



16
MAR 11 2025

BOARD of CLALLAM COUNTY COMMISSIONERS

MINUTES for the week of March 3-7, 2025

WORK SESSION – 9 a.m.

The work session convened at 9 a.m., Monday, March 3, 2025. Present were Commissioners French, Johnson and Administrator Mielke. Commissioner Ozias was excused.

Items of discussion per the agenda published February 27 were:

- Calendar/Correspondence
- Resolution appointing Chelsea Korbolic to the Marine Resources Advisory Committee
- Resolution appointing Liam Antrim to the Conservation Futures Program Advisory Board
- Agreement with Sebris Busto James for legal representation costs
- Agreement with Millig, LLC for Energy Audit
- Agreement with Community Health Plan of Washington for behavioral health and other health care related services
- Agreement with Topper Industries, LLC for the Clallam Bay Day Use Park Ramp Replacement Project
- Pre-application questionnaire with Olympic Peninsula Visitors Bureau for Tourism Enhancement Grant
- Pre-application questionnaire with Washington Department of Ecology for Washington Conservation Corps Environmental Justice Program
- Agreement amendment 1 with Department of Agriculture for Fairs Program Capital Project Grant
- Briefing on a draft Ordinance regarding Chapter 27.08 Open Space
- Letter of support for Field Arts and Events Hall
- Discussion and next steps on virtual participation for Board of Commissioners and Clallam County Board and Committee meetings
- Resolution rescinding Resolution 14, 2025 - Board of Equalization
- Contract with Polimorphic for Recompete Customer Relationship Manager software program
- Resolution clarifying Clallam County's financial commitment to fund property acquisition and phase II design work for the joint public safety facility, and providing authority to the County Administrator
- Agreement with Clallam County Economic Development Council for 2025 services

Meeting concluded at 11:03 a.m.

REGULAR MEETING OF THE BOARD OF CLALLAM COUNTY COMMISSIONERS

Chair French called the meeting to order at 10 a.m., Tuesday, March 4, 2025. Also present were Commissioners Johnson and Administrator Mielke. Commissioner Ozias was excused.

REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA

ACTION TAKEN: CRJm to adopt the agenda as presented, CMFs, mc

PUBLIC COMMENT FOR AGENDA ITEMS

- Karin Cummins, Sequim, commented on item 1a
- Ed Bowen, Clallam Bay, commented on item 1h and calendar issues
- John Worthington, Sequim, commented on item Cascadia
- Jeff Tozzer, Sequim, commented on item 1h, Bureau of Indian Affairs

CONSENT AGENDA

1a Approval of vouchers for the week of February 24

The Following warrants and electronic payments are approved for payment:

Accounts Payable:	Total
Warrant numbers: 9935844-9935850; 9935872-9935994; 9936014-9936044	\$487,944.39
Electronic payments dates: n/a	\$0.00
Total Accounts Payable:	\$487,944.39

1b Approval of payroll for a period ending February 15

The following voucher/warrants/electronic payments are approved for payment:

Payroll	Total
Warrant Numbers	
174785 – 175087, 9935284, 9935828 – 9935832	\$887,803.21
Electronic Payment Date	
2/14/2025 – 2/26/2025	\$474,734.22
Total Payroll:	\$1,352,537.43

1c Approval of minutes for the week of February 24

1d Approval of minutes for the Board of Equalization meeting on February 25

1e Letter to the Office of Emergency Operation Center Grant Administration for the Emergency Operations Center

1f Resolution appointing William Corcoran to the Board of Equalization alternate position

1g Resolution rescinding Resolution 14, 2025 – Board of Equalization

1h Letter of support for Field Arts and Events Hall

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

REPORTS AND PRESENTATIONS

- CRJ commented on Port Angeles Chamber Board Retreat, Winter Ice Village, juvenile programs
- CMF commented on Olympic school field trip

CONTRACTS AND AGREEMENTS

2a Memorandum of agreement with North Olympic Library System for the Clallam County Law Library

ACTION TAKEN: CRJm to approve, CMFs, mc

2b Agreement amendment 1 with Department of Health for diseases and outbreak response, rabies testing, and reporting during outbreaks

ACTION TAKEN: CRJm to approve, CMFs, mc

2c Agreement with Washington State Parks and Recreation Commission for boating Safety events and reporting

ACTION TAKEN: CRJm to approve, CMFs, mc

2d Agreement amendment 1 with Washington State University Extension for program services

ACTION TAKEN: CRJm to approve, CMFs, mc

2e Agreement with Jefferson County Public Health Department for nurse family partnership

ACTION TAKEN: CRJm to approve, CMFs, mc

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2f Agreement with Department of Health for Bullman Beach water system
ACTION TAKEN: CRJm to approve, CMFs, mc

2g Agreement with Millig, LLC for Energy Audit
ACTION TAKEN: CRJm to approve, CMFs, mc

BIDS AND AWARDS

3a Request for proposals/qualifications opening – Homelessness Program Funding Proposals 2025

<u>Contractor</u>	<u>Amount</u>
Forks Abuse Program	\$99,698.03
Boys and Girls Club	\$143,232
The Answer for Youth (Bridging the Gap)	\$34,916
The Answer for Youth (Starfleet)	\$34,916
Sarge's Veterans Support	\$99,590
Sarge's Veterans Support	\$99,590
Serenity House of Clallam County	\$806,561.63
Trinity United Methodist Church	\$137,890
Peninsula Housing Authority	\$50,000
Healthy Families of Clallam County	\$145,354
Healthy Families of Clallam County	\$88,062
Olympic Peninsula Community Clinic	\$50,033

ACTION TAKEN: CRJm to approve forward the bids to the Health and Human Services Department for review and recommendation to the Board of Commissioners, CMFs, mc

PUBLIC COMMENT

- Stuart Keihl, Port Angeles, commented on Russia, public safety, government
- Ed Bowen, Clallam Bay, comment on the Clerk, NACO Conference, Secretary of the VA, Coffee with Colleen
- Mark Curtis, Sequim, commented on McKinney-Vento Programs,
- C.G.H, Joyce, commented on the virtual participation, Open Public Meetings Act, night meetings
- Eric Fehrmann, Sequim, commented on virtual participation, town hall meeting, Winter Ice Village, Budget
- Karin Cummins, Sequim, commented on kids, Law Library relocation, North Olympic Library System, levy and bond support, democrats, abortion,
- Denise Lapio, Sequim, commented on Clallam Conservation District election
- Jeff Tozzer, Sequim, commented on protest, budget cuts, Clallam County Parks and Fair, County Spending (see attached)
- John Worthington, Sequim, commented on Jimmy Come Lately, salmon
- Stephanie Day, Sequim, commented on engaging with citizens, town hall meeting, grants, projects, Revenue
- Mike Doherty, Port Angele, commented on Salish Sea Vessel traffic projections, Climate change quick facts, EV charging (see attached)

Meeting concluded at 11:02 a.m. and continued to 9 a.m., Monday, March 10, 2025

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The Board of Commissioners attended a WSAC virtual update, Coffee with Colleen and Housing Solutions Committee Meeting update during the week of March 3, 2025.

PASSED AND ADOPTED this 4th day of March 2025

ATTEST:


Loni Gores, MMC, Clerk of the Board

BOARD OF CLALLAM COUNTY COMMISSIONERS


Mike French, Chair


Randy Johnson


Mark Ozias

KEY TO ABBREVIATIONS:

ATM Administrator Todd Mielke
CMO Commissioner Mark Ozias
CRJ Commissioner Randy Johnson
CMF Commissioner Mike French

m moved
mc motion carried
s seconded



Public Comment
Jeff Tozzer
3/4/25

This past weekend, more than 300 concerned residents took to the streets in protest. Carrying signs, their children waving placards, even their dogs adorned with messages of discontent, they voiced their frustration over looming budget cuts that threaten our national parks and hardworking government employees. Their demands? Transparency and accountability from those they believe are responsible for this crisis.

