



BOARD of CLALLAM COUNTY COMMISSIONERS MINUTES for the week of October 24 – 28, 2022

1C
11/1/22

WORK SESSION – 9 a.m.

The work session convened at 9:00 a.m., Monday, October 24, 2022. Present were Commissioners Ozias, Johnson, and Peach and Administrator Sill.

Items of discussion per the agenda published September 20 were:

- Calendar/Correspondence
- Resolution rescinding Resolution declaring emergency for COVID 19 virus event in Clallam County
- Salish BH-ASO will provide an update on the opioid settlement
- Review of Draft 5-year Capital Plan 2023-2027

Meeting concluded at 10:55 a.m. at and continued to a joint meeting with the Port of Port Angeles

Joint Meeting

The joint meeting convened at 11:02 a.m., Monday, October 24, 2022. Present were Commissioners Ozias, Johnson and Peach, Administrator Sill and Port of Port Angeles Commissioners McAleer, Burke and Beauvais.

TOPICS

- A. Clallam County Economic Development Council Update
- B. Small Business Development Center Update
- C. Center of Inclusive Entrepreneurship Update
- D. North Olympic Development Council written report review
- E. Emergency Operations Center update
- F. Joint Legislative Support Item

Meeting concluded at 1:03 p.m. and continued to a continued work session

Continued Work Session

The continued work session convened at 2:30 p.m., Monday, October 24, 2022. Present were Commissioners Ozias, Johnson and Commissioner Peach.

- Review of Draft 5-year Capital Plan 2023-2027

The meeting adjourned at 4:14 p.m.

REGULAR MEETING OF THE BOARD OF CLALLAM COUNTY COMMISSIONERS

Chair Ozias called the meeting to order at 10 a.m., Tuesday, October 26, 2022. Also present were Commissioner Johnson and Peach and Administrator Sill.

REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA

Postponed:

- 4a Request for temporary easement from Washington State Department of Transportation to use a portion of Lake Aldwell boat launch for discharging groundwater

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

BOARD of CLALLAM COUNTY COMMISSIONERS
MINUTES for the week of October 24-28, 2022
Page 2

PUBLIC COMMENT

- Christine Walker, Sequim, commented on Parkwood Community, development, fixed income, taxes, property values (see attached)
- Gayle Baker, Sequim, Aldwell Timber Sale
- Bonnie Boenish, Sequim, commented on the elections process

CONSENT AGENDA

- 1a Approval of vouchers for the week of October 17
- 1b Approval of minutes for the week of October 17
- 1c Recognizing Stephen Hoffman for over 39 years of service to Clallam County
- 1d Proclamation recognizing National Hospice Month in Clallam County
- 1e Proclamation recognizing the week of October 23-29, 2022 as Pro Bono Law Week
- 1f Letter regarding Financial Data Transparency Act of 2022

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

REPORTS AND PRESENTATIONS

- CRJ recognized Stephen Hoffman for over 39 years of service in Clallam County
 - Joe Donisi, Clallam County Road/Public Works Department, recognized Hoffman for his service
 - Hoffman, Clallam County Road/Public Works Department, thanked Clallam County for employing him over the years. He noted he has a very rewarding career
- CMO recognized National Hospice Month in Clallam County
 - Charla Wright, Assured Hospice, thanked Clallam County for the support
- CBP recognized the week of October 23-29, 2022 as Pro Bono Law Week
 - Rafael Urquia, Clallam-Jefferson Counties Pro Bono Lawyers, thanked Clallam County, Lawyers and support staff for their support to help those in need of services
 - Shauna Rogers McClain
- CBP commented on Aldwell Timber Sale
- CRJ commented on Aldwell Timber Sale
- CMO commented on Energy Future Summit

HEARING(S)

- H1 Proposed vacation of a portion of Hazel Street
- ARS read the agenda item summary into the record
 - Linda Capps, Road Department, provided a staff report.

