwarding the email source which also cites a website that provides considerable reference material which might be of interest to them.
*Thank you for verifying my previous input.

Regards,
Judy Larson
1070 W. Palo Verde Loop
Sequim, WA 98382

On 2021-03-15 09:29, Gores, Alanna wrote:
> Judy Larson,
>
> Thank you for your email below. I will forward to the Board of
> Commissioners.
>
> Loni
>
> Loni Gores
> Clerk of the Board
> Commissioners Office
> 223 East 4th Street, Suite 4
> Port Angeles, WA 98362
> Phone: 360-417-2256
>
> -----Original Message-----
> From: larjdyng@olypen.com [mailto:larjdyng@olypen.com]
> Sent: Monday, March 15, 2021 8:41 AM
> To: Gores, Alanna
> Cc: Dean&Judy
> Subject: 3/15/21 RE:Charter Review Commission (CRC) recommendation for
> EMF related Franchise Agreements
>
> ATTN: Clallam County Board of Commissioners
>
> I agree with/support the CRC's recommendation that our County needs to
> ensure ANY franchise associated with new radio frequency rf/EMF)
> devices or using micro/millimeter range wavelength/frequencies must
> provide scientific studies consistent with NEPA.
>

> Many jurisdictions - domestic and international - have developed such
> requirements to ensure protections for human and environmental health
> and safety.
>
> Thank you for your consideration.
>
> Judy Larson
> 1070 W Palo Verde Loop
> Sequim,WA 98382
>
> P.S. The 3/14/21 PDN does not clearly state that your work sessionwill
> cover this.

PRESS RELEASE

AMERICANS FOR RESPONSIBLE TECHNOLOGY

For release: Friday, March 26, 2021
Contact: Doug Wood, Director, Americans for Responsible Technology, (516) 883-0887

NYS Lawmakers Want Answers on 5G Health Effects

(Albany, NY) Members of the New York State (NYS) legislature have introduced a bill to establish a special commission charged with investigating the growing evidence linking exposure to radiofrequency (RF) microwave radiation ("wireless radiation") emitted by 5G and other wireless antennas, with serious human health and environmental impacts. The commission, proposed by NYS Senator Anna Kaplan and NYS Assemblyman Tom Abinanti, will include public health experts, environmental scientists, and independent electromagnetic radiation researchers. The commission is slated to report its findings to the legislature by June of 2022.

"It's critical for the people of New York State to understand the full range of risks inherent in the deployment of 5G antennas in neighborhoods across the state," says Doug Wood, Director of non-profit Americans for Responsible Technology. "This kind of involuntary exposure to a scientifically-proven health hazard deserves the scrutiny this commission will provide. I applaud Senator Kaplan and Assemblyman Abinanti for taking this action to protect public health and the environment."

New York is not the first state to establish such a commission. In 2019, New Hampshire introduced and passed HB522 to study the health and environmental effects of evolving 5G technology. In November of 2020, the commission released its watershed report containing 15 recommendations largely intended to reduce public exposure to wireless radiation, raise public awareness of potential health risks, and improve monitoring of wireless radiation emissions from existing and future wireless systems.

To date, no studies have confirmed claims by the telecom industry that exposure to wireless radiation emitted by 5G wireless devices, as well as earlier generations of wireless technologies, is safe. As a result, Lloyd's of London, and other leading insurance companies, have declined to insure the telecoms against personal injury claims and class-action lawsuits related to exposure to electromagnetic fields, including wireless radiation.

Senate bill S5926
Assembly bill A6448

About Americans For Responsible Technology (ART)

Americans For Responsible Technology is a non-profit national coalition of more than 160 grassroots organizations in 43 states advocating for the safe and responsible use of technology. More information at www.AmericansForResponsibleTech.org.

Gores, Alanna

From: larjdyng@olypen.com
Sent: Monday, April 05, 2021 1:04 PM
To: Gores, Alanna
Subject: Fwd: BREAKING: NY Lawmakers Want Answers on 5G Health Risks
Attachments: SCIENCE EXPLAINED 5G Crisis(1).htm

*This is the forwarding of the email source for my recently submitted comments and attachments for BOC attention on 4/6/21 about CCCRC recommendation on any EMG/ franchise considerations.
*I don't know why the 2nd attachment showed such LONGGG breaks, but with "patience" in scrolling, contents can be read.
*Iam trying one more time to add that attachment, but Commissioners can read it fully assembled if they go to website noted at bottom and then look under SCIENCE tab.
*Thanks for your efforts!
Judy Larson

-------- Original Message --------
Subject: BREAKING: NY Lawmakers Want Answers on 5G Health Risks
Date: 2021-03-27 10:25
From: larjdyng@olypen.com
To: larjdyng@olypen.com

From: 5G Crisis <report@5Gcrisis.com>
Subject: BREAKING: NY Lawmakers Want Answers on 5G Health Risks
Date: March 26, 2021 at 11:54:04 AM PDT

BREAKING NEWS:
NY Lawmakers Want Answers on 5G Health Risks

Read the Full Press Release Here

<https://americansforresponsibletech.us8.list-manage.com/track/click?u=c3128cbc75b5968aacd624e4b&id=89410e3838&e=3ee75c47e1>

We urge you to please share our press release with your local news outlets, local legislators, state legislators, and federal legislators.
The more folks who are aware of this bill, the greater the likelihood that other decision makers will also take action to address 5G risks.

Thanks for all you do, and please reach out if you have any questions or concerns about 5G issues near you. Upward and onward!

The 5G Crisis Team

<https://americansforresponsibletech.us8.list-manage.com/track/click?u=c3128cbc75b5968aacd624e4b&id=effe487640&e=3ee75c47e1>

<tel:516-883-0887>

Gores, Alanna

From: Darlene Schanfald <darlenes@olympus.net>
Sent: Tuesday, April 06, 2021 11:23 AM
To: Gores, Alanna
Subject: 2020 Charter Review Commission Recommendation – - on Franchises/EMF/NEPA

I am submitting my support for the **2020 Charter Review Commission Recommendation – - on Franchises/EMF/NEPA** for the public record.

Thank you,

Darlene Schanfald
160 Kane Lane
Sequim WA 98382

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4/13/21

AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: WSU Extension

WORK SESSION ☒ **Meeting Date: 4.5.21**

REGULAR AGENDA ☒ **Meeting Date: 4,13.21**

Required Originals Approved and Attached?
Will Be Provided On:

Item Summary:*

☐ Call for Hearing ☒ Contract/Agreement/MOU** Contract 100931-18-107
☐ Resolution ☐ Proclamation ☐ Budget Item
☐ Draft Ordinance ☐ Final Ordinance ☐ Other
Documents exempt from public disclosure attached: ☐

Executive Summary:

The existing MOA between WSU and Clallam County is being updated for 2021. This is the annual formalization of the long-standing relationships between WSU Extension and Clallam County. It is the intent of the Memorandum of Agreement to provide clientele in Clallam County with educational programs in the Extension program areas of Food and Farms, Community Health, Master Gardeners, 4-H/Youth Development, and Waste Reduction.
The body of the MOA has been updated this year with non-discrimination language.

Budgetary Impact:(Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget Action is required, has it been submitted and a copy attached?** ☐

These expenditures have been approved in the 2021 budget

Recommended Action:(Does the Board need to act? If so, what is the department's recommendation?)
Consider for approval on March 4.

County Official Signature:

Date Submitted: 3-31-21

* Submit original and 5 copies
** Submit **3** originals and 5 copies

Questions? Call Trish Holden, Clerk of the Board, ext 2234

INTERAGENCY AGREEMENT

Between

WASHINGTON STATE UNIVERSITY EXTENSION

And

CLALLAM COUNTY

I. Mission Statement

Washington State University Extension engages people, organizations and communities to advance knowledge, economic well-being and quality of life by fostering inquiry, learning, and the application of research. This mission is carried out using research and experience-based educational programs from colleges and departments dispersed throughout the WSU system, which address important issues and needs of individuals and communities in all 39 counties in the state of Washington. WSU Extension is enabled for this task as the Land Grant Institution for Washington through partnerships with county, state, and federal governments.

II. Purpose

The purpose of this agreement is to formalize the longstanding relationships between Washington State University Extension and County Government. This also continues a longstanding, joint funding relationship for county/area Extension faculty and designated support staff. This agreement conforms to the standards for interagency agreements set forth in RCW 39.34.130.

III. Under terms of this Interagency Agreement, Washington State University Extension agrees to:

A. Recruit, employ and establish salaries for county/area Extension Educators and designated WSU support staff for Clallam County ("County"). Employment concurrence will be sought from County Commissioners before an individual is hired and assigned to the County.

B. Assure that salary increase monies will be available for Extension Educators and designated support staff based on criteria established by the Washington State Legislature and Washington State University President.

C. Supplement the funds received from the county professional services contract and pay salary and fringe benefits for each county/area Extension Educator and designated staff members.

D. Submit to County at the beginning of each month an invoice for the actual reimbursement amount that occurred during the month of the professional services contract appearing in Appendix A of this agreement.

E. In cases where position vacancies occur due to separations during a contract period, the County will be invoiced to cover the County portion of annual leave and sick leave payout.

F. Provide fringe benefits to county/area Extension Educators as outlined in the WSU Faculty Manual and provide fringe benefits to support staff as specified by the applicable agreement, policy, or law.

G. Grant annual leave, sick leave, professional leave, other leave and holidays as outlined in the WSU Faculty Manual for county/area Extension Educators or by the applicable agreement, policy, or law for jointly funded or fully WSU funded support staff.

H. Provide in-service education for county/area Extension faculty members.

IV. Under terms of this Interagency Agreement, County agrees to:

A. Pay the amount agreed upon monthly, or as mutually agreed upon, to Washington State University for Extension education services to be rendered in County. This professional services contract, known as a reimbursable "Appendix A" to this agreement, shall be for a term of one calendar year.

B. Promptly pay the invoice voucher from Washington State University. Current month invoice to be billed by the 10th and payable on the 25th of the month, or on a schedule mutually agreed upon between WSU Extension and County. The invoice will be for the actual monthly reimbursement of the contract amount.

C. Pay the "county portion" of accumulated leave payments for contracted personnel due to separation.

D. Contingent upon approval of the Board of County Commissioners or County Executive, the County will continue to support contracted personnel on professional or retraining leave.

E. Furnish office facilities for faculty and support staff.

F. Provide an adequate operating budget to carry out Extension educational programs for citizens of the County. This budget will cover secretarial and support staff salaries not covered by this Agreement and telephone, office equipment, teaching and office supplies and travel costs.

V. Washington State University and County jointly agree that:

A. Additional program support staff positions may be employed and fully funded by either party to assist in carrying out Extension educational programs in the County.

B. This Interagency Agreement is effective upon being signed by appropriate representatives of the two organizations. It may be periodically reviewed and amended or supplemented as may be mutually agreed upon in writing.

VI. Terms of Modification or Termination of this Agreement:

A. This Interagency Agreement may be modified by the parties when mutually agreed upon in writing. This Agreement shall continue in effect until terminated following mutual discussion and agreement. Should the parties be unable to agree on the level of support for professional services of Extension Educators and jointly funded staff in an upcoming contract period specified in Appendix A to this document, either party may terminate the contract. However, written notice of termination must be received before October 1 for termination effective January 1 of the next year.

VII. Records Retention

A. Both Washington State University and the County will maintain records which are sufficient and properly reflect all costs incurred under terms of this Interagency Agreement. These records will be retained as set forth in the applicable retention schedule.

VIII. Non-Discrimination

A. There will be no discrimination in the performance of this Agreement on the basis of race, religion, creed, color, national origin, sex, marital status, sexual orientation (including gender identity), age, genetic history, honorably discharged veteran or military status, the presence of any sensory, mental, or physical disability, or any other protected status, in compliance with applicable federal and state law. This includes Title VI of the Civil Rights Act of 1964 (Pub. L. No. 88-352), as amended; the Civil Rights Restoration Act of 1987 (Pub. L. No. 100-259); Presidential Executive Order 11246, as amended, including the Equal Opportunity Clause contained therein; Section 503 of the Rehabilitation Act of 1973, as amended, and the Vietnam Era Veterans Readjustment Act of 1974, as amended, and the Affirmative Action Clauses contained therein; the Americans with Disabilities Act of 1990, as amended; and applicable non-discrimination laws of the state of Washington.

APPROVED:

Dr. Vicki McCracken Date
Associate Dean and Director
WSU Extension

Chair of the Board of Date
County Commissioners

Daniel G. Nordquist Date
Associate Vice President
Office of Research Support and Operations

Approved as to form only by:

Elizabeth Stanley
Civil Deputy Prosecuting Attorney
[illegible]am County

INTERAGENCY AGREEMENT
Between
WASHINGTON STATE UNIVERSITY EXTENSION
And
CLALLAM COUNTY

APPENDIX A

The following funds will be provided under this Memorandum of Agreement for the period January 1, 2021 through December 31, 2021 to provide an extension program.

Federal Funds $0.00 Non-Federal Funds $172,098

TOTAL FUNDS $172,098

It is understood that non-Federal funds provided by the County in support of this agreement may be identified by WSU as match for Federal capacity program (Hatch Act, Smith-Lever Act, etc.) funds received by WSU to support Extension activities.

County Extension Director	$24,998 (General Fund)
4-H Program Manager	$36,100 (General Fund)
Master Gardener Program Manager	$50,000 (Road Fund)
Community Health Specialist	$61,000:
	$43,000 (General Fund)
	$18,000 (Contract with OPHCC)

Dr. Vicki McCracken Date
Associate Dean and Director
WSU Extension

Chair of the Board of
County Commissioners Date

Daniel G. Nordquist Date
Associate Vice President
Office of Research Support and Operations

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4/13/21

AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: HHS – Environmental Health

WORK SESSION ☒ **Meeting Date: 4/5/2021**

REGULAR AGENDA ☒ **Meeting Date: 4/13/2021**

Required originals approved and attached? ☒
Will be provided on:

Item summary:

☐ Call for Hearing ☒ Contract/Agreement/MOU – 100511-21-CCD

☐ Resolution ☐ Proclamation ☐ Budget Item

☐ Draft Ordinance ☐ Final Ordinance ☐ Other

Documents exempt from public disclosure attached: ☐

Executive summary:
We are requesting approval of a Personal Services Agreement between Environmental Health and Clallam Conservation District (CCD). CCD is a project partner and sub-awardee for our National Estuary/Department of Health Pollution Identification and Correction grant (contract #CLH18239).

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐
Funds already in 2021 budget

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Approve Personal Services Agreement

County Official signature & print name: Jennifer Garcelon

Name of Employee/Stakeholder attending meeting: Jennifer Garcelon

Relevant Departments: HHS – Environmental Health

Date submitted: 3/31/2021

PERSONAL SERVICES AGREEMENT

THIS AGREEMENT is entered into between CLALLAM COUNTY, a political subdivision of the State of Washington, (hereinafter called "County" or "Clallam County") and

Name: Clallam Conservation District
Address: 228 W First Street, Suite H
Port Angeles, WA 98362
Phone Nº: 360-775-3747 x 103

(hereinafter called "Contractor").

This Agreement is comprised of:

☒ Attachment A - Scope of Work

☒ Attachment B – Compensation

☒ Attachment C - General Conditions

☒ Attachment D - Special Terms and Conditions

☒ Attachment E (specify) –Department of Health Contract #CLH18239

copies of which are attached hereto and incorporated herein by this reference as if fully set forth.

The term of this Agreement shall commence on the 1st day of November 2020 and shall, unless terminated as provided elsewhere in the Agreement, terminate on the 30th day of September 2022.

IN WITNESS WHEREOF, the parties have executed this Agreement on this day of 20 .

CONTRACTOR

Print name: Joe E. Holtrop

Title: Executive Director

Date: 3-31-2021, 20

ATTEST:

Loni Gores, Clerk of the Board

Mark Ozias, Chair

THIS CONTRACT HAS BEEN APPROVED AS TO FORM BY THE CLALLAM COUNTY PROSECUTING ATTORNEY

Originals: BOCC
Vendor
Initiating Department
BOARD OF CLALLAM COUNTY COMMISSIONERS

SCOPE OF WORK

BACKGROUND and PURPOSE:
The County has received a Washington State Department of Health (DOH) NEP NTA 0153– Pollution Identification and Correction grant (#CLH18239) to continue work in the Sequim Bay/Dungeness Watershed Clean Water District Pollution Identification & Correction (PIC) Project through September 30, 2022. The purpose of this agreement is to clearly identify the services to be performed by Clallam Conservation District (Contractor) related to this grant project and the corresponding compensation to be provided by the County.

CONTRACTOR AGREES:
To contribute staff and other resources to help the County fulfill its DOH grant deliverables as described below, particularly under PIC Grant task 4, and to adhere to the requirements of Section 106 described in the contract.

Task 4 – Clallam Conservation District Onsite Septic Cost-Share Program Implementation: The Contractor shall conduct outreach to landowners and stakeholders regarding its OSS repair cost-share program; assist applicants with the application process; review and approve/disapprove applications; complete the cost-share process through installation and County approval; conduct administrative tasks for grant reporting, coordination, and cost-share reimbursement; maintain project records and submit grant reporting information; collect and report necessary information for payment vouchers; provide administrative assistance to participants to meet reporting requirements for cost-share reimbursement; submit progress reports and cost-share reimbursements with the number, type, cost and location, as well as before and after photos of each OSS repair project completed and in progress, and the total amount spent for each reporting period, and a running total.

Section 106 – Before any ground disturbing work has started the Contractor will work with DOH to conduct cultural resource review for funded repairs in a timely manner. The Contractor will submit a 05-05 Form, and will maintain an up-to-date Inadvertent Discovery Plan (IDP). (The IDP is also submitted as a deliverable.). The Contractor shall comply with the additional requirements under Section 106 of the National Historic Preservation Act (NHPA, 36 CFR 800). Contractor shall take reasonable action to avoid, minimize, or mitigate adverse effects to archeological and historic resources. Activities associated with archaeological and historic resources are an eligible reimbursable cost subject to approval by DOH. Contractor shall:

a) Contact DOH NEP Program to discuss any Cultural Resources requirements for the project:
- For capital construction projects, if required, comply with Governor Executive Order 05-05, Archaeology and Cultural Resources.
- For projects with any federal involvement, if required, comply with the National Historic Preservation Act.
- Any cultural resources federal or state requirements must be completed prior to the start of any work on the project site.

b) Submit an Inadvertent Discovery Plan (IDP) to DOH prior to implementing any project that involves ground disturbing activities. DOH will provide the IDP form. DOH shall:
- Keep the IDP at the project site.
- Make the IDP readily available to anyone working at the project site.
- Discuss the IDP with staff and contractors working at the project site.
- Implement the IDP when cultural resources or human remains are found at the project site.

c) If any archeological or historic resources are found while conducting work under this Agreement:
- Immediately stop work and notify the DOH NEP Program, the Department of Archaeology and Historic Preservation at (360) 586-3064, any affected Tribe, and the local government.

d) If any human remains are found while conducting work under this Agreement:
- Immediately stop work and notify the local Law Enforcement Agency or Medical Examiner/Coroner's Office, and then the DOH NEP Program.

e) Comply with RCW 27.53, RCW 27.44.055, and RCW 68.50.645, and all other applicable local, state, and federal laws protecting cultural resources and human remains.

COUNTY AGREES TO:
Reimburse the Contractor in a timely manner following receipt of completed invoices and supporting documentation. The total reimbursement amount shall not exceed $244,100.

IT IS MUTUALLY AGREED THAT:
Both parties agree to be responsible for the undertaking of this project. No acquisition, holding, or disposal of real or personal property is anticipated for this undertaking.

COMPENSATION

1. ☐a. FIXED FEE FOR SERVICE: ..... Payments for completed tasks shall be made no more frequently than ☐ monthly; ☐ quarterly; ☐semi-annually; ☐annually; ☐ at completion of project; ☐ other (specify) .

Each request for payment shall be supported by an invoice specifying the tasks completed up to the request for payment and the payment amount requested. In no event shall payment be sought in an amount which represents a percentage of the fee greater than the percentage of completed tasks.

OR

☒ **b. HOURLY RATES:** For services rendered, the County shall compensate the Contractor at the following hourly rates:

Name/Position	***Hourly Rate***

Payments for completed tasks shall be made no more frequently than ☒ monthly; ☐quarterly; ☐semi-annually;
☐ annually; ☐at completion of project; ☐ other (specify) .

Each request for payment shall be supported by an invoice specifying: the name/position of the Contractor's employee if two or more are identified above who performed work in furtherance of this contract; number of hours worked; hourly wage, costs covered by item "2.c" below, completed tasks for which compensation is sought; estimated percentage of task completion; and payment amount requested;

In no event shall Contractor be compensated in excess of two hundred forty-four thousand and one-hundred DOLLARS ($244,100.00) for the completed work set forth in Attachment "A."

2. AND

☐**a.** The compensation set forth herein includes, without limitation: labor, materials, equipment, travel, telephone, computer, copiers, and the like.

OR

☐ **b.** The County shall reimburse the Contractor for actual expenses incurred for travel, telephone, copiers, and computer. Reimbursement for airfare, mileage, meals and/or accommodations shall be at the same rate as that applicable to county employees traveling on county business.

OR

☒ **c.** Other (specify): Labor, materials, and other costs relevant to the scope of work.

GENERAL CONDITIONS

1. Scope of Contractor's Services. The Contractor agrees to provide to the County services and any materials set forth in the project narrative identified as Attachment A during the agreement period. No material, labor, or facilities will be furnished by the County, unless otherwise provided for in the Agreement.

2. Accounting and Payment for Contractor Services. Payment to the Contractor for services rendered under this Agreement shall be as set forth in Attachment B. Unless specifically stated in Attachment B, the County will not reimburse the Contractor for any costs or expenses incurred by the Contractor in the performance of this contract.

   The County shall compensate the Contractor through the County voucher system for the Contractor's service pursuant to the fee schedule set forth in Attachment B.

3. Delegation and Subcontracting. Contractor's services are deemed personal and no portion of this contract may be delegated or subcontracted to any other individual, firm or entity without the express and prior written approval of the County Project Manager.

4. Independent Contractor. The Contractor's services shall be furnished by the Contractor as an independent contractor and nothing herein contained shall be construed to create a relationship of employer/employee or master/servant.

   The Contractor acknowledges that the entire compensation for this Agreement is specified in Attachment B and the Contractor is not entitled to any county benefits including, but not limited to: vacation pay, holiday pay, sick leave pay, medical, dental or other insurance benefits, or any other rights or privileges afforded to Clallam County employees. The Contractor represents that it maintains a separate place of business, serves clients other than the County, will report all income and expense accrued under this contract with the Internal Revenue Service on a business tax schedule, and has a tax account with the State of Washington Department of Revenue for payment of all sales and use and Business and Occupation taxes collected by the State of Washington.

   In the event that either the state or federal government determines that an employer/employee or master/servant relationship exists rather than an independent contractor relationship such that Clallam County is deemed responsible for federal withholding, social security contributions, workers compensation and the like, the Contractor agrees to reimburse Clallam County for any payments made or required to be made by Clallam County. Should any payments be due to the Contractor pursuant to this Agreement, the Contractor agrees that reimbursement may be made by deducting from such future payments a pro rata share of the amount to be reimbursed.

   Notwithstanding any determination by the state or federal government that an employer/employee or master/servant relationship exists, the Contractor, its officers, employees and agents, shall not be entitled to any benefits that Clallam County provides to its employees.

5. No Guarantee of Employment. The performance of all or part of this contract by the Contractor shall not operate to vest any employment rights whatsoever and shall not be deemed to guarantee any employment of the Contractor or any employee of the Contractor or any subcontractor or any employee of any subcontractor by the County at the present time or in the future.

6. Regulations and Requirements. This Agreement shall be subject to all federal, state, and local laws, rules, and regulations.

7. Right to Review. This contract is subject to review by any federal or state auditor. The County shall have the right to review and monitor the financial and service components of this program by whatever means are deemed expedient by the County Project Manager. Such review may occur with or without notice, and may include, but is not limited to, on-site inspection by County agents or employees, inspection of all records or other materials that the County deems pertinent to the

Agreement and its performance, and any and all communications with or evaluations by service recipients under this Agreement. The Contractor shall preserve and maintain all financial records and records relating to the performance of work under this Agreement for three (3) years after contract termination, and shall make them available for such review, within Clallam County, State of Washington, upon request, during reasonable business hours.

8. Modifications. Either party may request changes in the Agreement. Any and all agreed modifications shall be in writing, signed by each of the parties.

9. Termination for Default. If the Contractor defaults by failing to perform any of the obligations of the contract or becomes insolvent or is declared bankrupt or makes an assignment for the benefit of creditors, the County may, by depositing written notice to the Contractor in the U.S. Mail, postage prepaid, terminate the contract, and at the County's option, obtain performance of the work elsewhere. If the contract is terminated for default, the Contractor shall not be entitled to receive any further payments under the contract. Any extra cost or damage to the County resulting from such default(s) shall be deducted from any money due or coming due to the Contractor. The Contractor agrees to bear any extra expenses incurred by the County in completing the work, including all increased costs for completing the work, and all damage sustained, or which may be sustained by the County by reason of such default.

If a notice of termination for default has been issued and it is later determined for any reason that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the notice of termination had been issued pursuant to the Termination for Public Convenience paragraph hereof.

10. Termination for Public Convenience. The County may terminate the contract in whole or in part whenever the County determines, in its sole discretion that such termination is in the interests of the County. Whenever the contract is terminated in accordance with this paragraph, the Contractor shall be entitled to payment for actual work performed for completed items of work. An equitable adjustment in the contract price for partially completed items of work will be made, but such adjustment shall not include provision for loss of anticipated profit on deleted or uncompleted work. Termination of this contract by the County at any time during the term, whether for default or convenience, shall not constitute a breach of contract by the County.

11. Termination Due to Insufficient Funds. If sufficient funds for payment under this contract are not appropriated or allocated or are withdrawn, reduced, or otherwise limited, the County may terminate this contract upon five (5) days written notice to the Contractor. No penalty or expense shall accrue to the County in the event this provision applies.

12. Termination Procedure. The following provisions apply in the event that this Agreement is terminated:

(a) The Contractor shall cease to perform any services required hereunder as of the effective date of termination and shall comply with all reasonable instructions contained in the notice of termination, if any.

(b) The Contractor shall provide the County with an accounting of authorized services provided through the effective date of termination.

(c) If the Agreement has been terminated for default, the County may withhold a sum from the final payment to the Contractor that the County determines necessary to protect itself against loss or liability.

13. Defense and Indemnity Agreement.

(a) The Contractor agrees to hold harmless, indemnify and defend the County, its officers, officials, employees and agents, from and against any and all claims, actions, suits, liability,

loss, expenses, damages and judgments of any nature whatsoever, including reasonable costs and attorneys' fees in defense thereof, for injury, sickness, disability or death to persons or damage to property (including loss of use thereof) or business (including economic loss), caused by or arising out of the Contractor's acts, errors or omissions in the performance of the Contract. Provided, however, that the Contractor's obligation under this provision will not extend to injury, sickness, disability, death or damage caused by or arising out of the sole negligence of the County, its officers, officials, employees or agents.

(b) With regard to any claim against the County, its officers, officials, employees and agents by any employee of the Contractor, subcontractor, anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, the indemnification obligation under this Section will not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Contractor or subcontractor under workers' compensation acts, disability benefit acts or other employee benefit acts. It is clearly agreed and understood by the parties to the Contract that the Contractor expressly waives any immunity the Contractor might have had under such laws. By executing the Contract, the Contractor acknowledges that the foregoing waiver has been mutually negotiated by the parties as is required by RCW 4.24.115, and that the provisions of this Section will be incorporated, as relevant, into any contract the Contractor makes with any subcontractor or agent performing work under the Contract.

(c) The Contractor's obligations under these provisions include, but are not limited to, investigating, adjusting, and defending all claims alleging loss from action, error or omission, or breach of any common law, statutory or other delegated duty by the Contractor, the Contractor's employees, agents or subcontractors.

14. Industrial Insurance Waiver. With respect to the performance of this Agreement and as to claims against the County, its appointed and elected officers, agents and employees, the Contractor expressly waives its immunity under Title 51 of the Revised Code of Washington, the Industrial Insurance Act, as now or hereafter amended, for injuries to its employees and agrees that the obligations to indemnify, defend and hold harmless provided in this Agreement extend to any claim brought by or on behalf of any employee of the Contractor. Along with the other provisions of this Agreement, this waiver is mutually negotiated by the parties to this Agreement.

15. Venue and Choice of Law. In the event that any litigation should arise concerning the construction or interpretation of any of the terms of this Agreement, the venue of such action shall be in the courts of the State of Washington in and for the County of Clallam. This Agreement shall be governed by the law of the State of Washington.

16. Withholding Payment. In the event the County Project Manager determines that the Contractor has failed to perform any obligation under this Agreement within the times set forth in this Agreement, then the County may withhold from amounts otherwise due and payable to Contractor the amount determined by the County as necessary to cure the default, until the County Project Manager determines that such failure to perform has been cured. Withholding under this clause shall not be deemed a breach entitling Contractor to termination or damages, provided that the County promptly gives notice in writing to the Contractor of the nature of the default or failure to perform, and in no case more than ten (10) days after it determines to withhold amounts otherwise due. A determination of the County Project Manager set forth in a notice to the Contractor of the action required and/or the amount required to cure any alleged failure to perform shall be deemed conclusive, except to the extent that the Contractor acts within the times and in strict accord with the provision of the Disputes clause of this Agreement. The County may act in accordance with any determination of the County Project Manager which has become conclusive under this clause, without prejudice to any other remedy under the Agreement, to take all or any of the following actions: (1) cure any failure or default, (2) to pay any amount so required to be paid and to charge the same to the account of the Contractor, (3) to set off any amount paid or incurred from amounts due or to become due the Contractor. In the event the Contractor obtains relief upon a claim under the Disputes clause, no penalty or damages shall accrue to the Contractor by reason of good faith withholding by the County under this clause.

17. Rights and Remedies. The duties and obligations imposed by this Agreement and the rights and remedies available hereunder shall be in addition to and not a limitation of any duties, obligations, rights and remedies otherwise imposed or available by law.

18. Contractor Commitments, Warranties and Representations. Any written commitment received from the Contractor concerning this Agreement shall be binding upon the Contractor, unless otherwise specifically provided herein with reference to this paragraph. Failure of the Contractor to fulfill such a commitment shall render the Contractor liable for damages to the County. A commitment includes, but is not limited to any representation made prior to execution of this Agreement, whether or not incorporated elsewhere herein by reference, as to performance of services or equipment, prices or options for future acquisition to remain in effect for a fixed period, or warranties.

19. Patent/Copyright Infringement. Contractor will defend, indemnify and save harmless County, its appointed and elected officers, agents and employees from and against all loss or expense, including but not limited to claims, demands, actions, judgments, settlements, attorneys' fees and costs by reason of any and all claims and demands upon the County, its elected or appointed officials or employees for damages because of the Contractor's alleged infringement on any patent or copyright. The Contractor will pay those costs and damages attributable to any such claims that are finally awarded against the County, its appointed and elected officers, agents and employees in any action. Such defense and payments are conditioned upon the following:

(a) That Contractor shall be notified promptly in writing by County of any notice of such claim.

(b) Contractor shall have the right, hereunder, at its option and expense, to obtain for the County the right to continue using the information, in the event such claim of infringement, is made, provided no reduction in performance or loss results to the County.

20. Disputes:

(a) General. Differences between the Contractor and the County, arising under and by virtue of the contract documents shall be brought to the attention of the County at the earliest possible time in order that such matters may be settled or other appropriate action promptly taken. The records, orders, rulings, instructions, and decision of the County Project Manager shall be final and conclusive 30 days from the date of mailing unless the Contractor mails or otherwise furnishes to the County Administrator a written notice of appeal. The notice of appeal shall include facts, law, and argument as to why the conclusions of the County Project Manager are in error.

In connection with any appeal under this clause, the Contractor and County shall have the opportunity to submit written materials and argument and to offer documentary evidence in support of the appeal. Oral argument and live testimony will not be permitted. The decision of the County Administrator for the determination of such appeals shall be final and conclusive. Reviews of the appellate determination shall be brought in the Superior Court of Clallam County within 15 days of mailing of the written appellate determination. Pending final decision of the dispute, the Contractor shall proceed diligently with the performance of this Agreement and in accordance with the decision rendered.

(b) Notice of Potential Claims. The Contractor shall not be entitled to additional compensation or to extension of time for (1) any act or failure to act by the County Project Manager or the County, or (2) the happening of any event or occurrence, unless the Contractor has given the County a written Notice of Potential Claim within 10 days of the commencement of the act, failure, or event giving rise to the claim, and before final payment by the County. The written Notice of Potential Claim shall set forth the reasons for which the Contractor believes additional compensation or extension of time is due, the nature of the cost involved, and insofar as possible, the amount of the potential claim. Contractor shall

keep full and complete daily records of the work performed, labor and material used, and all costs and additional time claimed to be additional.

(c) Detailed Claim. The Contractor shall not be entitled to claim any such additional compensation, or extension of time, unless within 30 days of the accomplishment of the portion of the work from which the claim arose, and before final payment by the County, the Contractor has given the County a detailed written statement of each element of cost or other compensation requested and of all elements of additional time required, and copies of any supporting documents evidencing the amount or the extension of time claimed to be due.

21. Ownership of Items Produced. All writings, programs, data, art work, music, maps, charts, tables, illustrations, records or other written, graphic, analog or digital materials prepared by the Contractor and/or its consultants or subcontractors, in connection with the performance of this Agreement shall be the sole and absolute property of the County and constitute "work made for hire" as that phrase is used in federal and/or state intellectual property laws and Contractor and/or its agents shall have no ownership or use rights in the work.

22. Recovery of Payments to Contractor. The right of the Contractor to retain monies paid to it is contingent upon satisfactory performance of this Agreement, including the satisfactory completion of the project described in the Scope of Work (Attachment A). In the event that the Contractor fails, for any reason, to perform obligations required of it by this Agreement, the Contractor may, at the County Project Manager's sole discretion, be required to repay to the County all monies disbursed to the Contractor for those parts of the project that are rendered worthless in the opinion of the County Project Manager by such failure to perform.

Interest shall accrue at the rate of 12 percent (12%) per annum from the time the County Project Manager demands repayment of funds.

23. Project Approval. The extent and character of all work and services to be performed under this Agreement by the Contractor shall be subject to the review and approval of the County Project Manager. For purposes of this Agreement, the County Project Manager is:

Name: Heather Watts

Title: Environmental Health Specialist

Address: 111 E. 3rd Street,
Port Angeles, WA 98362

Telephone: 360-417-2415

E-mail: hwatts@co.clallam.wa.us

In the event there is a dispute with regard to the extent and character of the work to be done, the determination of the County Project Manager as to the extent and character of the work to be done shall govern subject to the Contractor's right to appeal that decision as provided herein.

24. Non-Discrimination. The Contractor shall not discriminate against any person on the basis of race, creed, political ideology, color, national origin, sex, marital status, sexual orientation, age, or the presence of any sensory, mental or physical handicap.

25. Subcontractors. In the event that the Contractor employs the use of any subcontractors, the contract between the Contractor and the subcontractor shall provide that the subcontractor is bound by the terms of this Agreement between the County and the Contractor. The Contractor shall insure that in all subcontracts entered into, Clallam County is named as an express third-party beneficiary of such contracts with full rights as such.

26. No Third Party Beneficiaries. This agreement is intended for the benefit of only the County and Contractor. This agreement does not confer any benefits, rights, or privileges upon any third party.

27. Standard of Care. The Contractor shall perform its duties hereunder in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession as the Contractor currently practicing under similar circumstances. The Contractor shall, without additional compensation, correct those services not meeting such a standard.

28. Time is of the Essence. Time is of the essence in the performance of this contract unless a more specific time period is set forth in either the Special Terms and Conditions or Scope of Work.

29. Notice. Except as set forth elsewhere in the Agreement, for all purposes under this Agreement, except service of process, any notices shall be given by the Contractor to the County Project Manager. Notice to the Contractor for all purposes under this Agreement shall be given to the person executing the Agreement on behalf of the Contractor at the address identified on the signature page.

30. Severability. If any term or condition of this contract or the application thereof to any person(s) or circumstances is held invalid, such invalidity shall not affect other terms, conditions, or applications which can be given effect without the invalid term, condition or application. To this end, the terms and conditions of this contract are declared severable.

31. Precedence. In the event of inconsistency in this Agreement, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order:

    (a) Applicable federal, state, and local statutes, ordinances, and regulations;

    (b) Scope of Work (Attachment A) and Compensation (Attachment B);

    (c) Special Terms and Conditions (Attachment D); and

    (d) General Conditions (Attachment C).

32. Waiver. Waiver of any breach or condition of this contract shall not be deemed a waiver of any prior or subsequent breach. No term or condition of this contract shall be held to be waived, modified, or deleted except by an instrument, in writing, signed by the parties hereto.

33. Attorney Fees. In the event that litigation must be brought to enforce the terms of this agreement, the prevailing party shall be entitled to be paid reasonable attorney fees.

34. Construction. This agreement has been mutually reviewed and negotiated by the parties and should be given a fair and reasonable interpretation and should not be construed less favorably against either party.

35. Survival. Without being exclusive, Paragraphs 4, 7, 13-19, 21-22 and 31-35 of these General Conditions shall survive any termination, expiration, or determination of invalidity of this Agreement in whole or in part. Any other Paragraphs of this Agreement which, by their sense and context, are intended to survive shall also survive.

36. Entire Agreement. This written contract represents the entire Agreement between the parties and supersedes any prior statements, discussions or understandings between the parties except as provided herein.

SPECIAL TERMS AND CONDITIONS

☒ 1. Reporting. The Contractor shall submit written progress reports to the County Project Manager as set forth below:

- ☒ With each request for payment.
- ☐ Monthly.
- ☐ Quarterly.
- ☐ Semi-annually.
- ☐ Annually.
- ☐ Project completion.
- ☐ Other (specify):

Progress reports shall include, at a minimum, the following: Work performed, employee wages, and hours each employee worked

Reports shall include any problems, delays or adverse conditions which will materially affect the Contractor's ability to meet project objectives or time schedules together with a statement of action taken or proposed to resolve the situation. Reports shall also include recommendations for changes to the Scope of Work, if any. Payments may be withheld if reports are not submitted.