Marching through downtown and up Lincoln, the protesters faced the traffic, making their disappointment with the current administration known. Yet, standing behind them, ironically overlooked, was the Clallam County Courthouse—the very heart of local decision-making, where three officials meet each week to determine the fate of our community.

For years, these officials have been spending—first utilizing the influx of "free" money from the American Rescue Plan Act, then dipping into county reserves to fund projects like a poet laureate and a curb for a rural county road. Now, with the funds depleted, they're scrambling to balance the budget. But instead of cutting unnecessary expenses, they are targeting essential community services.

The latest budget proposals suggest slashing departments and services not mandated by the state. Among the casualties? The Clallam County Parks Department and the Clallam County Fair—institutions that have long been part of our community's fabric.

The Clallam County Park system is a local treasure. Cline Spit offers breathtaking sunsets. Freshwater Bay boasts over 20 acres of tidelands and picnic areas. Robin Hill Farm Park provides five miles of scenic trails. These public spaces are at risk of neglect or closure, casualties of financial mismanagement.

The Clallam County Fair, a tradition dating back to 1895, has united our community for over a century. It, too, is on the chopping block. Why? Because the county's leaders refuse to exercise fiscal restraint. They can't say "no" to costly pet projects. They can't say "no" to dishwashers and a dog-washing station for the homeless. They can't say "no" to providing pizza to drug users collecting their weekly boofing kits. They can't say "no" to the special interests and NGOs that hold sway over their decisions.

To those who are outraged over the threats to our parks, our heritage, and the loss of eight full-time county jobs—know where to direct your frustration.

Next time, don't just march through the streets. Turn around. Face the courthouse, and demand accountability where it matters most.

Jeff Tozzer, Sequim

3/4/25

Climate change quick facts

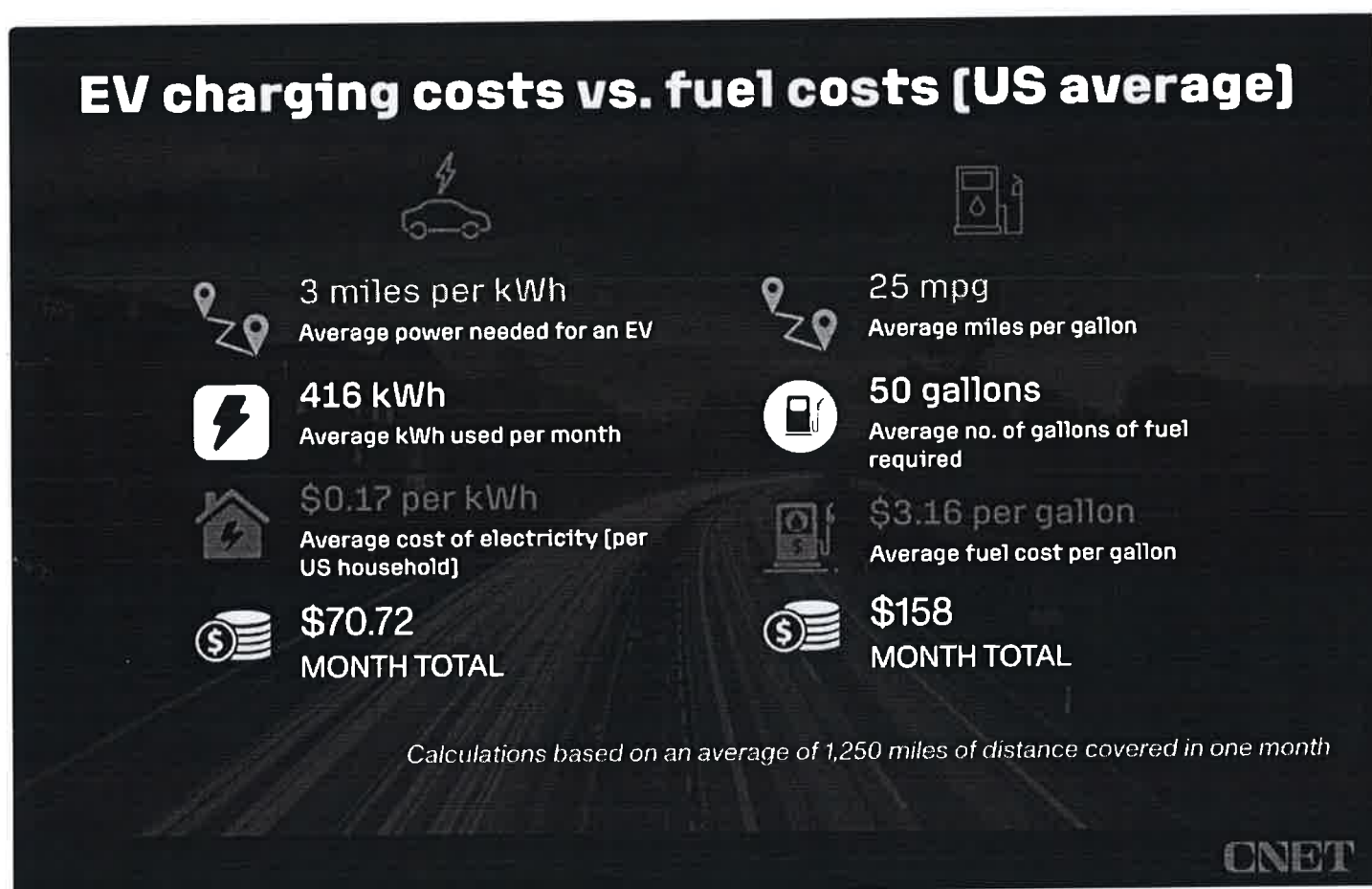
- The Earth is now about 1.3 C warmer than it was in the 1800s.
- 2024 was hottest on record globally, beating the last record in 2023.
- The global average temperature in 2023 reached 1.48 C higher than the pre-industrial average, according to the EU's Copernicus Climate Change Service. In 2024, it breached the 1.5 C threshold at 1.55 C.
- The past 10 years (2015-2024) are the 10 warmest years on record.
- Human activities have raised atmospheric concentrations of CO₂ by nearly 49 per cent above pre-industrial levels starting in 1850.
- The world is not on track to meet the Paris Agreement target to keep global temperature from exceeding 1.5 C above pre-industrial levels, the upper limit to avoid the worst fallout from climate change.
- On the current path of carbon dioxide emissions, the temperature could increase by as much 3.6 C this century, according to the IPCC.
- In April, 2022 greenhouse gas concentrations reached record new highs and show no sign of slowing.
- Emissions must drop 7.6 per cent per year from 2020 to 2030 to keep temperatures from exceeding 1.5 C.
- NASA says there is a global scientific consensus that the climate is warming and that human beings are the cause.

(Source: [United Nations IPCC](#), [World Meteorological Organization](#), [UNEP](#), [Nasa](#), [climatedata.ca](#))

Using averages from government data sources and AAA fuel prices, we did the math and mapped out for you all the monthly charging and fueling costs side by side.

These calculations use US driving averages for both EVs and ICE cars in data points such as fuel economy, miles driven, cost of electricity and gasoline, power needed for the average EV and more. You could drive a lot more (or less) and accordingly, see your fuel costs vary remarkably.