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

- The following provided comment:
 - Sheri Lee, Port Angeles
 - Richard Kelleher, Port Angeles

ACTION TAKEN: CRJm to close the public hearing and adopt, CBPs, mc

- H2 Consideration of resolution adopting the following Debatable Emergencies:
- Parks & Facilities - Additional funding for expenses related to COVID-19 for goods and services expenditures incurred in August and September, 2022 expected to be reimbursed through FEMA/\$14,656
- General Fund Reserves – Additional funding due to the revised Lower Dungeness Floodplain grant reimbursement and costs projections for 2022 and 2023/\$650,000 (1 of 2)
- Department of Community Development – Lower Dungeness Floodplain - Additional funding due to the revised Lower Dungeness Floodplain grant reimbursement and costs projections for 2022 and 2023/\$650,000 (2 of 2)
- NonDept – Affordable Housing Sales Tax – New Housing Solutions Coordinator position/\$23,980
- ARS read the agenda item summary into the record

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

- The following provided comment:
 - Ed Telenick, Sequim

ACTION TAKEN: CRJm to close the public hearing and adopt, CBPs, mc

BOARD of CLALLAM COUNTY COMMISSIONERS
MINUTES for the week of October 24-28, 2022
Page 3

CONTRACTS AND AGREEMENTS

- 2a Agreement with Scarsella Brothers, Incorporated for construction of Levee tie-ins and flood return channel in the Lower Dungeness River Floodplain restoration area

ACTION TAKEN: CRJm to approve, CBPs, mc

- 2b Agreement with Scarsella Brothers, Incorporated for removal of Towne Road in the Lower Dungeness River Floodplain restoration area

ACTION TAKEN: CRJm to approve, CBPs, mc

- 2c Interlocal Agreement designating Salish Behavioral Health Administrative Services Organization (SBH-ASO) as the Olympic Opioid Abatement Council

ACTION TAKEN: CRJm to approve, CBPs, mc

- 2d Agreement with John Paul Knox dba KnoxWorks for Housing Solutions Committee support

ACTION TAKEN: CRJm to approve, CBPs, mc

ADMINISTRATION

- 3a Applicant resolution and authorization with Washington State Recreation and Conservation Office for Lake Pleasant Boat Launch

ACTION TAKEN: CRJm to approve, CBPs, mc

PUBLIC WORKS

- 4a Postponed: Request for temporary easement from Washington State Department of Transportation to use a portion of Lake Aldwell boat launch for discharging groundwater

ACTION TAKEN: Postponed

BUDGET

- 5a Resolution adopting the following Budget Revisions:

Department of Community Development – Lower Dungeness Floodplain – To ensure flood protection work is completed on Lower Dungeness River Project before the flood season begins in November 2022/\$4,434,997

ACTION TAKEN: CRJm to adopt, CBPs, mc

- 5b Resolution adopting the following Budget Reductions:

Department of Community Development – Lower Dungeness Floodplain – Due to revised cost projection for 2022 and 2023, Lower Dungeness Floodplain will not be returning any funding back to General Fund Reserves in 2022/\$1,850,000 (1 of 2)

General Fund Reserves - Due to revised cost projection for 2022 & 2023, Lower Dungeness Floodplain will not be returning any funding back to General Fund Reserves in 2022/\$1,850,000 (2 of 2)

ACTION TAKEN: CRJm to adopt, CBPs, mc

- 5c Resolution adopting the following Supplemental Appropriations:

Department of Community Development – Lower Dungeness Floodplain – To ensure flood protection work is completed on Lower Dungeness River Project before the flood season begins in November 2022/\$3,631,639

ACTION TAKEN: CRJm to adopt, CBPs, mc

PUBLIC COMMENT

- Lorraine Jacobson, Forks, commented on Aldwell Timber Sale
- David Goose, Sequim, commented on Parkwood Community, property tax increase, fixed income, affordable housing
- George Lindamood, Sequim, commented on Parkwood Community, housing expenditures

BOARD of CLALLAM COUNTY COMMISSIONERS
MINUTES for the week of October 24-28, 2022
Page 4

Meeting concluded at 11:06 a.m. and continued to 9 a.m., Monday, October 24, 2022.