☒ 2. Insurance. The Contractor shall maintain in full force and effect during the term of this Agreement, and until final acceptance of the work, public liability and property damage insurance with companies or through sources approved by the state insurance commissioner pursuant to RCW Title 48, as now or hereafter amended. The County, its appointed and elected officials, agents and employees, shall be specifically named as additional insureds in a policy with the same company which insures the Contractor or by endorsement to an existing policy or with a separate carrier approved pursuant to RCW Title 48, as now or hereafter amended, and the following coverages shall be provided:

☒	COMMERCIAL GENERAL LIABILITY:		
	Bodily injury, including death	$1,000,000	per occurrence
		$2,000,000	aggregate
	Property damage	$50,000	per occurrence
		$100,000	aggregate
☐	ERRORS AND OMISSIONS or PROFESSIONAL LIABILITY with an Extended Reporting Period Endorsement (two year tail)	$	per occurrence
☒	WORKERS COMPENSATION:	Statutory amount	

☐ AUTOMOBILE: coverage on owned, non-owned, rented and hired vehicles

Bodily injury, liability, including death	$	per occurrence
	$	aggregate
Property damage liability	$	per occurrence
	$	aggregate

☐ BUSINESS AUTOMOBILE LIABILITY: $ per occurrence

If the Errors and Omissions or Professional Liability insurance obtained is an occurrence policy as opposed to a claims-made policy, the Extended Reporting Period Endorsement is not required.

Any such policy of insurance the Contractor is required to obtain and maintain pursuant to this Agreement shall be primary over any third party liability coverage provided to Clallam County by and through its membership in the Washington Counties Risk Pool or WCRP. The third party liability coverage provided by the WCRP to Clallam County shall be non-contributory with respect to any policy of insurance the Contractor is required to obtain and maintain pursuant to this Agreement. The County shall have no obligation to report occurrences unless a claim or lawsuit is filed with it and the County has no obligation to pay any insurance premiums.

Evidence of primary insurance coverage shall be submitted to the County Project Manager within 20 days of the execution of the Agreement. The Agreement shall be void ab initio if the proof of coverage is not timely supplied.

If the proof of insurance or certificate of coverage indicating the County is an "additional insured" to a policy obtained by the Consultant in order to comply with this agreement refers to an endorsement (by number, abbreviation or name) but does not provide the full text of that endorsement, then it shall be the obligation of the Consultant to obtain the full text of that endorsement and forward that full text to the County within 30 days of the execution of this Agreement.

The coverage limits identified herein shall not limit the potential liability of the Contractor and the Contractor's duty to defend, indemnify, and hold harmless shall apply to any liability beyond the scope of insurance coverage.

☐ 3. Liquidated Damages. For delays in timely completion of the work to be done or missed milestones of the work in progress, the Contractor shall be assessed Dollars ($) per day as liquidated damages and not as a penalty because the County finds it impractical to calculate the actual cost of delays. Liquidated damages will not be assessed for any days for which an extension of time has been granted. No deduction or payment of liquidated damages will, in any degree, release the Contractor from further obligations and liabilities to complete the entire project.

☒ 4. Other (specify):.

Invoices and work summaries shall be submitted at least quarterly but no more than monthly.

Contractor agrees to adhere to all funding guidelines outlined in the DOH contract.

Department of Health Contract #CLH18239

Exhibit A
Statement of Work
Contract Term: 2018-2020

DOH Program Name or Title: NEP – Clallam County Enhanced PIC Phase 2 NTA 0153 Effective November 1, 2020

Local Health Jurisdiction Name: Clallam County Health & Human Services

Contract Number: CLH18239

SOW Type: Original **Revision # (for this SOW)**

Period of Performance: November 1, 2020 through December 31, 2021

Funding Source:	Federal Compliance (check if applicable)	Type of Payment
☒ Federal Subrecipient	☒ FFATA (Transparency Act)	☒ Reimbursement
☐ State	☐ Research & Development	☐ Fixed Price
☐ Other:		

Statement of Work Purpose: The purpose of this statement of work is to protect and recover (upgrade) harvestable shellfish beds within Dungeness Bay. Tasks include: monitor water quality, and identify and correct sources of pollution (e.g., onsite sewage systems, agriculture, pet waste) in Upper Matriotti Creek and Bell Creek, as well as previous PIC focus areas. This work also supports an OSS cost-share program as a subaward to Clallam Conservation District.

NOTE: Tasks with due dates after 12/31/21 are for informational purposes only and will be included in the next consolidated contract term beginning 01/01/22.

Revision Purpose:

Chart of Accounts Program Name or Title	CFDA #	HARS Revenue Code	Master Index Code	Funding Period (LHJ Use Only) Start Date	End Date	Current Consideration	Change Increase (+)	Total Consideration
PS SSI 1-5 PIC TASK 4	66.123	333.66.12	261K1208	11/01/20	12/31/21	0	322,815	322,815
						0	0	0
						0	0	0
						0	0	0
						0	0	0
						0	0	0
TOTALS						0	322,815	322,815

GOALS & MEASURABLE OBJECTIVES
This simply summarizes key deliverables and measures called out in the tasks below. This table is a component of the FFATS report.

Description (e.g., "shellfish beds reopened")	Units (e.g. "acres")	Targets ("number")
Number of upgraded acres from Conditionally Approved to Approved in Dungeness Bay	Acres	90
Number of landowners in PIC target area educated about purpose of PIC projects to improve water quality	Landowners	100
Number of priority pollution sources identified in PIC focus area(s)	On-site septic systems (OSS), agriculture, pet waste	5
Number of OSS failures identified.	OSS failures	10
Number of OSS failures corrected	OSS corrected	10

2C
4/13/21

AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: Public Works-Roads

WORK SESSION ☒ **Meeting Date: April 5, 2021**

REGULAR AGENDA ☒ **Meeting Date: April 13, 2021**

Required originals approved and attached? ☐
Will be provided on:

Item summary:

☐ Call for Hearing
☒ Contract/Agreement/MOU - Contract # 101-17-008C
☐ Resolution
☐ Proclamation
☐ Budget Item
☐ Draft Ordinance
☐ Final Ordinance
☐ Other

Documents exempt from public disclosure attached: ☐

Executive summary:
Attached is an amendment to the Funds Transfer Agreement between Clallam County and the Federal Highway Administration (FHWA), Western Federal Lands Highway Division, for the Spruce Railroad Trail Segment B. The amendment closes the Agreement as the funds are fully expended.

The final phase of construction for the Spruce Railroad Trail segment as part of the regional Olympic Discovery Trail is now complete. The County has received reimbursement of the $1,999,950 of the funds that was previously transferred and expended from a state Recreation and Conservation Office (RCO) grant.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

None

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)

Approve the close-out of the funds transfer agreement.

County Official signature & print name: _____

Name of Employee/Stakeholder attending meeting: Steve Gray

Relevant Departments: _____

Date submitted: March 31, 2021

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* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Questions? Call Loni Gores, Clerk of the Board, ext 2256

101-17-008C

2C
4/13/21

US Department of Transportation
Federal Highway Administration

Western Federal Lands Highway Division, FHWA
610 E. Fifth Street
Vancouver, WA 98661

March 22, 2021

Funds Transfer Agreement

Clallam County, Washington
Providing Funding of **$0.00**
Western Federal Lands Highway Division, FHWA Agreement # 69056718K500008, **AMENDMENT 0003**

Project Number/Name: WA NPS OLYM 2017(1), SPRUCE RAILROAD TRAIL SEGMENT B

This Agreement is to confirm that the Clallam County has committed to provide through either electronic funds' transfer or by check, $2,749,950.00 to the Western Federal Lands Highway Division, FHWA for project work and/or construction contract to construct the Spruce Railroad Trail, Segment B.

This amendment closes the Agreement as the funds are fully expended.

Fund Transfer Summary:

Phase	Form	Amount	Due	Received	FTA Number	Amend #	Comment
CN	Cash	$ 750,000.00	04/01/2018		69056718K500008	Base	
CN	Cash	$1,999,950.00	06/01/2019		69056718K500008	0001	
		$ 0.00			69056718K500008	0002	Extend Period of Performance
		$ 0.00			69056718K500008	0003	Closeout Funds Fully Expended
	Total:	$2,749,950.00					

The following is the **Clallam County's** Finance Billing Information:		The following is **Western Federal Lands Highway Division, FHWA** Finance Billing Information:	
DUNS#	075-739-235	DUNS#	139-768-597
Finance Contact	Hilary Steeby	Finance Contact	Genise L. Dance
Finance Phone	(360) 417-2370	Finance Phone	(360) 619-7534
Finance Fax	(360) 417-2513	Finance Fax	(360) 619-7945
Finance E-mail	hsteeby@co.clallam.wa.us	Finance E-mail	genise.dance@dot.gov
Project Contact	Ross Tyler	Project Contact	Susan Law
Project Phone	(360) 417-2448	Project Phone	(360) 619-7840
Project Fax		Project Fax	
Project E-mail	rtyler@co.clallam.wa.us	Project E-mail	susan.law@dot.gov
Street Address	223 E. 4th ST., Suite 6		
City, State, Zip	Port Angeles, WA 98362-3015		

Mark Ozias, Clallam County Commissioner — Date
Clallam County

Namrata Battan, Contracting Officer — Date
Western Federal Lands Highway Division, FHWA

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4/13/21

AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: Parks, Fair & Facilities

WORK SESSION ☒ **Meeting Date:** **04.05.2021**

REGULAR AGENDA ☒ **Meeting Date:** **04.13.2021**

Required originals approved and attached? ☐
Will be provided on:

Item summary:

☐ Call for Hearing
☐ Contract/Agreement/MOU - Contract #
☐ Resolution
☐ Proclamation
☐ Budget Item
☐ Draft Ordinance
☐ Final Ordinance
☒ Other Notice of Call for Bids

Documents exempt from public disclosure attached: ☐

Executive summary:

Jail Control Room Upgrade and Improvement Project.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

Yes. There is a budgetary impact. Funding for this project is approved in the 2021 REET I Project Fund.

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)

I recommend the Board approve the attached Call for Bids and Authorize the Chair to sign.

County Official signature & print name: _____ Joel G. Winborn

Name of Employee/Stakeholder attending meeting: Joel G. Winborn

Relevant Departments: Sheriff's Department/Parks, Fair & Facilities

Date submitted: 03.31.2021

CLALLAM COUNTY PARKS, FAIR & FACILITIES DEPARTMENT
NOTICE OF CALL FOR BIDS

SEALED BIDS will be received by the Board of Clallam County Commissioners 223 East Fourth Street, Room 150, Port Angeles, Washington until **10:00 a.m. on Tuesday, May 25, 2021** for:

CLALLAM COUNTY
-Jail Control Room Upgrade and Improvement Project-

Complete drawings and specifications may be obtained from Pen Print, Inc., Phone 360.457.3404. All bidding and related questions shall be directed to Frank Hopkins, HK Electrical Engineers, Phone: 503-625-4443 or Email: frank@hkeng.com.

The sealed bids must be clearly marked on the outside of the envelope, "**BID PROPOSAL – CLALLAM COUNTY – Jail Control Room Upgrade and Improvement Project".** Address bid proposal to: Board of Clallam County Commissioners, 223 East 4th Street, Suite 4, Port Angeles, Washington 98362 or hand-deliver to 223 East 4th Street, Room 150, Port Angeles, Washington. Bid documents received late by the Commissioners' Office, delivered to other offices, received by fax or email or by any other means will not be considered. **Late bids will be returned unopened.**
Note: All Bids shall include a 5% Bid Bond on a form approved by Clallam County.

Clallam County hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined in Title VI of the Civil Rights Act of 1964 at 49 CFR Part 23 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, or sex in consideration for an award.

Clallam County will determine the lowest responsible bidder in accordance with the terms of Clallam County Code Section 3.12.070 and reserves the right to reject any or all bids and to waive minor informalities in the process or to accept the bid, which in its estimation best serves the interests of Clallam County.

Bidders on Washington State Dept. of Labor & Industries or federal debarment list are prohibited from bidding on this project.

Construction Timeframe: 120 Calendar Days from Agreement Approval

A pre-bid walk-through will be conducted on Tuesday May 18, 2021 @ 2:00 PM. All interested bidders are to meet at the project site, located at 223 East 4th Street, Port Angeles, WA. This will be the only opportunity for bidders to review the as-built conditions. Owner and/or the Owners representative will be on site throughout the afternoon to answer questions and provide access for bidders. A bidder's absence will be considered as part of the Bidder responsibility criteria as set forth in the Specifications and Contract Documents.

APPROVED this _____ day of _____2021.

BOARD OF CLALLAM COUNTY COMMISSIONERS:

_____
Mark Ozias, Chair

ATTEST:

_____
Loni Gores, Clerk of the Board

Publish: **April 18 & April 25, 2021**(PDN)

END OF SECTION 00100

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4/13/21

AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: BOCC

WORK SESSION ☒ **Meeting Date: 04-05-21**

REGULAR AGENDA ☒ **Meeting Date: 04-13-21**

Item summary:

☐ Call for Hearing ☐ Contract/Agreement/MOU - Contract #

☒ Resolution ☐ Proclamation ☐ Budget Item

☐ Draft Ordinance ☐ Final Ordinance ☐ Other

Documents exempt from public disclosure attached: ☐

Executive summary:
A vacancy exists on the Marine Resources Committee due to the expiration of a term. A press release Was issued during February 2021 soliciting applications from interested citizens. One application was received.

The Jamestown S'Klallam Tribe notified staff that their representative will be Robert Knapp. The Director of the Department of Community Development endorses the appointment of Robert Knapp to the Marine Resources Committee.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐
None

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Approve and sign resolution appointing Robert Knapp to the Marine Resources Committee.

County Official signature & print name: Morgann Halencak, Deputy Clerk

Name of Employee/Stakeholder attending meeting: Mary Ellen Winborn

Relevant Departments: DCD/BOCC

Date submitted: 03-26-21

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* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Appointing Robert Knapp 04-13-21
Revised: 3-04-2019

Questions? Call Loni Gores, Clerk of the Board, ext 2256

RESOLUTION _____, 2021

APPOINTING A MEMBER TO THE MARINE RESOURCES COMMITTEE

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

1. A vacancy exists on the Marine Resources Committee due to the expiration of a term.

2. A press release was issued during February 2021 soliciting applications from interested citizens. One application was received.

4. The Jamestown S'Klallam Tribe notified staff that their representative will be Robert Knapp.

5. The Director of the Department of Community Development endorses the appointment of Robert Knapp to the Marine Resources Committee.

NOW, THEREFORE, BE IT RESOLVED by the Clallam County Board of Commissioners, in consideration of the above findings of fact:

1. **Robert Knapp** is appointed to serve as the Jamestown S'Klallam Tribal Council representative for a standing term.

PASSED AND ADOPTED this thirteenth day of April 2021

BOARD OF CLALLAM COUNTY COMMISSIONERS

_____
Mark Ozias, Chair

_____
Randy Johnson

_____
Bill Peach

ATTEST:

_____
Loni Gores, Clerk of the Board

A22.164
Appointee
DCD

DRAFT

4D
4/13/21

AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: BOCC

WORK SESSION ☒ **Meeting Date: 4-12-21**

REGULAR AGENDA ☒ **Meeting Date: 4-13-21**

Required originals approved and attached? ☐
Will be provided on:

Item summary:

☐ Call for Hearing
☐ Contract/Agreement/MOU - Contract #
☐ Resolution
☐ Proclamation
☐ Budget Item
☐ Draft Ordinance
☐ Final Ordinance
☒ Other – Letter of support- REVISED

Executive summary:
Congress reinstated the appropriation of funding to local governments and non-profits much like earmarks but now rebranded as Community Project Funding. The Jamestown S'Klallam Tribe submitted a proposal for FY2022 Community Project Funding for consideration for constructions of a roundabout on Highway 1010 at Sophus Road in Blyn, Washington. The Tribe completed a planning study and recently gained approval from the Washington State Department of Transportation for construction of a roundabout to calm traffic and create a safe pedestrian access to the Olympic Discovery Trail. This project benefits our entire community as Highway 101 is one of the most critical pieces of infrastructure in our region.

The Jamestown S'Klallam Tribe is requesting letters of support of Community Leaders to help direct this funding.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Review and approve a letter of support.

County Official signature & print name: Loni Gores Loni Gores, Clerk

Name of Employee/Stakeholder attending meeting: Board of Commissioners and Jamestown S'Klallam Tribe

Relevant Departments: Board of Commissioners

Date submitted: April 6, 2021

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* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Questions? Call Loni Gores, Clerk of the Board, ext 2256

Board of Clallam County Commissioners

223 East 4th Street, Suite 4
Port Angeles, WA 98362-3015
360.417.2233 Fax: 360.417.2493
Email: commissioners@co.clallam.wa.us

MARK OZIAS, District 1, Chair
RANDY JOHNSON, District 2
BILL PEACH, District 3

RICH SILL, County Administrator

April 13, 2021

Representative Derek Kilmer
332 E 5th St
Port Angeles, WA 98362

Re: Letter of Support for Jamestown S'Klallam Tribe - Traffic Calming and Pedestrian Safety in Blyn, Washington

Dear Representative Kilmer,

The Clallam County Board of Commissioners is aware that the Jamestown S'Klallam Tribe submitted a proposal for FY2022 Community Project Funding consideration for construction of a roundabout on Highway 101 at Sophus Road in Blyn, Washington. This letter demonstrates our support for their efforts to improve vehicle safety and provide traffic calming in an area that has seen increased congestion and accidents in recent years, and we are particularly interested in supporting a solution that affords a safe, much-needed crossing that connects the Olympic Discovery Trail to homes, businesses and lodging on the south side of the highway. Public safety is a high priority for Clallam County and we look forward to any improvements in this arena.

Given the short timeline for submission to the "Community Projects" list your office is accumulating we have not had the opportunity to fully-vet the roundabout design and wish to better understand the analysis that WSDOT has done to elevate the roundabout as the preferred alternative at this location. We also look forward to reviewing the feedback to this project generated by other interested parties such as the Peninsula Trails Coalition and our Regional Transportation Planning Organization.

Please accept this as an enthusiastic letter of support for the goals of this project, with the recognition that we simply need to know more before endorsing a specific design solution.

Sincerely,

Clallam County Board of Commissioners

Mark Ozias, Chair | Randy Johnson | Bill Peach

Intersection Control Evaluation

US 101 at Sophus Road

March 2021

SCJ ALLIANCE
CONSULTING SERVICES

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US 101 at Sophus Road

SR 101 MP 270.99

Intersection Control Evaluation

March 2021

Region Traffic Engineer Approval:

_____ _____

Sarah Ott, P.E. Date

Olympic Region Traffic Engineer

HQ Traffic Approval:

_____ _____

Brian Walsh, P.E. Date

State Traffic Design & Operations Manager

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1. STEP 1 – BACKGROUND AND PROJECT NEED

1.1 BACKGROUND

The Jamestown S'Klallam Tribe desires to improve the intersection of US Highway 101 and Sophus Road to improve safety by reducing travel speeds and providing a safer crossing for bicycle/pedestrians. This Intersection Control Evaluation (ICE) report has been prepared to determine a preferred future intersection control type. US Highway 101 is a north/south highway that connects most of the West Coast of the United States, running from Los Angeles, California to Olympia, Washington. As it passes through Clallam County on the north edge of the Olympic Peninsula, it serves the community of Blyn including a project area that is centered on Jamestown S'Klallam tribal land. The highway through the project area is located adjacent to mixed retail, tribal government buildings, and the Olympic Discovery Trail. The Washington State Department of Transportation (WSDOT) has classified this portion of US 101 primarily as a rural principal arterial. The route has a speed limit of 45 mph with an estimated 2019 daily traffic volume (AADT) of 17,000 vehicles per the WSDOT Traffic GeoPortal. The site vicinity map is shown in **Figure 1-1**.

Figure 1-1. Site Vicinity Map



1.2 BASELINE AND CONTEXTUAL NEEDS

The baseline need for the US Highway 101 and Sophus Road intersection is to ensure safe and acceptable operational performance. Due to high operating speeds, high vehicle volumes, and increased pedestrian activity at the intersection, the Tribe is looking to increase safety and efficiency for all users at the intersection. The Olympic Discovery Trail currently runs along the north side of US 101 through this area and the Tribe would like to connect the trail to the south side of the highway for safer pedestrian access to the tribal businesses.

Baseline Needs

- Connect Olympic Discovery Trail to Tribal businesses on south side of US 101
- Increase pedestrian safety across US 101 to/from Olympic Discovery Trail
- Increase vehicle safety at intersection
- Improve operational performance of intersection

Contextually, US 101 provides the main connections to/from Port Angeles, Sequim, and the northern Olympic Peninsula and other parts of the Puget Sound region. Within this context the highway needs to accommodate inter-regional through traffic and freight traffic. Additionally, Tribal properties, businesses, and households are accessed by several intersections along US 101 through the project area which means the highway is vital for tribal activity as well.

Contextual Needs

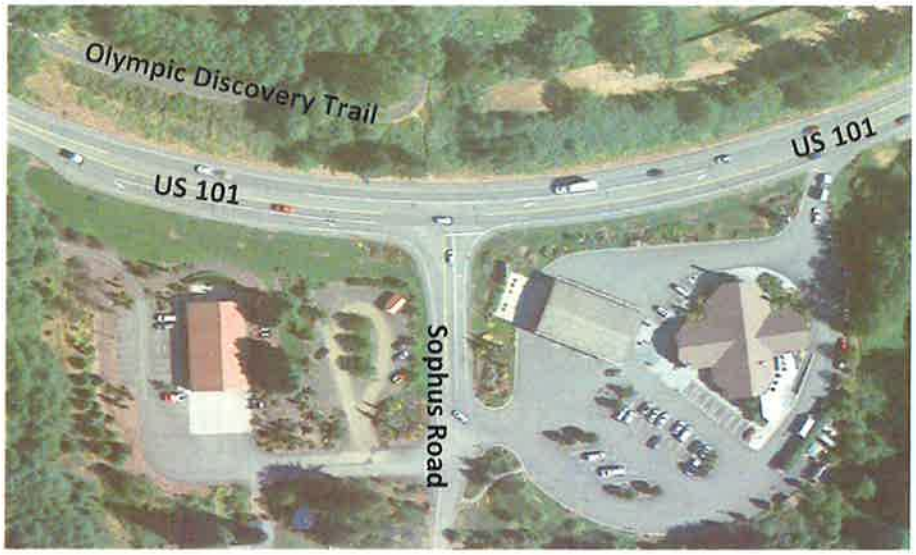
- Accommodate inter-regional tourism and freight traffic
- Accommodate high vehicle speeds
- Ease of access to tribal properties located along the corridor

1.3 EXISTING CONDITIONS

US Highway 101 is a heavily traveled corridor in this area as it is the quickest route from other parts of Puget Sound area to Port Angeles and the northern Olympic Peninsula. Sophus Road and US 101 is a three-legged intersection with no northern leg. At this location, US Highway 101 has one through lane in each direction, a left-turn lane for the westbound approach, a right turn lane the for the eastbound approach, and an add lane for northbound left turns onto US Highway 101 from Sophus Road. Sophus Road is a three-lane roadway section consisting of one southbound lane, one northbound left turn lane and one northbound right turn lane. The northbound left and right lanes are stop controlled, and the eastbound/westbound lanes are free flowing.

With the Olympic Discovery Trail lying directly to the north, the Tribe has seen an increase in the amount of non-motorized trail users crossing the highway to access tribal businesses on the south side of the road. Although the collected turning movement count data (shown in **Appendix A**) did not catch any of these non-motorized users, it is visible in the aerial that the non-motorized users have created and are maintaining a path through the vegetation between the trail and the intersection. The study intersection is shown in **Figure 1-2**.

Figure 1-2. Existing US 101/Sophus Road Intersection

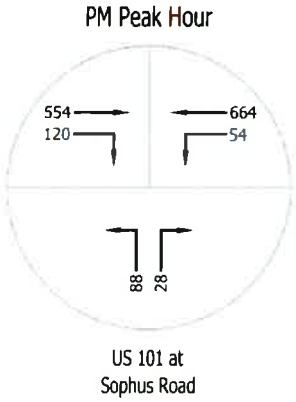


1.3.1 *2020 Turning Movement Counts*

Figure 1-3 shows the existing PM peak hour traffic counts. These counts were taken on Tuesday, September 22, 2020, with data collected between 4:00 PM and 7:00 PM. The turning movement counts are included in **Appendix A**.

As the traffic count data was collected during the COVID-19 pandemic when traffic activity has typically been reduced, this data was evaluated to determine if adjustments to approximate more "normal" traffic patterns would be necessary. The existing count data from the nearest WSDOT Permanent Traffic Recorder (PTR) #RO23S on US 101 was obtained and evaluated to make this determination. Looking at the PTR data, traffic volumes were much lower than the previous year in March and April when the pandemic first hit the state. However, by July 2020 volumes had basically normalized from what they were a year prior. No adjustment was made to the traffic count data.

Figure 1-3. Existing 2020 Analysis Volumes



1.3.2 *2020 Intersection Traffic Operations*

The intersection is currently operating at a level of service C with 20.7 seconds of average vehicle delay, which meets the WSDOT level of service C standard for this area. This analysis result includes the westbound acceleration lane provided to accommodate northbound left-turn traffic. It is understood that this acceleration lane is uncomfortable for some users, given the intersection is located in a super-elevated curve that affects the vertical grade of US 101, which slopes downward towards Sequim Bay. Removal of the acceleration lane entirely from the analysis results in a level of service F with 59.5 seconds of average delay. Depending on the level of utilization of the westbound acceleration lane actual operational performance of the intersection is likely to lie between these two results but could easily fall below the LOS C standard for the area. Tools, methods, and assumptions used in this analysis are described in Section 3.1. Traffic operations analysis worksheets are included in **Appendix B**.

1.3.3 *Existing Crash History*

Under 23 U.S. Code §148 and 23 U.S. Code §409, safety data, reports, surveys, schedules, list compiled or collected for the purpose of identifying, evaluating, or planning the safety enhancement of potential crash sites, hazardous roadway conditions, or railway-highway crossings are not subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any action for damages arising from any occurrence at a location mentioned or addressed in such reports, surveys, schedules, lists, or data.

Crash data was obtained for a five-year period between January 1, 2015 and December 31, 2019. This information was obtained from the WSDOT's Crash Data and Reporting Branch and is presented in **Table 1**-1.

Table 1. Type of Crash (2015-2019

Description	Fatal/Serious (crashes)	Fatal/All Injury (crashes)	Total (crashes)
Entering at Angle	0	1	4
Sideswipe	0	0	2
Other*	0	0	2
Total	**0**	**1**	**8**

During this five-year period there were eight total crashes reported at the study intersection, with one possible injury. Of these eight crashes, five involved a vehicle turning left being struck by a vehicle going straight or making a left, two crashes were same direction sideswipes and one was a road departure.

1.4 PROJECT ALTERNATIVES

The US 101 and Sophus Road intersection currently operates as a two-way stop controlled (TWSC) intersection with traffic free flowing for the east and west highway approaches and stop control for the northbound Sophus Road approach. This report will include an evaluation of the proposed intersection design under the following intersection control alternatives:

Existing Control

This alternative will include the existing TWSC intersection configuration and channelization.

Roundabout Control

This alternative will be a single-lane roundabout and will include evaluation of opening year channelization. **(Appendix C)**

Traffic Signal Control

This alternative will be traffic signal control with the existing intersection geometry.

1.5 INITIAL ALTERNATIVES EVALUATION

1.5.1 *Existing Control*

The minor street stop control alternative will assess the existing control to confirm there is still a need for intersection control improvements in the long-range planning horizon year of 2030. This "No Build" alternative will be advanced to Step 2.

1.5.2 *Roundabout Control*

This alternative meets the baseline and contextual needs of the intersection and will be advanced to Step 2.

1.5.3 *Traffic Signal Control*

It was determined that a traffic signal at this location, as an isolated signal on a high-speed highway and located in a curve, would not meet the baseline need of the intersection. Additionally, WSDOT noted the additional financial cost of maintaining a traffic signal at this location due to the distance from the nearest signal shop. Traffic signal warrants were not assessed and this alternative was not advanced to Step 2.

2. STEP 2 – INTERSECTION FEASIBILITY ANALYSIS

2.1 RIGHT OF WAY

Step 2 evaluates two different intersection alternatives: TWSC and a single-lane roundabout. The existing intersection configuration is located within existing right of way. The roundabout alternative will likely require small amount of right of way acquisition with strip right of way takes on the north side and southeast and southwest corners.

2.2 ENVIRONMENTAL

Both the existing configuration and the roundabout options are located at the existing intersection of US 101 and Sophus Road and will be primarily within existing US 101 right of way. Any improvements will have minimal environmental impacts. Based on discussion with the Tribe, there is no anticipated historical/cultural issues with the project area.

2.3 CONTEXT/SUSTAINABILITY

The roundabout option will improve safety for all users. Roundabouts provide substantial safety and operational benefits compared to a traffic signal and stop-controlled intersections. They moderate vehicular speeds thus reducing crash severity. The roundabout option will provide an effective alternative to manage the interaction of vehicles and pedestrians at the intersection and allow for safer entering and exiting vehicles from Sophus Road to/from the high-speed traffic on US 101. Sustainably, the roundabout option eliminates the hardware, maintenance and electrical costs that are associated with a traffic signal. Additionally, WSDOT does not have a signal shop near this intersection, further increasing the cost and time need for maintaining a traffic signal system.

2.4 FEASIBILITY CONCLUSION

Both options are located at the existing intersection of US 101 and Sophus Road and can feasibly be accommodated by the surrounding area and environment. The roundabout alternative would be consistent with the WSDOT preferred control type. Each of the feasibility evaluations are consistent with the project's baseline and contextual needs.

3. STEP 3 – OPERATIONAL AND SAFETY PERFORMANCE ANALYSIS

This section documents Step 3 analysis for each of the intersection alternatives, focusing on a discussion of traffic operations, off-peak operations, corridor continuity and driver expectation, safety effects, and accommodation of multimodal transportation needs.

3.1 ANALYSIS METHODS

3.1.1 *Analysis Times and Years*

Analysis of the intersection traffic control alternatives has been conducted for two horizon years, 2025 and 2030. Horizon year 2025 is the expected opening year for intersection improvements. The 2030 horizon year was determined by WSDOT to be the appropriate forecast year for analysis purposes given US 101's link capacity and characteristics. Analysis has been performed for the PM peak hour in these two time periods.

3.1.2 *Traffic Forecasting Approach*

Future intersection traffic volume projections for the 2025 and 2030 PM peak hours were prepared using an annual growth rate of 3 percent. This annualized growth rate was identified based on WSDOT historic annual average daily traffic (AADT) volume data for the twenty-eight year period from 1991 to 2019. The data was collected at WSDOT US 101 milepost 270.04, which is located approximately one mile north of the project location. This growth rate was also used to represent the background growth for the Jamestown S'Klallam Tribe's Long-Range Transportation Plan, which was published in 2015 (amended in 2017).

3.1.3 *Traffic Operational Analysis Tools*

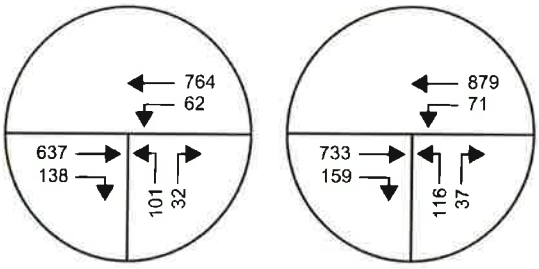
The operational analysis has been performed for the projected 2025 and 2030 PM peak hour traffic volumes and complies with WSDOT's traffic operations analysis policies and protocols as of the date of this report using the following software packages:

- The Synchro Version 10.0 software package was used to analyze operations for the future No Build Alternative. Output from this package included average vehicle delay, level of service (LOS), and volume-to-capacity (v/c) ratios.
- The SIDRA Version 9.0 software package was used to analyze the Roundabout-control Build Alternative. Average delay, v/c ratios, LOS, and traffic queuing were all calculated as output.

3.2 FORECASTED TRAFFIC VOLUMES

The traffic volume forecasts for the 2025 and 2030 horizon years were prepared using the background growth rate described above. This forecast is shown in **Figure 3-1**. The forecasted volumes calculations are included in **Appendix A**.

Figure 3-1. US 101 and Sophus Road PM Peak Hour Analysis Values



Opening Year (2025) Horizon Year (2030)

3.3 OPERATIONAL ANALYSIS

Intersection operations analysis results are described in terms of Level of Service (LOS). Level of Service calculations determine the amount of "control delay" (in seconds) that drivers will experience while proceeding through an intersection. Control delay includes all deceleration delay, stopped delay, and acceleration delay caused by the traffic control device. The LOS is directly related to the amount of delay experienced.

For modern roundabouts, the intersection average delay is used to assess potential impacts. **Table 3-1** shows the Level of Service criteria for both a signalized intersection/roundabout and a stop-controlled intersection. The capacity analysis worksheets are provided in **Appendix B**.

Table 3-1. Level of Service Criteria

Level of Service	Stop-Controlled Intersection Average Control Delay (seconds/vehicle)	Traffic Signal/Roundabout Intersection Average Control Delay (seconds/vehicle)
A	≤ 10	≤ 10
B	> 10-15	> 10-20
C	> 15-25	> 20-35
D	> 25-35	> 35-55
E	> 35-50	> 55-80
F	> 50	> 80

WSDOT has classified this portion of US 101 as Rural Other Principal Arterial and assigned a Level of Service Standard C as the minimum LOS standard of acceptable operation for any intersection.

In this analysis, the 95th percentile maximum back of queue has been estimated for each control alternative. The 95th percentile queue value reflects the queue length (in feet) that has only a 5-percent probability of being exceeded during the peak hour. The 95th percentile queue is a useful parameter for determining the appropriate length of turn pockets but is not typical of what the average driver would experience.

3.4 Operational and Queueing Analysis Results

Operational analysis was completed for the following control alternatives:

- No Build Alternative - Existing two-way stop control
- Build Alternative - One-lane roundabout control

Each of these alternatives was evaluated for the opening year and horizon year volume scenarios. The analysis results are provided in **Table 3-2**.

Table 3-2. PM Peak Hour Operational Analysis Summary

	Opening Year (2025)			Horizon Year (2030)		
Approach	LOS (delay)	V/C Ratio	95th Percentile Queue	LOS (delay)	V/C Ratio	95th Percentile Queue
Two-Way Stop Control						
EB	A (0.0)	0.00	40 feet	A (0.0)	0.00	50 feet
WB	A (9.6)	0.07	66 feet	B (10.1)	0.09	108 feet
NB	D (28.7)	0.40	138 feet	E (41.4)	0.55	421 feet
Intersection	**C (24.9)**			**D (34.9)**		
Roundabout						
EB	A (4.3)	0.57	127 feet	A (4.5)	0.66	183 feet
WB	A (5.1)	0.63	160 feet	A (5.5)	0.74	231 feet
NB	B (11.5)	0.15	21 feet	B (12.3)	0.19	30 feet
Intersection	**A (5.2)**			**A (5.5)**		

3.4.1 *No Build Alternative - Existing Two-Way Stop Control*

In the 2025 PM peak hour, the existing two-way stop-controlled intersection is projected to operate at LOS C with a delay of 24.9 seconds. In the 2030 long-term horizon the PM peak hour is projected to operate at LOS D with 34.9 seconds of delay, which is worse than the acceptable LOS standard. These analysis results assume full utilization of the existing westbound acceleration line. The no build alternative fails to address any of the baseline needs and addresses two of the contextual needs of the intersection.

3.4.2 *Build Alternative - Roundabout Alternative*

This alternative includes a full one-lane roundabout with yield control on all approaches. In the 2025 PM peak hour, the intersection is projected to operate at LOS A with the westbound 95th percentile queue spilling back an estimated 160 feet. In the 2030 PM peak hour the intersection is also projected to operate at LOS A, with the westbound queue of 231 feet being the longest projected queue approaching the intersection. The roundabout alternative addresses all seven of the baseline and contextual needs of the intersection.

3.5 Off-Peak Traffic Circulation Issues

During both analysis years the roundabout alternative is projected to provide acceptable levels of service during the PM peak hour and would be expected to operate acceptably during the off-peak hours when overall traffic volumes are expected to be lower. The existing stop control, which is projected to operate below the LOS C standard for the 2030 PM peak hour, is likely to experience

congestion for additional hours. With two of the baseline needs being increased vehicle safety and improved operation, the circulation of traffic with the roundabout option will meet both of these needs. Additionally, the circulation of traffic at the roundabout will help meet all three of the contextual needs.

3.6 Corridor Effects and Driver Expectations

This criterion evaluates the effect of the new intersection on area-wide transportation circulation and determines whether it is generally comprehensible to the traveling public. The existing intersection is currently stop-controlled for its northbound side street movement and there are no traffic signal or roundabout control types for several miles along US 101 in either direction. The roundabout alternative will increase circulation for the local roadway network and is a common control treatment that will be readily familiar to the traveling public.

3.7 Safety Effects/Conflict Areas

Overall studies have shown that roundabouts are safer than stop-sign control. With safety being in both the baseline and contextual needs of this project, the roundabout alternative would increase safety for both cars and pedestrians and meet the baseline and contextual needs.

3.8 Multimodal Safety and Operations

There are currently no sidewalks or bike lanes provided along US 101 in the study area, but the Olympic Discovery Trail travels east/west north of US 101. There are no crosswalks provided across US 101 within many miles of this location, but the trail provides a grade-separated tunnel crossing approximately ½ mile east of the Sophus Road intersection.

The close proximity of the Olympic Discovery Trail to the intersection of US 101 with Sophus Road, attracts pedestrian and bicycle activity that crosses the highway to reach the commercial developments located on the south side of US 101. Consistent with the baseline goal of more safety connecting the trail to businesses on the opposite side of the highway, a roundabout alternative would provide a safer crossing on US 101 for bikes and pedestrians and could include active warning signage, such as Rectangular Rapid Flashing Beacons to warn drivers of the presence of non-motorized travelers.