EV charging costs vs. fuel costs (US averages)



Based on US averages using these data sources:

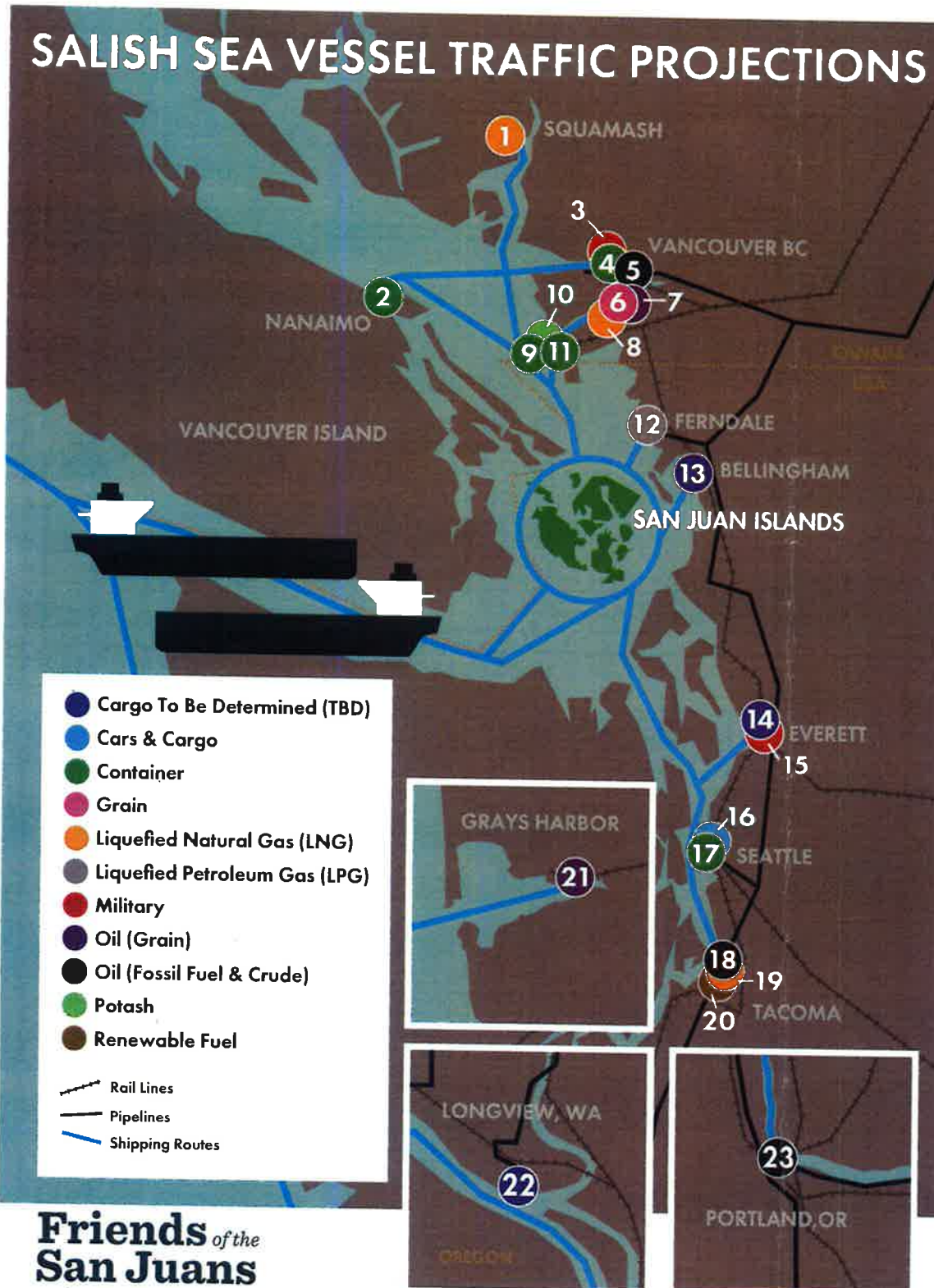
Environmental Protection Agency (2024)

Bureau of Transportation Statistics (2022)

AAA Gas Prices (2025)

US Energy Information Administration (2024)

SALISH SEA VESSEL TRAFFIC PROJECTIONS



PROJECTED NEW ANNUAL VESSEL TRANSITS

1 Woodfibre LNG	80
2 Port of Nanaimo	TBD
3 Seaspan ULC	TBD
4 Centerm Container	130
5 Trans Mountain Pipeline Expansion	TBD + 696
6 Fraser Grain Terminal	160
7 DP World	104
8 Tilbury Phase 2	136
9 Roberts Bank Terminal 2	520
10 Westshore Terminals	40
11 GCT Deltaport	increase in vessel size + 104
12 AltaGas LPG	35
13 Port of Bellingham	TBD
14 Everett Norton Terminal	TBD
15 Naval Station Everett	TBD
16 Seattle Pier 46	TBD
17 Seattle Terminal 5	increase in vessel size
18 Seaport Sound	TBD
19 Puget Sound Energy LNG	TBD
20 Par Pacific Renewables	TBD
21 Port of Grays Harbor	TBD
22 Port of Longview	TBD
23 Zenith Energy	TBD