There are no Zoom chat logs for the week of October 24.

The Board of Commissioners attended a WSAC Virtual update, Port of Port Angeles Joint Meeting, Federal Funding Workshop, William Shore Memorial Pool District Meeting, Budget Meetings, Department of Natural Resources Public Hearing – Carbon Credits during the week of October 24.

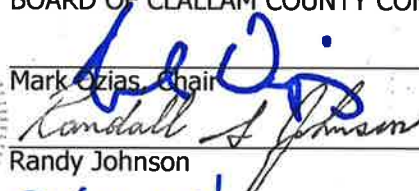
PASSED AND ADOPTED this 25th day of October 2022.

ATTEST:

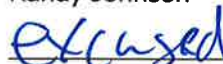

Loni Gores, CMC, Clerk of the Board



BOARD OF CLALLAM COUNTY COMMISSIONERS


Mark Ozias, Chair


Randy Johnson


Bill Peach

KEY TO ABBREVIATIONS:

ARS Administrator Rich Sill

CMO Commissioner Mark Ozias

CRJ Commissioner Randy Johnson

CBP Commissioner Bill Peach

m	moved
mc	motion carried
s	seconded

BOARD OF CLALLAM COUNTY COMMISSIONERS PUBLIC HEARING

H1 Proposed vacation of a portion of Hazel Steet

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

Nº	PRINTED NAME	SIGNATURE	ADDRESS
1	Sheri Lee	Sheri Lee	2905 E Vinup St
2	Richard Kelleher		" "
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Signed on October 25, 2022 in Port Angeles, Washington

Joint Port of PA and BOCC Meeting

Public Comment

Joint Port/Boc
Public comment
Ed Bowen
10/24/22

117TH CONGRESS
2D SESSION

H. R. 8286

To take certain Federal land in the State of Washington into trust for
the Lower Elwha Klallam Tribe, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 5, 2022

Mr. KILMER introduced the following bill; which was referred to the
Committee on Natural Resources

A BILL

To take certain Federal land in the State of Washington
into trust for the Lower Elwha Klallam Tribe, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. LAND TAKEN INTO TRUST FOR THE LOWER**
4 **ELWHA KLALLAM TRIBE.**

5 (a) DEFINITIONS.—In this section:

6 (1) RESERVATION.—The term “Reservation”
7 means the Lower Elwha Indian Reservation, also
8 known as the Lower Elwha Reservation, located in
9 the State of Washington.

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (3) TRIBE.—The term “Tribe” means the
4 Lower Elwha Tribal Community, also known as the
5 Lower Elwha Klallam Tribe, in the State of Wash-
6 ington.

7 (b) LAND HELD IN TRUST.—

8 (1) IN GENERAL.—Subject to all valid existing
9 rights of the United States, the approximately
10 1,082.63 acres generally depicted as “NPS Parcels
11 to be Transferred to Tribe” on the map entitled
12 “Olympic National Park Proposed Transfer of
13 Elwha Lands”, numbered 149/178020, and dated
14 December 2021, are hereby declared to be held in
15 trust by the United States for the benefit of the
16 Tribe.

17 (2) INCLUSION IN RESERVATION.—The land
18 taken into trust under paragraph (1) is hereby de-
19 clared to be part of the Reservation.

20 (3) LAW APPLICABLE TO CERTAIN LAND.—The
21 land taken into trust under paragraph (1) shall not
22 be subject to any requirements for valuation, ap-
23 praisal, or equalization under any Federal law.

24 (c) LAND MANAGEMENT.—Of the lands taken into
25 and held in trust under subsection (b), that portion of the

1 Elwha River subject to section 3(c)(3) of the Elwha River
2 Ecosystem and Fisheries Restoration Act (Public Law
3 102-495) shall be managed in accordance with section
4 1(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1271),
5 except for necessary modifications under section 3(c)(3)
6 of the Elwha River Ecosystem and Fisheries Restoration
7 Act.

8 (d) MAP AND SURVEY.—

9 (1) BOUNDARY ADJUSTMENT; SURVEY.—As
10 soon as practicable after the date of enactment of
11 this Act, the Secretary shall conduct a survey to de-
12 fine the boundaries of the land taken into and held
13 in trust under subsection (b).