4. STEP 4 – ALTERNATIVES EVALUATION

4.1 ALTERNATIVES EVALUATION

Two-way stop control and roundabout control were assessed at this intersection. The two-way stop control (No Build Alternative) would operate at a LOS C in the opening year PM peak hour (2025) and LOS D in the horizon year (2030) PM peak hour. The roundabout would operate at LOS A for both the 2025 and 2030 PM peak hours. The roundabout option would also handle the flow from all legs of the intersection more efficiently than the TWSC option.

A roundabout is estimated to cost approximately $2,500,000.

The roundabout alternative is the safest and most sustainable option for this area.

A summary of each alternative and how they measure against the baseline and contextual needs is show below in **Table 4-1.**

Table 4-1. Baseline and Contextual Needs Met

		TWSC	Roundabout
Baseline Needs	Connect Olympic Discovery Trail to Tribal businesses on south side of US 101		✓
	Increase pedestrian safety across US 101 to/from Olympic Discovery Trail		✓
	Increase vehicle safety at intersection		✓
	Improve operation performance of intersection		✓
Contextual Needs	Accommodate inter-regional tourism and freight traffic	✓	✓
	Accommodate high vehicle speeds	✓	✓
	Ease of access to tribal properties located along the corridor		✓

5. STEP 5 – SELECTION

5.1 RECOMMENDATION

The evaluation documented in Steps 2-4 above show the existing intersection control will fall below the operational LOS standard for this portion of US 101. The roundabout alternative will improve intersection delay compared to the two-way stop control alternative, is the safest option for all users, and is the best fit given the baseline and contextual needs of the intersection.

In addition to construction of roundabout control at this intersection the project will include the continuation of the Olympic Discovery Trail from the north side of US 101 to Tribal businesses on the southern side. This will likely be a crosswalk on the west leg of the roundabout, as shown in **Appendix C**. The Tribe is also planning to add a shared-use path that will continue from the Longhouse Market and Deli to the northeast, which will further increase the pedestrian usage of this crossing and connect several tribal areas.

APPENDIX A

TURNING MOVEMENT COUNTS AND TRAFFIC VOLUME CALCULATIONS

Prepared for: **SCJ Alliance**

Traffic Count Consultants, Inc.

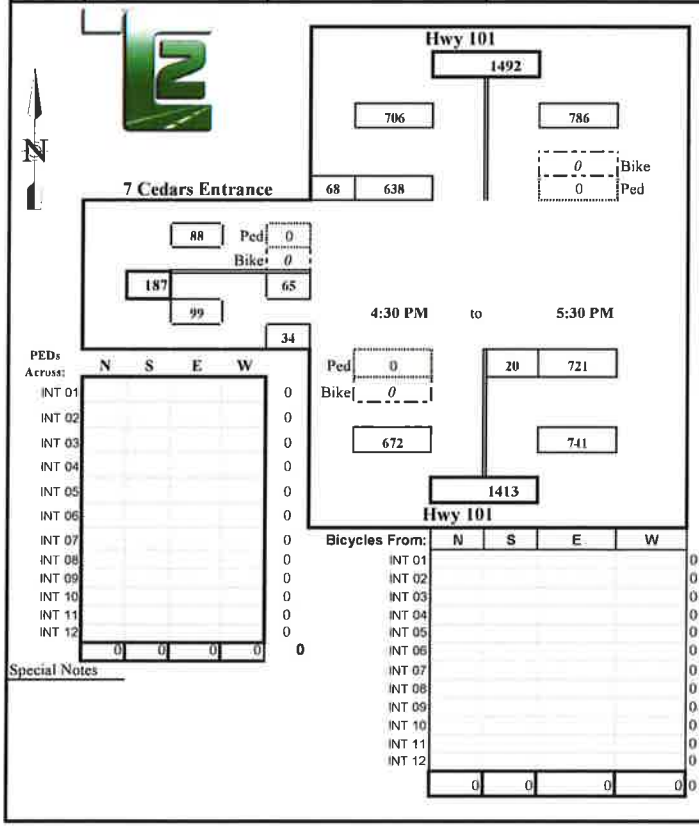
Phone: (253) 770-1407 FAX: (253) 770-1411 E-Mail: Team@TC2inc.com

WBE/DBE

Intersection: Hwy 101 & 7 Cedars Casino Entrance **Date of Count:** Tue 09/22/2020

Location: Blyn, Washington **Checked By:** Jen

Time Interval	From North on (SB) Hwy 101				From South on (NB) Hwy 101				From East on (WB) 0				From West on (EB) 7 Cedars Entrance				Interval Total
Ending at	T	L	S	R	T	L	S	R	T	L	S	R	T	L	S	R	
4:15 P	4	0	163	12	9	4	184	0	0	0	0	0	0	17	0	9	389
4:30 P	8	0	132	16	5	7	149	0	0	0	0	0	0	13	0	3	320
4:45 P	9	0	159	20	4	5	192	0	0	0	0	0	0	13	0	10	399
5:00 P	5	0	162	20	6	3	198	0	0	0	0	0	0	29	0	7	419
5:15 P	0	0	174	21	10	3	172	0	0	0	0	0	0	12	0	7	389
5:30 P	2	0	143	7	4	9	159	0	0	0	0	0	0	11	0	10	339
5:45 P	3	0	152	11	7	2	129	0	0	0	0	0	0	10	0	9	313
6:00 P	2	0	131	17	1	7	79	0	0	0	0	0	0	15	0	5	254
6:15 P	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:30 P	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:45 P	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:00 P	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Survey	33	0	1216	124	46	40	1262	0	0	0	0	0	0	120	0	60	2822
Peak Hour: 4:30 PM to 5:30 PM																	
Total	16	0	638	68	24	20	721	0	0	0	0	0	0	65	0	34	1546
Approach			706				741				0				99		1546
%HV			2.3%				3.2%				n/a				n/a		2.6%
PHF			0.91				0.92				n/a				0.69		0.92



Special Notes

1676 *1.0 PHF Peak Hour Volume*

		PHF	%HV
	EB	0.69	n/a
Check	WB	n/a	n/a
In: 1546	NB	0.92	3.2%
Out: 1546	SB	0.91	2.3%
	T Int.	0.92	2.6%

Conditions:

SCJ20052M_02P

Prepared for: **SCJ Alliance**

Traffic Count Consultants, Inc.

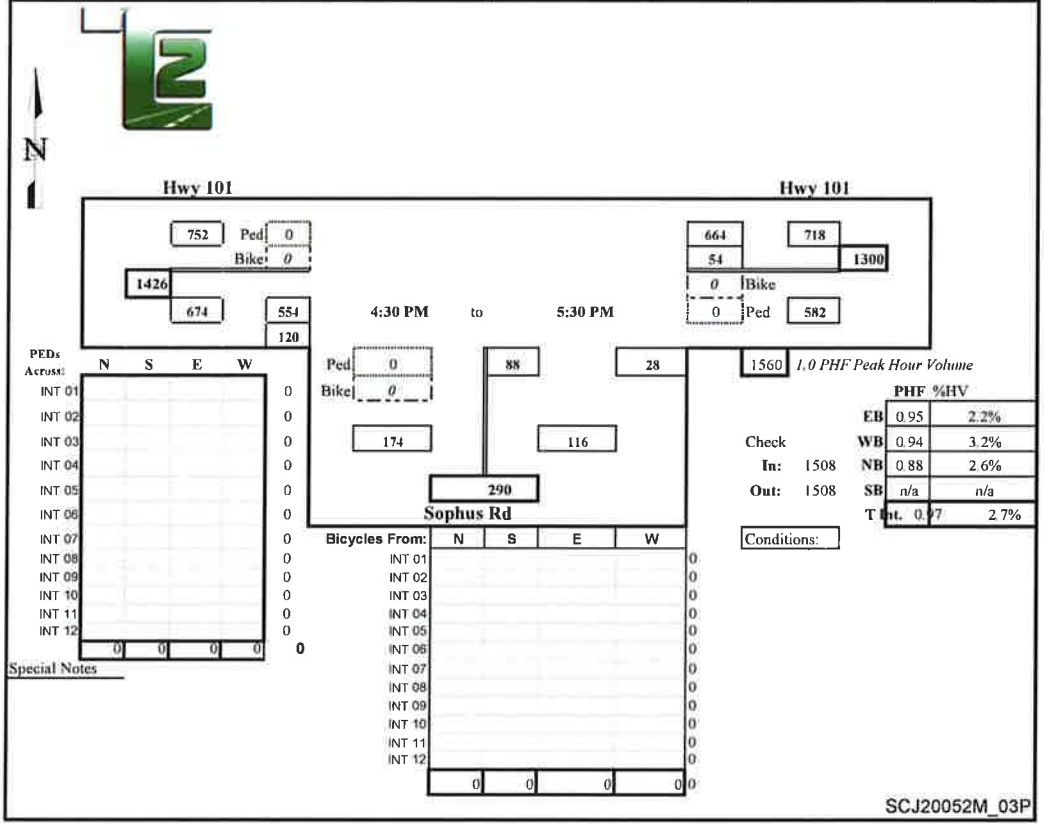
Phone: (253) 770-1407 FAX: (253) 770-1411 E-Mail: Team@TC2inc.com

WBE/DBE

Intersection: Sophus Rd & Hwy 101 **Date of Count:** Tue 09/22/2020

Location: Blyn, Washington **Checked By:** Jen

Time Interval	From North on (SB) 0				From South on (NB) Sophus Rd				From East on (WB) Hwy 101				From West on (EB) Hwy 101				Interval Total
Ending at	T	L	S	R	T	L	S	R	T	L	S	R	T	L	S	R	
4:15 P	0	0	0	0	1	19	0	4	7	13	169	0	4	0	152	25	382
4:30 P	0	0	0	0	0	12	0	6	7	15	138	0	8	0	114	23	308
4:45 P	0	0	0	0	0	25	0	8	5	12	179	0	9	0	138	28	390
5:00 P	0	0	0	0	2	19	0	6	4	12	179	0	4	0	140	32	388
5:15 P	0	0	0	0	1	19	0	7	10	12	154	0	0	0	144	33	369
5:30 P	0	0	0	0	0	25	0	7	4	18	152	0	2	0	132	27	361
5:45 P	0	0	0	0	1	14	0	4	8	14	119	0	3	0	134	22	307
6:00 P	0	0	0	0	0	12	0	8	2	13	74	0	2	0	115	23	245
6:15 P	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:30 P	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:45 P	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:00 P	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Survey	0	0	0	0	5	145	0	50	47	109	1164	0	32	0	1069	213	2750
Peak Hour: 4:30 PM to 5:30 PM																	
Total	0	0	0	0	3	88	0	28	23	54	664	0	15	0	554	120	1508
Approach	0				116				718				674				1508
%HV	n/a				2.6%				3.2%				2.2%				2.7%
PHF	n/a				0.88				0.94				0.95				0.97



SCJ20052M_03P

SCJ ALLIANCE
CONSULTING SERVICES

Royal Valley Mixed Use Development

PM Peak Hour Volumes

Growth Rate: 3.00%

Intersection	Movement		Existing 2020 Volumes	Background 2025 Growth	Baseline 2025 Volumes	Background 2030 Growth	Projected 2030 Volumes
		L	0	0	**0**	0	**0**
	EB	T	554	83	**637**	96	**733**
		R	120	18	**138**	21	**159**
1		L	54	8	**62**	9	**71**
Silva Road/Sophus Road	WB	T	664	100	**764**	115	**879**
Hwy 101		R	0	0	**0**	0	**0**
		L	88	13	**101**	15	**116**
TMC Date: 09/22/2020	NB	T	0	0	**0**	0	**0**
		R	28	4	**32**	5	**37**
4:30 - 5:30		L	0	0	**0**	0	**0**
PHF: 0.97	SB	T	0	0	**0**	0	**0**
		R	0	0	**0**	0	**0**
			1,508		1,734		1,995

APPENDIX B

TRAFFIC OPERATIONS ANALYSIS WORKSHEETS

Intersection	
Int Delay, s/veh	2.1

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	554	120	54	664	88	28
Future Vol, veh/h	554	120	54	664	88	28
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	Free	-	None	-	Stop
Storage Length	-	150	250	-	180	-
Veh in Median Storage, #	0	-	-	0	1	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	97	97	97	97	97	97
Heavy Vehicles, %	25	25	25	25	3	3
Mvmt Flow	571	124	56	685	91	29

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	-	571	0	1368	571
Stage 1	-	-	-	-	571	-
Stage 2	-	-	-	-	797	-
Critical Hdwy	-	-	4.35	-	6.43	6.23
Critical Hdwy Stg 1	-	-	-	-	5.43	-
Critical Hdwy Stg 2	-	-	-	-	5.43	-
Follow-up Hdwy	-	-	2.425	-	3.527	3.327
Pot Cap-1 Maneuver	-	0	897	-	161	518
Stage 1	-	0	-	-	563	-
Stage 2	-	0	-	-	442	-
Platoon blocked, %	-			-		
Mov Cap-1 Maneuver	-	-	897	-	151	518
Mov Cap-2 Maneuver	-	-	-	-	285	-
Stage 1	-	-	-	-	563	-
Stage 2	-	-	-	-	415	-

Approach	EB	WB	NB
HCM Control Delay, s	0	0.7	20.7
HCM LOS			C

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBT	WBL	WBT
Capacity (veh/h)	285	518	-	897	-
HCM Lane V/C Ratio	0.318	0.056	-	0.062	-
HCM Control Delay (s)	23.4	12.4	-	9.3	-
HCM Lane LOS	C	B	-	A	-
HCM 95th %tile Q(veh)	1.3	0.2	-	0.2	-

Intersection	
Int Delay, s/veh	2.4

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑	↱	↰	↑	↰	↱
Traffic Vol, veh/h	637	138	62	764	101	32
Future Vol, veh/h	637	138	62	764	101	32
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	Free	-	None	-	Stop
Storage Length	-	150	250	-	180	-
Veh in Median Storage, #	0	-	-	0	1	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	100	100	100	100	100	100
Heavy Vehicles, %	25	25	25	25	3	3
Mvmt Flow	637	138	62	764	101	32

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	-	637	0	1525	637
Stage 1	-	-	-	-	637	-
Stage 2	-	-	-	-	888	-
Critical Hdwy	-	-	4.35	-	6.43	6.23
Critical Hdwy Stg 1	-	-	-	-	5.43	-
Critical Hdwy Stg 2	-	-	-	-	5.43	-
Follow-up Hdwy	-	-	2.425	-	3.527	3.327
Pot Cap-1 Maneuver	-	0	846	-	129	475
Stage 1	-	0	-	-	525	-
Stage 2	-	0	-	-	400	-
Platoon blocked, %	-			-		
Mov Cap-1 Maneuver	-	-	846	-	120	475
Mov Cap-2 Maneuver	-	-	-	-	251	-
Stage 1	-	-	-	-	525	-
Stage 2	-	-	-	-	371	-

Approach	EB	WB	NB
HCM Control Delay, s	0	0.7	24.9
HCM LOS			C

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBT	WBL	WBT
Capacity (veh/h)	251	475	-	846	-
HCM Lane V/C Ratio	0.402	0.067	-	0.073	-
HCM Control Delay (s)	28.7	13.1	-	9.6	-
HCM Lane LOS	D	B	-	A	-
HCM 95th %tile Q(veh)	1.8	0.2	-	0.2	-

Intersection: 1: Sophus Rd & US 101

Movement	EB	EB	WB	WB	NB	NB
Directions Served	T	R	L	T	L	R
Maximum Queue (ft)	83	71	81	105	167	116
Average Queue (ft)	2	5	28	5	70	4
95th Queue (ft)	34	40	66	64	135	50
Link Distance (ft)	1151			385		274
Upstream Blk Time (%)						
Queuing Penalty (veh)						
Storage Bay Dist (ft)		150	250		180	
Storage Blk Time (%)		0		0	2	
Queuing Penalty (veh)		1		0	1	

Intersection	
Int Delay, s/veh	3.3

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑	↱	↰	↑	↰	↱
Traffic Vol, veh/h	733	159	71	879	116	37
Future Vol, veh/h	733	159	71	879	116	37
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	Free	-	None	-	Stop
Storage Length	-	150	250	-	180	-
Veh in Median Storage, #	0	-	-	0	1	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	100	100	100	100	100	100
Heavy Vehicles, %	25	25	25	25	3	3
Mvmt Flow	733	159	71	879	116	37

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	-	733	0	1754	733
Stage 1	-	-	-	-	733	-
Stage 2	-	-	-	-	1021	-
Critical Hdwy	-	-	4.35	-	6.43	6.23
Critical Hdwy Stg 1	-	-	-	-	5.43	-
Critical Hdwy Stg 2	-	-	-	-	5.43	-
Follow-up Hdwy	-	-	2.425	-	3.527	3.327
Pot Cap-1 Maneuver	-	0	776	-	~ 93	419
Stage 1	-	0	-	-	474	-
Stage 2	-	0	-	-	346	-
Platoon blocked, %	-			-		
Mov Cap-1 Maneuver	-	-	776	-	~ 85	419
Mov Cap-2 Maneuver	-	-	-	-	210	-
Stage 1	-	-	-	-	474	-
Stage 2	-	-	-	-	315	-

Approach	EB	WB	NB
HCM Control Delay, s	0	0.8	34.9
HCM LOS			D

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBT	WBL	WBT
Capacity (veh/h)	210	419	-	776	-
HCM Lane V/C Ratio	0.552	0.088	-	0.091	-
HCM Control Delay (s)	41.4	14.4	-	10.1	-
HCM Lane LOS	E	B	-	B	-
HCM 95th %tile Q(veh)	3	0.3	-	0.3	-

Notes

~: Volume exceeds capacity $: Delay exceeds 300s +: Computation Not Defined *: All major volume in platoon

Intersection: 1: Sophus Rd & US 101

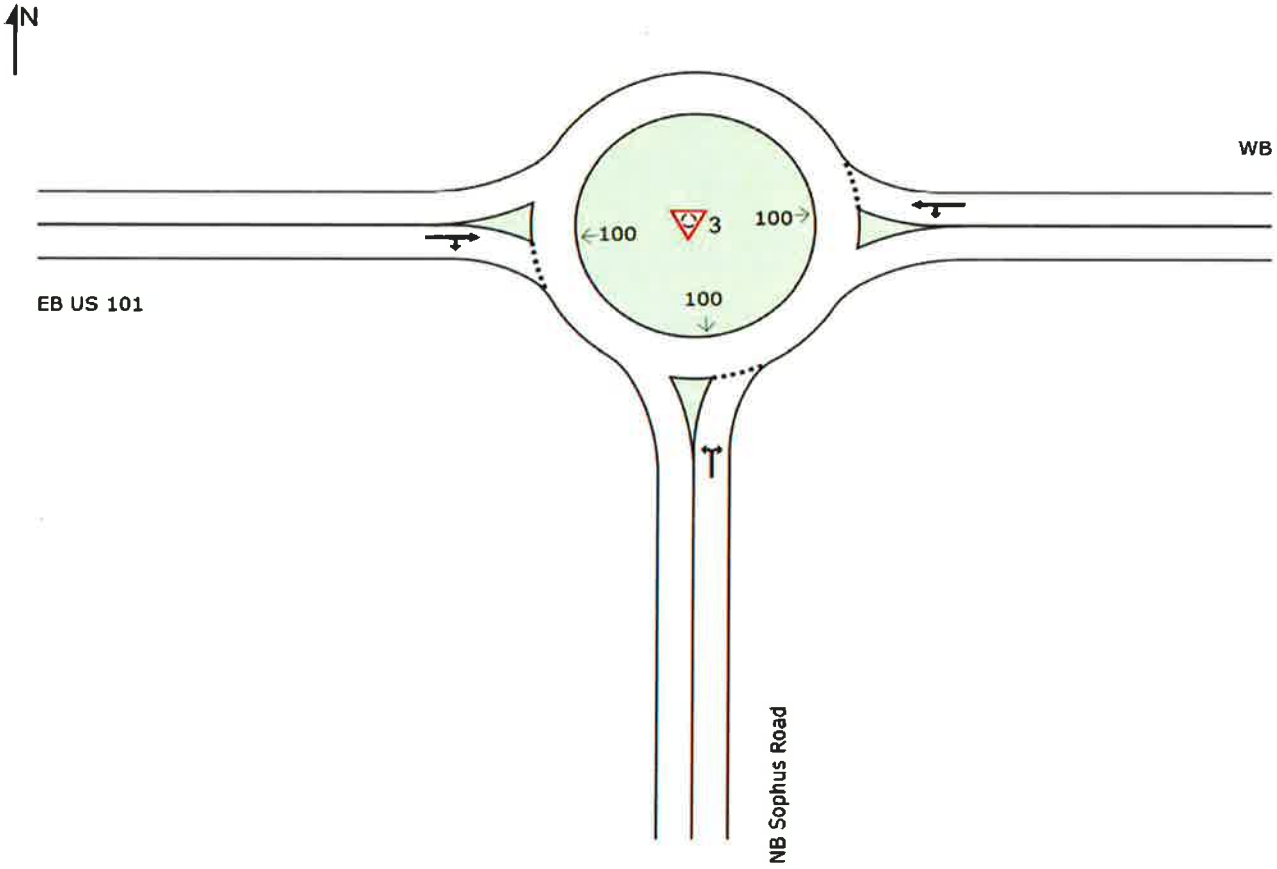
Movement	EB	EB	WB	WB	NB	NB
Directions Served	T	R	L	T	L	R
Maximum Queue (ft)	27	107	147	286	206	303
Average Queue (ft)	1	8	44	13	191	226
95th Queue (ft)	10	50	102	105	245	421
Link Distance (ft)	1151			385		274
Upstream Blk Time (%)				0		67
Queuing Penalty (veh)				0		0
Storage Bay Dist (ft)		150	250		180	
Storage Blk Time (%)		0	0	0	81	1
Queuing Penalty (veh)		0	0	0	30	1

SITE LAYOUT

Site: 3 [2030 (Site Folder: General)]

Jamestown S'Klallam ICE
Sophus Road/US 101
Site Category: (None)
Roundabout

Layout pictures are schematic functional drawings reflecting input data. They are not design drawings.



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Organisation: SCJ ALLIANCE | Licence: PLUS / 1PC | Created: Friday, December 4, 2020 5:58:27 PM
Project: N:\Projects\3447 Russell Square Consulting\3447.01 Russell JSP Silverdale\Traffic\TIA\Operations\2030 RAB.sip9

MOVEMENT SUMMARY

Site: 3 [2025 (Site Folder: General)]

Jamestown S'Klallam ICE
Sophus Road/US 101
Site Category: (None)
Roundabout

Vehicle Movement Performance

Mov ID	Turn	INPUT VOLUMES [Total veh/h	HV] %	DEMAND FLOWS [Total veh/h	HV] %	Deg. Satn v/c	Aver. Delay sec	Level of Service	95% BACK OF QUEUE [Veh. veh	Dist] ft	Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed mph
South: NB Sophus Road														
3	L2	100	3.0	100	3.0	0.145	12.8	LOS B	0.8	20.9	0.64	0.75	0.64	34.0
18	R2	30	3.0	30	3.0	0.145	6.9	LOS A	0.8	20.9	0.64	0.75	0.64	33.0
Approach		130	3.0	130	3.0	0.145	11.5	LOS B	0.8	20.9	0.64	0.75	0.64	33.8
East: WB US 101														
1	L2	60	3.0	60	3.0	0.632	10.6	LOS B	6.2	159.3	0.48	0.48	0.48	36.3
6	T1	765	3.0	765	3.0	0.632	4.7	LOS A	6.2	159.3	0.48	0.48	0.48	36.2
Approach		825	3.0	825	3.0	0.632	5.1	LOS A	6.2	159.3	0.48	0.48	0.48	36.2
West: EB US 101														
2	T1	635	2.0	635	2.0	0.566	4.3	LOS A	5.0	126.5	0.33	0.41	0.33	37.0
12	R2	140	2.0	140	2.0	0.566	4.3	LOS A	5.0	126.5	0.33	0.41	0.33	35.9
Approach		775	2.0	775	2.0	0.566	4.3	LOS A	5.0	126.5	0.33	0.41	0.33	36.8
All Vehicles		1730	2.6	1730	2.6	0.632	5.2	LOS A	6.2	159.3	0.42	0.47	0.42	36.3

Site Level of Service (LOS) Method: Delay & v/c (HCM 6). Site LOS Method is specified in the Parameter Settings dialog (Site tab).
Roundabout LOS Method: Same as Signalised Intersections.
Vehicle movement LOS values are based on average delay and v/c ratio (degree of saturation) per movement.
LOS F will result if v/c > 1 irrespective of movement delay value (does not apply for approaches and intersection).
Intersection and Approach LOS values are based on average delay for all movements (v/c not used as specified in HCM 6).
Roundabout Capacity Model: SIDRA Standard.
Delay Model: SIDRA Standard (Geometric Delay is included).
Queue Model: HCM Queue Formula.
Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).
HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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MOVEMENT SUMMARY

Site: 3 [2030 (Site Folder: General)]

Jamestown S'Klallam ICE
Sophus Road/US 101
Site Category: (None)
Roundabout

Vehicle Movement Performance

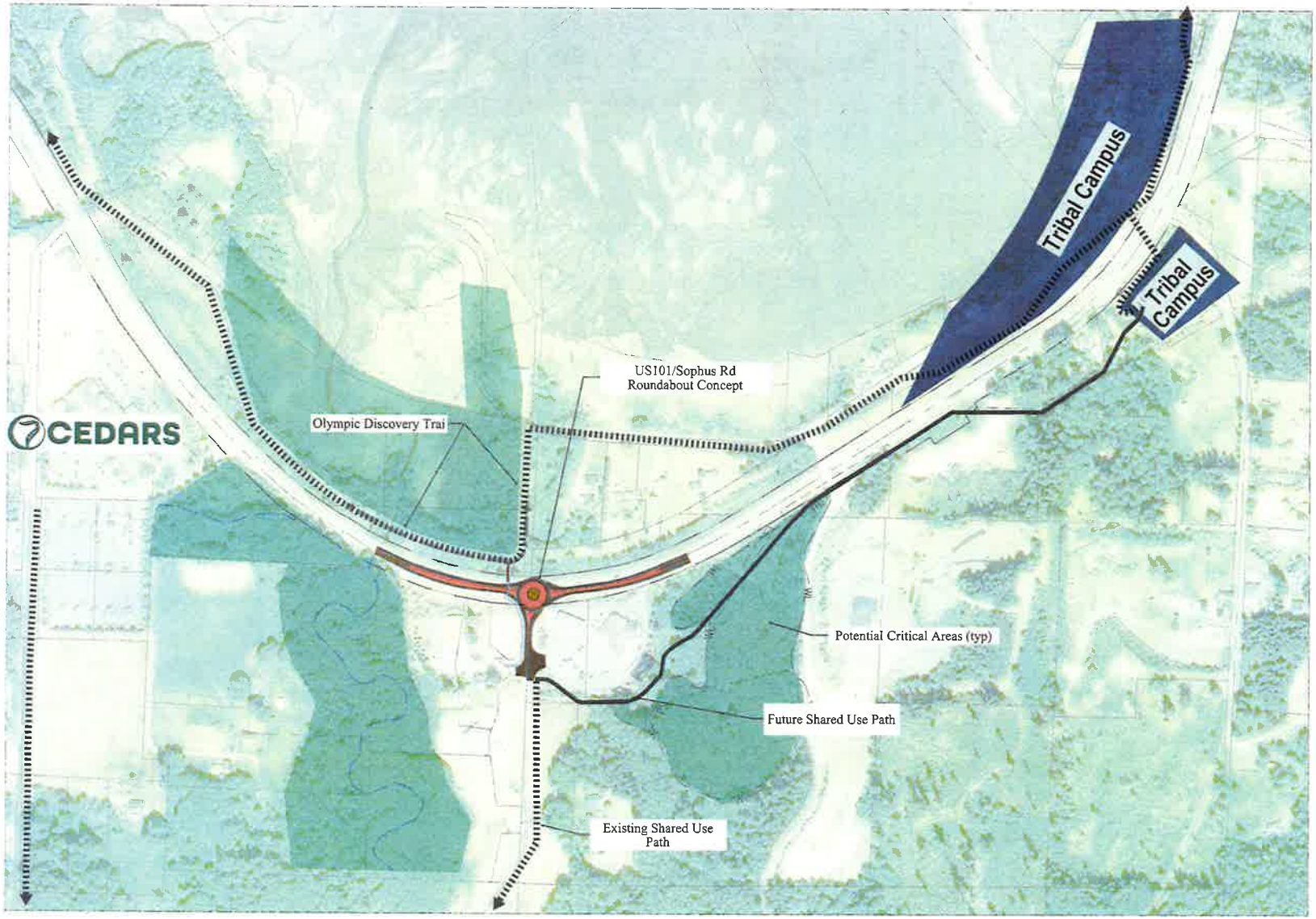
Mov ID	Turn	INPUT VOLUMES [Total veh/h	HV] %	DEMAND FLOWS [Total veh/h	HV] %	Deg. Satn v/c	Aver. Delay sec	Level of Service	95% BACK OF QUEUE [Veh. veh	Dist] ft	Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed mph
South: NB Sophus Road														
3	L2	115	3.0	115	3.0	0.187	13.7	LOS B	1.2	29.7	0.73	0.80	0.73	33.6
18	R2	35	3.0	35	3.0	0.187	7.8	LOS A	1.2	29.7	0.73	0.80	0.73	32.6
Approach		150	3.0	150	3.0	0.187	12.3	LOS B	1.2	29.7	0.73	0.80	0.73	33.3
East: WB US 101														
1	L2	70	3.0	70	3.0	0.739	11.0	LOS B	9.0	230.7	0.64	0.51	0.64	35.7
6	T1	880	3.0	880	3.0	0.739	5.0	LOS A	9.0	230.7	0.64	0.51	0.64	35.7
Approach		950	3.0	950	3.0	0.739	5.5	LOS A	9.0	230.7	0.64	0.51	0.64	35.7
West: EB US 101														
2	T1	735	2.0	735	2.0	0.661	4.4	LOS A	7.2	182.9	0.44	0.43	0.44	36.6
12	R2	160	2.0	160	2.0	0.661	4.5	LOS A	7.2	182.9	0.44	0.43	0.44	35.5
Approach		895	2.0	895	2.0	0.661	4.5	LOS A	7.2	182.9	0.44	0.43	0.44	36.4
All Vehicles		1995	2.6	1995	2.6	0.739	5.5	LOS A	9.0	230.7	0.55	0.50	0.55	35.8

Site Level of Service (LOS) Method: Delay & v/c (HCM 6). Site LOS Method is specified in the Parameter Settings dialog (Site tab).
Roundabout LOS Method: Same as Signalised Intersections.
Vehicle movement LOS values are based on average delay and v/c ratio (degree of saturation) per movement.
LOS F will result if v/c > 1 irrespective of movement delay value (does not apply for approaches and intersection).
Intersection and Approach LOS values are based on average delay for all movements (v/c not used as specified in HCM 6).
Roundabout Capacity Model: SIDRA Standard.
Delay Model: SIDRA Standard (Geometric Delay is included).
Queue Model: HCM Queue Formula.
Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).
HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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APPENDIX C

INTERSECTION ALTERNATIVE LAYOUTS

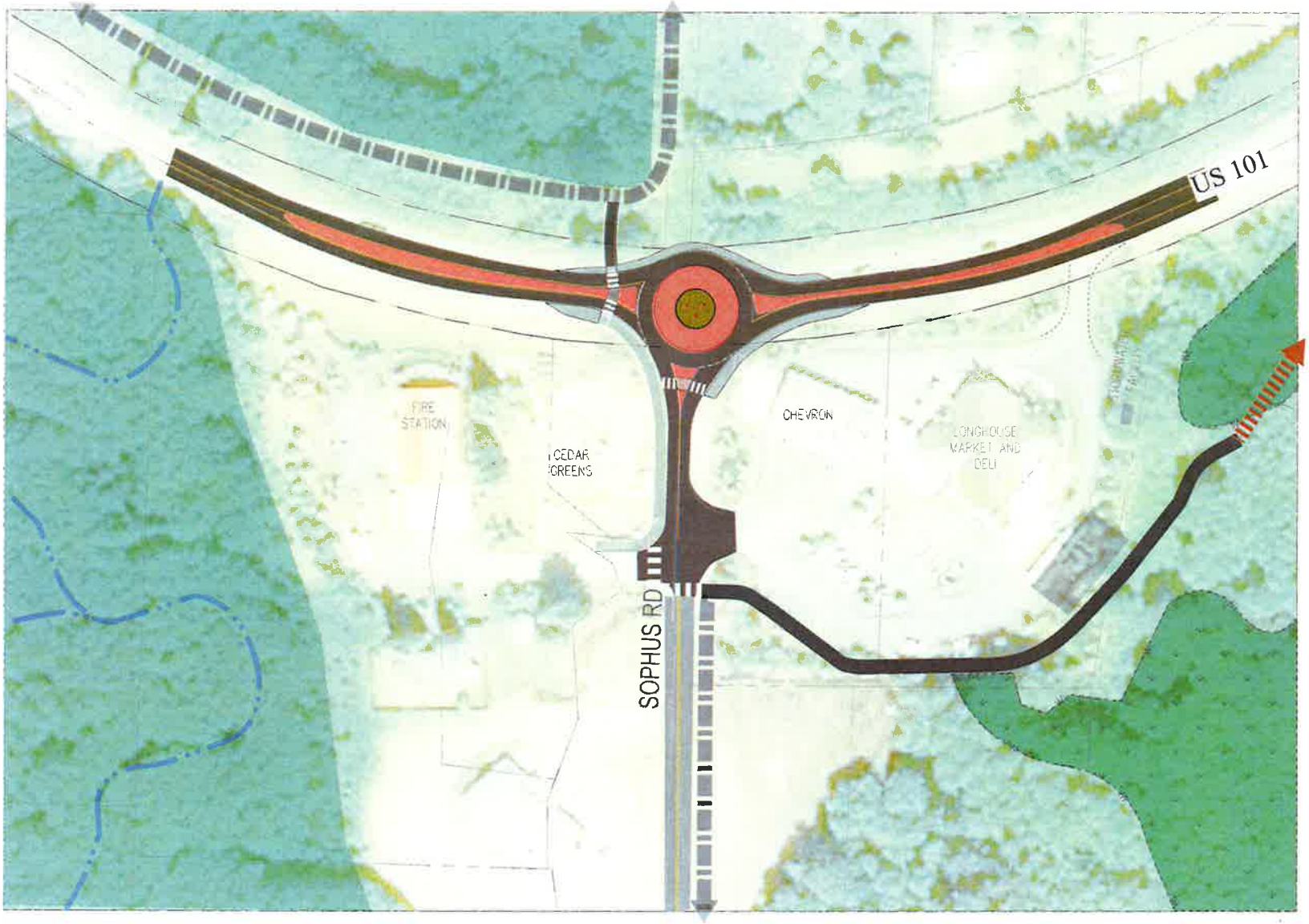


SCJ ALLIANCE
CONSULTING SERVICES

SOPHUS ROAD PLANNING

JULY 31, 2020

JAMESTOWN S'KLALLAM TRIBE



SCJ ALLIANCE
CONSULTING SERVICES

SOPHUS ROAD PLANNING

JULY 31, 2020

JAMESTOWN S'KLALLAM TRIBE

Jamestown S'Klallam Tribe
US 101 and Sophus Road Roundabout Project

The Jamestown S'Klallam Tribe initiated a project at the intersection of US Highway 101 and Sophus Road to improve safety by reducing travel speeds and providing a safer crossing for bicycle/pedestrians for the Olympic Discovery Trail. The existing intersection experiences excessive speeds from over 17,000 vehicles on average per day as the primary route for Olympic Peninsula traffic. This primary regional route divides a heavily used regional trail system from essential services. This separation results in an unsafe bike/pedestrian crossing that has already experienced 8 vehicular crashes, including 1 fatality, in the past 4-years. The Jamestown S'Klallam Tribe self-funded and completed a planning study to determine the right intersection solution that recently gained approval from the Washington State Department of Transportation (WSDOT). Project benefits to the local community and regional traffic consists of the following:

- Increase bicycle and pedestrian safety across US 101 to/from the Olympic Discovery Trail
- Increase vehicle safety at intersection
- Improve operational performance of intersection
- Provide traffic calming in an area with heavy turning movements
- Project solution supported by multiple agencies and regional stakeholders

Schedule	
- Planning and WSDOT Intersection Control Approval - *completed*	
- Final Design	6 / 2021 - 11 / 2021
- Permitting	8 / 2021 - 1 / 2022
- Right of Way	8 / 2021 - 1 / 2022
- Construction	5 / 2022 - 10 / 2022

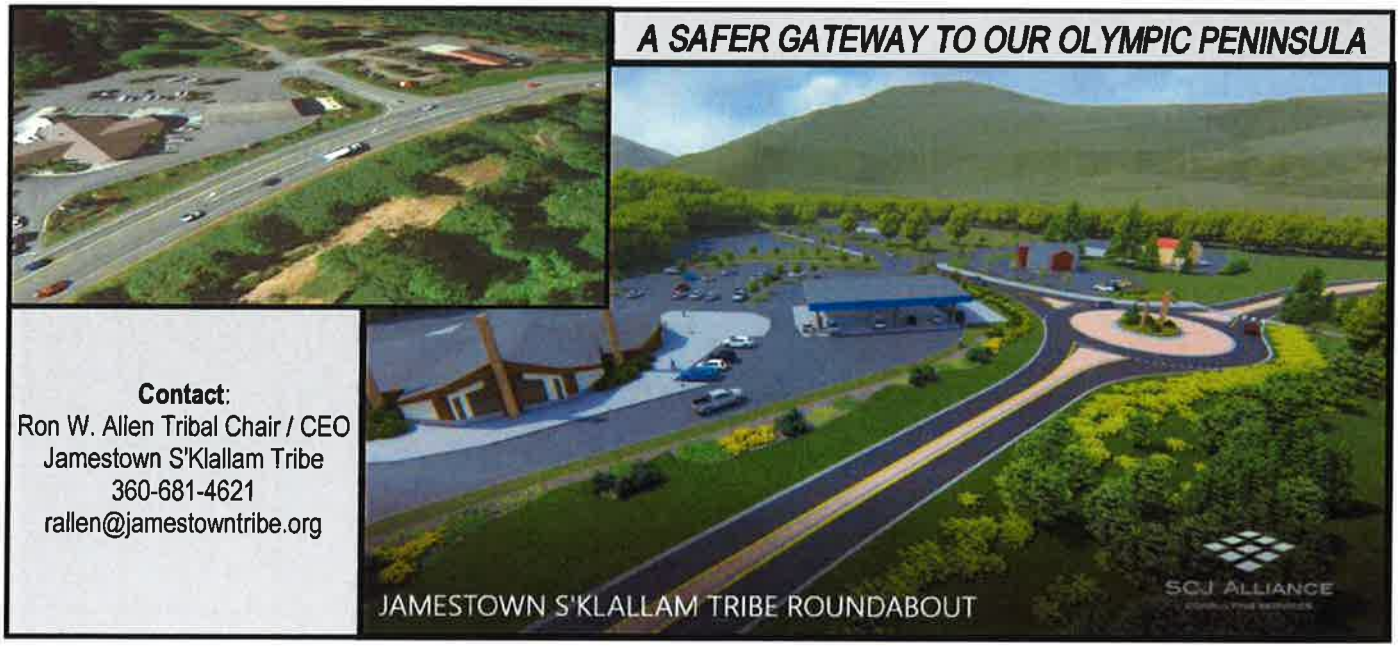
Project Estimated Costs	
Planning	Completed
Engineering	$ 248,000
Right of Way	$15,000
Construction	$ 2,837,000
Total Project	$ 3.1 million

Right of Way

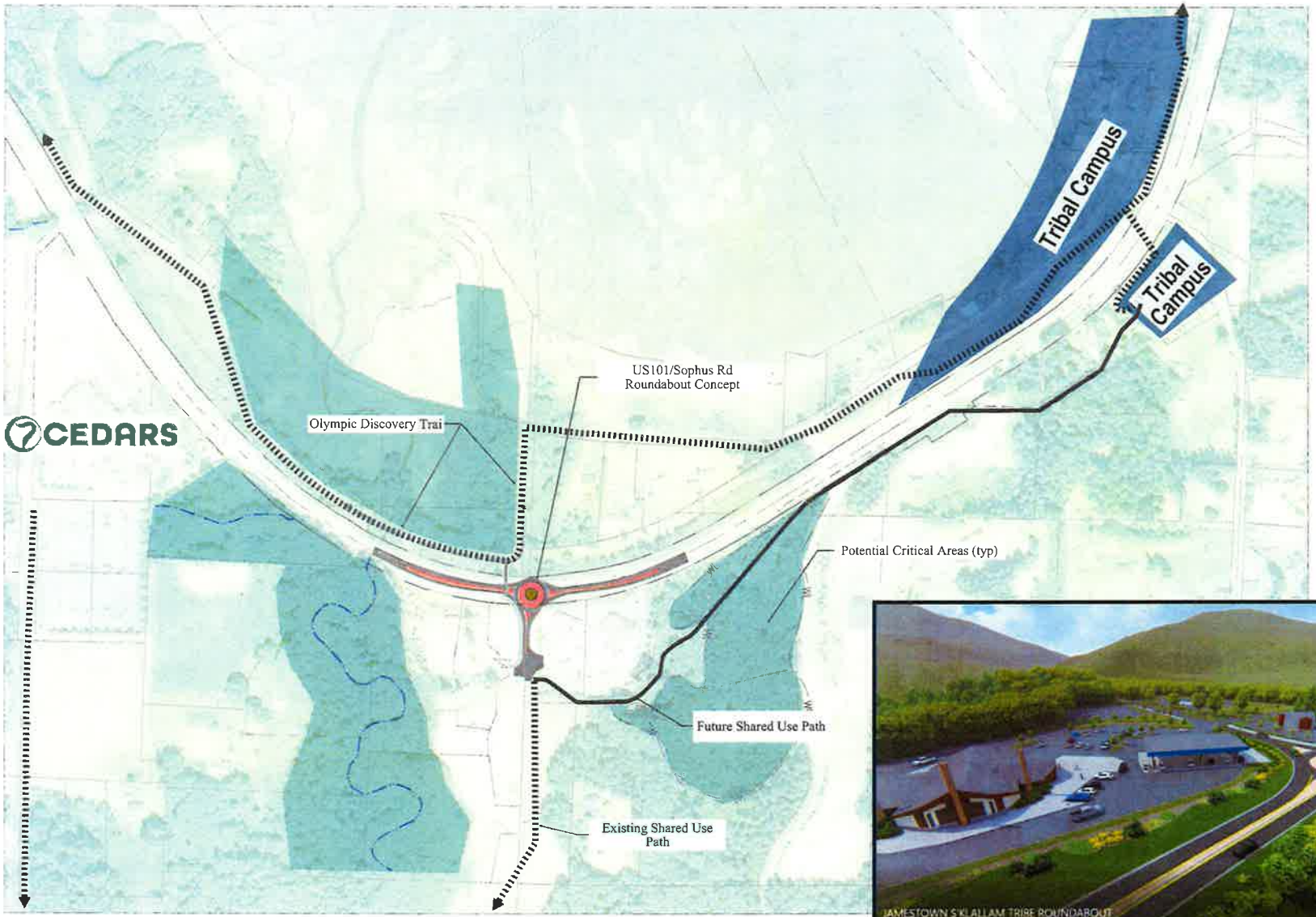
The right of way phase will be a minor effort. The Tribe and WSDOT will work together on a perpetual easement for encroachment onto Tribal property. No third party impacts are anticipated. No acquisitions or relocations are required.