TOTAL PROJECTED NEW TRANSITS	2,005 + TBD
TOTAL 2023 TRANSITS	11,074
TOTAL 2023 + NEW TRANSITS	13,079 + TBD

Salish Sea Vessel Traffic Projections: New and Expanding Terminals and Refineries		Proposed Approved & Recent Increase in Capacity/Year	Proposed Approved & Recent Increase in Transits/Year	Project Status Summary	Friends <i>of the</i> San Juans SANJUANS.ORG
1	Woodfibre LNG, Squamish BC	2.1 MTPA	80	Project is under construction and expected to start operations in 2027.	
2	Port of Nanaimo and DP World – Containers	130,000 TEUs	TBD	Duke Point Terminal facility construction to be completed in 2025 will increase the annual operational capacity from 150,000 to 280,000 TEUs.	
2	Port of Nanaimo Feasibility Study – Containers	920,000 TEUs	TBD	Study due 2 nd quarter 2025 to evaluate the feasibility of further expanding the Duke Point Terminal from 280,000 to 1.2 million TEUs annually.	
3	PoV: Seaspan ULC - Military	-	TBD	Ship load-out will launch new Canadian Coast Guard and Navy vessels.	
4	PoV: Centerm Container Terminal – Containers	600,000 TEUs	130	Construction completed May 2023 that increases capacity from 900,000 to 1,500,000 TEUs and from 470 to 600 annual transits.	
5	PoV: Trans Mountain Pipeline Expansion project – Oil	590,000 BPD	696+TBD	Operational in May 2024. Not included in permitted application: tanker transits to WA State refineries and anchorages.	
6	PoV: Fraser Grain Terminal Ltd./Fraser Surrey Docks - Grain	3.5 MMT	160	Construction of grain storage silos, three ship loaders, and rail infrastructure is extended to November 31, 2024.	
7	PoV: DP World Fraser Surrey Inc. – Canola Oil	1,000,000 tonnes	104	Permit issued May 2023 for Canola Oil Transload Facility. Construction expected to be completed in 4 th quarter 2024.	
8	PoV: Tilbury Phase 2 LNG	2.8 MTPA	136	136 LNG carrier OGV transits + 594 bunker barge (marine fueling) transits.	
9	PoV: Roberts Bank Terminal 2, Deltaport, BC – Containers	2,400,000 TEUs	520	Permits issued in 2023 for new offshore overwater terminal in critical habitat for migratory birds, Southern Residents, and Chinook salmon.	
10	PoV: Westshore Terminals, Deltaport, BC – Potash	4.5 MMTA	40	Permit issued in 2022 for new potash export terminal at existing coal export terminal. Construction is anticipated to take 4-5 years.	
11	PoV: Global Container Terminals, Deltaport, BC	2,000,000 TEUs	104 + vessel size increase	Berth Four Project application is under review; would increase TEUs from 2,400,000 to 4,400,000 + OGV transits from 728 to 832 per year.	
12	AltaGas, Ferndale, WA – LPG	TBD	35	Current avg of 26-35 vessels could increase to 48 vessels/96 transits/yr.	
13	Port of Bellingham Shipping Terminal Modernization Project	TBD	TBD	Development of a deep-water port includes dock replacement and dredging to deepen the navigation channel. Completion expected in 2025.	
14	Maritime Industrial Expansion, Norton Terminal, Everett, WA	TBD	TBD	\$40M Norton Terminal opened 12-1-2022. No additional vessel traffic to or from the terminal 2022-present, but potentially in the future.	
15	Naval Station Everett – Military	-	TBD	12 Constellation-class guided-missile frigates will replace 10 Navy ships.	
16	Pier 46, Seattle – Cars & Cargo	TBD	TBD	Terminal 46 opened to auto and breakbulk cargoes in April 2024.	
17	Terminal 5, Seattle, WA – Containers	1,050,000 TEUs	Increase in vessel size	Phase 2 of the \$500M redevelopment of the international container facility added a 2 nd berth; operational in April 2024.	
18	Seaport Sound, Tacoma, WA – Oil	Storage increase: 166,000 bbl.	TBD	Permit finalized in Jan 2024 for increased storage capacity from 15,000 barrels to ~181,000 barrels of diesel, biodiesel, and other fuel oils.	
19	PSE (Puget Sound Energy) LNG, Tacoma, WA – LNG	0.4 MMTA	TBD	Application submitted for additional vessel fueling/loading infrastructure to fuel vessels and load bunker barges for fueling ships.	
20	Par Pacific Renewables Project, Tacoma, WA – Renewables	TBD	TBD	Potential co-located green hydrogen and renewable fuels complex. Final investment decision expected 2024.	
21	AGP (AG Processing Inc), Port of Grays Harbor, WA – Oil & Grain	TBD	TBD	Terminal upgrades and new export terminal for soybean oil feedstock for renewable fuel and soybean exports to Asia that could bunker in the Salish Sea.	
22	Port of Longview, WA-Industrial Rail Corridor Expansion	TBD	TBD	Improved rail service to the Port's marine terminals to prepare for projected growth. Vessels loaded in Port of Longview could bunker in the Salish Sea.	
23	Zenith Energy, Portland, OR – Oil; potentially renewables	TBD	TBD	Air permit process underway for expansion/increased throughput at a facility that offloads oil from rail to tank vessels that could bunker in the Salish Sea.	
Transit totals by product or vessel type: Cargo TBD, Cars & Cargo = TBD, Container = 754 + TBD, Grain = 160, LNG = 216 + TBD, LPG = 35, Military = TBD, Oil (Grain) = 104, Oil (Fossil Fuel and Crude) = 696 + TBD, Potash = 40, Renewable Fuel = TBD					
Total Projected New, Approved, & Proposed Ocean-Going Vessel Transit Increases				2,005 + TBD	18% + TBD Increase in Annual Vessel Traffic
2023 Total Ocean-Going Vessel Transits in the Salish Sea				11,074	
2023 Transits + Projected New, Approved, & Proposed Annual Ocean-Going Vessel Transits				13,079 + TBD	

Abbreviations: bbl=barrels, BPD= barrels per day, bunker/bunkering=supplying ships with propulsion fuel, C=Canadian dollar, EA=Environmental Assessment, EIS=Environmental Impact Statement, EU=European Union, GPD=gallons per day, LNG=Liquefied Natural Gas, LPG=Liquified Petroleum Gas, M=million, MT=metric tonnes, MMT=million metric tonnes, MMTA=million metric tonnes per annum, MTPA=million tonnes per annum, OGV=Ocean-Going Vessel(s), PoV=Port of Vancouver, Renewable=Renewable Fuel, TBD=To Be Determined, TEU=twenty-foot equivalent unit, ULC=Unlimited Liability Corporation. Only OGV traffic numbers included. No local barge traffic, anchoring, queuing, and/or bunkering transits included in 2023 total or increased OGV transits. No OGV fishing-related transits included in 2023 total.

BOCC Mail Correspondences Received from other Jurisdictions



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Northwest Regional Office
911 Northeast 11th Avenue
Portland, Oregon 97232

IN REPLY REFER TO:
Division of Realty

February 14, 2025

CERTIFIED MAIL - 7020 0640 0002 1037 7485 - RETURN RECEIPT REQUESTED

The Honorable W. Ron Allen
Jamestown S'Klallam Tribe
1033 Old Blyn Highway
Sequim, Washington 98382-7670

Dear Chairman Allen:

This is the decision of the Bureau of Indian Affairs ("BIA"), Northwest Regional Director, on the Jamestown S'Klallam Tribe's ("Tribe") contiguous land-into-trust application for the property more fully identified below, known as the Jamestown I Property ("Property" or "Land") consisting of 52.74 acres, more or less, located in Clallam County, Washington. The proposed acquisition for the property: tribal government, residential rental, and undeveloped land. The application is not for gaming purposes. For the reasons set forth below, it is my decision to approve the Tribe's request to acquire the Jamestown I Property into trust.

Application Information

By Tribal Resolution #21-2023 dated June 12, 2023, the Tribe requested that the United States acquire 52.74 acres in trust for the use and benefit of the Tribe.

The Tribe acquired the Property as follows:

1. From S. Kevin Wood and Jayna Wood, husband and wife, as to that portion of said property described in Deed recorded under Recording No. 2008 121198, Jayna M. Wood, as Trustee under a Declaration of Trust dated 4-27-10, and 1st Amendment dated July 6, 2012, titled S. Kevin Wood and Jayna M. Wood Revocable Trust by Statutory Warranty Deed dated November 15, 2013, and recorded the purchase on November 19, 2013 under recording number 2013-1302699 in Clallam County, Washington.
2. From William R. Allen and Merine M. Allen, husband and wife, by Quit Claim Deed dated October 13, 1993 and recorded the purchase on October 15, 1993 under recording number 694906 in Clallam County, Washington.

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CLALLAM CO. COMMISSIONERS
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3. From Steven Jon Donahue and Julia F. Donahue, husband and wife, by Statutory Warranty Deed dated June 13, 2006 and recorded the purchase on June 29, 2006 under recording number 2006-1183203 in Clallam County, Washington. This Statutory Warranty Deed was re-recorded under recording number 2007-1201033 on May 10, 2007, to correct the property description.
4. From S. Kevin Wood, who also appears of record as Shawn Kevin Wood, who is also known as Kevin Wood, as his separate estate and Jayna Wood, his wife by Statutory Warranty Deed dated May 12, 2011 and recorded the purchase on June 3, 2011 under recording number 2011-1266633 in Clallam County, Washington.
5. From Margaret D. Adams, as her separate estate, by Statutory Warranty Deed dated July 7, 2014 and recorded the purchase on July 16, 2014, under recording number 2014-1310175 in Clallam County, Washington.
6. From Florence M. Monson and Gerald D. Monson, wife and husband, by Statutory Warranty Deed dated July 16, 2012 and recorded the purchase on July 20, 2012 under recording number 2012-1281640 in Clallam County, Washington.
7. From Patrick F. Adams and Patsy K. Adams, husband and wife by Statutory Warranty Deed dated February 6, 2009 and recorded the purchase on February 26, 2009 under recording number 2009-1232967 in Clallam County, Washington.
8. From Michael P. Davis, as his separate estate, by Statutory Warranty Deed dated June 15, 2013, and recorded the purchase on June 25, 2013, under recording number 2013-1296603 in Clallam County, Washington.
9. From Michael P. Davis, an unmarried individual by Statutory Warranty Deed dated December 20, 2016 and recorded the purchase on December 30, 2016 under recording number 2016-1344123 in Clallam County, Washington.
10. From Rosalynn E. McKenna, as her separate estate by Statutory Warranty Deed dated August 8, 2020 and recorded the purchase on August 14, 2020 under recording number 2020-1400754 in Clallam County, Washington.
11. From John F. Adams, as his separate estate by Statutory Warranty Deed dated August 2, 2017 and recorded the purchase on August 25, 2017 under recording number 2017-1353915 in Clallam County, Washington.
12. From Patrick F. Adams and Patsy K. Adams, husband and wife, as joint tenants with rights of survivorship and not as tenants in common by Statutory Warranty Deed dated April 19, 2012 and recorded the purchase on May 16, 2012 under recording number 2012-1278994 in Clallam County, Washington.
13. From Carolyn L. Adams, Personal Representative of the Estate of Phillip D. Adams by Personal Representative's Deed dated January 23, 2024 and recorded the purchase on January 23, 2024 under recording number 2024-1456778 in Clallam County, Washington.