14 (2) ADJUSTMENTS.—The Secretary may make
15 minor boundary adjustments to the lands taken into
16 and held in trust under subsection (b) and may cor-
17 rect any minor errors in any map, acreage estimate,
18 or description of the lands taken into and held in
19 trust under subsection (b).

20 (e) GAMING PROHIBITION.—No land taken into trust
21 for the benefit of the Tribe under this Act shall be consid-
22 ered Indian lands for the purpose of the Indian Gaming
23 Regulatory Act (25 U.S.C. 2701 et seq.).

○

Olympic National Park

Proposed Transfer of Elwha Lands

National Park Service
U.S. Department of the Interior



Lower Elwha
Reservation

To City of
Port Angeles

HILL PARCELS (3)
16.83 ± acres

HALBERG
PARCEL
4.8 ± acres

744 ft

Dan Kelly Rd

Coville Creek

LAKE ALDWELL
PARCELS
1,061 ± acres

2167 ft

Slate Forest Rd

101

762 ft

Elwha

101

State Rd

To Olympic
National Park

Little River Rd

T. 30 N., R. 7 W., W.M. Clallam County, WA

LEGEND

- Park Boundary
- Existing National Park Service (NPS) Land
- NPS Parcels to be Transferred to Tribe

OFFICE: Lands Resources Program Center
REGION: Pacific West, Interior Region 9
PARK: OLYM
TOTAL PROPOSED AREA
TO BE TRANSFERRED: 1,082.63 ± ACRES