Environmental

The project permitting will follow local County and State procedures through the SEPA process. There are no critical areas or fish barriers within the project footprint that will be impacted.



Contact:
Ron W. Allen Tribal Chair / CEO
Jamestown S'Klallam Tribe
360-681-4621
rallen@jamestowntribe.org



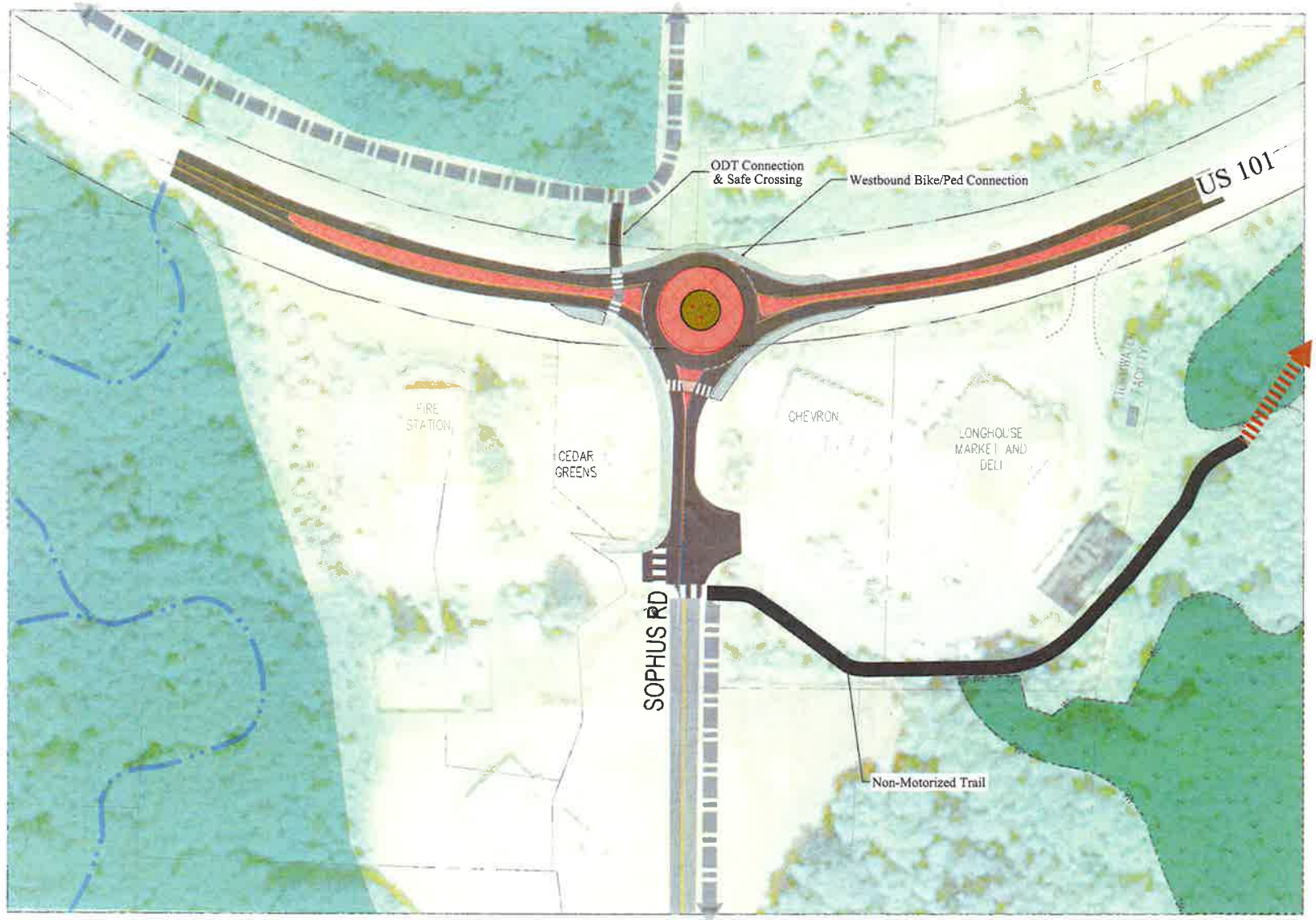


SCJ ALLIANCE
CONSULTING SERVICES

SOPHUS ROAD PLANNING

March 22, 2021

JAMESTOWN S'KLALLAM TRIBE



SCJ ALLIANCE
CONSULTING SERVICES

SOPHUS ROAD PLANNING

March 22, 2021

JAMESTOWN S'KLALLAM TRIBE

Project Name: US 101 Sophus Road Intersection Improvement

Client Name: SCJ Alliance

SCJ Project No.: 1428.08

Estimate Level: Concept

Date: 3/22/2021

SCJ ALLIANCE

BID ITEM NO.	WSDOT STD ITEM NO.	ITEM DESCRIPTION	UNIT	UNIT PRICE	TOTAL QUANTITY	Schedule A Roadway	TOTAL
		PREPARATION					
1	0001	MOBILIZATION	L.S.	$ 148,500.00	1.0	1.0	$ 148,500
2	0025	CLEARING AND GRUBBING	ACRE	$ 18,000.00	1.1	1.1	$ 19,800
3	0120	REMOVING ASPHALT CONC. PAVEMENT	S.Y.	$ 30.00	8720.0	8720.0	$ 261,600
					Subtotal:	**$429,900**	**$ 429,900**
		GRADING					
4	0310	ROADWAY EXCAVATION INCL. HAUL	C.Y.	$ 26.00	7400.0	7400.0	$ 192,400
5	0408	SELECT BORROW INCL. HAUL	TON	$ 31.00	200.0	200.0	$ 6,200
					Subtotal:	**$198,600**	**$ 198,600**
		STORM SEWER					
6	3091	CATCH BASIN TYPE 1	EACH	$ 2,000.00	11.0	11.0	$ 22,000
7	3151	TESTING STORM SEWER PIPE	L.F.	$ 5.00	1000.0	1000.0	$ 5,000
8	3541	SCHEDULE A STORM SEWER PIPE 12 IN. DIAM.	L.F.	$ 60.00	1000.0	1000.0	$ 60,000
9	NS-276	STORMWATER TREATMENT VAULT	EACH	$ 10,000.00	1.0	1.0	$ 10,000
					Subtotal:	**$97,000**	**$ 97,000**
		SURFACING					
10	5100	CRUSHED SURFACING BASE COURSE	TON	$ 35.00	2300.0	2300.0	$ 80,500
11	5120	CRUSHED SURFACING TOP COURSE	TON	$ 38.00	800.0	800.0	$ 30,400
					Subtotal:	**$110,900**	**$ 110,900**
		CEMENT CONCRETE PAVEMENT					
12	NS-600	STAMPED/PIGMENTED CEMENT CONC. PAVING (SPLITTER ISLAND)	S.Y.	$ 100.00	860.0	860.0	$ 86,000
13	NS-601	STAMPED/PIGMENTED CEMENT CONC. PAVING (TRUCK APRON)	S.Y.	$ 100.00	526.0	526.0	$ 52,600
					Subtotal:	**$138,600**	**$ 138,600**
		HOT MIX ASPHALT					
14	5767	HMA CL. 1/2 IN. PG 68H-22	TON	$ 100.00	2079.0	2079.0	$ 207,900
					Subtotal:	**$207,900**	**$ 207,900**
		TRAFFIC					
15	6698	ROUNDABOUT SPLITTER ISLAND NOSING CURB	EACH	$ 330.00	3.0	3.0	$ 990
16	6699	ROUNDABOUT CEMENT CONCRETE CURB AND GUTTER	L.F.	$ 40.00	2170.0	2170.0	$ 86,800
17	6700	CEMENT CONC. TRAFFIC CURB AND GUTTER	L.F.	$ 45.00	2170.0	2170.0	$ 97,650
18	6708	ROUNDABOUT CENTRAL ISLAND CEMENT CONCRETE CURB	L.F.	$ 80.00	125.0	125.0	$ 10,000
19	6709	ROUNDABOUT TRUCK APRON CEM. CONC. CURB AND GUTTER	L.F.	$ 60.00	280.0	280.0	$ 16,800
20	6890	PERMANENT SIGNING	L.S.	$ 11,000.00	1.0	1.0	$ 11,000
21	6904	ILLUMINATION SYSTEM	L.S.	$ 120,000.00	1.0	1.0	$ 120,000
22	6971	PROJECT TEMPORARY TRAFFIC CONTROL	L.S.	$ 88,300.00	1.0	1.0	$ 88,300
					Subtotal:	**$431,540**	**$ 431,540**
		OTHER ITEMS					
23	7006	STRUCTURE EXCAVATION CLASS B INCL. HAUL	C.Y.	$ 25.00	445.0	445.0	$ 11,125
24	7008	SHORING OR EXTRA EXCAVATION CLASS B	S.F.	$ 2.00	4000.0	4000.0	$ 8,000
25	7055	CEMENT CONC. SIDEWALK	S.Y.	$ 90.00	1200.0	1200.0	$ 108,000
26	7058	CEMENT CONC. CURB RAMP TYPE	EACH	$ 3,300.00	10.0	10.0	$ 33,000
27	NS-892	ROUNDABOUT CENTER ART	L.S.	$ 300,000.00	1.0	1.0	$ 300,000
					Subtotal:	**$460,125**	**$ 460,125**
		BUILDING					
28	8058	02800 LANDSCAPING	L.S.	$ 25,000.00	1.0	1.0	$ 25,000
					Subtotal:	**$25,000**	**$ 25,000**

Subtotal Construction:	**$2,099,565**	**$ 2,099,565**
Contingency @ 18%	**$377,922**	**$ 377,922**
TOTAL CONSTRUCTION:	**$2,477,487**	**$ 2,477,487**
Preliminary Engineering (PE) @ 10%	**$247,749**	**$ 247,749**
Construction Management (CM) @ 8%	**$198,199**	**$ 198,199**
Miscellaneous Costs @ 5%	**$123,874**	**$ 123,874**
Right of Way Costs	**$15,000**	**$ 15,000**
SCHEDULE COST TOTALS:	**$3,062,309**	**$ 3,062,309**
TOTAL PROJECT COST:		**$ 3,062,309**



5a
4/13/21

AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: BOCC

WORK SESSION ☒ **Meeting Date: 04/12/21**

REGULAR AGENDA ☒ **Meeting Date: 04/13/21**

Required originals approved and attached? ☐
Will be provided on:

Item summary:

☐ Call for Hearing
☐ Contract/Agreement/MOU - Contract #
☐ Resolution
☐ Proclamation
☐ Budget Item
☐ Draft Ordinance
☐ Final Ordinance
☒ Other - Notice

Documents exempt from public disclosure attached: ☐

Executive summary:
Board of Clallam County Commissioners will consider adopting by Resolution the attached budget reduction on April 27, 2021
Budget reductions – a reduction in revenues and/or expenditures.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐
Department of Community Development – Long Range Planning – ($69,981)

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Approve the attached notice – Budget reductions.

County Official signature & print name: Morgann Halencak, Deputy Clerk

Name of Employee/Stakeholder attending meeting: Board of Commissioners

Relevant Departments: All Departments

Date submitted: April 7, 2021

NOTICE OF BUDGET REDUCTION

Notice is hereby given Clallam County will adopt by Resolution of the Board the budget reduction shown below on April 27, 2021 at 10 a.m. in the Commissioners' Meeting Room (160), Clallam County Courthouse.

Department of Community Development – Long Range Planning – Budget reduction due to Planner III position moving from DCD – Long Range Planning to Human Resources – Risk Management/($69,981)

A copy of the budget change form may be reviewed at the office of the Board of County Commissioners from 8 a.m. to 4:30 p.m., Monday through Friday.

BOARD OF CLALLAM COUNTY COMMISSIONERS

Date: April 13, 2021

Mark Ozias, Chair

Publish: April 18 and 25, 2021
Bill: Commissioners' Office

c: Budget Director
Department(s)
Treasurer

DRAFT

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MAR 31 2021

CLALLAM COUNTY BUDGET CHANGE FORM

Date Submitted: 3/31/2021 ✓ **Budget Hearing/Meeting Date:** 4/27/2021

__ **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds

__ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.

__ **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law

__ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase

X **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	00100.334 ✓	**Budget Name**	DCD – Long Range Planning ✓

REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.334 ✓	DCD – Long Range Planning	55861.10.0010 ✓	Regular Time	49,521
00100.334 ✓	DCD – Long Range Planning	55861.20.0020 ✓	Benefits	20,460
Total				69,981 ✓

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.293	General Fund Reserves	50800.00.0000	Ending Fund Balance	69,981
Total				69,981 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

Planner III position moves from DCD - Long Range Planning to HR – Risk Management resulting in a reduction to the DCD – Long Range Planning budget. (1 of 2)

County Official Approval: _____

(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

5b
4/13/21

AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: BOCC

WORK SESSION ☒ **Meeting Date: 04/12/21**

REGULAR AGENDA ☒ **Meeting Date: 04/13/21**

Required originals approved and attached? ☐
Will be provided on:

Item summary:

☐ Call for Hearing ☐ Contract/Agreement/MOU - Contract #

☐ Resolution ☐ Proclamation ☐ Budget Item

☐ Draft Ordinance ☐ Final Ordinance ☒ Other - Notice

Documents exempt from public disclosure attached: ☐

Executive summary:
Board of Clallam County Commissioner will consider adopting by Resolution the attached supplemental appropriations on April 27, 2021
Supplemental appropriations – increased expenditures due to unanticipated federal, state, and local funds.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐
Sheriff – Operations - $1,000

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Approve the attached notice of supplemental appropriations.

County Official signature & print name: Morgann Halencak, Deputy Clerk

Name of Employee/Stakeholder attending meeting: Board of Commissioners

Relevant Departments: All Departments

Date submitted: April 7, 2021

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* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Budget Supplementals 04-13-21
Revised: 3-04-2019

Questions? Call Loni Gores, Clerk of the Board, ext 2256

NOTICE OF SUPPLEMENTAL APPROPRIATIONS BUDGET MEETING

Notice is hereby given Clallam County will adopt by Resolution of the Board, the supplemental budget appropriations in the following funds pursuant to RCW 36.40.100, at 10 a.m. on April 27, 2021 in the Commissioners' Meeting Room (160) of the Clallam County Courthouse.

Sheriff – Operations – Additional funds from Washington Association of Sheriffs & Police Chiefs (WASPC) to purchase 2 portable breath test instruments/$1,000

Copies of the budget change forms may be viewed at the office of the Board of Clallam County Commissioners from 8 a.m. to 4:30 p.m., Monday through Friday.

BOARD OF CLALLAM COUNTY COMMISSIONERS

Date: 13 April 2021

Mark Ozias, Chair

Publish: April 18 and 25
Bill: Commissioners

c: Budget Director
Treasurer
Department(s)

DRAFT

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CLALLAM CO. FINANCE
APR 02 2021

CLALLAM COUNTY BUDGET CHANGE FORM

Date Submitted: 04/02/21 ✓ **Budget Hearing/Meeting Date:** 04/27/21 ✓

X ✓ **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds

__ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.

__ **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law

__ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase

__ **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	00100.811 ✓	**Budget Name**	Sheriff - Operations ✓

REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.811 ✓	Sheriff - Operations ✓	33320.60.0000 ✓	WASPC Traffic Safety Equip Grant	$ 1,000
Total				$ 1,000 ✓

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.811 ✓	Sheriff – Operations ✓	52122.35.0010 ✓	Small Tools & Minor Equipment	$ 1,000
Total				$ 1,000 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

To receipt revenue and expend funding from a Washington Association of Sheriffs & Police Chiefs (WASPC) Traffic Safety Equipment Grant to purchase 2 portable breath test instruments.

County Official Approval: _____

(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

42

5C
4/13/21

AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: BOCC

WORK SESSION ☒ **Meeting Date: 4/12/21**

REGULAR AGENDA ☒ **Meeting Date: 4/13/21**

Required originals approved and attached? ☐
Will be provided on:

Item summary:

☐ Call for Hearing
☐ Contract/Agreement/MOU - Contract #
☐ Resolution
☐ Proclamation
☐ Budget Item
☐ Draft Ordinance
☐ Final Ordinance
☒ Other - Notice

Documents exempt from public disclosure attached: ☐

Executive summary:
Board of Clallam County Commissioner will consider adopting by Resolution the attached debatable emergencies on April 27, 2021
Debatable emergency – Public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐
Park & Facilities – $14, 530
Auditor – $29,030
Sheriff – Emergency Services - $5,873
Sheriff – Jail Medical - $20,700
Sheriff – Operations - $10,035
Sheriff – Operations - $3,939

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Approve the attached notice of debatable emergencies.
County Official signature & print name: Morgann Halencak, Deputy Clerk

Name of Employee/Stakeholder attending meeting: Board of Commissioners

Relevant Departments: All Departments

Date submitted: April 7, 2021

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Budget Debatables 04-13-21
Revised: 3-04-2019

Questions? Call Loni Gores, Clerk of the Board, ext 2256

BUDGET RESOLUTION _____, 2021

CALL FOR HEARING FOR DEBATABLE EMERGENCIES IN THE FUNDS LISTED BELOW

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

1. Pursuant to RCW 36.40.140, the following facts constitute a public emergency that could not reasonably have been foreseen at the time of making the budget:

Parks & Facilities – Additional funding for expenses related to COVID-19 for goods and services expenditures incurred in January and February, 2021 expected to be reimbursed through FEMA/$14,530
Auditor – Return unused 2020 HAVA CARES Act grant funds (received in 2020)/$29,030
Sheriff – Emergency Services - Additional funding for expenses related to COVID-19 for goods and services expenditures incurred January - March, 2021/$5,873
Sheriff – Jail Medical - Additional funding for expenses related to COVID-19 for inmate testing expenditures incurred January - March, 2021/$20,700
Sheriff – Operations

- Additional funding for ExecuTime Scheduling and Time & Attendance software training project costs/$10,035
- Additional funding for expenses related to COVID-19 for salary and benefits of Grant Coordinator incurred January - March, 2021/$3,939

NOW, THEREFORE, BE IT RESOLVED by the Board of Clallam County Commissioners, in consideration of the above findings of fact:

1. A public hearing on the debatable emergencies listed above will be held April 27, 2021 at 10:30 a.m. in Room 160 of the Clallam County Courthouse.
2. A copy of the budget change forms may be viewed at the office of the Board of Clallam County Commissioners from 8 a.m. to 4:30 p.m., Monday through Friday.

PASSED AND ADOPTED this 13th day of April 2021

BOARD OF CLALLAM COUNTY COMMISSIONERS

_____
Mark Ozias, Chair

_____
Randy Johnson

_____
Bill Peach

ATTEST:

_____
Loni Gores, CMC, Clerk of the Board

Publish: April 18, 2021
Bill: Commissioners

c: Budget Director
Treasurer
Department(s)

DRAFT

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MAR 30 2021

CLALLAM COUNTY BUDGET CHANGE FORM

Date Submitted: March 30, 2021 **Budget Hearing/Meeting Date:** April 27, 2021

__ **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds

X **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.

__ **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law

__ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase

__ **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	00100.911.	**Budget Name**	Parks & Facilities

REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.293	General Fund Reserves	50800.00.0000	Ending Fund Balance	$ 14,530
Total				$ 14,530

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.911.	Parks & Facilities	57680.31.0035	Cleaning and Sanitation Supplies	$ 863
00100.911.	Parks & Facilities	57680.31.0045	Building Supplies and Materials	$ 45
00100.911.	Parks & Facilities	57680.41.1030	Personnel Services	$ 13,622
Total				$ 14,530

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

To pay for additional expenses related to the Covid 19 virus event in Clallam County that were paid from the Parks and Facilities budget in 2021. This is to cover the goods and services expenditures incurred in March, 2021, and are expected to be reimbursed through FEMA reimbursements.

County Official Approval: _____ 03/30/2021
(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

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CLALLAM CO. FINANCE
MAR 30 2021

CLALLAM COUNTY BUDGET CHANGE FORM

Date Submitted: 3/29/2021 **Budget Hearing/Meeting Date:** 04/27/2021

__ **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds

_x_ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.

__ **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law

__ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase

__ **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	00100.221	**Budget Name**	Auditor

REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.293.	General Fund Reserves	50800.00.000	Ending Fund Balance	29,030
Total				29,030

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.221.	Auditor	58510.49.0098	~~Grant funds~~ Grants	29,030
Total				29,030

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

To return unused 2020 HAVA CARES Act grant funds (received in 2020).

County Official Approval: Donna Ringo
(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

Revised: J:\AUDITORS\Accounting\21 Budget\budget changes\Return Grant Funds.docx

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APR 02 2021

CLALLAM COUNTY BUDGET CHANGE FORM

Date Submitted: 04/02/21 **Budget Hearing/Meeting Date:** 04/27/21

__ **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds

X **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.

__ **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law

__ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase

__ **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	00100.817	**Budget Name**	Sheriff – Emergency Services

REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.293	General Fund Reserves	50800.00.0000	Ending Fund Balance	5,873
Total				5,873

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.817	Sheriff – Emergency Services	52510.31.0020	Operating Supplies	4,922
00100.817	Sheriff – Emergency Services	52510.41.0020	Professional Services	743
00100.817	Sheriff – Emergency Services	52510.43.0010	Travel –Business	140
00100.817	Sheriff – Emergency Services	52510.32.0015	Gasoline	68
Total				5,873

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

To pay for additional expenses related to the COVID 19 virus event in Clallam County that was paid from the Emergency Services budget. This is to cover the goods and services expenditures incurred January-March 2021.

County Official Approval: _____
(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

Revised: J:\SDATA\BUDGETS_2021\817 EOC COVID19 042721.docx

RECEIVED
CLALLAM CO. FINANCE
APR 02 2021

CLALLAM COUNTY BUDGET CHANGE FORM

Date Submitted: 04/02/21 ✓ **Budget Hearing/Meeting Date:** 04/27/21 ✓

___ **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds

X ✓ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.

___ **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law

___ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase

___ **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	00100.816 ✓	**Budget Name**	Sheriff – Jail Medical ✓

REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.293 ✓	General Fund Reserves ✓	50800.00.0000 ✓	Ending Fund Balance	$ 20,700
Total				$ 20,700 ✓

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.816 ✓	Sheriff – Jail Medical ✓	52360.41.0086 ✓	Inmate Medical	$ 20,700
Total				$ 20,700 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

To pay for additional expenses related to the COVID 19 virus event in Clallam County. This is to cover the inmate testing expenditures incurred January-March 2021.

County Official Approval: _____

(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

RECEIVED
CLALLAM CO. FINANCE
APR 02 2021

CLALLAM COUNTY BUDGET CHANGE FORM

Date Submitted: 04/02/21 ✓ **Budget Hearing/Meeting Date:** 4/27/2021 ✓

__ **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds

X ✓ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.

__ **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law

__ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase

__ **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	00100.811 ✓	**Budget Name**	Sheriff - Operations ✓

REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.293 ✓	General Fund Reserves ✓	50800.00.0000 ✓	Ending Fund Balance	10,035
Total				10,035 ✓

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.811 ✓	Sheriff - Operations ✓	52110.41.0020 ✓	ExecuTime Implementation & Training Services	10,035
Total				10,035 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

The software portion of the ExecuTime Scheduling and Time & Attendance software system purchase was completed in FY2020 and the software was paid in full. The implementation and training services portion was budgeted in FY2020 but is not yet completed and is continuing in 2021. This budget action moves the remaining allocated funded for the project into the FY2021 budget to pay the vendor the remainder of the project costs.

County Official Approval: _____

(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

40

RECEIVED
CLALLAM CO. FINANCE
APR 02 2021

CLALLAM COUNTY BUDGET CHANGE FORM

Date Submitted: 04/01/21 **Budget Hearing/Meeting Date:** 04/27/21

___ **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds

X **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.

___ **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law

___ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase

___ **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	00100.811	**Budget Name**	Sheriff – Operations

REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.293	General Fund Reserves	50800.00.0000	Ending Fund Balance	$ 3,939
Total				$ 3,939

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.811	Sheriff – Operations	52123.10.0600	Extra Help	$ 938
00100.811	Sheriff – Operations	52123.20.0020	Benefits	$ 477
00100.811	Sheriff – Operations	52122.10.0500	Overtime	$ 2,157
00100.811	Sheriff – Operations	52122.20.0020	Benefits	$ 367
Total				$ 3,939

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

To pay for additional expenses related to the COVID 19 virus event in Clallam County that was paid from the Operations budget. This is to cover the salary and benefits of the Grant Coordinator working in the EOC Finance Section and Patrol staff assistance at the vaccination clinics during the month of January - March 2021.

County Official Approval: _____
(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

41

Updated
Item was updated after
agenda packet was posted 4/8/21

5c
4/13/21

BUDGET RESOLUTION _____, 2021

CALL FOR HEARING FOR DEBATABLE EMERGENCIES IN THE FUNDS LISTED BELOW

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

1. Pursuant to RCW 36.40.140, the following facts constitute a public emergency that could not reasonably have been foreseen at the time of making the budget:

   Parks & Facilities – Additional funding for expenses related to COVID-19 for goods and services expenditures incurred in ~~January and February~~ March, 2021 expected to be reimbursed through FEMA/$14,530
   Auditor – Return unused 2020 HAVA CARES Act grant funds (received in 2020)/~~$29,030~~ $2,834
   Sheriff – Emergency Services - Additional funding for expenses related to COVID-19 for goods and services expenditures incurred January - March, 2021/$5,873
   Sheriff – Jail Medical - Additional funding for expenses related to COVID-19 for inmate testing expenditures incurred January - March, 2021/$20,700
   Sheriff – Operations
   - Additional funding for ExecuTime Scheduling and Time & Attendance software training project costs/$10,035
   - Additional funding for expenses related to COVID-19 for salary and benefits of Grant Coordinator incurred January - March, 2021/$3,939

NOW, THEREFORE, BE IT RESOLVED by the Board of Clallam County Commissioners, in consideration of the above findings of fact:

1. A public hearing on the debatable emergencies listed above will be held April 27, 2021 at 10:30 a.m. in Room 160 of the Clallam County Courthouse.
2. A copy of the budget change forms may be viewed at the office of the Board of Clallam County Commissioners from 8 a.m. to 4:30 p.m., Monday through Friday.

PASSED AND ADOPTED this 13th day of April 2021

BOARD OF CLALLAM COUNTY COMMISSIONERS

_____
Mark Ozias, Chair

_____
Randy Johnson

_____
Bill Peach

ATTEST:

_____
Loni Gores, CMC, Clerk of the Board

Publish: April 18, 2021
Bill: Commissioners

c: Budget Director
Treasurer
Department(s)

DRAFT

RECEIVED
CLALLAM CO. FINANCE
MAR 30 2021

CLALLAM COUNTY BUDGET CHANGE FORM

Date Submitted: March 30, 2021 **Budget Hearing/Meeting Date:** April 27, 2021

__ **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds

X **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.

__ **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law

__ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase

__ **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	00100.911.	**Budget Name**	Parks & Facilities

REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.293	General Fund Reserves	50800.00.0000	Ending Fund Balance	$ 14,530
Total				$ 14,530

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.911.	Parks & Facilities	57680.31.0035	Cleaning and Sanitation Supplies	$ 863
00100.911.	Parks & Facilities	57680.31.0045	Building Supplies and Materials	$ 45
00100.911.	Parks & Facilities	57680.41.1030	Personnel Services	$ 13,622
Total				$ 14,530

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

To pay for additional expenses related to the Covid 19 virus event in Clallam County that were paid from the Parks and Facilities budget in 2021. This is to cover the goods and services expenditures incurred in March, 2021, and are expected to be reimbursed through FEMA reimbursements.

County Official Approval: _____ 03/30/2021
(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

RECEIVED
CLALLAM CO. FINANCE
MAR 30 2021

CLALLAM COUNTY BUDGET CHANGE FORM

Date Submitted: 3/29/2021 ✓ **Budget Hearing/Meeting Date:** 04/27/2021 ✓

__ **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds

_x_ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.

__ **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law

__ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase

__ **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	00100.221 ✓	**Budget Name**	Auditor ✓

REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.293. ✓	General Fund Reserves ✓	50800.00.000 ✓	Ending Fund Balance	~~29,030~~ 2,834
Total				~~29,030~~ 2,834 ✓

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.221. ✓	Auditor ✓	58510.49.0098 ✓	~~Grant funds~~ Grants	~~29,030~~ 2,834
Total				~~29,030~~ 2,834 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

To return unused 2020 HAVA CARES Act grant funds (received in 2020).

County Official Approval: Donna Rigg
(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

RECEIVED
CLALLAM CO. FINANCE
APR 02 2021

CLALLAM COUNTY BUDGET CHANGE FORM

Date Submitted: 04/02/21 **Budget Hearing/Meeting Date:** 04/27/21

__ **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds

X **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.

__ **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law

__ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase

__ **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	00100.817	**Budget Name**	Sheriff – Emergency Services

REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.293	General Fund Reserves	50800.00.0000	Ending Fund Balance	5,873
Total				5,873

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.817	Sheriff – Emergency Services	52510.31.0020	Operating Supplies	4,922
00100.817	Sheriff – Emergency Services	52510.41.0020	Professional Services	743
00100.817	Sheriff – Emergency Services	52510.43.0010	Travel –Business	140
00100.817	Sheriff – Emergency Services	52510.32.0015	Gasoline	68
Total				5,873

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

To pay for additional expenses related to the COVID 19 virus event in Clallam County that was paid from the Emergency Services budget. This is to cover the goods and services expenditures incurred January-March 2021.

County Official Approval: _____
(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

Revised: J:\SDATA\BUDGETS_2021\817 EOC COVID19 042721.docx

RECEIVED
CLALLAM CO. FINANCE
APR 02 2021

CLALLAM COUNTY BUDGET CHANGE FORM

Date Submitted: 04/02/21 ✓ **Budget Hearing/Meeting Date:** 04/27/21 ✓

___ **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds

X ✓ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.

___ **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law

___ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase

___ **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	00100.816 ✓	**Budget Name**	Sheriff – Jail Medical ✓

REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.293 ✓	General Fund Reserves ✓	50800.00.0000 ✓	Ending Fund Balance	$ 20,700
Total				$ 20,700 ✓

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.816 ✓	Sheriff – Jail Medical ✓	52360.41.0086 ✓	Inmate Medical	$ 20,700
Total				$ 20,700 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

To pay for additional expenses related to the COVID 19 virus event in Clallam County. This is to cover the inmate testing expenditures incurred January-March 2021.

County Official Approval: _____

(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

RECEIVED
CLALLAM CO. FINANCE
APR 02 2021

CLALLAM COUNTY BUDGET CHANGE FORM

Date Submitted: 04/02/21 ✓ **Budget Hearing/Meeting Date:** 4/27/2021 ✓

__ **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds

X ✓ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.

__ **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law

__ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase

__ **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	00100.811 ✓	**Budget Name**	Sheriff - Operations ✓

REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.293 ✓	General Fund Reserves ✓	50800.00.0000 ✓	Ending Fund Balance	10,035
Total				10,035 ✓

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.811 ✓	Sheriff - Operations ✓	52110.41.0020 ✓	ExecuTime Implementation & Training Services	10,035
Total				10,035 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

The software portion of the ExecuTime Scheduling and Time & Attendance software system purchase was completed in FY2020 and the software was paid in full. The implementation and training services portion was budgeted in FY2020 but is not yet completed and is continuing in 2021. This budget action moves the remaining allocated funded for the project into the FY2021 budget to pay the vendor the remainder of the project costs.

County Official Approval: _____

(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

40

RECEIVED
CLALLAM CO. FINANCE
APR 02 2021

CLALLAM COUNTY BUDGET CHANGE FORM

Date Submitted: 04/01/21 **Budget Hearing/Meeting Date:** 04/27/21

___ **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds

X **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.

___ **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law

___ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase

___ **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	00100.811	**Budget Name**	Sheriff – Operations

REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.293	General Fund Reserves	50800.00.0000	Ending Fund Balance	$ 3,939
Total				$ 3,939

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.811	Sheriff – Operations	52123.10.0600	Extra Help	$ 938
00100.811	Sheriff – Operations	52123.20.0020	Benefits	$ 477
00100.811	Sheriff – Operations	52122.10.0500	Overtime	$ 2,157
00100.811	Sheriff – Operations	52122.20.0020	Benefits	$ 367
Total				$ 3,939

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

To pay for additional expenses related to the COVID 19 virus event in Clallam County that was paid from the Operations budget. This is to cover the salary and benefits of the Grant Coordinator working in the EOC Finance Section and Patrol staff assistance at the vaccination clinics during the month of January - March 2021.