Land Location and Legal Description

PARCEL 1: 033005500565 AND 033005500570

PARCELS A AND B OF BOUNDARY LINE ADJUSTMENT SURVEY, RECORDED OCTOBER 28, 2010 IN VOLUME 70 OF SURVEYS, PAGE 85, UNDER CLALLAM COUNTY RECORDING NO. 2010-1258351, AND BEING A PORTION OF BOUNDARY LINE ADJUSTMENT SURVEY RECORDED IN VOLUME 60 OF SURVEYS, PAGE 2, AND AS AMENDED BY BOUNDARY LINE SURVEY RECORDED IN VOLUME 88 OF SURVEYS, PAGE 45, UNDER AUDITOR'S FILE NO. 2021-1418767, AND BY BOUNDARY LINE AGREEMENT RECORDED UNDER AUDITOR'S FILE NO. 2021-1418972; AND AS AMENDED BY BOUNDARY LINE SURVEY RECORDED IN VOLUME 89 OF SURVEYS, PAGE 11 UNDER AUDITOR'S FILE NO. 2021-1426229 AND BY BOUNDARY LINE AGREEMENT RECORDED UNDER AUDITOR'S FILE NO. 2021-1426230; AND AS AMENDED BY BOUNDARY LINE SURVEY RECORDED IN VOLUME 90 OF SURVEYS, PAGE 40, UNDER AUDITOR'S FILE NO. 2022-1436923 AND BY BOUNDARY LINE AGREEMENT RECORDED UNDER AUDITOR'S FILE NO. 2022-1436924, BEING PORTIONS OF LOTS "E" AND "F", PLAT OF JAMESTOWN, RECORDED IN VOLUME "D" OF DEEDS, PAGE 440, RECORDS OF CLALLAM COUNTY, WASHINGTON.

SITUATE IN CLALLAM COUNTY, STATE OF WASHINGTON.

CONTAINING 8.00 ACRES, MORE OR LESS.

PARCEL 2: 033005500700 & 033005500705

SECOND CLASS TIDE LANDS IN SECTION 5, TOWNSHIP 30 NORTH, RANGE 3 WEST, W.M., AS CONVEYED BY THE STATE OF WASHINGTON, SITUATE IN FRONT OF, ADJACENT TO, OR ABUTTING LOT G OF THE PLAT OF JAMESTOWN, AS PER PLAT RECORDED IN VOLUME "D" OF DEEDS, PAGE 440, RECORDS OF CLALLAM COUNTY, WASHINGTON.

CONTAINING .43 ACRES, MORE OR LESS.

PARCEL 3: 033005509035 & 033005500835

LOT 3A OF ADAMS SHORT PLAT ALTERATION, AS RECORDED AUGUST 17, 2017, IN VOLUME 35 OF SHORT PLATS, PAGE 43, UNDER CLALLAM COUNTY AUDITOR'S FILE NO. 2017-1353541, BEING A PORTION OF LOTS 3 AND 4 OF ADAMS SHORT PLAT RECORDED IN VOLUME 31 OF SHORT PLATS, PAGE 59, UNDER CLALLAM COUNTY AUDITOR'S FILE NO. 2005 116799, AND BEING A PORTION OF PARCEL "B" OF BOUNDARY LINE ADJUSTMENT SURVEY RECORDED IN VOLUME 74 OF SURVEYS, PAGE 31, UNDER RECORDING NO. 2013-1295818, ALL BEING A PORTION OF LOTS "H" AND "I", OF THE PLAT OF JAMESTOWN, AS PER PLAT RECORDED IN VOLUME "D" OF DEEDS, PAGE 440, CLALLAM COUNTY, WASHINGTON.

CONTAINING 16.31 ACRES, MORE OR LESS.

PARCEL 4: 033005500715 & 033005500720

LOT "G" OF JAMESTOWN, AS PER PLAT THEREOF RECORDED IN VOLUME "D" OF DEEDS, PAGE, RECORDS OF CLALLAM COUNTY, WASHINGTON; EXCEPT THE NORTHERLY ONE-HALF ACRE, AS MEASURED ACROSS THE ENTIRE WIDTH OF SAID LOT "G"; AND EXCEPT THAT PORTION CONVEYED TO FRED C. GRINNELL AND ELAINE Y. GRINNELL, HUSBAND AND WIFE, BY DEED RECORDED UNDER RECORDING NO. 1999 1032050; AND EXCEPT THAT PORTION CONVEYED TO CATHERINE VAN OS AS PERSONAL REPRESENTATIVE OF THE ESTATE OF PAUL M. HOQUE, DECEASED, BY STIPULATED JUDGMENT QUIETING

TITLE AND ESTABLISHING BOUNDARY LINE, AS FILED IN CLALLAM COUNTY SUPERIOR COURT CAUSE NO. 10-2-00113-4, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF LOT "G", PLAT OF JAMESTOWN, ACCORDING TO PLAT THEREOF RECORDED IN VOLUME D OF DEEDS, PAGE 440, RECORDS OF CLALLAM COUNTY, WASHINGTON, COMMONLY KNOWN AS THE WOOD PARCEL AS SHOWN ON THAT BOUNDARY LINE ADJUSTMENT, RECORDED IN VOLUME 42 OF SURVEYS, PAGE 38, UNDER AUDITOR'S RECORDING NO. 1999 1032051, RECORDS OF CLALLAM COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID WOOD PARCEL PER SURVEY VOLUME 42 PAGE 38, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 60°51'09" EAST ALONG THE NORTH LINE OF SAID LOT "G" OF THE WOOD PARCEL, VOLUME 42 PAGE 38, A DISTANCE OF 75.39 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 24°23'38" WEST ALONG THE EAST LINE OF LOT "G" OF THE WOOD PARCEL PER SURVEY VOLUME 42 PAGE 38, A DISTANCE OF 41.02 FEET TO THE SOUTHEAST CORNER OF AN EXISTING FENCE; THENCE NORTH 63°19'16" WEST ALONG THE SOUTH LINE OF AN EXISTING FENCE, A DISTANCE OF 75.19 FEET TO THE WEST LINE OF PARCEL "G" OF SAID WOOD PARCEL, PER SURVEY VOLUME 42 PAGE 38; THENCE NORTH 24°23'38" EAST ALONG THE WEST LINE OF SAID PARCEL "G" OF SAID WOOD PARCEL PER SURVEY VOLUME 42 PAGE 38, A DISTANCE OF 44.27 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 7.00 ACRES, MORE OR LESS.