County Official Approval: _____
(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

41

AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

H1
4/13/21

Department: Public Works/Roads Department

WORK SESSION ☐ **Meeting Date:**

REGULAR AGENDA ☒ **Meeting Date: April 13, 2021**

Required originals approved and attached? ☒
Will be provided on:

Item summary:

☐ Call for Hearing	☐ Contract/Agreement/MOU - Contract #	
☒ Resolution	☐ Proclamation	☐ Budget Item
☐ Draft Ordinance	☐ Final Ordinance	☐ Other

Documents exempt from public disclosure attached: ☐

Executive summary: The Public Works/Road Department issued a call for project applications for Federal Fiscal Year (FFY) 2021/2022 Surface Transportation Block Grant (STBG) Program federal funding on January 25, 2021 to local transportation agencies. The STBG Program provides for federal funding up to 86.5% of project costs to preserve and improve the conditions and performance on eligible federal aid highways; bridge and tunnel projects on any public road; pedestrian, bicycle and recreational trails; transit capital projects; ferry boats and terminal facilities; and other eligible activities under 23 U.S.C 133. STBG funding can pay for 86.5% of an eligible project phase costs with a minimum 13.5% local match. Five project applications (attached) were received by the March 5, 2021 deadline:

FFY 2021 Applications

- $57,803 City of Forks Bogachiel Way Overlay Project (for Preliminary Engineering)
- $633,180 City of Sequim W. Washington St. (River Rd. to 9th Avenue) Arterial Overlay (for Construction)
- $350,000 Clallam County Sequim-Dungeness Way and Woodcock Road Roundabout (for construction)
- $550,000 City of Port Angeles Race Street Complete Street – Phase 1 ($32,000 for Preliminary Engineering; $518,000 for construction).

FFY 2022 Applications

- $386,760 City of Forks Bogachiel Way Overlay Project (for Construction)
- $825,000 Clallam County Olympic Discovery Trail—Forks Calawah River Park to Sitkum-Sol Duc Road Project (for construction).

Clallam County is the lead agency for prioritizing and selection of eligible local projects for STBG funding. The Washington State Department of Transportation (WSDOT) provides the County an annual STBG allocation for eligible local project funding selection. This allocation and any eligible prior year carry-forward equals the County's regional obligation authority (OA) target. This OA target

is intended to be obligated in the respective FFY no later than August 1 to avoid risk of being sanctioned by WSDOT for redistribution to other areas.

Clallam County's total STBG available for local project allocations in FFY 2021 is $2,228,656 with an OA target of $1,857,753. The OA target for FFY 2022 is currently estimated to be $1,052,594. The County only selects projects for funding allocation. Securing funding requires the local agency to enter into a local agency agreement with WSDOT to "obligate" the federal funding and comply with all state and federal requirements. Obligation is the federal government's commitment to reimburse the federal share of eligible project costs. To "obligate" a project requires WSDOT approval and authorization of a local agency project through a local agency agreement.

Previously approved local projects for STBG funding allocation that are pending obligation include: (1) $550,000 for preliminary engineering for the City of Sequim US 101 East Sequim Corridor Improvement Project (Resolution 44, 2020); (2) $500,000 for the Port Angeles Race Street Project (Resolution 64, 2021); and (3) $169,000 ($30,000 engineering; $139,000 construction) for the City of Forks Bogacheil Way Overlay Project (Resolution 36, 2017). At this time, it is unknown whether WSDOT will be commencing engineering for the US 101 East Sequim Corridor Improvement Project in 2021. The Port Angeles Race Street Project is at 90% design and construction is planned to commence this summer. The pending Port Angeles's application for $550,000 would bring their total STBG FFY 2021 funding allocation to $1,050,000. The City of Forks has updated project cost estimates for their Bogachiel Way Overlay project for their pending request of $57,803 in FFY 2021 for preliminary engineering and $386,760 in FFY 2022 for construction.

The Board held a March 22 work session on the STBG Program and the applications received. On March 30, the Board issued a notice for an April 13 public hearing to consider a draft resolution for selection of projects for allocation of regional STBG Program federal funding based on the applications received.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

None

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)

The Board following a public hearing needs to take action on the Resolution for allocation of regional STBG Program federal funding. The Department recommends approval of the funding allocation project selections as noted in the attached Resolution under consideration.

County Official signature & print name: Mary Peterson for Ross Tyler, P.E.

Name of Employee/Stakeholder attending meeting: Steve Gray

Relevant Departments: Public Works/Roads

Date submitted: April 7, 2021

RESOLUTION _____, 2021

ALLOCATION OF REGIONAL SURFACE TRANSPORTATION BLOCK GRANT (STBG) PROGRAM FEDERAL FUNDING

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

1. The Surface Transportation Block Grant (STBG) Program is a federal-aid transportation program that may be used for a wide range of projects such as construction and repair of eligible federal aid roads (e.g., collectors and arterials); bridge and tunnel projects on any public roads; transit capital projects; pedestrian, bicycle and recreational trail projects; ferry boats and terminal facilities; and other eligible transportation improvement projects under 23 U.S.C 133.

2. The federal participation rate for STBG funding on projects is 86.5%.

3. The STBG federal-aid transportation funding is administered by the Washington State Department of Transportation (WSDOT).

4. Clallam County is the lead agency responsible to conduct a process to select and prioritize eligible local transportation projects for the programming of available STBG funding allocated to the County by the state.

5. To secure and receive STBG funding, the local agency/sponsor of any projects selected by the County for programming must enter into an agreement with WSDOT to "obligate" the federal funding. Obligation is the federal government's commitment to reimburse the federal share of eligible project costs.

6. Clallam County's total STBG funding allocation available to program in Federal Fiscal Year (FFY) 2021 is $2,228,656. For FFY 2022 – 2024, the estimated STBG available allocation is $1,052,594 annually.

7. The County previously approved regional STBG funding allocations for local transportation improvement projects totaling $1,080,000 that have been programmed for FFY 2021, but where the funding has not yet been obligated (i.e., secured under agreement with WSDOT).

8. The Clallam County Public Works – Road Department issued a call for projects on January 25, 2021, to local transportation agencies for STBG project funding requests for FFY 2021 and FFY 2022, and received five applications by the March 5, 2021 deadline totaling $1,590,983 for FFY 2021 funding and $1,211,760 for FFY 2022 funding as summarized below:

   STBG FFY 2021 Applications
   - $57,803 City of Forks Bogachiel Way Overlay Project [Preliminary Engineering Phase]
   - $633,180 City of Sequim W. Washington St. Arterial Overlay (River Rd. to 9th Avenue) [Construction Phase]
   - $350,000 Clallam County Sequim-Dungeness Way and Woodcock Road Roundabout [Construction Phase]
   - $550,000 City of Port Angeles Race Street Complete Street – Phase 1 [Preliminary Engineering and Construction Phases]

   STBG FFY 2022 Applications
   - $386,760 City of Forks Bogachiel Way Overlay Project [Construction Phase]
   - $825,000 Clallam County Olympic Discovery Trail—Forks Calawah River Park to Sitkum-Sol Duc Road Project [Construction Phase].

9. The County previously approved a $550,000 STBG allocation for the US 101 East Sequim Corridor Improvement Project that is currently programmed for FFY 2021, but not yet obligated (Resolution

44, 2020). At this time, it is unknown whether engineering design will commence this year, or when the regional STBG allocation will be needed, for this state project.

10. The County previously approved a $500,000 STBG allocation for the Port Angeles Race Street Complete Street Project-Phase I that is currently programmed for FFY 2021, but not yet obligated (Resolution 64, 2020). The City is expected to obligate this funding and commence construction this year. The City is requesting and an additional $550,000 to complete Phase 1 construction based on revised engineering cost estimates.

11. The City of Forks project application requesting $444,563 for the Bogachiel Overlay Project is an update of the City's $169,000 STBG funding request for engineering and construction previously approved by the County (Resolution 36, 2017) based on revised engineering estimates.

12. All five applications are for local projects eligible for STBG funding, and are for projects supported by the local agency's adopted Six-Year Transportation Improvement Program (TIP).

13. The Board held a public hearing on April 13, 2021 on the allocation of STBG funding related to the transportation improvement projects described above.

NOW, THEREFORE, BE IT RESOLVED by the Board of Clallam County Commissioners, in consideration of the above findings of fact:

1. The Board of Clallam County Commissioners approves the following projects and agencies receive the below regional allocation of Surface Transportation Block Grant (STBG) Program federal-aid funding for Federal Fiscal Year (FFY) 2021 – 2023 as summarized below:

Agency	Project	FFY	Allocation	Phase
Forks	Bogachiel Way Overlay	2021	$57,803	Preliminary Engineering
Sequim	W. Washington St. Arterial Overlay	2021	$633,180	Construction
Port Angeles	Race Street Complete Street-Phase 1	2021	$32,000[1]	Preliminary Engineering
Port Angeles	Race Street Complete Street-Phase 1	2021	$518,000[1]	Construction
Clallam County	Sequim-Dungeness Way and Woodcock Road Roundabout	2021	$350,000	Construction
Forks	Bogachiel Way Overlay	2022	$386,760	Construction
Clallam County	Olympic Discovery Trail—Forks Calawah River Park to Sitkum-Sol Duc Rd.	2022	$825,000	Construction
Sequim	US 101 East Sequim Corridor Improvement Project (Simdars Rd. Interchange to Palo Alto Rd.)	2023	$550,000[2]	Preliminary Engineering

[1]Port Angeles total FFY 2021 STBG allocation for this project is $1,050,000 due to a prior allocation of $500,000 under Resolution 64, 2020.

[2]Sequim received County approval of this $550,000 STBG allocation under Resolution 44, 2020. Due to uncertainty of project start by the state, planned project programming is moved to FFY 2023.

PASSED AND ADOPTED this _____ day of _____ 2021

BOARD OF CLALLAM COUNTY COMMISSIONERS

_____
Mark Ozias, Chair

_____
Randy Johnson

ATTEST:

_____
Loni Gores, Clerk of the Board

_____
Bill Peach

Clallam County 2021/2022 Surface Transportation Block Grant (STBG) Funding Application

Instructions

Please complete application in the space provided. Attachments are optional, but if added please do not exceed five (8.5 x 11 size only) pages (not counting vicinity map and any letter of support). Attachments should be limited to provide supplemental information (e.g., photos, maps, illustrations, cross-sections). If you have any questions, contact Steve Gray, Clallam County Transportation Program Manager, at 360-417-2290.

A. GENERAL INFORMATION

Project Title: Bogachiel Way Overlay

Agency/Sponsor: City of Forks

Contact Person/Title: Paul Hampton/Public Works Director

Telephone: 360-640-1535 Email: paulh@forkswashington.org

B. PROJECT TYPE (Mark all Categories that Apply)

Many types of projects are eligible for STBG funding. Roadway construction must be functionally classified as collector or above, unless the project meets the exceptions under 23 U.S.C. 133. For more information, refer to application packet.

B.1: Indicate below the project type(s) you are seeking STBG funding for:

2-R Rural Major Collector

B.2. Functional Class (Road Projects Only): Rural Major Collector

C. PROJECT DESCRIPTION

Briefly describe the proposed project, the need, and anticipated benefits. Describe project location and attach a vicinity map (8.5" x 11"), if applicable.

This segment of Bogachiel Way from 6th Ave to Russell Road that has severe cracking and depressions. This road services a major part of the City and is an alternative route for emergencies. The overlay project will fix depressions and cracking that are affecting the roadway surface. Anticipated benefits would be the safety and preservation of the existing roadway. The project location begins at 6th Ave. and proceeds West approximately .36 miles to Russell Road.

D. SUMMARY FINANCIAL INFORMATION

Total Estimated Project Cost: $ 444,563

Federal Fiscal Year 2021 STBG Request:* $ 57,803

Federal Fiscal Year 2022 STBG Request:* $ 386,760

***Note:** Requires project phase obligation by August 1 of the respective FFY.*

Will this project likely require seeking STBG funding beyond FFY 2022? Yes or (No)

If yes, what is the total anticipated STBG funding request? _____

E. DETAILED FINANCIAL INFORMATION

Project Cost by Phase: Complete the section for your project type. Specify costs only for the project phase(s) applicable to this proposal. Do not include costs for prior or subsequent phases of work.

Project Type	STBG Funding Request	Total Costs
Infrastructure Projects		
Preliminary Engineering/Design	*50,000*	*50,000*
Right-of-Way		
Construction	*334,500*	*334,500*
Non-Infrastructure Projects		
Program/Services		
Planning/Study		
Vehicles		
Other:_____		
TOTALS	*384,500*	*384,500*

STBG Funding Request and Other Project Revenue:

Funding Source	Amount
Federal STBG Funding Request	*384,500*
Local Funding	*58,063*
State Funding	*2,000*
Other Funding	
Total Project Revenue	*444,563*

Matching Funds: Applicants must provide a minimum 13.5% non-federal share. Federal share cannot exceed 86.5% of total project costs. Below list the source, status, and amount of all matching funds.

Source of Funds	Current Status (secured or reasonably expected)	Amount
Local	secured	60,063

Briefly describe the timing of matching funds listed as "reasonably expected" to be secured (e.g., grant award date) and any limitations of such funds on the timing of project obligation:

F. PROJECT ELEMENTS

The information requested in this section is based upon the state transportation system policy goals under RCW 47.04.280 and addressed in the *Washington Transportation Plan – 2040 and Beyond* and *Peninsula Regional Transportation Plan 2040*. These goals are **NOT** in any order of priority, and not every project is expected to align with each policy goal area.

F.1 Economic Vitality

Goal: Promote and develop transportation systems that stimulate, support, and enhance the movement of people and goods to ensure a prosperous economy? If applicable, briefly describe how the proposal supports this goal.

F.2 Preservation and Maintenance

Goal: Maintain, preserve, and extend the life and utility of prior investments in transportation systems and services. If applicable, briefly describe existing conditions and the type of preservation and maintenance efforts the proposal will perform.

This road services a major part of the City and is an alternative route for emergencies. The overlay project will fix depressions and cracking that are affecting the roadway surface. Anticipated benefits would be the safety and preservation of the existing roadway.

F.3 Safety

Goal: Provide for and improve the safety and security of transportation customers and the transportation system. If applicable, briefly describe the factors that contribute to the safety risks and how the proposal will mitigate (e.g., countermeasures) the safety issues.

This road services a major part of the City and is an alternative route for emergencies. The overlay project will fix depressions and cracking that are affecting the roadway surface.

F.4 Mobility & Multimodal Transportation System

Goal: Improve the predictable movement of goods and people, including congestion relief and improved freight mobility. Goal: Move toward an integrated multimodal transportation system that increases travel options, reducing the need to drive alone and vehicle miles reduced. If applicable, briefly describe how the proposal meets these goals.

F.5 Environment & Health

Goal 1: Enhance quality of life through transportation investments that promote energy conservation, enhance healthy communities, and protect the environment. If applicable, briefly describe how the proposal meets this goal.

F.6 Stewardship

Goal: Continuously improve the quality, effectiveness, and efficiency of the transportation system. If applicable, briefly describe how the proposal meets this goal such as incorporating multiple modes, providing system efficiency benefits (e.g., travel time, emission, congestion, or operational/maintenance costs reductions), or other expected improvements.

G. Project Readiness and Delivery Information:

Is this project adopted in your 6-Year Transportation Improvement Program?	X	Yes		No
Is this project already in the Statewide Transportation Improvement Plan (STIP)?*	X	Yes		No

***Note:** Projects need to be in the STIP prior to project obligation. Refer to STIP amendment due dates and other information at: https://wsdot.wa.gov/LocalPrograms/ProgramMgmt/STIP.htm*

Below briefly describe the readiness of your project to proceed (or the steps that will be taken) to obligate your project by August 1 of the respective FFY (2021 and/or 2022) you are applying for STBG funding—*see application packet for information on project obligation.*

This application is for the engineering and future construction of this project. This application is to secure Federal Funding.

H. Certification Acceptance (CA)

Projects are to be administered by a state approved Certification Acceptance (CA) agency—see Washington State Department of Transportation (WSDOT) Local Agency Guidelines Manual. If an agency does not have CA status, the following two options are available for administration of STBG federal funded projects: (1) Non-CA agency enters into agreement with a CA agency to administer all aspects of the project (requires approval of the WSDOT Region Local Programs Engineer); or (2) the WSDOT Region Local Programs Engineer acts as the CA Agency (requires approved plan between Region Local Program Engineer and the agency).

Applicant is a CA Agency:	[ ]	Yes	[X]	No

If No, please indicate who will act as the project CA Agency: State of Washington Department of Transportation

I. Application Acknowledgment and Authorization

The project as described is financially feasible and the costs reflect current planning level estimates of what is needed to accomplish the work described. If awarded STBG funds, the match revenue and project obligation year described reflects a realistic commitment and schedule. Our agency/organization is aware that failure to meet the obligation deadline (August 1 in the respective FFY) may result in funds being reallocated to a different project, possibly resulting in delays or loss of funding to this project.

Agencies/organizations that use federal funds must comply with administrative and project compliance requirements over which the Lead Agency (Clallam County) has no control. The costs and schedule for this proposal were developed with this awareness of federal requirements. The Lead Agency is not responsible for cost overruns or delays that may be attributed to the use of federal funds.

Our agency/organization further acknowledges that if our project is selected for STGB funding we are responsible for:

- Abiding by all current state and federal policies and procedures for project phase obligation, transfer of funds and federal project implementation over which the Lead Agency (Clallam County) has no control.
- Providing the required matching funds.
- Meeting project phase obligation timing commitments.
- Providing for all ineligible project costs or cost overruns.

Authorized Signature 3/4/21 Date

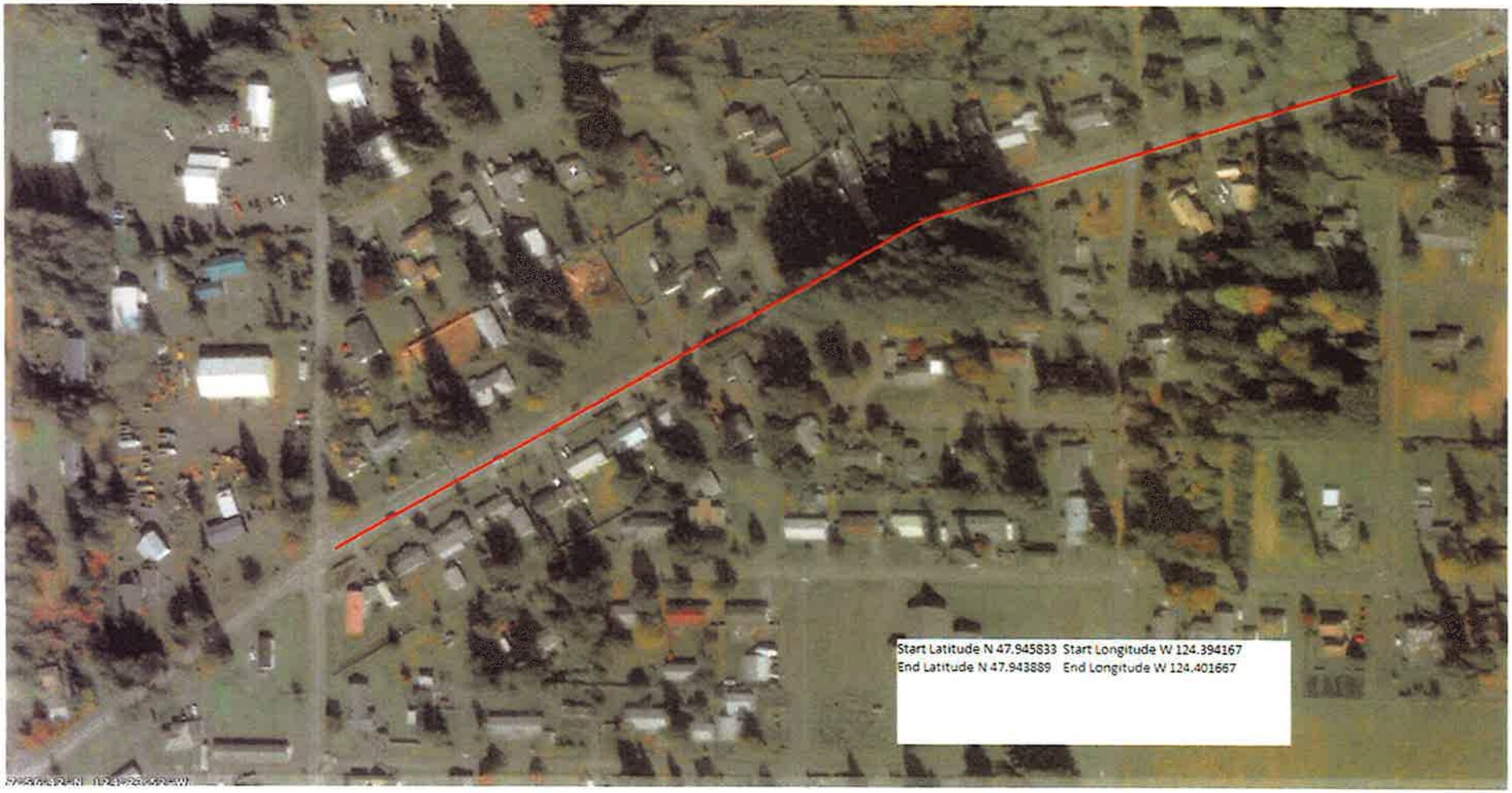
Paul Hampton, Public Works Director

Print Name, Title

SUBMITTAL PROCESS

Please email completed application packets to Steve Gray, Clallam County Transportation Program Manager, at:
sgray@co.clallam.wa.us

Applications must be received by midnight March 5, 2021


Start Latitude N 47.945833 Start Longitude W 124.394167
End Latitude N 47.943889 End Longitude W 124.401667

Clallam County 2021/2022 Surface Transportation Block Grant (STBG) Funding Application

Instructions

Please complete application in the space provided. Attachments are optional, but if added please do not exceed five (8.5 x 11 size only) pages (not counting vicinity map and any letter of support). Attachments should be limited to provide supplemental information (e.g., photos, maps, illustrations, cross-sections). If you have any questions, contact Steve Gray, Clallam County Transportation Program Manager, at 360-417-2290.

A. GENERAL INFORMATION

Project Title:	**W. Washington St Arterial Overlay, River Rd to 9th Ave**
Agency/Sponsor:	**City of Sequim**
Contact Person/Title:	**Matt Klontz, Interim Director of Public Works**
Telephone:	**360-582-2472** Email: **mklontz@sequimwa.gov**

B. PROJECT TYPE (Mark all Categories that Apply)

Many types of projects are eligible for STBG funding. Roadway construction must be functionally classified as collector or above, unless the project meets the exceptions under 23 U.S.C. 133. For more information, refer to application packet.

B.1: Indicate below the project type(s) you are seeking STBG funding for:

This is a highway pavement preservation construction project, according to 23 U.S.C. 133.

W. Washington Street is the highest volume arterial in Sequim and serves the greater Clallam County region and beyond into Jefferson and other counties.

B.2. Functional Class (Road Projects Only): _____ Urban Minor Arterial_____

C. PROJECT DESCRIPTION

Briefly describe the proposed project, the need, and anticipated benefits. Describe project location and attach a vicinity map (8.5" x 11"), if applicable.

Location: W. Washington Street from west of the roundabout at 9th Avenue to a point immediately east of the roundabout at River Road (see attached vicinity map)

This pavement preservation project will overlay the pavement on the section of W. Washington with the lowest pavement condition index value for the entire Washington Street corridor, Sequim's main arterial through the city. It is very timely since the current PCI rating is 57 for a significant segment of the street proposed for the project. (PCI curves are attached)

Project benefits center on the value of extending the pavement life for this vital corridor before high-cost, full-depth reconstruction is required. The project is on the City's CIP for 2021 for this reason. It is beneficial to conduct the work in 2021 to avoid added cost as well as the economic impacts associated with the extended time traffic would be disrupted for full-depth reconstruction.

The current pavement condition is appropriate for an overlay treatment and the chosen segment has a minimal amount of obstructions and impediments or code deficiencies to be corrected prior to overlay. New pavement markings will be installed, clarifying traffic flow options and new overhead detection cameras will be installed to optimize intersection efficiency at the intersection of W. Washington St. and Priest Road.

This part of Washington Street, in particular, warrants immediate attention because of (1) high volume use: the project site is the sole route in/out of the city from/to the west and is used by the greater North Olympic Peninsula area for access to regional destination box-store retail including Home Depot, Costco, and Wal-Mart, as well as the entry point into the City for all transit routes from the west; and
(2) heavy use: large semi delivery trucks use this route to serve many retail establishments including those listed above.

D. SUMMARY FINANCIAL INFORMATION

Total Estimated Project Cost:	$732,000
Federal Fiscal Year 2021 STBG Request:*	$633,180
Federal Fiscal Year 2022 STBG Request:*	$0

***Note:** Requires project phase obligation by August 1 of the respective FFY.*

Will this project likely require seeking STBG funding beyond FFY 2022? Yes or **No**

If yes, what is the total anticipated STBG funding request? _____

E. DETAILED FINANCIAL INFORMATION

Project Cost by Phase: Complete the section for your project type. Specify costs only for the project phase(s) applicable to this proposal. Do not include costs for prior or subsequent phases of work.

Project Type	STBG Funding Request	Total Costs
Infrastructure Projects		
Preliminary Engineering/Design	*$0*	*$0*
Right-of-Way	*$0*	*$0*
Construction	*$633,180*	*$732,000*
Non-Infrastructure Projects		
Program/Services	*$0*	*$0*
Planning/Study	*$0*	*$0*
Vehicles	*$0*	*$0*
Other:_____	*$0*	*$0*
TOTALS	*$633,180*	*$732,000*

STBG Funding Request and Other Project Revenue:

Funding Source	Amount
Federal STBG Funding Request	*$633,180*
Local Funding	*$98,820*
State Funding	*$0*
Other Funding	*$0*
Total Project Revenue	*$732,000*

Matching Funds: Applicants must provide a minimum 13.5% non-federal share. Federal share cannot exceed 86.5% of total project costs. Below list the source, status, and amount of all matching funds.

Source of Funds	Current Status (secured or reasonably expected)	Amount
Construction: Local (REET)	**Secured**	**$98,820**

Briefly describe the timing of matching funds listed as "reasonably expected" to be secured (e.g., grant award date) and any limitations of such funds on the timing of project obligation:

Real Estate Excise Tax (REET) has been identified **and secured** as a source for local funds as identified in the City's annual budget and in the 6-Year Capital Improvement Program under the Streets Category. This project has been identified in the CIP as a Pavement Preservation Project, STR-065RR.
The project **design and construction management** will be provided exclusively by the City of Sequim through in-house staff.

F. PROJECT ELEMENTS

The information requested in this section is based upon the state transportation system policy goals under RCW 47.04.280 and addressed in the *Washington Transportation Plan – 2040 and Beyond* and *Peninsula Regional Transportation Plan 2040*. These goals are **NOT** in any order of priority, and not every project is expected to align with each policy goal area.

F.1 Economic Vitality

Goal: Promote and develop transportation systems that stimulate, support, and enhance the movement of people and goods to ensure a prosperous economy? If applicable, briefly describe how the proposal supports this goal.

This proposal aligns with Economic Vitality goals by:

- Supporting existing major commercial activity served directly by this section of W Washington St.
  - Wal-Mart Supercenter
  - Office Depot + Petco
  - Home Depot + Garden Center
  - Costco + Costco Fueling Station
  - Grocery Outlet
  - Multiple medium-sized and small establishments
- Enhancing the movement of people and goods from the broader region accessing this retail hub
- Supporting development of remaining vacant commercial lots in the vicinity

F.2 Preservation and Maintenance

Goal: Maintain, preserve, and extend the life and utility of prior investments in transportation systems and services. If applicable, briefly describe existing conditions and the type of preservation and maintenance efforts the proposal will perform.

This proposal aligns with Preservation and Maintenance goals by:

- Extending the service life of W. Washington St., subject to high wear-and-tear:
  - High loading from freight vehicles
  - High volume since it serves a regional population
- Maximizing prior investments in this section of pavement by doing an overlay before full-depth reconstruction is needed
- Adhering to our CIP on schedule
- Making ongoing maintenance more efficient

F.3 Safety

Goal: Provide for and improve the safety and security of transportation customers and the transportation system. If applicable, briefly describe the factors that contribute to the safety risks and how the proposal will mitigate (e.g., countermeasures) the safety issues.

This proposal aligns with Safety goals by:

- Adding an ADA curb ramp to the Priest Rd intersection
- Updating street markings which will also improve visibility
  - Crosswalks
  - Lane lines
  - Center turn lane
  - Transit stops
- Eliminating rough surfaces

F.4 Mobility & Multimodal Transportation System

Goal: Improve the predictable movement of goods and people, including congestion relief and improved freight mobility. Goal: Move toward an integrated multimodal transportation system that increases travel options, reducing the need to drive alone and vehicle miles reduced. If applicable, briefly describe how the proposal meets these goals.

Through pavement preservation we ensure the continued operation of W. Washington Street into the future, which functions to achieve Mobility & Multimodal goals. This timely project:

- Supports access by the regional population as well as freight to/from the commercial hub surrounding this project
  - Without this project users of the transportation system may be inclined to bypass the arterial by utilizing parking lots and other alternative routes
- Supports public transit riders at bus stops
- Enhances safety by updating street markings
  - Highly visible markings will enhance safety
  - Improved safety will encourage active transportation including ped/bike
- Complements existing pedestrian facilities on both the north and south sides of W. Washington, which are in good condition
- Complements existing cycling facilities on the south side of W. Washington (separated shared-use path)

F.5 Environment & Health

Goal 1: Enhance quality of life through transportation investments that promote energy conservation, enhance healthy communities, and protect the environment. If applicable, briefly describe how the proposal meets this goal.

This proposal aligns with Environment & Health goals by:

- Avoiding full-depth reconstruction for the 2,400-foot length of roadway means savings in capital construction *as well as ongoing operations & maintenance* in several areas
  - Materials
  - Emissions / air quality
  - Waste (avoiding throwing away most or all asphalt or aggregate)
  - Energy
  - Cost (both labor and expenses)

F.6 Stewardship

Goal: Continuously improve the quality, effectiveness, and efficiency of the transportation system. If applicable, briefly describe how the proposal meets this goal such as incorporating multiple modes, providing system efficiency benefits (e.g., travel time, emission, congestion, or operational/maintenance costs reductions), or other expected improvements.

This proposal aligns with Stewardship goals by:

- Addressing/reducing the increasing maintenance needs of a deteriorating surface
- Conserving maintenance dollars
- Conserving resources by taking care of what we've got rather than allowing it to deteriorate
- Avoiding travel delays and increased air pollution that can result from slower traffic navigating rough, degraded roadways

G. Project Readiness and Delivery Information:

Is this project adopted in your 6-Year Transportation Improvement Program?	X	Yes		No
Is this project already in the Statewide Transportation Improvement Plan (STIP)?*		Yes	X	No

***Note:** Projects need to be in the STIP prior to project obligation. Refer to STIP amendment due dates and other information at: https://wsdot.wa.gov/LocalPrograms/ProgramMgmt/STIP.htm*

Below briefly describe the readiness of your project to proceed (or the steps that will be taken) to obligate your project by August 1 of the respective FFY (2021 and/or 2022) you are applying for STBG funding—*see application packet for information on project obligation*.

1. Submit request for amendment of the STIP to include the project – March 2021

2. In-house design* – April-May 2021

3. Submit funding package to WSDOT – by June 15, 2021

*Each year the City delivers a pavement preservation program and is well-versed with the process, including contracting and public notification aspects. Also, the design effort will be straightforward, with only one ADA element needing to be addressed.

H. Certification Acceptance (CA)

Projects are to be administered by a state approved Certification Acceptance (CA) agency—see Washington State Department of Transportation (WSDOT) Local Agency Guidelines Manual. If an agency does not have CA status, the following two options are available for administration of STBG federal funded projects: (1) Non-CA agency enters into agreement with a CA agency to administer all aspects of the project (requires approval of the WSDOT Region Local Programs Engineer); or (2) the WSDOT Region Local Programs Engineer acts as the CA Agency (requires approved plan between Region Local Program Engineer and the agency).

Applicant is a CA Agency: [ ] Yes [X] No

If No, please indicate who will act as the project CA Agency: City of Sequim (WSDOT delegates CA authority to the City of Sequim through a project-specific CA agreement)

I. Application Acknowledgment and Authorization

The project as described is financially feasible and the costs reflect current planning level estimates of what is needed to accomplish the work described. If awarded STBG funds, the match revenue and project obligation year described reflects a realistic commitment and schedule. Our agency/organization is aware that failure to meet the obligation deadline (August 1 in the respective FFY) may result in funds being reallocated to a different project, possibly resulting in delays or loss of funding to this project.

Agencies/organizations that use federal funds must comply with administrative and project compliance requirements over which the Lead Agency (Clallam County) has no control. The costs and schedule for this proposal were developed with this awareness of federal requirements. The Lead Agency is not responsible for cost overruns or delays that may be attributed to the use of federal funds.

Our agency/organization further acknowledges that if our project is selected for STGB funding we are responsible for:

- Abiding by all current state and federal policies and procedures for project phase obligation, transfer of funds and federal project implementation over which the Lead Agency (Clallam County) has no control.
- Providing the required matching funds.
- Meeting project phase obligation timing commitments.
- Providing for all ineligible project costs or cost overruns.