PARCEL 5: 033005500920

THAT PORTION OF THE PLAT OF JAMESTOWN AS RECORDED IN VOLUME D OF DEEDS, PAGE 440, RECORDS OF CLALLAM COUNTY, WASHINGTON AND THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 30 NORTH, RANGE 3 WEST, W.M., CLALLAM COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE MONUMENT MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 5 AS SHOWN ON THE ELIZABETH ANN ADAMS SURVEY RECORDED IN VOLUME 20 OF SURVEYS, PAGE 14; THENCE NORTH 88°07'00" WEST, ALONG THE SOUTH LINE OF SECTION 5, A DISTANCE OF 561.73 FEET TO THE INTERSECTION OF THE EAST LINE OF LOT "J" OF SAID PLAT OF JAMESTOWN WITH THE SOUTH LINE OF SAID SECTION 5, WHICH POINT IS THE TRUE POINT OF BEGINNING; THENCE NORTH 23°29'08" EAST, ALONG THE EAST LINE OF SAID LOT "J", A DISTANCE OF 1431.44 FEET TO THE NORTHEAST CORNER OF THE "ADAMS PARCEL" SHOWN ON SAID SURVEY; THENCE NORTH 88°19'24" WEST, ALONG THE NORTH LINE OF SAID "ADAMS PARCEL" A DISTANCE OF 146.38 FEET TO THE EAST LINE OF THE PARCEL DESCRIBED IN JUDGMENT QUIETING TITLE FILED NOVEMBER 17, 2000 IN THE OFFICE OF THE CLERK FOR THE SUPERIOR COURT OF CLALLAM COUNTY UNDER JUDGMENT NUMBER 00-9-00993-1; THENCE NORTH 25°31'05" EAST ALONG THE SAID EAST LINE, A DISTANCE OF 296.56 FEET; THENCE SOUTH 64°28'55" EAST, A DISTANCE OF 165.71 FEET TO THE WESTERLY LINE OF THAT CERTAIN TRACT DESCRIBED IN INSTRUMENT RECORDED UNDER CLALLAM COUNTY AUDITOR'S FILE NO. 354855; THENCE SOUTH 24°22'55" WEST ALONG THE WEST LINE OF SAID TRACT, A DISTANCE OF 1662.20 FEET TO THE SOUTH LINE OF SAID SECTION 5; THENCE NORTH 88°07'00" WEST, ALONG SAID SECTION LINE, A DISTANCE OF 15.11 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 2.00 ACRES, MORE OR LESS.

PARCEL 6: 033005509010 & 033005509020

LOTS 1 AND 2 OF ADAMS SHORT PLAT, RECORDED OCTOBER 7, 2005, IN VOLUME 31 OF SHORT PLATS, PAGE 59, UNDER CLALLAM COUNTY RECORDING NO. 2005 1166799, BEING A PORTION OF LOTS H AND

I, PLAT OF JAMESTOWN, AS PER PLAT RECORDED IN VOLUME D OF DEEDS, PAGE 440, RECORDS OF CLALLAM COUNTY, WASHINGTON.

CONTAINING 4.00 ACRES, MORE OR LESS.

PARCEL 7: 033005500910

BEGINNING AT THE NORTHWEST CORNER OF LOT I, PLAT OF JAMESTOWN, CLALLAM COUNTY, WASHINGTON, AS PER PLAT RECORDED IN VOLUME "D" OF DEEDS, PAGE 440; THENCE SOUTHWESTERLY ALONG THE WEST LINE OF SAID LOT I 620 FEET; THENCE SOUTHEASTERLY PARALLEL WITH THE NORTH LINE OF SAID LOT I 70 FEET; THENCE NORTHEASTERLY PARALLEL WITH THE WEST LINE OF SAID LOT I 620 FEET TO THE NORTH LINE OF SAID LOT I; THENCE NORTHWESTERLY ALONG THE NORTH LINE OF SAID LOT I 70 FEET TO THE POINT OF BEGINNING; EXCEPT THAT PORTION OF LOT I OF SAID PLAT OF JAMESTOWN LYING WESTERLY OF THE EXISTING FENCE LINE ESTABLISHED IN RUSSELL E. JOHNSON BY AMENDED JUDGMENT AND DECREE FILED MAY 19, 2004 IN CLALLAM COUNTY SUPERIOR COURT CAUSE NO. 95-2-01252-6.

SITUATE IN CLALLAM COUNTY, STATE OF WASHINGTON.

CONTAINING 1.00 ACRES, MORE OR LESS.

PARCEL 8: 033005500860

PARCEL A OF BOUNDARY LINE ADJUSTMENT SURVEY RECORDED JUNE 6, 2013, IN VOLUME 74 OF SURVEYS, PAGE 31, UNDER CLALLAM COUNTY AUDITOR'S FILE NO. 2013-1295818, BEING A PORTION OF LOT H, PLAT OF JAMESTOWN, AS PER PLAT RECORDED IN VOLUME D OF DEEDS, PAGE 440, IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 30 NORTH, RANGE 3 WEST, W.M., CLALLAM COUNTY, WASHINGTON.

SITUATE IN CLALLAM COUNTY, STATE OF WASHINGTON.

CONTAINING 3.00 ACRES, MORE OR LESS.

PARCEL 9: 033005508020 & 033005508030

LOT 2 OF R. JOHNSON LARGE LOT SUBDIVISION, RECORDED APRIL 15, 2004 RECORDED IN VOLUME 2 OF LARGE LOT SUBDIVISIONS, PAGE 3, UNDER CLALLAM COUNTY RECORDING NO. 2004 1131538, BEING A PORTION OF LOTS K, M, O ,Q ,AND S OF THE PLAT OF JAMESTOWN, AS RECORDED IN VOLUME D OF PLATS, PAGE 440, RECORDS OF CLALLAM COUNTY, WASHINGTON; AND LOT 3 OF R. JOHNSON LARGE LOT SUBDIVISION, RECORDED APRIL 15, 2004 RECORDED IN VOLUME 2 OF LARGE LOT SUBDIVISIONS, PAGE 3, UNDER CLALLAM COUNTY RECORDING NO. 2004 1131538, BEING A PORTION OF LOTS K, M, O ,Q ,AND S OF THE PLAT OF JAMESTOWN, AS RECORDED IN VOLUME D OF PLATS, PAGE 440, RECORDS OF CLALLAM COUNTY, WASHINGTON; TOGETHER WITH THOSE PORTIONS AS DISCLOSED BY CLALLAM COUNTY AUDITOR'S FILE NOS. 2009 1231492, 2009 1231493, 2009 1231493, 2009 1231494 AND 2009 1232124, BEING A RERECORD OF 2009 1231495; EXCEPT THOSE PORTIONS AS DISCLOSED BY CLALLAM COUNTY AUDITOR'S FILE NOS. 2009 1231492, 2009 1231493, 2009 1231494 AND 2009 1232124, BEING A RE-RECORD OF 2009 1231495.

SITUATE IN CLALLAM COUNTY, STATE OF WASHINGTON

CONTAINING 11.00 ACRES, MORE OR LESS.

Total acreage for Parcels 1-9: 52.74, more or less.

The Property consists of nine parcels, which are contiguous to Tribal Trust Property 129 T 1006.

“Contiguous means two parcels of land having a common boundary notwithstanding the existence of non-navigable waters or a public road that touch at a point.”

A Land Description Examination and Validation (“LDEV”) Request was submitted on June 22, 2023, and certified by BIA OTS Liaison, Trisha Johnson on July 24, 2023. The LDEV received a *concur, low risk* and stated:

The Land Description for this is a combination of Lots from a sub divisional plat as well as Surveys. The majority of parcels in this case already have and (*sic-a*) Land Description Review completed for them. The land descriptions are tied to the PLSS and close within an acceptable amount. The land description is deemed acceptable of stated purpose.

The GIS acreage was calculated to be within 5% of the 52.74 TAAMS acres and is deemed acceptable.

Based on most recent available imager there does not appear to be any unauthorized encroachments or encumbrances.

The Land Description Review was completed for this case was thorough and in depth. After review the GIS strike team agrees with the LDR findings. . .

I find the applicant has fulfilled the requirements of 25 CFR § 151.9 governing requests for approval of acquisitions because Tribal Resolution #21-2023 dated June 12, 2023, sets out the identity of the parties, a description of the land to be acquired, and other information showing the acquisition comes within 25 CFR Part 151, namely by showing the property owned by the Tribe, as provided in 25 CFR § 151.3(a)(2).

Regulatory Requirements, 25 CFR Part 151

This application was pending prior to the Bureau of Indian Affairs issuance of revised 25 CFR Part 151 regulations for fee-to-trust acquisitions, effective on January 11, 2024 (“2024 Regulations”). Tribes with pending applications on the effective date of the 2024 Regulations have the option to either proceed under the 25 CFR Part 151 regulations revised as of April 1, 2023 (“2023 Regulations”) or to affirmatively request in writing to proceed under the 2024 Regulations. 25 CFR § 151.17(a). Since the Tribe has not requested in writing that BIA proceed under the 2024 Regulations, the BIA processed this acquisition under the 2023 Regulations. See 25 CFR § 151.17 (2024).

This decision of the Northwest Regional Director, Bureau of Indian Affairs is discretionary. In evaluating the Tribe’s request to have the on-reservation land taken into trust, the BIA must consider the criteria set out in 25 CFR § 151.10(a)-(c) and (e)-(h). Proof that the Northwest Regional Director considered the facts set forth in 25 CFR § 151.10 must appear in the administrative record; however, there is no requirement that the BIA reach a particular conclusion concerning each factor. Nor must the factors be

weighted or balanced or exhaustively analyzed in a particular way. *Thurston County, Nebraska v. Great Plains Regional Director, Bureau of Indian Affairs*, 56 IBIA 296, 300, 301 (2013)

§ 151.3 – Land Acquisition Policy

Section 151.3(a) of Title 25 of the *Code of Federal Regulations* set forth the Department's Land acquisition policy. I find that this acquisition is consistent with the policy because.

1. The property is contiguous to Tribal Trust Property, 129 T 1006.
2. The Tribe already owns the property as evidenced by the Deeds and the title evidence. The Office of the Solicitor, Pacific Northwest Region, reviewed the title evidence and provided a Preliminary Title Opinion BIA-00071111 dated March 25, 2024, and found title to be vested in the Tribe.
3. The proposed/current purposes of the acquisition are tribal government, residential rental and undeveloped land. The Tribe will be increasing its land base, which provides greater options for flexibility for future actions to fulfill its self-determination and economic goals. I find that the land is necessary to facilitate self-determination and Indian housing.

25 CFR § 151.3(a) (1)-(3).

§ 151.10(a) – Statutory authority

Section 5 of the Indian Reorganization Act of 1934 (IRA) (Section 5) authorizes the Secretary to acquire land in trust for "Indians," which includes all persons of Indian descent who are members of "any recognized Indian tribe now under federal jurisdiction." In 2009, the United States Supreme Court (Supreme Court) in *Carcieri v. Salazar* construed the term "now" to refer the year of the IRA's enactment 1934; however, the Supreme Court did not interpret the phrase "under federal jurisdiction." In 2014, the Department's Solicitor provided guidance on the phrase "under federal jurisdiction" by issuing Solicitor Opinion M-37029 (Sol. Op. M-37029). Multiple federal court decisions hold that the Department's interpretation memorialized in Sol. Op. M-37029 is reasonable.

The Tribe was under federal jurisdiction in 1934. The Tribe's predecessor was party to the 1855 Treaty of Point No Point with the United States, the Tribe received benefits and annuities pursuant to that treaty and the federal government continued to provide services and benefits to the Tribe up to, and after, 1934. During the implementation of the IRA, the federal government endeavored to organize the Tribe and acquire land for it and made the determination that the Tribe was eligible for the benefits of the IRA.

On February 10, 1981, the Tribe was acknowledged as a federally recognized Indian tribe, effectively confirming its continuing existence and supervision by the federal government. 45 Fed. Reg. 81890 (Dec. 12, 1980). The federal acknowledgment of the Tribe through the process set forth in 25 C.F.R. Part 83 in 1981 further confirms that the Tribe was under federal jurisdiction in 1934 and has existed continuously and autonomously since at least 1855.

Finally, the Tribe's continuing relationship to the United States was also confirmed when the Tribe intervened in *United States v. Washington* and established its continuing right to exercise treaty fishing activities reserved to it under the 1855 Treaty of Point No Point.

For purposes of the “under federal jurisdiction” analysis, the United States understood that the Tribe was under the federal jurisdiction and supervision of the United States in 1934, and that the adult residents of the Reservation met the IRA’s definition of “Indian.” That understanding was re-affirmed when the Tribe was acknowledged by the United States in 1981 and was also confirmed when the Tribe intervened in *United States v. Washington*.

§ 151.10(b) – Need of the Tribe for additional land

Placing the land into trust is important to the Tribe because it will give the Tribe rights to govern the land. It is important for the Tribe to have the inherent right to govern its own lands and is one of the most essential powers of any sovereign tribal government. The Tribe would be able to determine its own course in addressing the needs of its government and its members.

The overall purpose of the Tribe’s application is to provide increased long-term socio-economic security for the Tribe through land acquisition to benefit the Tribe’s efforts to enhance self-determination. Once the land is placed in trust status, it will put the Tribe in a better position to bid for grants or to qualify for additional funding from the federal agencies and other agencies who distribute funding based on total tribal acreage, roads, and other reasons. Taking the land in trust will also allow the Tribe to consolidate and protect the unique Indian land status and ensure its integration back onto the Tribe’s land base. This will further enhance self-determination by ensuring that the land is not used in a manner contrary to the Tribe’s governmental, historical, and cultural interests. Taking the land in trust would provide greater control over land use matters by transferring jurisdiction over land use decisions from the County to the Tribe and the federal government. By placing the land in trust status, it will further tribal self-determination by allowing the Tribe to exercise its jurisdiction as a sovereign tribal government to maintain and protect the land for future generations.

Based on the above facts, I find that the Tribe needs this additional land for self-determination and Indian housing purposes, and to increase its land base to better sustain the Tribe.

§ 151.10(c) – Purpose for which the land will be used.

The current/proposed purposes for which the land will be used are tribal government, residential rental, and undeveloped land.

There is no change of land use for the BIA to consider.

§ 151.10(e) – Impact on the State and local governments’ tax base

A Notice of Application was sent to the State of Washington, Governor’s Office of Indian Affairs (“State”) and Clallam County Commissioners and Clallam County Assessor, Chief Deputy Assessor (“County”) on September 18, 2023. The State and County received their notices on September 20, 2023.

Both the State and County did not respond to the Notice of Application.

The real property taxes for the property are \$21,013.01 for 2023 and Clallam County's real property taxes collected is \$114,911,994.50, and thus, real property taxes of \$21,013.01 comprised approximately .025% of the County's total tax base. Therefore, if the Property is acquired in trust status, there may be a slight impact on the County.

According to the Tribe's application, the Tribe provides payment in lieu of taxes, such as the Tribe provides approximately \$250,000 in funding to the Clallam County Sheriff's Office each year to cover the costs for two deputies who serve both the Tribe's Tribal Trust and Reservation lands and the rest of Clallam County. Additionally, the Tribe provides Clallam County Fire District 3 with a Tribally built fire station in the Blyn area, near the Tribe's governmental facilities, at a lease rate that is approximately \$10,000 per year, which is substantially below the market rate of \$75,000 per year.

§ 151.10(f) – Jurisdictional problems and potential land use conflicts

Jurisdictional Problems

The acquisition of this subject property into trust status should not create jurisdictional problems. Before acquisition by the Tribe, this property is subject to the State's jurisdiction. After acquisition by the United States in trust for the Tribe, the Tribe will have regulatory jurisdiction over the land. It will also have civil and criminal jurisdiction to the full extent of federal law.