Digitally signed by Matt Klontz
Date: 2021.03.05 14:08:09-08'00'

Authorized Signature Date

Matt Klontz, City of Sequim Public Works Director (Interim)

Print Name, Title

ATTACHED:

1. ***Project/vicinity map***
2. ***Street Saver excerpts showing PCI deterioration curves and current rating***
3. ***Cost Estimate***

SUBMITTAL PROCESS

Please email completed application packets to Steve Gray, Clallam County Transportation Program Manager, at: sgray@co.clallam.wa.us

Applications must be received by midnight March 5, 2021


WALMART
W BRACKETT RD
N PRIEST RD
PROPOSED ADA RAMP
W WASHINGTON ST
PROPOSED OVERLAY AREA
S 9TH AVENUE
RIVER RD
OFFICE DEPOT
PETCO
HOME DEPOT
ROSS
GROCERY OUTLET
COSTCO WHOLESALE
HWY 101
PROPOSED PROJECT SERVES THE CLALLAM COUNTY REGION AROUND SEQUIM
Google
N
0
300
600
Feet

City of Sequim
152 W. Cedar St.
615 N. 5th Ave.
Sequim, WA 98382
(360) 683-4908

CITY OF SEQUIM

Section Summary

Printed: 3/2/2021

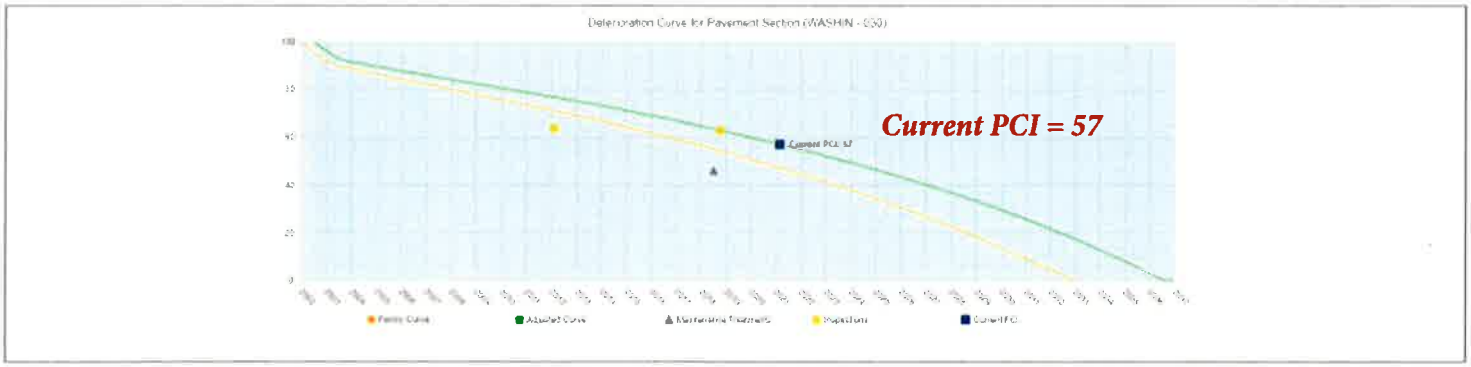
Street ID: WASHIN
Section ID: 030
Street Name: W WASHINGTON ST
Functional Class: Arterial
Surface Type: AC
General Code:
Area ID:
Funding Source:
Parking Lot Type:

Comments:

Begin Location: PRIEST RD
End Location: 9TH AVE
No. Lanes: 3
Length (ft): 2,053
Width (ft): 43
Area (sq ft): 88,279
Slab Length: 0.00
Slab Width: 0.00
of Slabs: 0



Constructed: 07/01/2002



Recommended Treatments

Year	Treatment	Treatment Cost
2019	MEDIUM OVERLAY (2.0 INCHES) W/PATCHING	$475,726
2022	SEAL CRACKS	$109

Other History

Transact Date	Transact Type	Attribute	Value
3/15/2012 1:29:54 PM	Attribute change	User 1	Water
3/15/2012 1:29:54 PM	Attribute change	User 2	Sewer

Inspection History

Inspection Date: 02/01/2012 **Section PCI:** 64

Inspection #	Length	Area	No Distresses	Special
1	50.00	2150.00	☐	☐
2	50.00	2150.00	☐	☐
3	50.00	2150.00	☐	☐

City of Sequim
152 W. Cedar St.
615 N. 5th Ave.
Sequim, WA 98382
(360) 683-4908

CITY OF
SEQUIM

Section Summary

Printed: 3/2/2021

Inspection History

Inspection Date: 02/01/2012 **Section PCI:** 64

Inspection #	Length	Area	No Distresses	Special
4	50.00	2150.00	☐	☐
5	50.00	2150.00	☐	☐

Inspection Date: 10/01/2018 **Section PCI:** 63

Inspection #	Length	Area	No Distresses	Special
1	50.00	2150.00	☐	☐
2	50.00	2150.00	☐	☐
3	50.00	2150.00	☐	☐
4	50.00	2150.00	☐	☐
5	50.00	2150.00	☐	☐

Maintenance Rehabilitation History

Maint. Date	Treatment	Sq. Ft.	Thickness	PCI after M&R	Cost Maint.
07/01/2018	SEAL CRACKS	0	0	46	$0

City of Sequim
152 W. Cedar St.
615 N. 5th Ave.
Sequim, WA 98382
(360) 683-4908

CITY OF SEQUIM

Section Summary

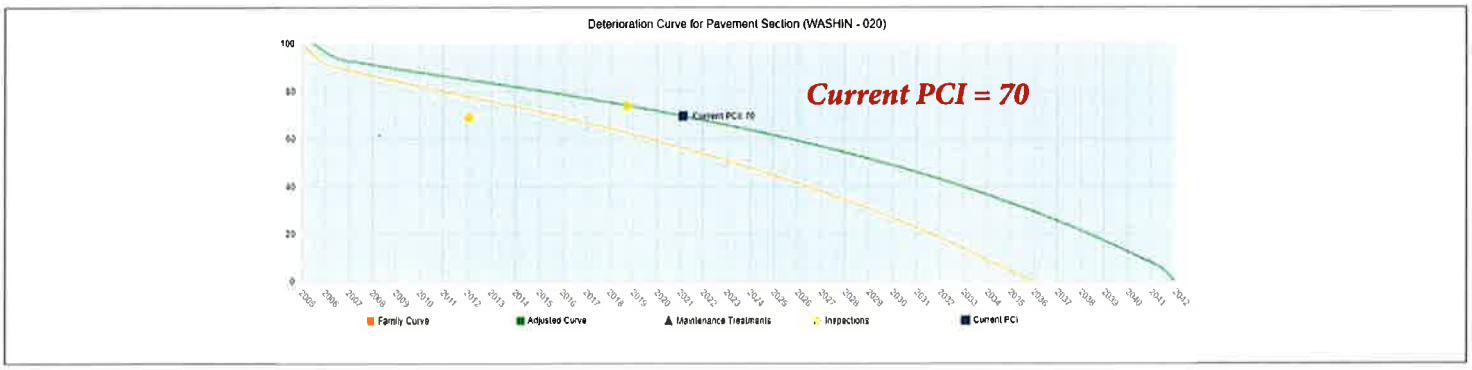
Printed: 2/25/2021

Street ID: WASHIN
Section ID: 020
Street Name: W WASHINGTON ST
Functional Class: Arterial
Surface Type: AC
General Code:
Area ID:
Funding Source:
Parking Lot Type:
Comments:

Begin Location: 200 FT W. OF ROUNDABOUT
End Location: PRIEST RD
No. Lanes: 5
Length (ft): 918
Width (ft): 64
Area (sq ft): 58,752
Slab Length: 0.00
Slab Width: 0.00
of Slabs: 0



Constructed: 07/01/2005



Recommended Treatments

Year	Treatment	Treatment Cost
2021	THIN AC OVERLAY(1.5 INCHES)	$199,110

Inspection History

Inspection Date: 02/01/2012 **Section PCI:** 69

Inspection #	Length	Area	No Distresses	Special
1	50.00	3200.00	☐	☐
2	50.00	3200.00	☐	☐

Inspection Date: 10/01/2018 **Section PCI:** 74

Inspection #	Length	Area	No Distresses	Special
1	50.00	3200.00	☐	☐
2	50.00	3200.00	☐	☐

W. Washington St Arterial Overlay - River Rd to 9th Ave

No.	Item	Quantity		Unit Price	Amount
1	Mobilization	1	LS	$50,000.00	$50,000.00
2	Milling/Planing	15,472	SY	$6.00	$92,832.00
3	HMA CL. 1/2" PG 64H-22	1,762	TON	$115.00	$202,630.00
4	ADA Ramp	1	LS	$15,000.00	$15,000.00
5	Protect Monument	3	EA	$400.00	$1,200.00
6	Adjust Manhole	2	EA	$800.00	$1,600.00
7	Adjust Valve Box	2	EA	$500.00	$1,000.00
9	Flaggers	500	HR	$75.00	$37,500.00
10	Traffic Control Supervisor	1	LS	$10,000.00	$10,000.00
11	Other Traffic Control Labor	50	HR	$75.00	$3,750.00
12	Project Temporary Traffic Control	1	LS	$6,000.00	$6,000.00
13	Minor Changes	1	CALC	$10,000.00	$10,000.00
14	SPCC Plan	1	LS	$1,500.00	$1,500.00
15	Inlet protection	9	EA	$60.00	$540.00
16	Paint Line	8,830	LF	$2.00	$17,660.00
17	Plastic Stop Line	70	LF	$30.00	$2,100.00
18	Plastic Crosswalk Line	1,040	SF	$20.00	$20,800.00
19	Plastic Traffic Arrow	17	EA	$500.00	$8,500.00
20	Traffic Signal Video Detection	1	LS	$50,000.00	$50,000.00
			Subtotal		$532,612.00
			Project Contigency (10%)		$53,261.20
			Subtotal		$585,873.20
			City Allocation (Admin & Overhead) (25%)		$146,468.30
			Total Project Cost		**$732,341.50**
				USE	**$732,000.00**
				FHWA (86.5%)	***$633,180.00***
				Local (13.5%)	***$98,820.00***

Clallam County 2021/2022 Surface Transportation Block Grant (STBG) Funding Application

Instructions

Please complete application in the space provided. Attachments are optional, but if added please do not exceed five (8.5 x 11 size only) pages (not counting vicinity map and any letter of support). Attachments should be limited to provide supplemental information (e.g., photos, maps, illustrations, cross-sections). If you have any questions, contact Steve Gray, Clallam County Transportation Program Manager, at 360-417-2290.

A. GENERAL INFORMATION

Project Title: Sequim-Dungeness Way and Woodcock Road Roundabout

Agency/Sponsor: Clallam County Public Works-Roads

Contact Person/Title: Steve Gray, Transportation Program Manager

Telephone: 360-417-2290 Email: sgray@co.clallam.wa.us

B. PROJECT TYPE (Mark all Categories that Apply)

Many types of projects are eligible for STBG funding. Roadway construction must be functionally classified as collector or above, unless the project meets the exceptions under 23 U.S.C. 133. For more information, refer to application packet.

B.1: Indicate below the project type(s) you are seeking STBG funding for:

The project is for construction of a roundabout at the intersection of two roads classified as major collectors and is eligible for funding under 23 U.S.C. 133 .

B.2. Functional Class (Road Projects Only): Major Collector

C. PROJECT DESCRIPTION

Briefly describe the proposed project, the need, and anticipated benefits. Describe project location and attach a vicinity map (8.5" x 11"), if applicable.

The proposed project is to construct a roundabout at the intersection of Sequim-Dungeness Way and Woodcock Road located approximately 1.2 miles north of the City of Sequim. The planned roundabout will be 150 feet to 160 feet in diameter with a 15-foot wide travel lane. The majority of the roundabout footprint located within existing right-of-way and paved intersection area. Refer to the attached vicinity map and preliminary design for more information.

Sequim-Dungeness Way is a north/south major collector that provides a key travel route between Sequim and the north Sequim-Dungeness Valley and coastal areas. Woodcock Road is also a major collector providing east/west access across the Sequim-Dungeness Valley.

The Sequim-Dungeness Way and Woodcock Road intersection is characterized by high traffic volumes and speeds. Year 2017/2018 ADT counts for Sequim-Dungeness Way and Woodcock Road were approximately 8,000 and 1,200, respectively. Traffic thru the intersection on Woodcock Road is currently controlled by stop signs. There is no stop sign for traffic on the significantly busier Sequim-Dungeness Way, with a posted speed limit thru the intersection being 45 mph.

Sequim-Dungeness Way and Woodcock Roads have experienced the second and third highest number of accidents on County managed roads, respectively, and their intersection has been the site of a number of serious injury accidents. The roundabout improvement will support continuous intersection traffic flow, reduce intersection speeds to improve safety, and significantly reduce the potential for and cause of injury accidents at this intersection.

D. SUMMARY FINANCIAL INFORMATION

Total Estimated Project Cost: $ 900,000

Federal Fiscal Year 2021 STBG Request:* $ 350,000

Federal Fiscal Year 2022 STBG Request:* $ 0.00

***Note:** Requires project phase obligation by August 1 of the respective FFY.*

Will this project likely require seeking STBG funding beyond FFY 2022? No

If yes, what is the total anticipated STBG funding request? _____

E. DETAILED FINANCIAL INFORMATION

Project Cost by Phase: Complete the section for your project type. Specify costs only for the project phase(s) applicable to this proposal. Do not include costs for prior or subsequent phases of work.

Project Type	STBG Funding Request	Total Costs
Infrastructure Projects		
Preliminary Engineering/Design	$0.00	$50,000
Right-of-Way	$0.00	$50,000
Construction	$350,000	$800,000
Non-Infrastructure Projects		
Program/Services		
Planning/Study		
Vehicles		
Other:_____		
TOTALS	$350,000	$900,000

STBG Funding Request and Other Project Revenue:

Funding Source	Amount
Federal STBG Funding Request	$350,000
Local Funding	$60,000
State Funding	$0.00
Other Funding	$490,000
Total Project Revenue	$900,000

Matching Funds: Applicants must provide a minimum 13.5% non-federal share. Federal share cannot exceed 86.5% of total project costs. Below list the source, status, and amount of all matching funds.

Source of Funds	Current Status (secured or reasonably expected)	Amount
County Road Fund	Secured	$60,000

Briefly describe the timing of matching funds listed as "reasonably expected" to be secured (e.g., grant award date) and any limitations of such funds on the timing of project obligation:

The matching funds will be provided from the 2021 Clallam County Road Fund or other local funds (e.g., REET).

The other project funding noted above is the 2019 County Safety Program Award of $490,000 from the Washington State Department of Transportation (WSDOT) to support roundabout engineering design, right-of-way acquisition and construction. This is federal funding from the Highway Safety Improvement Program (HSIP).

F. PROJECT ELEMENTS

The information requested in this section is based upon the state transportation system policy goals under RCW 47.04.280 and addressed in the *Washington Transportation Plan – 2040 and Beyond* and *Peninsula Regional Transportation Plan 2040*. These goals are **NOT** in any order of priority, and not every project is expected to align with each policy goal area.

F.1 Economic Vitality

Goal: Promote and develop transportation systems that stimulate, support, and enhance the movement of people and goods to ensure a prosperous economy? If applicable, briefly describe how the proposal supports this goal.

This project will promote safer access and improve traffic flow between the City of Sequim and the north Sequim-Dungeness Valley and coastal areas. Sequim is the major population and economic center in eastern Clallam County. The Sequim-Dungeness Valley Area and coastal area continues to be among the fastest growing areas in the County. Both Sequim and the Sequim-Dungeness Valley and coastal areas contain numerous local and visitor attractions that rely especially on the Sequim-Dungeness Way as a connecting corridor.

F.2 Preservation and Maintenance

Goal: Maintain, preserve, and extend the life and utility of prior investments in transportation systems and services. If applicable, briefly describe existing conditions and the type of preservation and maintenance efforts the proposal will perform.

This is an improvement project and not a preservation and maintenance project. It is to construct a roundabout to improve traffic flow and safety through the busy Sequim-Dungeness Way and Woodcock Road intersection.

F.3 Safety

Goal: Provide for and improve the safety and security of transportation customers and the transportation system. If applicable, briefly describe the factors that contribute to the safety risks and how the proposal will mitigate (e.g., countermeasures) the safety issues.

In recent years, Sequim-Dungeness Way and Woodcock Roads have experienced the second and third highest number of accidents on County managed roads, respectively, and their intersection has been the site of a number of serious injury accidents. Under present intersection conditions, this risk is expected to continue based on increasing traffic volumes on both roads, especially on Sequim-Dungeness Way.

Traffic volumes and speed on Sequim-Dungeness Way at this intersection present risks for the generally more severe right-angle, left-turn, and head-on collisions that often can result in serious injury accidents. Similarly, the intersection stop signs on Woodcock Road in both directions pose risks such as drivers running the stop sign or entering the intersection too soon due to either inattentiveness or impatience especially during peak traffic volume times.

Roundabouts are safer than traditional stop signs/signal-controlled intersections. According to a study by the Insurance Institute for Highway Safety (IIHS), roundabouts reduced injury crashes by 75 percent at intersections where stop signs or signals were previously used for traffic control. Studies by the IIHS and Federal Highway Administration have shown that roundabouts typically achieve: (a) 37% reduction in overall collisions; (b) 75 % reduction in injury collisions; (c) 90 % reduction in fatality collisions; and (d) 40% reduction in pedestrian collisions.

To improve safety, but still promote continuous flow of traffic, roundabout designs require drivers to slow down and yield to traffic before entering the roundabout and once in the roundabout speeds are low. The curved roads and one-way traffic forces drivers to slow down, and the most severe types of intersection crashes—right-angle, left-turn, and head-on collisions—are unlikely. The collisions that occur in roundabouts are typically minor and cause few injuries since they occur at such low speeds.

The roundabout improvement will support continuous traffic flow, reduce overall collisions and injury collisions, and significantly reduce the potential for the most severe types of intersection crashes.

F.4 Mobility & Multimodal Transportation System

Goal: Improve the predictable movement of goods and people, including congestion relief and improved freight mobility. Goal: Move toward an integrated multimodal transportation system that increases travel options, reducing the need to drive alone and vehicle miles reduced. If applicable, briefly describe how the proposal meets these goals.

The proposed roundabout improvement at this intersection of two major road collectors will promote continuous flow of traffic through the Sequim-Dungeness Way and Woodcock Road intersection versus traditional stop signs/signals. Unlike intersections with stop signs or traffic signals, traffic is not required to stop – only yield – so the intersection can handle more traffic in the same amount of time. A roundabout at this intersection will continue to allow traffic flow through in the north-south direction on Sequim-Dungeness Way and allow for improved traffic flow in east-west direction from Woodcock Road that is currently controlled by stop signs.

F.5 Environment & Health

Goal 1: Enhance quality of life through transportation investments that promote energy conservation, enhance healthy communities, and protect the environment. If applicable, briefly describe how the proposal meets this goal.

One of the benefits of a roundabout versus traditional stop signs/traffic control is that they are designed to keep traffic moving thru the intersection. This means less travel time spent at the intersection. Improved traffic flow also reduces the time vehicles are stopped and idling benefitting local air quality and resulting in less fuel consumption. As noted in Section F.3 (Safety) above, a roundabout design is safer than traditional stop signs/signal-controlled intersections typically achieving significant reductions in overall collisions, especially injury crashes.

Conversely, adding a stop sign/traffic controls on Sequim-Dungeness Way to create a four-way stop would result in significant impacts to traffic flow through this intersection, particularly during peak travel times. This would increase localized air quality impacts and fuel consumption, and would not provide the safety benefits of a roundabout versus traditional stop sign controlled intersections.

F.6 Stewardship

Goal: Continuously improve the quality, effectiveness, and efficiency of the transportation system. If applicable, briefly describe how the proposal meets this goal such as incorporating multiple modes, providing system efficiency benefits (e.g., travel time, emission, congestion, or operational/maintenance costs reductions), or other expected improvements.

Studies shows that public opinion may initially prefer traditional sign signs/traffic signals, but quickly shifts to most drivers being in favor of roundabouts as confusion about how to get through them dissipates and drivers realize that roundabouts allow them through the intersection safely without always having to stop. Given the existence of roundabouts in Sequim, including one just 1.5 miles on Sequim-Dungeness Way to the south in the City of Sequim, most local drivers in the Sequim area are used to travel through roundabouts. The planned 150 to 160-foot diameter roundabout will provide for increased capacity and merging distance inside the roundabout to more efficiently accommodate traffic flow and the higher intersection approach speeds (45 mph) in this more rural section of Sequim-Dungeness Way in comparison to the smaller 120-foot diameter roundabout in Sequim that exhibits lower intersection approach speeds in the urban area.

G. Project Readiness and Delivery Information:

Is this project adopted in your 6-Year Transportation Improvement Program?	X	Yes		No
Is this project already in the Statewide Transportation Improvement Plan (STIP)?*	X	Yes		No

***Note:** Projects need to be in the STIP prior to project obligation. Refer to STIP amendment due dates and other information at: https://wsdot.wa.gov/LocalPrograms/ProgramMgmt/STIP.htm*

Below briefly describe the readiness of your project to proceed (or the steps that will be taken) to obligate your project by August 1 of the respective FFY (2021 and/or 2022) you are applying for STBG funding—*see application packet for information on project obligation.*

Clallam County anticipates obligating the construction phase this spring and no later than August 1. To-date, accomplishments that support readiness of the project for obligation include:

- Project is in the approved 2021-2024 Statewide Transportation Improvement Plan (STIP).
- The County has already secured significant funding for this project. The Washington State Department of Transportation (WSDOT) selected the project for a 2019 County Safety Program Award in December 2019. The award is for $490,000 under the Highway Safety Improvement Program (HSIP) federal funding program to support roundabout engineering, right-of-way acquisition, and construction for the roundabout
- Clallam County received Local Agency Agreement for preliminary engineering by WSDOT in April 2020.
- WSDOT approved completion of NEPA Categorical Exclusion and cultural resource review in July 2020.
- The majority of the roundabout is located within the existing right-of-way and paved intersection area.

H. Certification Acceptance (CA)

Projects are to be administered by a state approved Certification Acceptance (CA) agency—see Washington State Department of Transportation (WSDOT) Local Agency Guidelines Manual. If an agency does not have CA status, the following two options are available for administration of STBG federal funded projects: (1) Non-CA agency enters into agreement with a CA agency to administer all aspects of the project (requires approval of the WSDOT Region Local Programs Engineer); or (2) the WSDOT Region Local Programs Engineer acts as the CA Agency (requires approved plan between Region Local Program Engineer and the agency).

Applicant is a CA Agency: [X] Yes [ ] No

If No, please indicate who will act as the project CA Agency: _____

I. Application Acknowledgment and Authorization

The project as described is financially feasible and the costs reflect current planning level estimates of what is needed to accomplish the work described. If awarded STBG funds, the match revenue and project obligation year described reflects a realistic commitment and schedule. Our agency/organization is aware that failure to meet the obligation deadline (August 1 in the respective FFY) may result in funds being reallocated to a different project, possibly resulting in delays or loss of funding to this project.

Agencies/organizations that use federal funds must comply with administrative and project compliance requirements over which the Lead Agency (Clallam County) has no control. The costs and schedule for this proposal were developed with this awareness of federal requirements. The Lead Agency is not responsible for cost overruns or delays that may be attributed to the use of federal funds.

Our agency/organization further acknowledges that if our project is selected for STGB funding we are responsible for:

- Abiding by all current state and federal policies and procedures for project phase obligation, transfer of funds and federal project implementation over which the Lead Agency (Clallam County) has no control.
- Providing the required matching funds.
- Meeting project phase obligation timing commitments.
- Providing for all ineligible project costs or cost overruns.

R. Tyler, P.E. — 3/5/2021

Authorized Signature — Date

Ross Tyler, Director of Public Works / County Engineer

Print Name, Title

SUBMITTAL PROCESS

Please email completed application packets to Steve Gray, Clallam County Transportation Program Manager, at:
sgray@co.clallam.wa.us

Applications must be received by midnight March 5, 2021



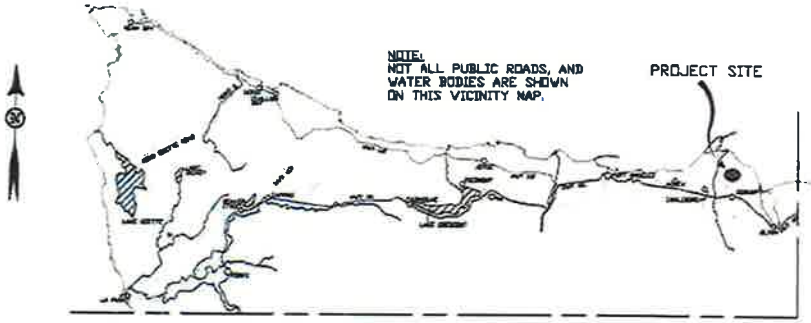
SEQUIM-DUNGENESS WAY & WOODCOCK ROAD ROUND-ABOUT

SEQUIM-DUUNGENESS WAY #95250, MILEPOST 2.52
WOODCOCK ROAD #95000, MILEPOST 4.54
WOODCOCK ROAD #52500, MILEPOST 0.00

SECTIONS 5, 6, 7, 8 in T30N, R3W, W.M.
CRP# XXX-XXX

ROAD DESIGN PARAMETERS

POSTED/DESIGN SPEED =	45 MPH
ADT (2017) =	6,820 (#95250) 1,205 (#95000) 1,015 (#52500)
DESIGN CLEAR ZONE =	12.0'
SUPERELEVATION DESIGN SPEED =	N/A
MAXIMUM SUPERELEVATION =	N/A



CLALLAM COUNTY
NOT TO SCALE



NOTE:
NOT ALL PRIVATE ROADS, PUBLIC ROADS, AND WATER BODIES ARE SHOWN ON THIS VICINITY MAP.



VICINITY MAP
NOT TO SCALE

CONSTRUCTION NOTES

1. UTILITY POSITIONS ARE AS RECORDED IN THE SURVEY PERFORMED IN MAY OF 2018. UTILITIES MAY BE IN DIFFERENT POSITIONS AT THE TIME OF CONSTRUCTION. THE CONTRACTOR SHALL CONTACT UTILITY OWNERS FOR LOCATIONS PRIOR TO CONSTRUCTION. CONTRACTOR TO CALL IN UNDERGROUND UTILITY LOCATE (CALL BEFORE YOU DIG) PRIOR TO MOBILIZATION OF EQUIPMENT ON CONSTRUCTION SITE.

2. ALL TREES WITHIN THE CLEARING LIMITS SHALL BE REMOVED WITH THOSE MARKED BY THE ENGINEER TO REMAIN. NO ADDITIONAL TREES SHALL BE CUT OR REMOVED WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE ENGINEER.

3. RECONSTRUCT AND PAVE ALL DRIVEWAYS TO THE R/W LINES. DRIVEWAY WIDTH AT THE RIGHT OF WAY LINE SHALL BE 15' FOR SINGLE FAMILY RESIDENCES UNLESS OTHERWISE DIRECTED. PROVIDE 15' RADIUS ON RETURNS UNLESS STAKED OR DIRECTED OTHERWISE BY THE ENGINEER.

4. EXCESS SOILS MAY BE DISPOSED OF WITHIN THE PROJECT LIMITS AS DIRECTED BY THE ENGINEER AND AS SHOWN ON THE PLANS UP TO THE QUANTITY SHOWN ON THE PROPOSAL. SAID QUANTITY IS FOR BIDDING PURPOSES AND THE ENGINEER MAY ALLOW EXCESS SOILS TO BE PLACED WITHIN THE PROJECT LIMITS IF POSSIBLE OR TO REQUIRE EXCESS SOILS TO BE HAULED AND DISPOSED OF TO A CONTRACTOR PROVIDED WASTE SITE.

SEQUIM-DUNGENESS WAY & WOODCOCK ROAD ROUND-ABOUT

ROSS TYLE, PE COUNTY ENGINEER DATE

BOARD OF CLALLAM COUNTY COMMISSIONERS

PRELIMINARY
Subject to Revision

BILL PEACH, MEMBER

RANDY JOHNSON, MEMBER

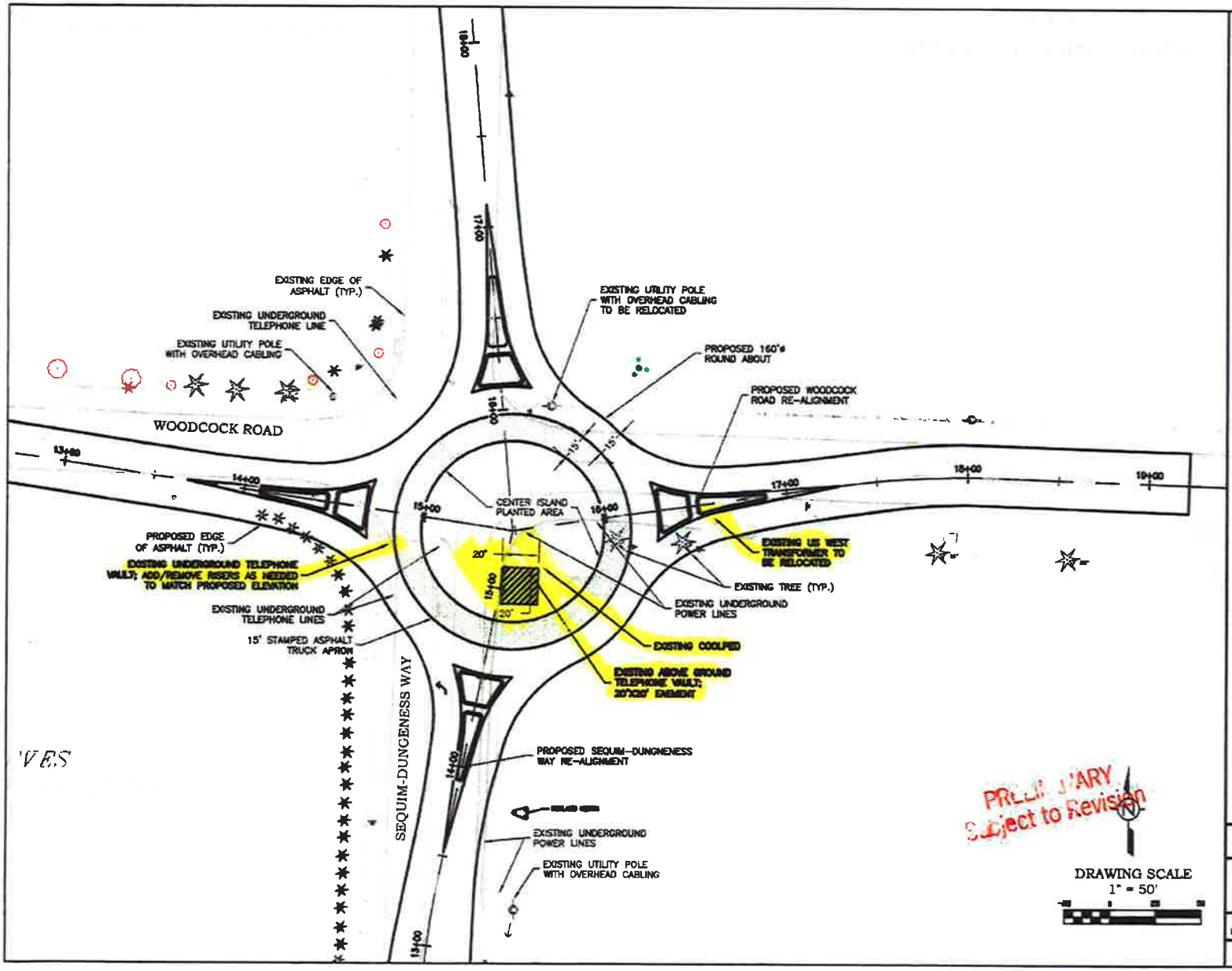
DATE

CLALLAM COUNTY

ROSS TYLER, PE
COUNTY ENGINEER

DRAWN BY N. BOSTIC, PE
REVIEWED BY J. BOWEN, PE
PRINT DATED February 9, 2021

SHEET 1 OF 6



SEQUIM-DUNGENESS WAY & WOODCOCK ROAD ROUND-ABOUT

SEQUIM-DUNGENESS WAY
@95250 MP 2.52
WOODCOCK ROAD @95000
MP4.54, @52500 MP0.00

Sec. 5, 6, 7, 8, in T30N, R3W, W.M.

ELEVATION DATUM: WASHINGTON COORDINATE SYSTEM ...

CONSTRUCTION NOTES

CLALLAM COUNTY

ROSS TYLER, PE
COUNTY ENGINEER

DRAWN BY K. BOSTIC, PE
REVIEWED BY J. BOWEL, PE
PRINT DATED Feb. 8, 22

SHEET 2 OF 6

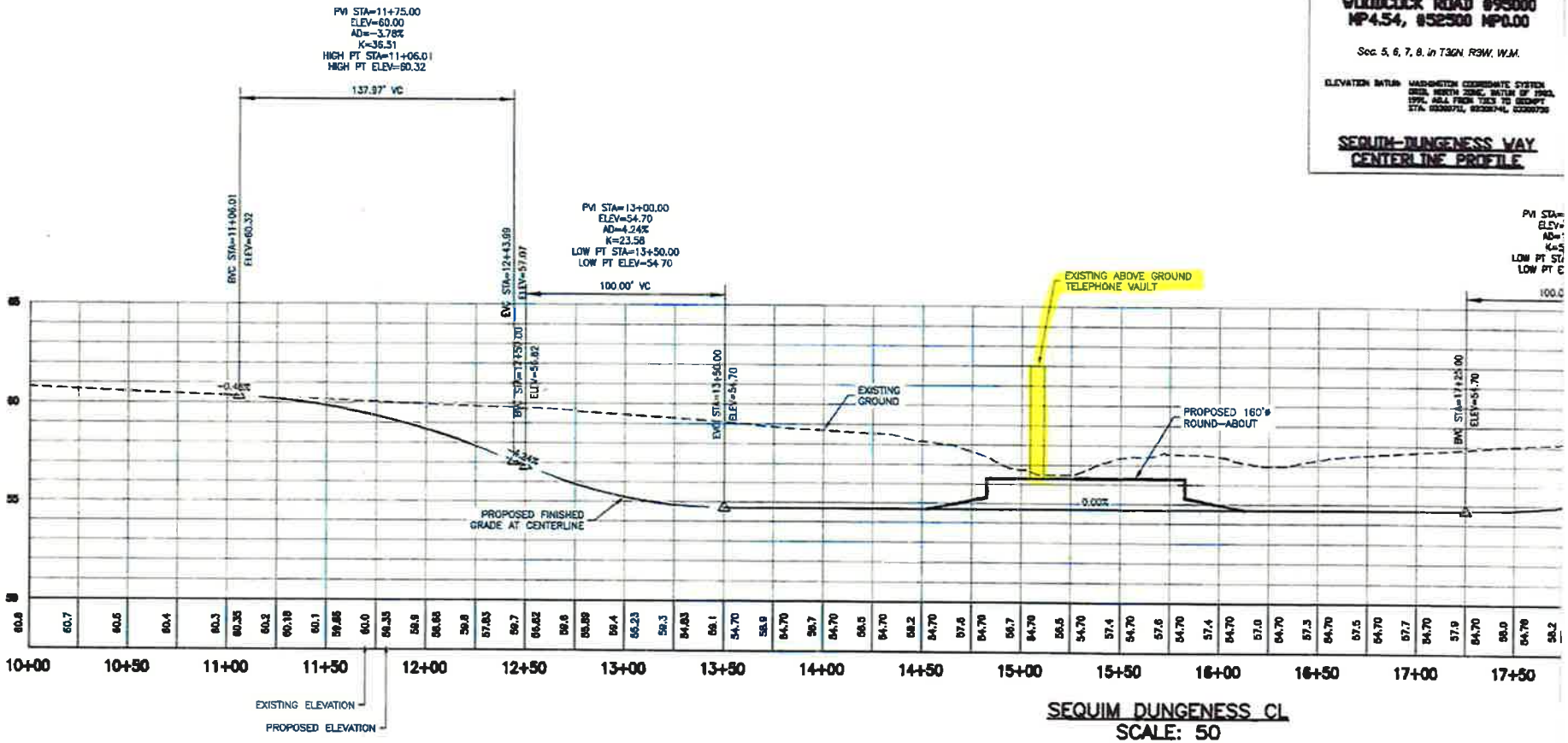
SEQUIM-DUNGENESS WAY & WOODCOCK ROAD ROUND-ABOUT

SEQUIM-DUNGENESS WAY
#95230 MP 2.52
WOODCOCK ROAD #95000
MP4.54, #52500 MP0.00

Sec. 5, 6, 7, 8, in T30N, R3W, W.M.

ELEVATION DATUM: WASHINGTON COORDINATE SYSTEM, NORTH ZONE, DATUM OF 1983, 1991, ADJ. FROM TBM'S TO BENCH MARKS STA. 0230071, 0230740, 0230720

SEQUIM-DUNGENESS WAY CENTERLINE PROFILE



SEQUIM DUNGENESS CL
SCALE: 50
EXAGGERATION: 10

PRELIMINARY
Subject to Revision

CLALLAM COUNTY

ROSS TYLER, PE
COUNTY ENGINEER

DRAWN BY M. BEEZER, PE
REVIEWED BY J. BERGEL, PE
PRINT DATED February 9, 2021

SHEET 3 OF 6

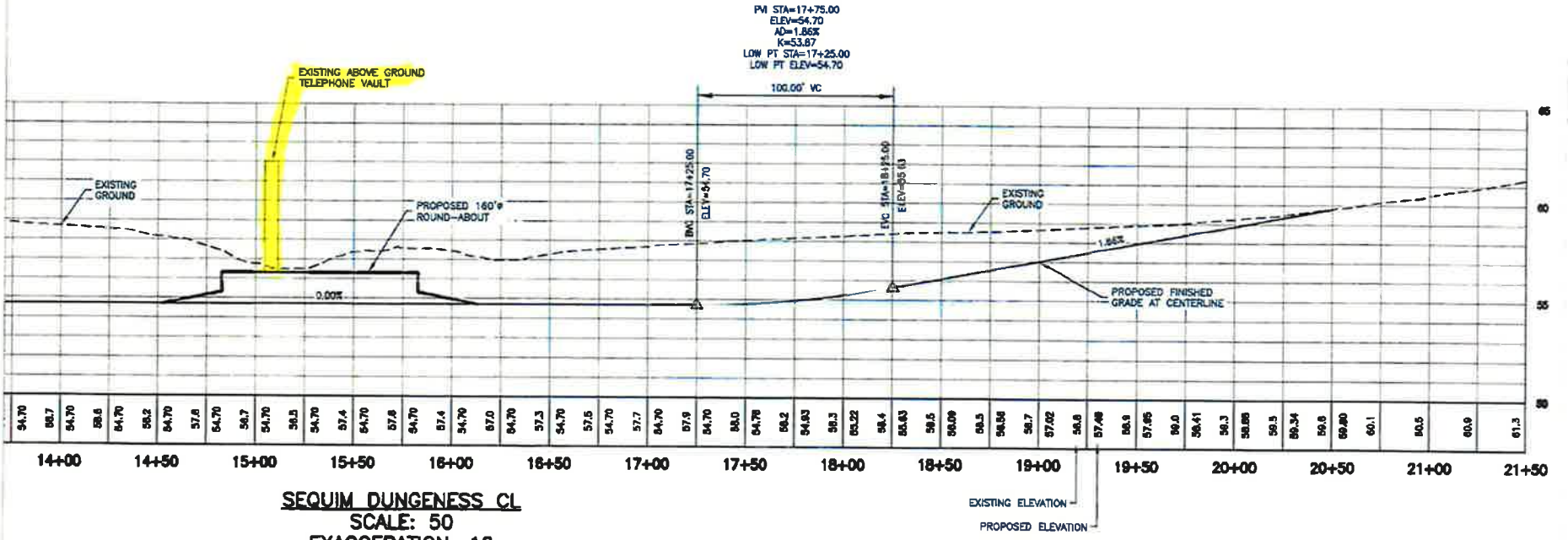
SEQUIM-DUNGENESS WAY & WOODCOCK ROAD ROUND-ABOUT

SEQUIM-DUNGENESS WAY
#955250 MP 2.52
WOODCOCK ROAD #955000
MP 4.54, #952500 MP 0.00

Sec. 5, 6, 7, 8, in T30N, R3W, W.M

ELEVATION DATUM: WASHINGTON COORDINATE SYSTEM 1983, NORTH ZONE, DATUM OF 1983, NAD, ALL FROM TIES TO CORPS STA: 0239872L, 0239874L, 0239875R

SEQUIM-DUNGENESS WAY CENTERLINE PROFILE



SEQUIM DUNGENESS CL
SCALE: 50
EXAGGERATION: 10

PRELIMINARY
Subject to Revision

CLALLAM COUNTY

ROSS TYLER, PE
COUNTY ENGINEER

DRAWN BY N. DOSTIE, PE
REVIEWED BY J. HEBERT, PE
PRINT DATE: February 9, 2005

SHEET 4 OF 6

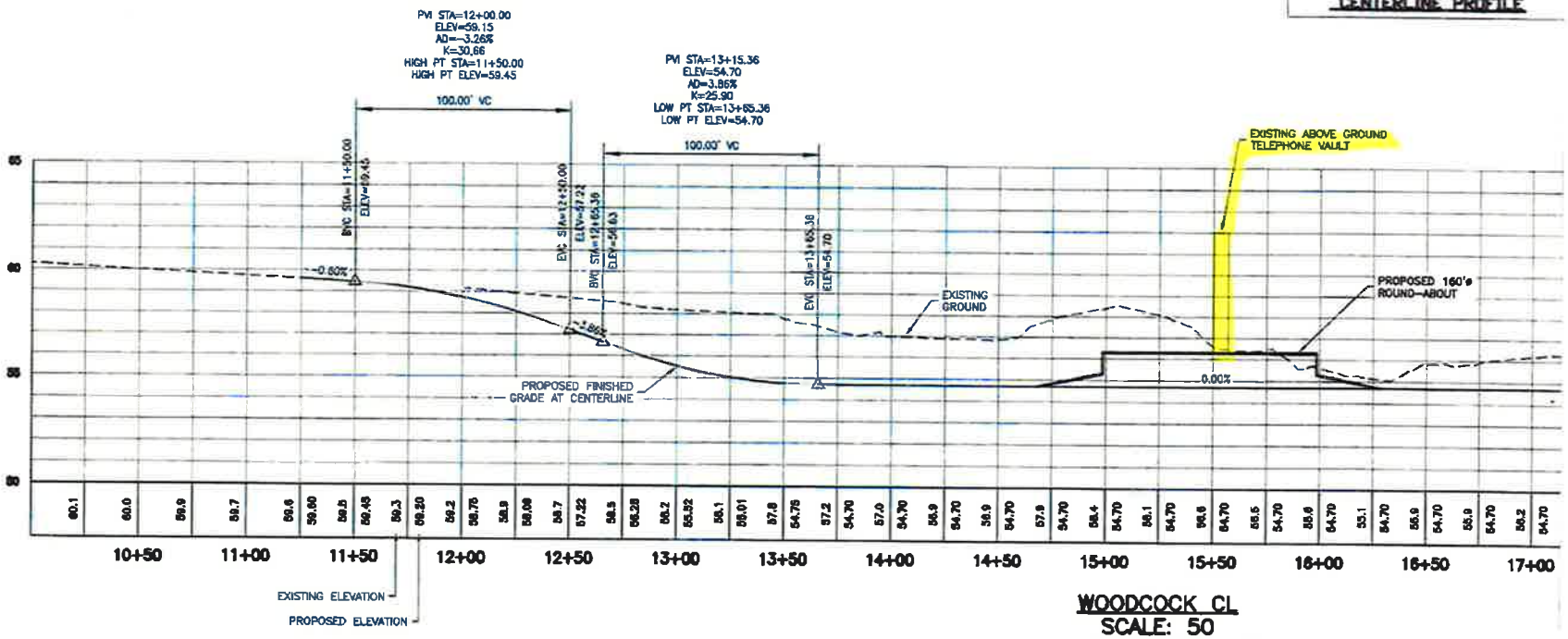
SEQUIM-DUNGENESS WAY & WOODCOCK ROAD ROUND-ABOUT

SEQUIM-DUNGENESS WAY @95250 MP 2.52 WOODCOCK ROAD @95000 MP4.54, @52500 MP0.00

Sec. 5, 6, 7, 8, in T30N, R3W, W.M.