The State and County did not respond to the Notice of Application; therefore, they did not raise any issues regarding jurisdictional problems.

The proposed and current uses are less likely to produce/cause jurisdictional problems.

Based upon what the BIA knows now, there is no basis to conclude that jurisdictional problems will arise as a result of the land's acquisition in trust status.

Potential Land Use Conflicts

The acquisition of the subject property into trust status should not create any potential land use conflicts especially since the Tribe does not plan on developing or changing the land use.

As stated above, the State and County did not respond to the Notice of Application; therefore, they did not raise any potential land use conflicts.

The proposed and current uses are less likely to produce potential land use conflicts.

Based on BIA's current understanding no basis exists to conclude that jurisdictional problems or land use conflicts will arise as a result of the land's acquisition in trust status. I find that my consideration of the criterion in 25 CFR § 151.10(f) weighs in favor of the acquisition of the subject property.

§ 151.10(g) – Whether the BIA is equipped to discharge additional responsibilities

The programs at the Puget Sound Agency and Northwest Regional Office are capable of handling the additional responsibilities brought by acquiring this land into trust. The principal programs affected will be Realty, Division of Environmental, and the Land Titles and Records Office.

Based on the above facts, I find that the additional 52.74 acres, will not unduly burden the BIA staff. Therefore, I find that the BIA is equipped to discharge the additional responsibilities associated with bringing this land into trust status.

§ 151.10(h) – Environmental compliance

The Secretary shall comply with the requirements of the National Environmental Policy Act (NEPA), applicable Council on Environmental Quality regulations, Department of Interior regulations and guidance, and 602 DM 2, Land Acquisitions: Hazardous Substances Determinations. An Exception Checklist for BIA Categorical Exclusions dated May 23, 2023, indicates that an Environmental Assessment is not required because the applicant indicated that no development, physical alteration, or change of land use after acquisition is planned or known. Therefore, I find that approval of this acquisition falls under 516 DM 10.5 (I) and is categorically excluded. Should future development occur, compliance with NEPA will be required if federal funding or a federal decision is involved.

Historic/Endangered Species Compliance

Since the applicant has no plans for further development of this property, I anticipate no impact to any historic or archaeological resources or to any threatened or endangered species that may exist on the property. Should future development occur, compliance with laws governing historic properties and endangered species, if applicable, will be required.

Phase I Environmental Site Assessment

A Phase I Environmental Site Assessment (“ESA”) dated April 11, 2023, was performed by Kristen Burgess, LG, of ESA Associates, Inc. (“ESAAI”), who found no known or suspected Recognized Environmental Conditions (“RECs”), historical RECs, controlled RECs, or other evidence of environmental liability at this property.

On October 20, 2023, Brian J. Haug, Northwest Regional Environmental Scientist, reviewed the Phase I ESA and stated that: “BIA has completed online review of the property area, and no environmental issues were noted that would change the conclusions of the Phase I ESA report. Based on this, the report fulfills the requirements of NEPA, 40 CFR § 312 and the ASTM E 1527 Standard Practice, and the property is suitable for acquisition under the U.S. Department of the Interior Manual 602 DM 2.13 A.”

Please note – Phase I ESA report components expired on April 11, 2024; therefore, an updated Phase I ESA is required.

§ 151.13 – Title Review

A Request for a Preliminary Title Opinion was submitted to the Office of the Solicitor, Pacific Northwest Region, and a Preliminary Title Opinion was issued on March 25, 2024, which stated that items 1, 2, 6-11, 24, 28, 31, 35, 43-46, 49-51, 53, and 57 of the Special Exceptions in Schedule B, Part II of the preliminary title evidence must be satisfactorily eliminated or addressed by a Tribal Resolution or by an Indemnification Agreement. Specifically, items 24, 31, 43, 44, 45, 46, 49, 51, and 53 will need to be eliminated or addressed in an Indemnification Agreement.

By Tribal Resolution # 53-2024 dated September 27, 2024, the Tribe addressed items 1, 2, 6-11, 28 and 35. The Indemnification Agreement addressed items 24, 31, 43, 44, 45, 46, 49, 51, and 53 of the Special Exceptions in Schedule B, Part II. The Indemnification Agreement was approved by the BIA on December 27, 2024.

Decision

The proposed uses/purposes of the property is non-gaming and not illegal. In view of the foregoing, all applicable legal requirements have been satisfied, and I hereby approve the Tribe's fee-to-trust application for the Jamestown I Property.

Appeal Rights

This decision may be appealed by any person or entity who is adversely affected by the decision of the Regional Director. A Notice of Appeal shall be in writing, signed by the appellant or by his attorney of record or other qualified representative as provided by 43 CFR 1.3, and filed with the Interior Board of Indian Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy Street, Arlington, Virginia 22203, within 30 days after receipt by the appellant of the decision from which the appeal is taken.¹ A copy of the Notice of Appeal shall simultaneously be filed with the Assistant Secretary—Indian Affairs. As required by § 4.333 of this part, the Notice of Appeal sent to the Board shall certify that a copy has been sent to the Assistant Secretary—Indian Affairs. A Notice of Appeal not timely filed shall be dismissed for lack of jurisdiction.

A Notice of Appeal shall include:

- (1) A full identification of the case;
- (2) A statement of the reasons for the appeal and of the relief sought; and
- (3) The names and addresses of all additional interested parties, Indian tribes, tribal corporations, or groups having rights or privileges which may be affected by a change in the decision, whether or not they participated as interested parties in the earlier proceedings.

In accordance with 25 CFR 2.20(c) a notice of appeal shall not be effective for 20 days from receipt by the Board, during which time the Assistant Secretary—Indian Affairs may decide to review the appeal. If the Assistant Secretary-Indian Affairs properly notifies the Board that he has decided to review the

¹ The regulations governing appeals to the Board from decisions of BIA officials are contained in 43 CFR §§ 4.310, 4.332-4.333.

appeal, any documents concerning the case filed with the Board shall be transmitted to the Assistant Secretary-Indian Affairs.

When the appellant is an Indian or Indian tribe not represented by counsel, the official who issued the decision appealed shall, upon request of the appellant, render such assistance as is appropriate in the preparation of the appeal.

At any time during the pendency of an appeal, an appropriate bond may be required to protect the interest of any Indian, Indian tribe, or other parties involved. *See* 43 CFR § 4.332

Service of Notice of Appeal

On or before the date of filing of the notice of appeal the appellant shall serve a copy of the notice upon each known interested party, upon the official of the Bureau of Indian Affairs from whose decision the appeal is taken, and upon the Assistant Secretary—Indian Affairs. The notice of appeal filed with the Board shall certify that service was made as required by this section and shall show the names and addresses of all parties served.

The notice of appeal will be considered to have been served upon the date of personal service or mailing or electronic transmission in accordance with § 4.310(f). *See* 43 CFR § 4.333.

Sincerely,

**DANIEL
GALVAN**

Daniel A Galvan
Acting Northwest Regional Director

Digitally signed by DANIEL
GALVAN
Date: 2025.02.18 15:26:24
-08'00'

Distribution List of Notice of Decision

State of Washington
Governor's Office of Indian Affairs
1110 Capital Way South
Suite 225
Olympia, Washington 98501
Certified Mail 7020 0640 0002 1037 1513

Clallam County Commissioners
Clallam County
223 East Fourth Street, Suite 4
Port Angeles, Washington 98362
Certified Mail 7020 0640 0002 1037 1520

Clallam County Assessor
Chief Deputy Assessor
223 East Fourth Street, Suite 2
Port Angeles, Washington 98362
Certified Mail 7020 0640 0002 1037 1537