ELEVATION DATUM: WASHINGTON COORDINATE SYSTEM [illegible]

WOODCOCK ROAD CENTERLINE PROFILE



WOODCOCK CL
SCALE: 50
EXAGGERATION: 10

PRELIMINARY
Subject to Revision

CLALLAM COUNTY

ROSS TYLER, PE
COUNTY ENGINEER

DRAWN BY N. SCOTT, PE
REVIEWED BY J. SEMEL, PE
PRINT DATED February 9, 2005

SHEET 5 OF 6

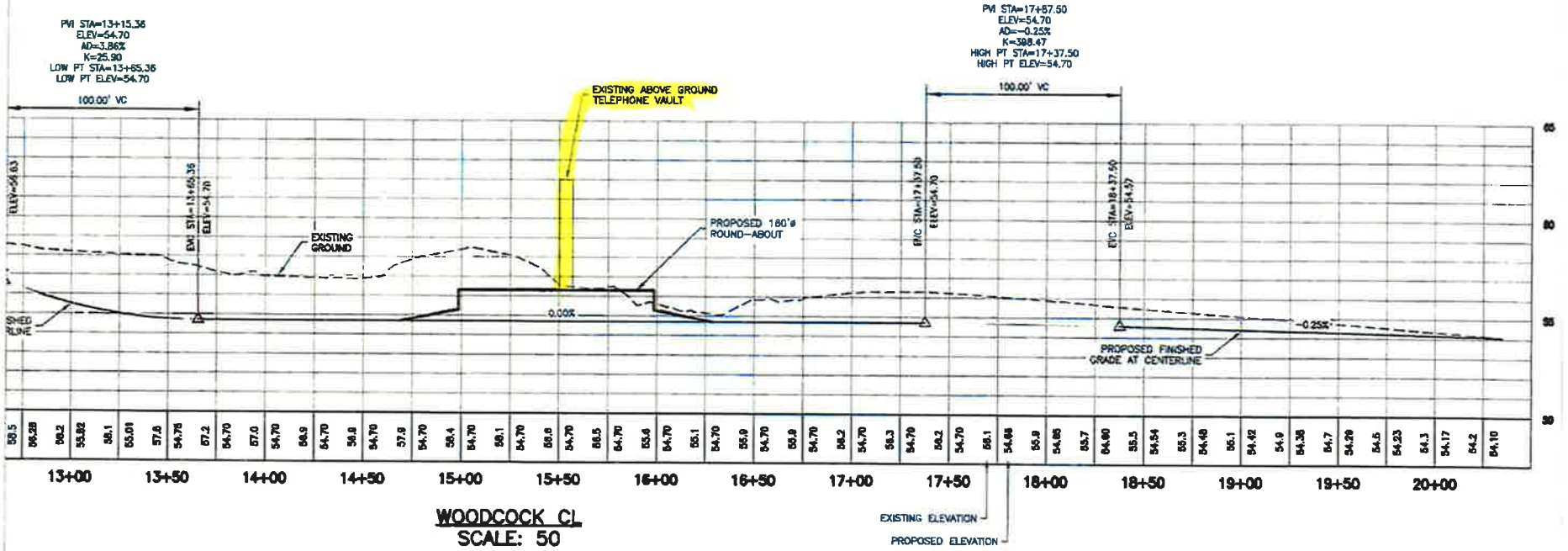
SEQUIM-DUNGENESS WAY & WOODCOCK ROAD ROUND-ABOUT

SEQUIM-DUNGENESS WAY
695250 MP 2.52
WOODCOCK ROAD 695000
MP4.54, 852500 MP0.00

Sec 5, 6, 7, 8, in T30N, R3W, W.M

ELEVATION DATUM: WASHINGTON COORDINATE SYSTEM GRID, NORTH ZONE, DATUM OF 1983, (1991, ADJ. FROM TIES TO DOMPT STA. 0336711, 0338741, 0000750

WOODCOCK ROAD CENTERLINE PROFILE



WOODCOCK CL
SCALE: 50
EXAGGERATION: 10

PRELIMINARY
Subject to Revision

CLALLAM COUNTY

ROSS TYLER, PE
COUNTY ENGINEER

DRAWN BY M. DIETZ, PE
REVIEWED BY J. BIBER, PE
PROJECT DATE: February 9, 2015

SHEET 6 OF 6

Clallam County 2021/2022 Surface Transportation Block Grant (STBG) Funding Application

Instructions

Please complete application in the space provided. Attachments are optional, but if added please do not exceed five (8.5 x 11 size only) pages (not counting vicinity map and any letter of support). Attachments should be limited to provide supplemental information (e.g., photos, maps, illustrations, cross-sections). If you have any questions, contact Steve Gray, Clallam County Transportation Program Manager, at 360-417-2290.

A. GENERAL INFORMATION

Project Title: Race Street Complete Street – Phase 1

Agency/Sponsor: City of Port Angeles

Contact Person/Title: Jonathan Boehme

Telephone: 360-417-4803 Email: jboehme@cityofpa.us

B. PROJECT TYPE (Mark all Categories that Apply)

Many types of projects are eligible for STBG funding. Roadway construction must be functionally classified as collector or above, unless the project meets the exceptions under 23 U.S.C. 133. For more information, refer to application packet.

B.1: Indicate below the project type(s) you are seeking STBG funding for:

The City of Port Angeles is seeking funding for a pedestrian, bicycle, and recreational trail facility along Race Street between 8th Street and Olympus Avenue. Race Street is classified as a collector arterial.

B.2. Functional Class (Road Projects Only): Arterial

C. PROJECT DESCRIPTION

Briefly describe the proposed project, the need, and anticipated benefits. Describe project location and attach a vicinity map (8.5" x 11"), if applicable.

The Race Street Complete Street project reconstructs 1.15 miles of Race Street right of way, an arterial used to access Olympic National Park and Hurricane Ridge Visitor Centers and as an alternative crosstown route. The design includes a 12-foot shared use recreational path buffered by landscaping and street trees, stormwater retention features to the west, and an expansion of pedestrian safety measures and sidewalk on the east. Benefits from the project include transportation equity and safety for pedestrians, bicyclists, transit users, and personal vehicles. The design is also meant to provide safety and equity for all ages traveling to and from the Visitor Center, a Boys and Girls Club, Library, Fine Arts Center, two elementary schools, Peninsula College, local theatre, and to two large City parks that contain play equipment, a skate park, and an athletic stadium.

The City of Port Angeles is currently moving towards 100% design with design completion scheduled for May 2021. Phase I construction is scheduled to begin in August 2021. This funding request will provide for both construction costs to cover a current funding gap between available budget and engineers estimate and consultant construction management of the entirety of Phase 1 from 100% design, bid, and construction completion. The City has selected Vanir Construction to manage the construction of the project and plans on entering into contract after approval by City Council at their regular March 16, 2021 meeting.

Race Street is a major transportation facility and traffic generator within and through Port Angeles for local residents, commercial traffic, surrounding tourism generators (such as Olympic National Park, the Park Headquarters, Visitor Center, and beyond to Hurricane Ridge), two major public parks, Olympic Medical Center, the Olympic Discovery Trail, Roosevelt and Washington Elementary Schools, the local Boys and Girls Club, Mount Angeles View Public Housing, the Port Angeles Fine Arts Center, the Community Players Playhouse, and the Port Angeles Library.
The City of Port Angeles has worked with community members, public stakeholders, and Olympic National Park staff to develop a street corridor that will reduce lane width from 23 to 11 feet, create a 12 foot shared use recreation path which will connect the Olympic Discovery Trail to the Olympic National Park and increase non-motorized access to all the above mentioned public facilities. Pedestrian crossing distances have been reduced, the number of crossings has been increased, and all curb ramps will be developed or reconstructed to provide for better connectivity between neighborhoods and the many destinations along the Race Street Corridor.

Visitation to Olympic National Park continues to grow. Counts show a growth of 400,000 park visitors between 2010 and 2019, with 3.25 million visitors parkwide and 125,000 vehicles counted at the fee collection station at the Hurricane Ridge entrance in 2019 alone. Increased visitation means increased traffic and danger, especially from larger vehicles such as motorhomes and trucks with trailers. Race Street also functions as alternative route for commercial trucking traffic and is used as a downtown bypass for local traffic. The City is seeking funding from the Surface Transportation Block Grant in order to increase multimodal travel safety and efficiency through this corridor and subsequently within and through the City of Port Angeles.

See 60% Section Maps and photographs listed as Attachment 2.

D. SUMMARY FINANCIAL INFORMATION

Total Estimated Project Cost: $4,445,000 ($4,113,000 Construction + $300,000 CM + $32,000 additional design)

Federal Fiscal Year 2021 STBG Request:* $ 550,000

Federal Fiscal Year 2022 STBG Request:* $_____

***Note:** Requires project phase obligation by August 1 of the respective FFY.*

Will this project likely require seeking STBG funding beyond FFY 2022? Yes or No(X)

If yes, what is the total anticipated STBG funding request? _____

E. DETAILED FINANCIAL INFORMATION

Project Cost by Phase: Complete the section for your project type. Specify costs only for the project phase(s) applicable to this proposal. Do not include costs for prior or subsequent phases of work.

Project Type	STBG Funding Request	Total Costs
Infrastructure Projects		
Preliminary Engineering/Design	*$32,000*	*$32,000*
Right-of-Way		
Construction	*$518,000*	*4,413,000*
Non-Infrastructure Projects		
Program/Services		
Planning/Study		
Vehicles		
Other:_____		
TOTALS	*$550,000*	*$4,445,000*

STBG Funding Request and Other Project Revenue:

Funding Source	Amount
Federal STBG Funding Request	*550,000*
Local Funding	*50,000*
State Funding	*360,000*
Other Funding	*3,485,000*
Total Project Revenue	*4,445,000*

Matching Funds: Applicants must provide a minimum 13.5% non-federal share. Federal share cannot exceed 86.5% of total project costs. Below list the source, status, and amount of all matching funds.

Source of Funds	Current Status (secured or reasonably expected)	Amount
2018 Federal Lands Access Program	**Secured**	**$2,000,000**

2019 Surface Transportation Block Grant	**Secured**	**$500,000**
2020 Surface Transportation Block Grant	**Secured**	**$500,000**
Transportation Alternatives Program	**Secured**	**$485,000**
Recreation Conservation Office WWRP Trails Grant (Under Review)	**Reasonably Expected**	**$360,000**

Briefly describe the timing of matching funds listed as "reasonably expected" to be secured (e.g., grant award date) and any limitations of such funds on the timing of project obligation:

The City's Recreation Conservation Office Washington Wildlife Recreation Program – Trails Category grant in the amount of $360,000 scored 7th out of 29 and is expected to be funded by the State legislation budget by July 2021, prior to the start of construction. This funding will act as state sourced grant match to the federal sourced funds. All other funding has been secured, including $50,000 in local Real Estate Excise Tax dedicated funds.

F. PROJECT ELEMENTS

The information requested in this section is based upon the state transportation system policy goals under RCW 47.04.280 and addressed in the *Washington Transportation Plan – 2040 and Beyond* and *Peninsula Regional Transportation Plan 2040.* These goals are **NOT** in any order of priority, and not every project is expected to align with each policy goal area.

F.1 Economic Vitality

Goal: Promote and develop transportation systems that stimulate, support, and enhance the movement of people and goods to ensure a prosperous economy? If applicable, briefly describe how the proposal supports this goal.

This project will provide needed alternative transportation access for both local residents and regional travelers alike. Increased pedestrian and bicycle safety and access along Race Street will enliven the corridor and increase development of vacant properties and redevelopment of properties to their highest and best use. The trail will also function as a foundational north/south element in Port Angeles' multimodal transportation network.

Throughout its expansion the Olympic Discovery Trail has been a major economic development asset for Port Angeles and the greater North Olympic region as both a tourism generator and regional transportation network. Olympic National Park sees over four million visitors each year, with a growth of over 400,000 visitors between 2010 and 2019. The Hurricane Ridge entrance to the Park counted 125,000 vehicles at the fee collection station in 2019. A trail spur connecting the waterfront to the National Park is essential to safe multimodal travel to the Park and will provide a destination in itself as the corridor increases its economic development capacity.

F.2 Preservation and Maintenance

Goal: Maintain, preserve, and extend the life and utility of prior investments in transportation systems and services. If applicable, briefly describe existing conditions and the type of preservation and maintenance efforts the proposal will perform.

The current Street prism is a 46-foot-wide two-lane arterial roadway with either no access to sidewalks, sidewalk on one side of the right of way or minimum standard sidewalks which may not meet current ADA standards. The roadway has a current average pavement rating of 75.

This project is reducing the roadway width by half and dedicating the remainder of the right of way to multimodal transportation facilities and upgrading all ADA facilities. Reducing and replacing the surface of the entire roadway within the project area will allow for longer term life expectancy and lower cost for maintenance.

F.3 Safety

Goal: Provide for and improve the safety and security of transportation customers and the transportation system. If applicable, briefly describe the factors that contribute to the safety risks and how the proposal will mitigate (e.g., countermeasures) the safety issues.

The primary project objective is the increase of safety in the Race Street corridor by:
1. Increasing pedestrian and bicycle connectivity,
2. Reducing lane widths from 23 feet to 12 feet;
3. Reducing in overall road width provides a large amount of area within the right of way allowing for a 12-foot-wide extension of the Olympic Discovery Trail along the entire corridor. This effectively provides 50% of the right of way width to multimodal options;
4. A reduced lane width will provide necessary traffic calming without sacrificing missed traffic signals or increase vehicle stacking;
5. Reducing pedestrian crossing distance and 100% curb ramp development at all street and alley intersections;
6. Up-to-date Accessible Pedestrian Signals at all signaled intersections; and
7. Crosswalks at all street intersections.

F.4 Mobility & Multimodal Transportation System

Goal: Improve the predictable movement of goods and people, including congestion relief and improved freight mobility. Goal: Move toward an integrated multimodal transportation system that increases travel options, reducing the need to drive alone and vehicle miles reduced. If applicable, briefly describe how the proposal meets these goals.

Traffic signalization upgrades and auto-turn modeling have demonstrated that both vehicular and non-motorized transportation mobility efficiencies are maintained or improved on Race Street by this project.

The project provides needed alternative transportation access that meets the highest safety standards for non-motorized travelers available in an urban setting: a segregated trail with crossing bump-outs, leading pedestrian interval signalization. This trail system is fully ADA accessible and creates an essential north-south route of connection for commuters and regional travelers.

The first phase of the Race Street project creates a direct trail connection to Olympic National Park, the Boys and Girls Club, Peninsula Housing Authority multifamily housing units, Franklin Elementary School, bike lanes on Lauridsen Boulevard and 8th Street, Crestwood Health and Rehab Center, The Port Angeles Fine Arts Center and Port Angeles Community Players Theater, and Peninsula College.

F.5 Environment & Health

Goal 1: Enhance quality of life through transportation investments that promote energy conservation, enhance healthy communities, and protect the environment. If applicable, briefly describe how the proposal meets this goal.

A safe non-motorized trail system provides a transportation facility user with choice. This choice fosters a healthier community including reduction of local stresses on the environment, provision and promotion of energy conservation through a non-motorized focus, and ensuring non-motorized travelers are held in the same esteem as those traveling in vehicles. Juxtapose this with Race Street's current state–a 26 ft lane arterial that squeezes other users to the edge of the right of way. This investment meets this goal in constructing a completely transformative streetscape that celebrates and enacts each one of this goal's tenants.

F.6 Stewardship

Goal: Continuously improve the quality, effectiveness, and efficiency of the transportation system. If applicable, briefly describe how the proposal meets this goal such as incorporating multiple modes, providing system efficiency benefits (e.g., travel time, emission, congestion, or operational/maintenance costs reductions), or other expected improvements.

Transportation mobility is rooted in the ability to choose the mode of travel that is most effective and convenient for the user. Race Street is entering a transformation that will provide equal and safe access to all modes of transportation without sacrificing loss of efficiency. This is being accomplished with upgraded signalization with leading pedestrian intervals, shorter crossing distances using bump-outs, and vehicle signalization that maintains the arterial's current rating.

A reduction in half of the paved width of the street will greatly reduce the continued operational and maintenance costs of the pavement, and a concurrent upgrade to the water-system within the Race Street right of way will ensure the urban growth and capacity continues to be met and that the utility infrastructure remains up-to-date.

Pedestrian scale lighting and upgrades to all lighting to solar power where feasible will also encourage safety, well-being, and greater operational efficiency.

G. Project Readiness and Delivery Information:

Is this project adopted in your 6-Year Transportation Improvement Program?	X	Yes		No

Is this project already in the Statewide Transportation Improvement Plan (STIP)?*	X	Yes		No

***Note:** Projects need to be in the STIP prior to project obligation. Refer to STIP amendment due dates and other information at: https://wsdot.wa.gov/LocalPrograms/ProgramMgmt/STIP.htm*

Below briefly describe the readiness of your project to proceed (or the steps that will be taken) to obligate your project by August 1 of the respective FFY (2021 and/or 2022) you are applying for STBG funding—*see application packet for information on project obligation.*

Phase I design has been completed to the 90 percent level and scheduled for advertisement in May 2021. The $32,000 request for design is needed to fill a funding gap for design. The project is planned to break ground in August 2021 and be completed in 160 working days.

H. Certification Acceptance (CA)

Projects are to be administered by a state approved Certification Acceptance (CA) agency—see Washington State Department of Transportation (WSDOT) Local Agency Guidelines Manual. If an agency does not have CA status, the following two options are available for administration of STBG federal funded projects: (1) Non-CA agency enters into agreement with a CA agency to administer all aspects of the project (requires approval of the WSDOT Region Local Programs Engineer); or (2) the WSDOT Region Local Programs Engineer acts as the CA Agency (requires approved plan between Region Local Program Engineer and the agency).

Applicant is a CA Agency: [X] Yes [ ] No

If No, please indicate who will act as the project CA Agency: _____

I. Application Acknowledgment and Authorization

The project as described is financially feasible and the costs reflect current planning level estimates of what is needed to accomplish the work described. If awarded STBG funds, the match revenue and project obligation year described reflects a realistic commitment and schedule. Our agency/organization is aware that failure to meet the obligation deadline (August 1 in the respective FFY) may result in funds being reallocated to a different project, possibly resulting in delays or loss of funding to this project.

Agencies/organizations that use federal funds must comply with administrative and project compliance requirements over which the Lead Agency (Clallam County) has no control. The costs and schedule for this proposal were developed with this awareness of federal requirements. The Lead Agency is not responsible for cost overruns or delays that may be attributed to the use of federal funds.

Our agency/organization further acknowledges that if our project is selected for STGB funding we are responsible for:

- Abiding by all current state and federal policies and procedures for project phase obligation, transfer of funds and federal project implementation over which the Lead Agency (Clallam County) has no control.
- Providing the required matching funds.
- Meeting project phase obligation timing commitments.
- Providing for all ineligible project costs or cost overruns.

DocuSigned by:
Jonathan Boehme
80501487B213476...

3/5/2021

Authorized Signature | Date

Jonathan Boehme, City Engineer

Print Name, Title

SUBMITTAL PROCESS

Please email completed application packets to Steve Gray, Clallam County Transportation Program Manager, at: sgray@co.clallam.wa.us

Applications must be received by midnight March 5, 2021

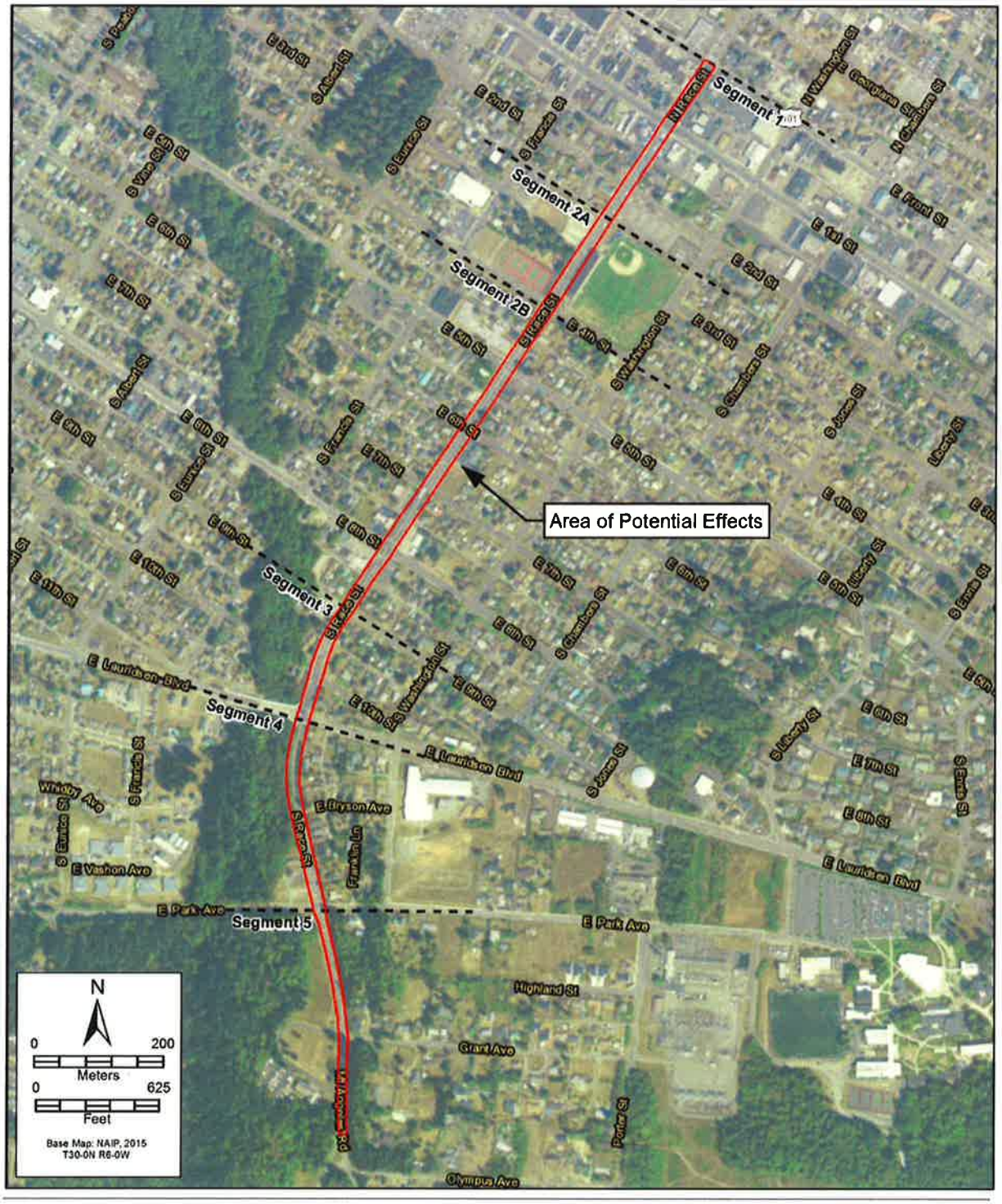
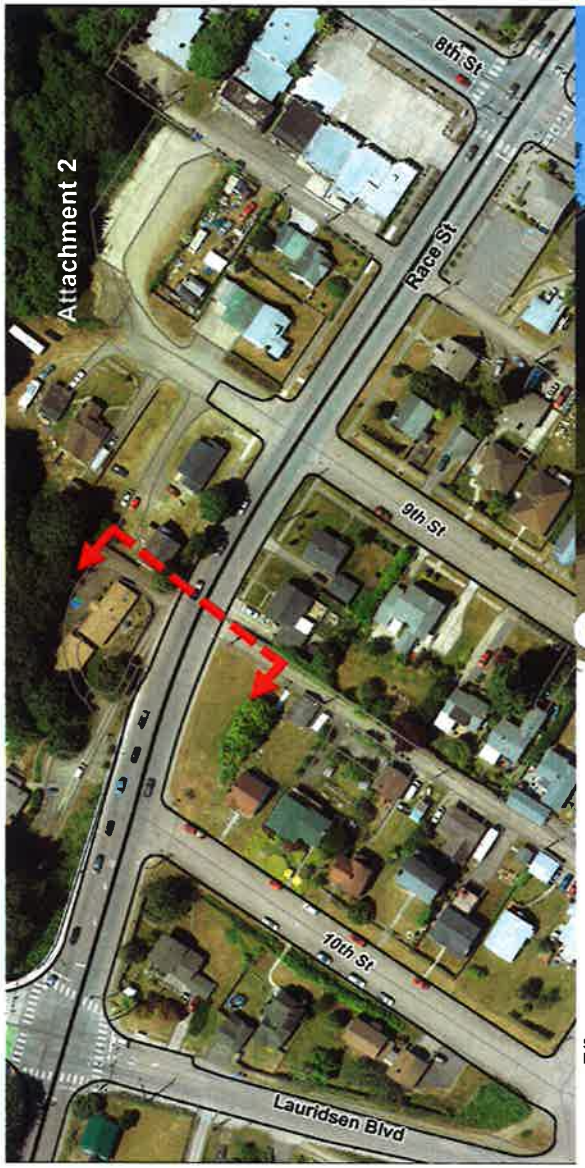
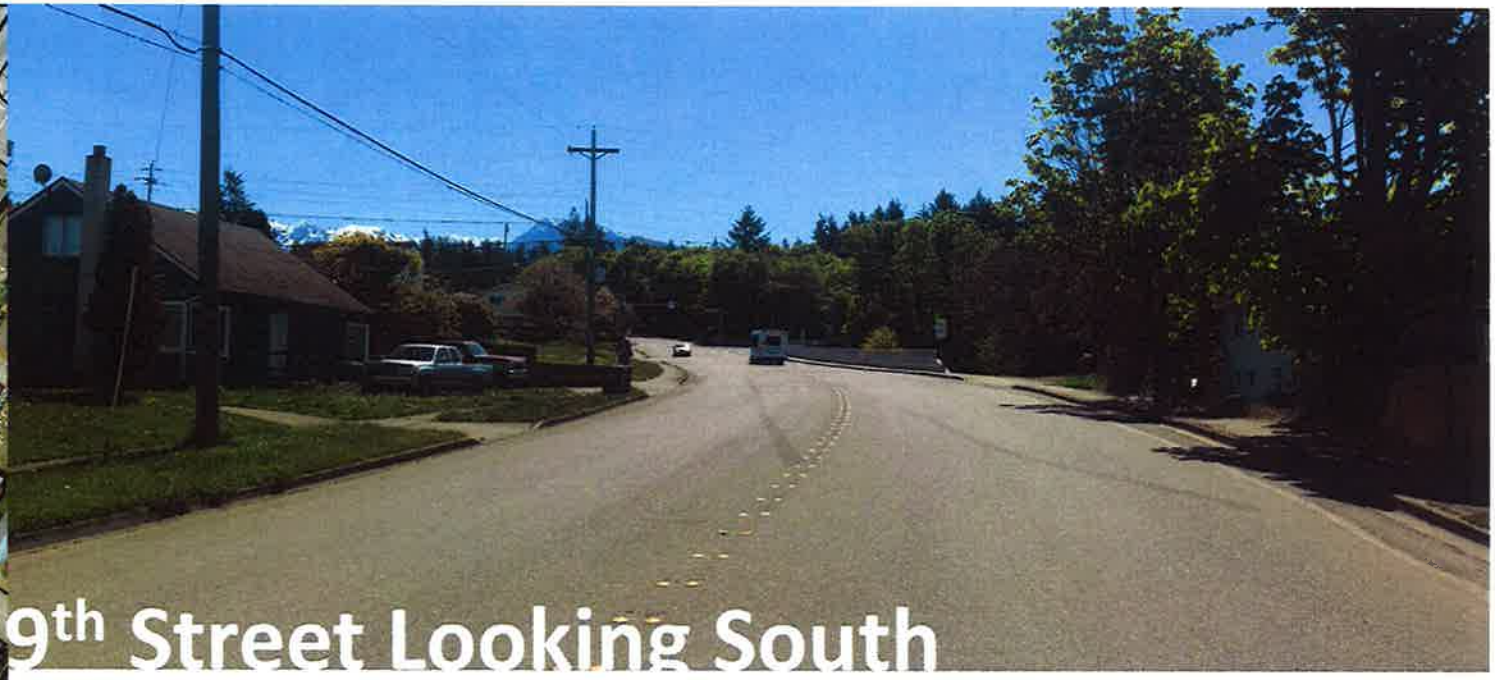


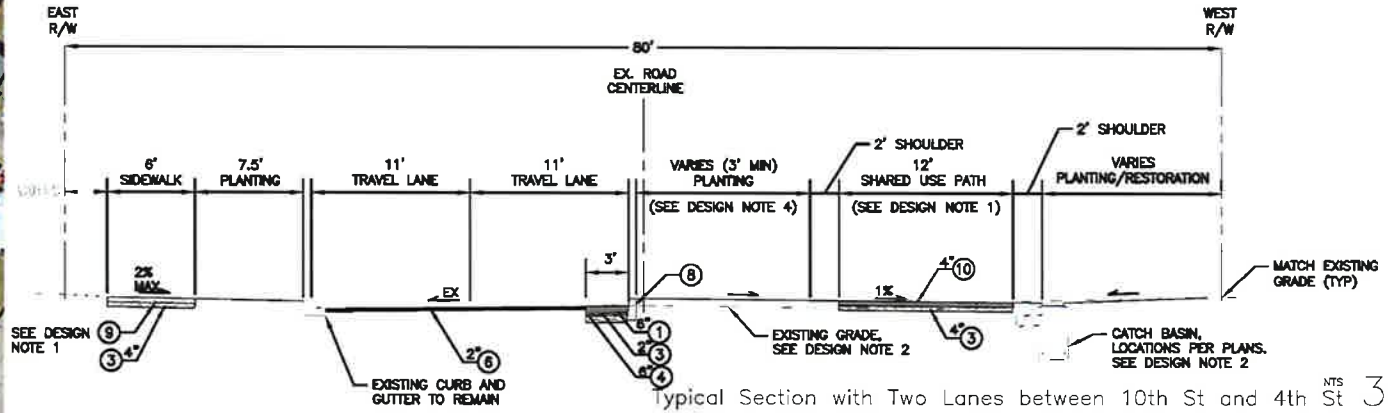
Figure 2
Race Street Multimodal Improvements Area of Potential Effect (APE) and project segments

Attachment 2





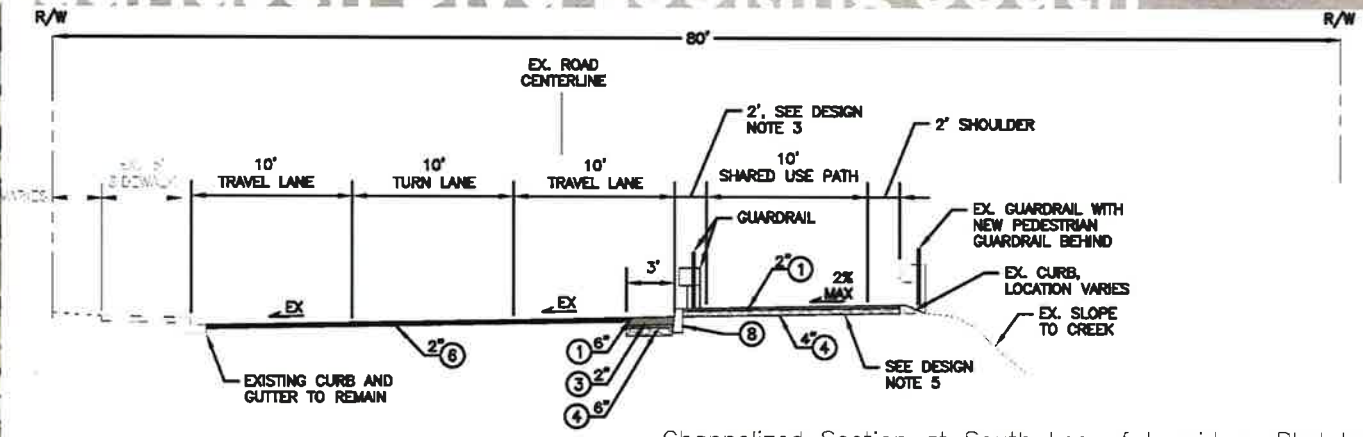
9th Street Looking South



Typical Section with Two Lanes between 10th St and 4th St NTS





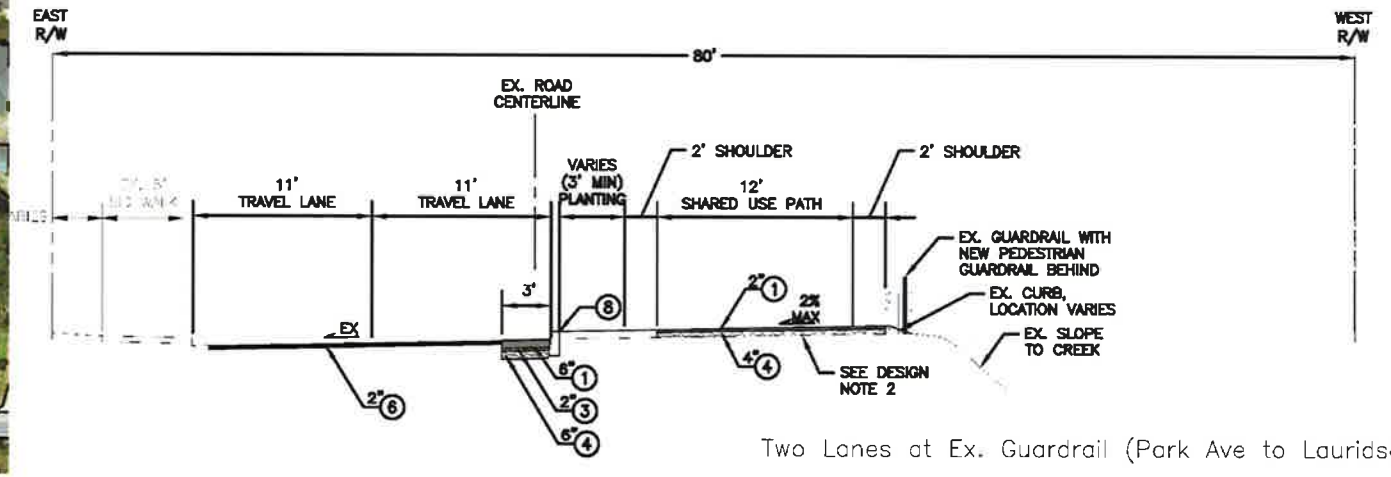


Channelized Section at South Leg of Lauridsen Blvd Intersection NTS



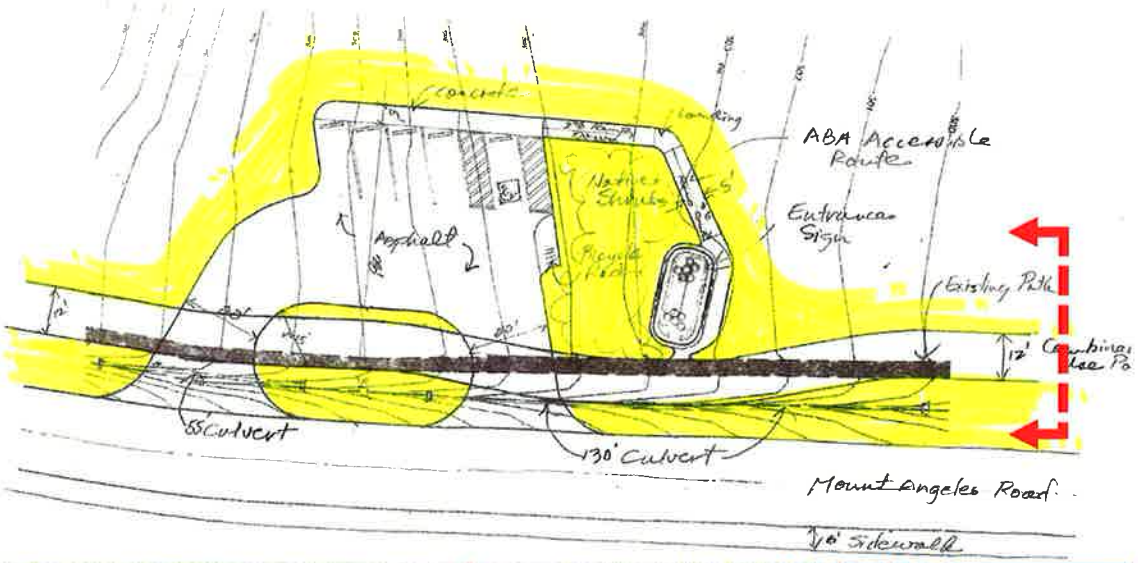


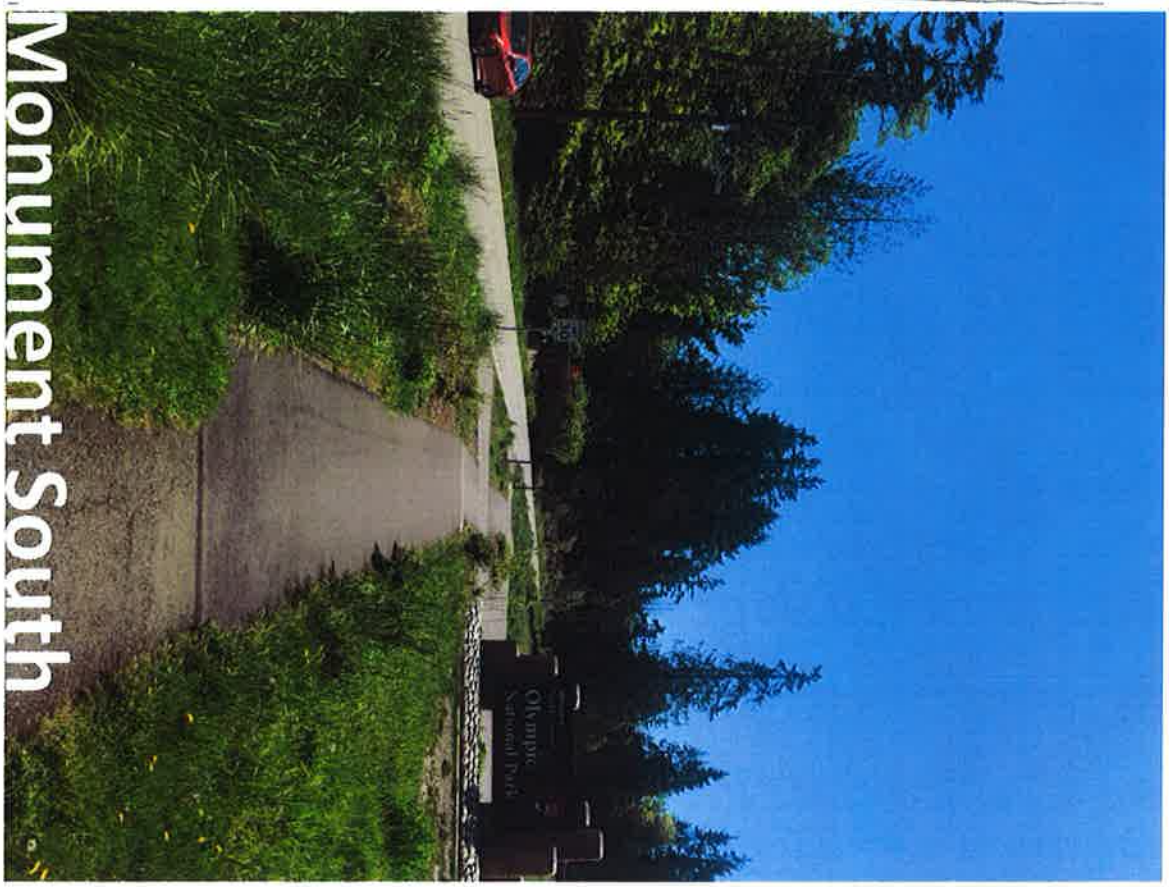
Park Avenue Looking South



Two Lanes at Ex. Guardrail (Park Ave to Lauridsen Blvd) NTS


Attachment 2
Park Ave
Hurricane Ridge Rd
Mt Angeles Rd
Mt Angeles Rd
Mt Angeles Road


ABA Accessible Route
Entrance Sign
Existing Path
Asphalt
55' Culvert
130' Culvert
Mount Angeles Road
10' Sidewalk


Monument South

Clallam County 2021/2022 Surface Transportation Block Grant (STBG) Funding Application

Instructions

Please complete application in the space provided. Attachments are optional, but if added please do not exceed five (8.5 x 11 size only) pages (not counting vicinity map and any letter of support). Attachments should be limited to provide supplemental information (e.g., photos, maps, illustrations, cross-sections). If you have any questions, contact Steve Gray, Clallam County Transportation Program Manager, at 360-417-2290.

A. GENERAL INFORMATION

Project Title: Olympic Discovery Trail – Forks Calawah River Park to Sitkum-Sol Duc Rd

Agency/Sponsor: Clallam County Public Works-Roads

Contact Person/Title: Steve Gray, Transportation Program Manager

Telephone: 360-417-2290 Email: sgray@co.clallam.wa.us

B. PROJECT TYPE (Mark all Categories that Apply)

Many types of projects are eligible for STBG funding. Roadway construction must be functionally classified as collector or above, unless the project meets the exceptions under 23 U.S.C. 133. For more information, refer to application packet.

B.1: Indicate below the project type(s) you are seeking STBG funding for:

The project type is for support of development of a recreational trail, including pedestrian and bicycle facilities, as part of the regional Olympic Discovery Trail (ODT).

B.2. Functional Class (Road Projects Only): Not Applicable –Trail Project

C. PROJECT DESCRIPTION

Briefly describe the proposed project, the need, and anticipated benefits. Describe project location and attach a vicinity map (8.5" x 11"), if applicable.

The Olympic Discovery Trail (ODT) is a planned 135-mile (~ 60% complete) regional transportation and recreational trail facility that connects communities, parks, and other destinations across the North Olympic Peninsula (see ODT map attachment). The western end of the trail route currently ends in the Sappho area requiring trail users to get onto US 101 and SR 110 from that point to continue on to the City of Forks and the coastal Quileute Tribal Community of La Push.

The proposed project is for the construction of a "key" trail segment to connect the planned ODT route to the City of Forks *(see project area map attachment)*. It includes construction of: (1) a prefabricated steel, multi-user trail bridge (220-240 feet long; 16-18 feet wide) over the Calawah River from the City of Forks Calawah River Park; and (2) approximately one -mile of a shared use path between the City Park and the Sitkum-Sol Duc Road.

The improved trail surface north and south of the bridge crossing will consist of a minimum of a 10-foot wide asphalt surface with a 4-6 foot wide gravel shoulder on one side and a 2-foot gravel shoulder on the opposite side. The improved trail will be located within a 60 to 150-foot forested corridor. The proposed trail corridor will be similar to other completed ODT trail segments in western Clallam County (see attached trail photo examples).

The bridge design will support a future limited, off-road vehicle (ORV) recreational trail desired by the community. When the ORV trail is developed, ODT and ORV trail users would be separated on the bridge and continue on separated paths

The proposed project also provides for a key linkage and river crossing from the town center areas of Forks to the following two planned ODT trail sections: 1) the ~ 13-mile ODT connector from Forks to La Push along the SR 110 corridor; and 2) the ~ 11-mile ODT connector from Forks to the existing ODT to the east near Sappho. Attached is a map showing the project area in relationship to other planned ODT linkages located in western Clallam County.

The project area is located entirely within the City of Forks. Clallam County is the agency lead for completing the western gaps of the regional ODT. The City of Forks is a project partner (see attached City letter of support).

D. SUMMARY FINANCIAL INFORMATION

Total Estimated Project Cost: $ 1,575,000

Federal Fiscal Year 2021 STBG Request:* $ _____

Federal Fiscal Year 2022 STBG Request:* $ 825,000

***Note:** Requires project phase obligation by August 1 of the respective FFY.*

Will this project likely require seeking STBG funding beyond FFY 2022? No

If yes, what is the total anticipated STBG funding request? _____

E. DETAILED FINANCIAL INFORMATION

Project Cost by Phase: Complete the section for your project type. Specify costs only for the project phase(s) applicable to this proposal. Do not include costs for prior or subsequent phases of work.

Project Type	STBG Funding Request	Total Costs
Infrastructure Projects		
Preliminary Engineering/Design	$0.00	$75,000
Right-of-Way	$0.00	$0.00
Construction	$825,000	$1,500,000
Non-Infrastructure Projects		
Program/Services		
Planning/Study		
Vehicles		
Other: _____		
TOTALS	$825,000	$1,575,000

STBG Funding Request and Other Project Revenue:

Funding Source	Amount
Federal STBG Funding Request	$825,000
Local Funding	$300,000
State Funding	
Other Funding	$450,000
Total Project Revenue	$1,575,000

Matching Funds: Applicants must provide a minimum 13.5% non-federal share. Federal share cannot exceed 86.5% of total project costs. Below list the source, status, and amount of all matching funds.

Source of Funds	Current Status (secured or reasonably expected)	Amount
Lloyd J. Allen Charitable Trust Grant	Reasonably Secured	$300,000

Briefly describe the timing of matching funds listed as "reasonably expected" to be secured (e.g., grant award date) and any limitations of such funds on the timing of project obligation:

The local Lloyd J. Allen Charitable Trust has committed (see attached letter) a grant totaling $300,000 for the multi-user trail bridge payable over three years. The first installment is anticipated in 2021. The County Road Fund will address any local match requirements to cover construction costs completed prior to final reimbursements.

F. PROJECT ELEMENTS

The information requested in this section is based upon the state transportation system policy goals under RCW 47.04.280 and addressed in the *Washington Transportation Plan – 2040 and Beyond* and *Peninsula Regional Transportation Plan 2040*. These goals are **NOT** in any order of priority, and not every project is expected to align with each policy goal area.

F.1 Economic Vitality

Goal: Promote and develop transportation systems that stimulate, support, and enhance the movement of people and goods to ensure a prosperous economy? If applicable, briefly describe how the proposal supports this goal.

The proposed project will provide for an alternative transportation facility and multi-modal travel options in the City of Forks connecting a City Park, town center areas, north City business areas, and a future planned residential growth area.

The project will also provide the key trail segment and river crossing needed as part of the planned approximately 13-mile, ODT route from Forks to La Push and the approximately 11-mile connection from Forks to the existing ODT in the Sappho area. When completed, this route will support a ODT trail connection to businesses in the Forks and La Push communities as well as the 3 Rivers Neighborhood at the SR 110/Mora Road junction that includes stores, campgrounds, lodging, restaurants, stores and other services that will be desired by trail users. It is anticipated that completion of the ODT on the west-end will stimulate new business opportunities catering to trail users.

The ODT is host of numerous popular trail events held annually throughout the County that attracts thousands of participants and their travelling companions many of which are visiting from outside the County. These events generate millions of dollars annually to the local economy. When the ODT- Forks to La Push route is completed, it will provide these recreational and economic opportunities and benefits to the underserved and among the hardest economically distressed areas of the County.

F.2 Preservation and Maintenance

Goal: Maintain, preserve, and extend the life and utility of prior investments in transportation systems and services. If applicable, briefly describe existing conditions and the type of preservation and maintenance efforts the proposal will perform.

Not applicable.

F.3 Safety

Goal: Provide for and improve the safety and security of transportation customers and the transportation system. If applicable, briefly describe the factors that contribute to the safety risks and how the proposal will mitigate (e.g., countermeasures) the safety issues.

The project improves safety by providing a shared use path, non-motorized alternative to travel between the City Park and town center areas and the industrial/commercial businesses in the north part of the City near the intersections of SR 110 and Sitkum-Sol Duc Road with US 101. In addition, the project trail corridor will cross a large, undeveloped area that is zoned residential providing for a safer, non-motorized travel route between future residential areas and the City Park, town center, and business areas.

The proposed shared use path will also connect to the planned, ~ 13-mile ODT section connecting the Forks and La Push communities adjacent to the SR 110 corridor. Currently, the only travel option between Forks town center areas and La Push is on the busy US 101 and SR 110 highways. US 101 and SR 110 high speeds and traffic volumes, and narrow shoulders (particularly along SR 110) are not safe or attractive option for bicyclists, pedestrians and other non-motorized types of travel.

The proposed multi-user trail bridge from the City Park is needed to provide for a safe crossing of the Calawah River for bicyclists, pedestrians, and other non-motorized users. The existing US 101 bridge located approximately 750-feet to the west of the proposed trail bridge location has a narrow deck width of 24-feet with no shoulders. Although one side of the bridge (east-side) has a separated pedestrian path, it is very narrow and not ADA compliant. In addition, access to the bridge path from US 101 would require a bicyclist to climb over guardrails. The bridge built in 1938 would not be suitable for retrofitting an attached separated trail facility. Attached are photos of the current narrow bridge deck and pedestrian path.

F.4 Mobility & Multimodal Transportation System

Goal: Improve the predictable movement of goods and people, including congestion relief and improved freight mobility. Goal: Move toward an integrated multimodal transportation system that increases travel options, reducing the need to drive alone and vehicle miles reduced. If applicable, briefly describe how the proposal meets these goals.

The project proposed trail corridor will create new mobility and multi-modal options in the City of Forks to move people between the City Park, town center areas, businesses at the northern city limits, and future planned residential growth areas. As noted previously, the proposed trail segment will also provide for a connection to the planned ODT route from Forks to La Push. This will provide for a shared use path, non-motorized alternative to travel between these communities that are also adjacent to or in close proximity to public transit along the US 101 and SR 110 corridors.

F.5 Environment & Health

Goal 1: Enhance quality of life through transportation investments that promote energy conservation, enhance healthy communities, and protect the environment. If applicable, briefly describe how the proposal meets this goal.

The project will enhance the quality of life in the Forks community by providing for a trail alternative to travel between the City Park and town center areas and existing business areas at the northern city limits, and also across a large, undeveloped area zoned for urban residential development. This creates opportunities for recreation and commuting for both current and future city residents and contributes to a healthier community that supports outdoor recreational activities such as walking, running, and bicycling. It also promotes vehicle trip reduction that will provide benefits of reducing vehicle omissions and lower fuel consumption.

F.6 Stewardship

Goal: Continuously improve the quality, effectiveness, and efficiency of the transportation system. If applicable, briefly describe how the proposal meets this goal such as incorporating multiple modes, providing system efficiency benefits (e.g., travel time, emission, congestion, or operational/maintenance costs reductions), or other expected improvements.

The proposed project addresses a need for a non-motorized, shared use path travel option not currently available in the northern part of the City of Forks. This path will also be connected to other planned ODT trail linkages (see attached trail linkage map) to further promote use of multi-modal travel between west-end communities and destinations.

G. Project Readiness and Delivery Information:

Is this project adopted in your 6-Year Transportation Improvement Program?	X	Yes		No
Is this project already in the Statewide Transportation Improvement Plan (STIP)?*	X	Yes		No

***Note:** Projects need to be in the STIP prior to project obligation. Refer to STIP amendment due dates and other information at: https://wsdot.wa.gov/LocalPrograms/ProgramMgmt/STIP.htm*

Below briefly describe the readiness of your project to proceed (or the steps that will be taken) to obligate your project by August 1 of the respective FFY (2021 and/or 2022) you are applying for STBG funding—*see application packet for information on project obligation.*

This project is in the approved 2021-2024 Statewide Transportation Improvement Plan (STIP).

Clallam County has already secured significant funding for this project. The Peninsula Regional Transportation Planning Organization (PRTPO) selected the project for Transportation Alternatives Program federal funding award of $450,000. The project also has a commitment for a $300,000 grant from a local charitable trust (see attached letter) to assist with funding of the multi-user trail bridge.

With the funding already secured, the County is ready to proceed to commence the preliminary engineering phase this year. The County will submit a Local Agency Agreement with WSDOT for their approval to obligate the Transportation Alternative federal funding funds to support this effort. This will position the County to obligate the requested STBG funds for the construction phase by August 1, 2022.

No trail corridor right-of-way is anticipated to be needed. Clallam County owns or has an easement for a 60 to 150-foot wide trail corridor on the north side of the proposed bridge crossing from the City Park. The City of Forks supports construction of the trail bridge from the City Park.

H. Certification Acceptance (CA)

Projects are to be administered by a state approved Certification Acceptance (CA) agency—see Washington State Department of Transportation (WSDOT) Local Agency Guidelines Manual. If an agency does not have CA status, the following two options are available for administration of STBG federal funded projects: (1) Non-CA agency enters into agreement with a CA agency to administer all aspects of the project (requires approval of the WSDOT Region Local Programs Engineer); or (2) the WSDOT Region Local Programs Engineer acts as the CA Agency (requires approved plan between Region Local Program Engineer and the agency).

Applicant is a CA Agency: [X] Yes [ ] No

If No, please indicate who will act as the project CA Agency: _____

I. Application Acknowledgment and Authorization

The project as described is financially feasible and the costs reflect current planning level estimates of what is needed to accomplish the work described. If awarded STBG funds, the match revenue and project obligation year described reflects a realistic commitment and schedule. Our agency/organization is aware that failure to meet the obligation deadline (August 1 in the respective FFY) may result in funds being reallocated to a different project, possibly resulting in delays or loss of funding to this project.

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Our agency/organization further acknowledges that if our project is selected for STGB funding we are responsible for:

- Abiding by all current state and federal policies and procedures for project phase obligation, transfer of funds and federal project implementation over which the Lead Agency (Clallam County) has no control.
- Providing the required matching funds.
- Meeting project phase obligation timing commitments.
- Providing for all ineligible project costs or cost overruns.

R. Tyler, P.E. 3/5/2021

Authorized Signature Date

Ross Tylen Director of Public Works / County Engineer

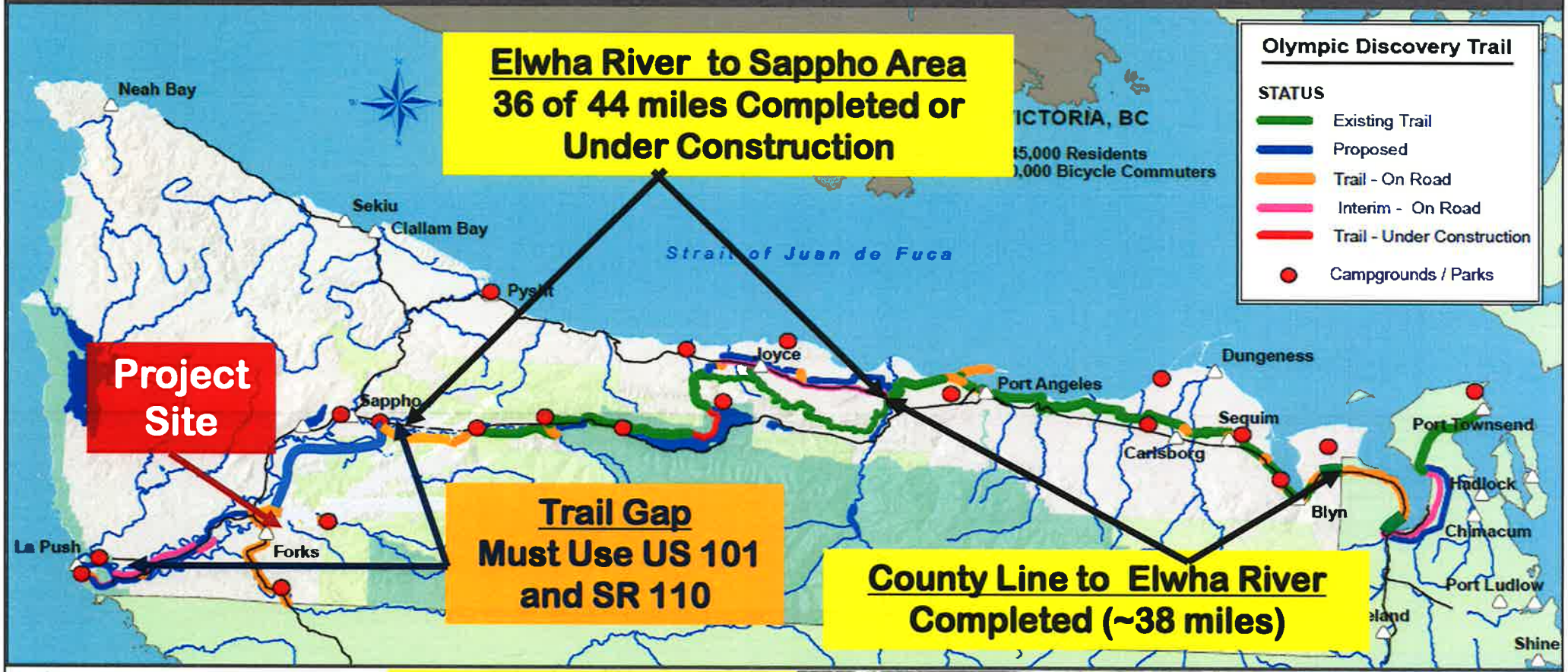
Print Name, Title

SUBMITTAL PROCESS

Please email completed application packets to Steve Gray, Clallam County Transportation Program Manager, at:
sgray@co.clallam.wa.us

Applications must be received by midnight March 5, 2021

Olympic Discovery Trail

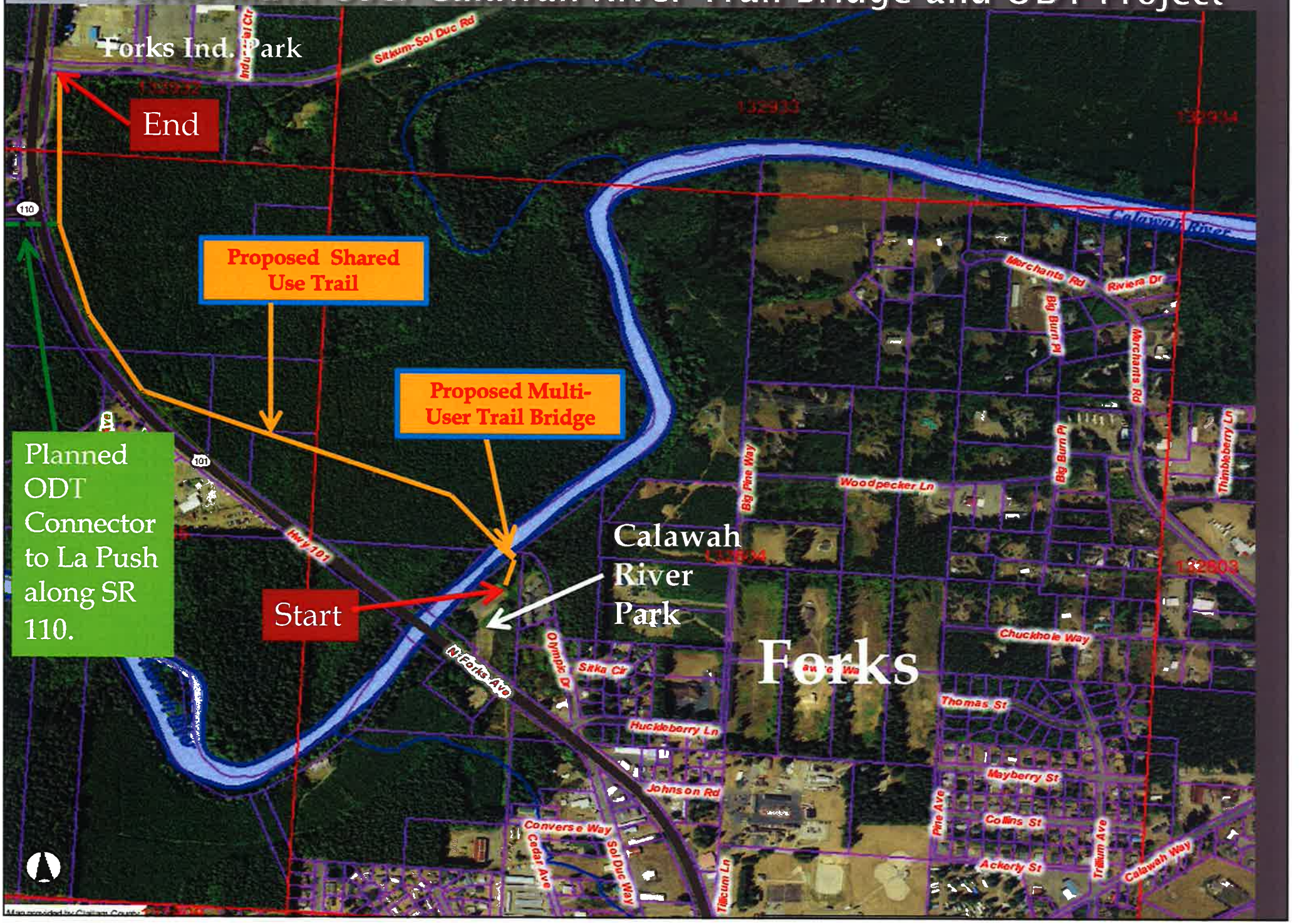


OLYMPIC Discovery TRAIL

~ 60% of 135-mile Trail Route Completed



Forks Multi-User Calawah River Trail Bridge and ODT Project



Western Clallam County ODT Segment Examples

Lake Crescent Area



Recent Construction
West of Joyce



US 101 Calawah River Bridge

Built in 1938. Deck width 24-feet, with no shoulders

East side only has narrow pedestrian crossing, with no connecting path. To access from US 101, requires user to climb over guardrails





Western Clallam County
Planned Olympic Discovery Trail Linkages



CITY OF FORKS

500 E. Division St. • Forks, Washington 98331-8618

(360) 374-5412 • Fax: (360) 374-9430 • TTY: (360) 374-2696

forkswashington.org

Ross Tyler, P.E.
County Engineer
223 E. Fourth St, Suite 6
Port Angeles, WA 98362-3000

RE: City of Forks Support for Calawah River Multi-user Trail Bridge Crossing

On behalf of the City Council of the City of Forks, I want to voice our support of Clallam County's efforts to complete the regional Olympic Discovery Trail (ODT) to connect North Olympic Peninsula communities and places. In Clallam County, the ODT already connects the communities of Blyn, Sequim, Carlsborg, and Port Angeles; a number of local and state parks; and the Olympic National Park at Lake Crescent. Now the focus and attention is on connecting the City of Forks and the Quileute Tribe with this established recreational infrastructure.

Clallam County has been selected for a Federal Lands Access Program funding to construct approximately 11.5 miles of a separated non-motorized trail along the SR 110 corridor between the Quileute Tribal community at La Push and US 101. This project will bring the ODT within approximately one-mile from city residential and business areas. To safely bridge this gap will require both extending the trail and a new trail bridge crossing over the Calawah River as an alternative to travel on busy US 101. The City appreciates the County's current efforts to finalize acquiring land needed to make the trail connection to the needed bridge crossing.

The multi-user trail bridge crossing over the Calawah River is critical to the success of connecting our community to the ODT and to complete the planned ODT extension to connect the Forks and La Push communities. We look forward to this effort as it will allow individuals that walk, ride bikes, use licensed ORVs, or enjoy a ride on horseback to access other segments of the community and ODT.

As a project partner, our City supports the multi-user trail bridge project to be located at our City of Forks Calawah River Park. Local support is also clear based on the already $300,000 pledge commitment from the Lloyd J Allen Charitable Trust for this project. The City supports County efforts to secure project funding, including from the federal Transportation Alternatives (TA) program. Please don't hesitate to contact us for further help and assistance in this matter.

Sincerely,

Tim Fletcher
Mayor

December 13, 2019

Steve Gray

Clallam County Transportation Program Manager
223 East 4th Street, Suite 6
Port Angeles, WA 98362

RE: Lloyd J Allen Grant for Multi-User Bridge Project in Forks

Dear Rich,

On behalf of the Lloyd J Allen Charitable Trust, we reaffirm our support of Clallam County's "Forks to A Road Segment of the Olympic Discovery Trail", bringing the Trail over the Calawah River and into the City of Forks. We have been impressed by the cooperative success of the many agencies, municipalities, foundations, and volunteers participating in this 145 mile undertaking. It is remarkable, and we remain eager to become a part of this legacy.

To that end, our Board agrees to commit $300,000 for the design, construction, and installation of the Calawah River Bridge (Lloyd J Allen Bridge) for the trail crossing. Annual payments totaling $300,000 will begin in the year (or subsequent year thereafter) the County informs the Trust it has secured full bridge funding and has purchased the bridge (anticipated in 2021) for installation.

Thank you for your leadership and vision. Please don't hesitate to contact any of our Board members for clarity or assistance.

Best Regards,

Denny Womac Mary Ulin Joe Womac

Lloyd J Allen Charitable Trust

H2
4/13/21

AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: BOCC

WORK SESSION ☐ **Meeting Date:**

REGULAR AGENDA ☒ **Meeting Date: 4-13-21 at 10:30 a.m. or shortly thereafter**

Item summary:

☒ Hearing
☐ Contract/Agreement/MOU - Contract #
☐ Resolution
☐ Proclamation
☐ Budget Item
☐ Draft Ordinance
☐ Final Ordinance
☒ Other - Charter Review Recommendation

Executive summary:

The Board of Commissioners will be holding a public hearing regarding the following Charter Review Recommendations on Tuesday, April 13, 2021 at 10:30 a.m.
1) Recommendation increasing monitoring of the Department of Natural Resources (DNR) management of its trust lands by hiring a Forester.
2) Recommendation to meet all housing needs by creating permanent housing

The hearing will be continued to Monday, April 19, 2021 at 1 p.m. and Monday, April 26 at 5 p.m.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

None.

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)

The Board of Commissioners will be holding a public hearing regarding the following Charter Review Recommendations on Tuesday, April 13, 2021 at 10:30 a.m.
1) Recommendation increasing monitoring of the Department of Natural Resources (DNR) management of its trust lands by hiring a Forester.
2) Recommendation to meet all housing needs by creating permanent housing

The hearing will be continued to Monday, April 19, 2021 at 1 p.m. and Monday, April 26 at 5 p.m.

County Official signature & print name: Loni Gores Loni Gores, Clerk

Name of Employee/Stakeholder attending meeting: Board of Commissioners and Sue Erzen – Chair of the 2020 Charter Review Commission

Relevant Departments: Board of Commissioners

Date submitted: February 19, 2021

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Questions? Call Loni Gores, Clerk of the Board, ext 2256

Charter Review Commission

223 East 4th Street, Suite 4
Port Angeles, WA 98362-3015
Phone: 360.417.2256 Fax: 360.417.2493
Clerk Email: agores@co.clallam.wa.us

Date: **September 28, 2020**

From: **Clallam County Charter Review Commission**

To: **Clallam County Board of County Commissioners**

Re: **Charter Review Commission recommendation to increasing monitoring of the Department of Natural Resources (DNR) management of its trust lands by hiring a forester.**

Request from Clallam County Charter Review Commission to Clallam County Commissioners to increase their monitoring of the DNR's management of its trust lands by hiring a forester.

The Department of Natural Resources (DNR) manages approximately 92,000 acres of Clallam County Trust Lands for commercial forestry with a mandate to return revenue to the county and junior taxing districts. Hiring a forester would provide County oversight and involvement in the DNR activities associated with the County's state managed trust lands.

Therefore, the Charter Review Commission recommends that Clallam County increase their monitoring of the DNR's management of its trust lands by hiring a forester.

Sue Erzen
Chair - Charter Review Commission
Commission

Joe Murray
Commissioner - Charter Review
Sponsor of Forester Amendment

Charter Review Commission

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Date: September 16, 2020

From: Clallam County Charter Review Recommendation

To: Clallam County Board of County Commissioners

Subject: CLALLAM COUNTY CHARTER REVIEW COMMISSION RECOMMENDATION TO MEET ALL HOUSING NEEDS BY CREATING PERMANENT HOUSING

Whereas: The Universal Declaration of human rights, adopted by the United Nations in 1948 Article 25 states: 'Everyone has the right to a standard of living adequate for the health and well-being of self and of family, including food, clothing, housing and medical care and necessary social services.' One in 588 Americans is homeless. Washington State is one of the ten states with the highest homelessness rate. Seven percent of homeless people are veterans, but seven percent also are unaccompanied youth under 25 years of age (HUD, 2018), and

Whereas: Homelessness in Clallam County is 0.38% of the population (approximately 285 individuals) and include families with children, as well as individuals across all age, health, income levels, racial and ethnic groups, and

Whereas: nearly all homeless people living locally have roots in Clallam County, and

Whereas: The Clallam County Housing Crisis Response Plan 2020-2024 (CCHCR) states the "the major causal factors for homelessness in Clallam are related to safe housing availability: "...low vacancy rates, high rental rates, available affordable housing stock" and also "assumes...no additional shelter or housing capacity" will be available, and

Whereas: Homeless citizens' high rates of physical, psychological, emotional and behavioral problems result in higher usage of expensive public services (crime and law enforcement services, emergency medical and behavioral health services, food banks, etc.). The annual average cost to local government to meet these needs is estimated between $30,000 and $50,000 per person (Interagency Council on Homelessness), and

Whereas: Permanent housing and wrap-around services not only reduces the need for community services but allows homeless citizens and families to be able to become more stable, more reliably employable and more productive members of society.

Housed children are more able to learn academically, socially and emotionally. And housed families are usually less isolated, and

Whereas: Experiencing homelessness is a high-scoring Adverse Childhood Experience (current ACES national studies, acknowledged by the American Pediatric Academy as the most significant modern childhood health findings) for young children--effecting basic learning, neurological development, nutrition and school attendance. Additionally, the social sciences now, after 50 years of wide acceptance of a hierarchical "needs theory," now recognize that human needs are fluid rather than hierarchical. This fluidity of basic needs increases the recidivism of those experiencing homelessness who may be in shelters, couch surfing and street life cyclically. Reliable basic permanent housing is proven to be the best solution to break this chain, and

Whereas: The CCCHCR plan was approved by the BOCC November 18, 2019 and is due for updating. Since then, several communities across the country have successfully significantly reduced their rate of homelessness and its concurrent problems, and

Whereas: Acceptance by the BOCC to the plan's statement that there will be *no additional housing capacity in the next four years* does not move the community toward working actively to permanently shelter citizens experiencing homelessness, and

Whereas: Clallam County Ordinance 829 amending Section .280, Section .510, and Section .520 of Clallam County Code Chapter 31.02, Countywide Comprehensive Plan, as relates to housing was adopted in 2007 and needs to be updated. Nevertheless, it is as relevant today as it was when adopted. It provides the road map for BOCC to directly again address housing inequities in this county, and

Whereas: Section 3.31.02.520, of the above ordinance states affordable housing goals.

(1) Clallam County's affordable housing efforts should be directed at preserving and creating housing that is affordable to those with Very Low, Low, and Moderate income...

(2) Based on extensive local need for affordable housing as well as its unique local circumstances, the County shall encourage retention and creation of affordable housing, as defined in subsection (1) above, and

(3) Clallam County should consider the following strategies to encourage the retention and creation of affordable housing which:

Coordinates the reforms, supports with renewed participation in the Clallam County Affordable Housing Task Force (CCAHTF) to be comprised of representatives from local governments, the local agencies that work on homelessness and affordable housing issues, previously homeless individuals, financial institutions (lenders), major employers, developers, contractors, real estate professionals, chambers of commerce and economic development leaders. Their collective focused goal would be to move Clallam County forward to creatively build economic stability and decent housing options that move people in need toward self-sufficiency.

CCAHTF will be established and convened by the BOCC, with a county commissioner chairing the task force, giving pronounced emphasis to the importance of working to seriously solve local affordable permanent housing needs, and

Whereas: Monies flowing into the County resulting from HB1406 are designated for Affordable Housing, and

Whereas: Efforts to reduce community homelessness in other places vary but the element they commonly share is "leadership by elected community officials."

Therefore, be it recommended:

The Clallam County Board of Commissioners immediately take active leadership to reclaim and renew their primary leadership role in engaging a group of public and private organizations and businesses to creatively increase affordable housing availability, apply forward thinking ideas proven to be successful in communities that have reduced the experience of homelessness effectively, and report progress back to the community every six months.

Sue Erzen

Chair, Clallam County CRC

Candace Pratt

Chair CRC Committee on Homelessness

Clallam County Charter Review Commissioner

PUBLIC HEARING

Charter Review Commission Recommendations
Increasing monitoring of the Department of Natural Resources (DNR)
management of its trust lands by hiring a forester
And
Meet all housing needs by creating permanent housing

NOTICE: The Clallam County Board of Commissioners will conduct public hearings on Tuesday, April 13, 2021 at 10:30 a.m., Monday, April 19, 2021 at 1 p.m. and Monday, April 26, 2021 at 5 p.m., or as soon thereafter as possible in the Commissioners' Meeting Room of the Clallam County Courthouse, 223 East 4th Street, Room 160, Port Angeles, Washington. The public hearing is to take public comment on the Charter Review Commission recommendations listed above. All recommendations are available on the County website http://www.clallam.net/bocc/homerulecharter.html

Public comments are encouraged. Submit written comments to the proponent below before the hearings or present comments at the public hearing.

****ATTENTION****

In response to the current pandemic, to promote social distancing, and in compliance with Governor's Proclamation which prohibits in-person attendance at meetings, the Board of Commissioners strongly encourages the public to take advantage of remote options for attending open public meetings. The Board of Commissioners also strongly encourages public comments to be submitted in writing if possible.

If you would like to participate in the meeting by phone call 408-419-1715 and use Meeting ID: 875 561 784

If you would like to participate via video conference, visit www.bluejeans.com and join the Regular Meeting with Meeting ID: 875 561 784.

No in-person attendance will be allowed until Governor's Proclamation is lifted.

In compliance with the Americans with Disabilities Act, reasonable accommodations are available upon request. The facility is considered "barrier free" and accessible to those with physical disabilities.

PROPONENT: Clallam County Board of Commissioners
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agores@co.clallam.wa.us

FORMAL IDENTIFICATION: Charter Review Commission Recommendations:
Increasing monitoring of the Department of Natural Resources (DNR) management of its trust lands by hiring a forester
And
Meet all housing needs by creating permanent housing

SUMMARY OF RECOMMENDATIONS:

- Request the Clallam County Commissioners to increase their monitoring of the DNR's management of its trust lands by hiring a forester.

-Meet all housing needs by creating permanent housing - The Clallam County Board of Commissioners immediately take active leadership to reclaim and renew their primary leadership role in engaging a group of public and private organizations and businesses to creatively increase affordable housing availability, apply forward thinking ideas proven to be successful in communities that have reduced the experience of homelessness effectively, and report progress back to the community every six months.

Publish: March 28 and April 9 (PDN)
March 31 (Sequim Gazette)
April 1 (Forks Forum)
Bill: Board of Commissioners

Loni Gores, CMC, Clerk of the Board