MAP NUMBER: 149/178020

DATE: December 2021

0.25 0 0.25 0.5
Miles

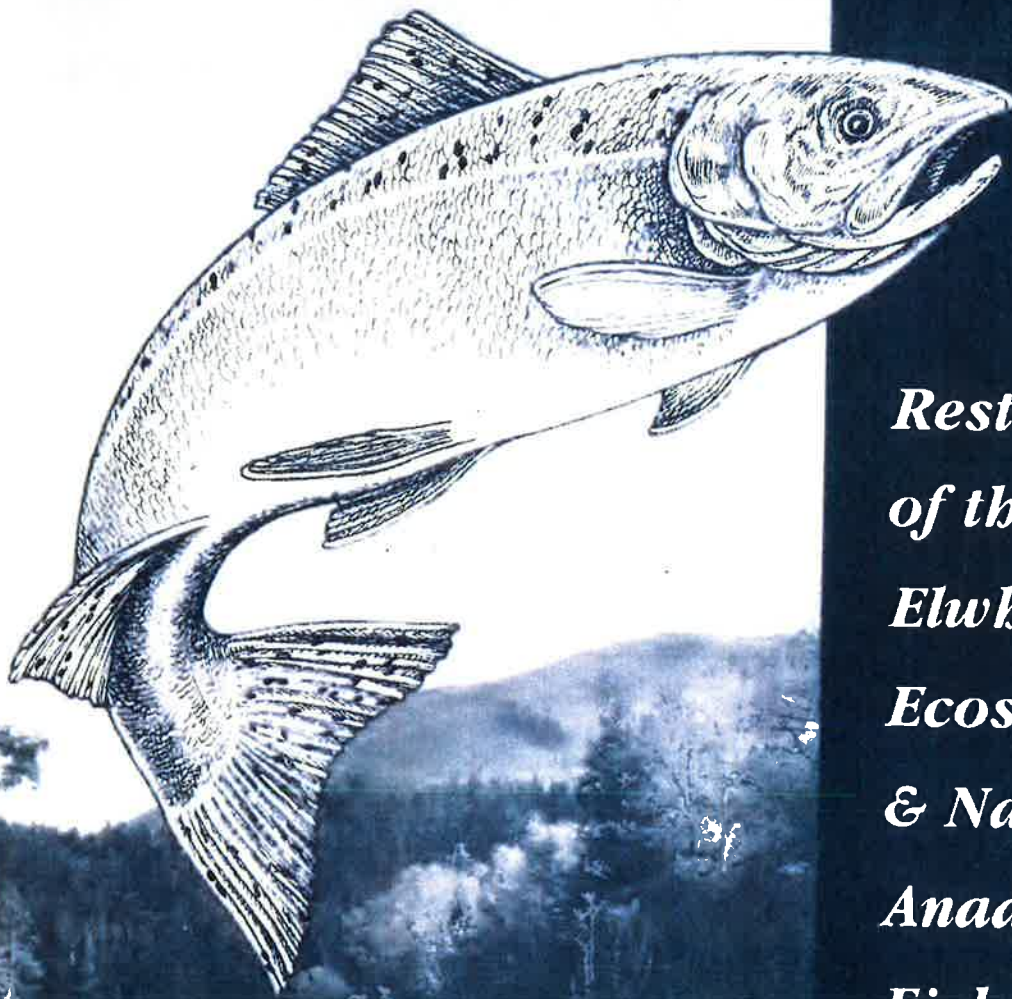


WED REDDUCCE ROOM

CLYM

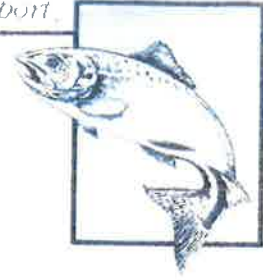
The Elwha Report

January 1994



*Restoration
of the
Elwha River
Ecosystem
& Native
Anadromous
Fisheries*

*A Report Submitted
Pursuant To
Public Law 102-495*



would also be conducted. Documentation of recovery and cooperation with research projects would continue throughout the restoration program.

a. Costs - Long-term actions. Totals of \$265,000 and \$108,000 would be needed for this phase for Lake Mills and Lake Aldwell, respectively. Additional details on these costs can be found in Appendix H.

b. Total costs. Total habitat restoration costs for the Lake Mills and Lake Aldwell areas are \$3.6 million and \$2.3 million, respectively.

I. Disposition of Project Lands

Pursuant to P.L. 102-495, the Secretary of the Interior was directed to identify:

Specific proposals for management of all lands or interests therein acquired pursuant to this Act which are located outside the exterior boundaries of the Olympic National Park. The Secretary shall specifically address the suitability of such lands, or portions thereof, for addition to the National Wildlife Refuge System; National Park System; transfer to the Lower Elwha Klallam Tribe in trust for tribal housing, cultural, or economic development purposes in accordance with a plan developed by the Lower Elwha Klallam Tribe in consultation with the Secretary; and development and use by the State.

The Act further directs that all lands and interests within the exterior boundaries of Olympic National Park (approximately 160 acres) shall be managed pursuant to authorities otherwise available to the Park.

The following options for the disposition of the Elwha Project lands have been considered.

1. Addition to the National Wildlife Refuge System. The U.S. Fish and Wildlife Service (USFWS) has conducted a feasibility study on the suitability of the Elwha Project lands for the establishment of a National Fish and Wildlife Refuge. The conclusion of the USFWS feasibility study was that the Elwha Project lands do not encompass enough of the Elwha River corridor to support a refuge on Project lands. However, the USFWS is interested in pursuing a cooperative management arrangement whereby the USFWS would assist other entities (e.g., Federal and State agencies, the Lower Elwha S'Klallam Tribe, local governments, and other organizations) in fisheries and habitat management on Project lands.

2. Addition to the National Park System. Public Law 101-628 requires the National Park Service to apply certain specific criteria to proposed or potential boundary adjustments. For the Elwha Project lands to be added to Olympic National Park, the following conditions would need to be applied to determine appropriateness:

a. The lands provide significant resources or opportunities for public enjoyment related to the purposes of the park.





- b. The lands address operational and management issues such as access and boundary identification by topographic or other natural features or roads.
- c. The lands would protect park resources critical to fulfilling the park's purposes.
- d. The added lands would be feasible to administer considering size, configuration, ownerships, costs, and other factors.
- e. Other alternatives for management and resource protection are not adequate.

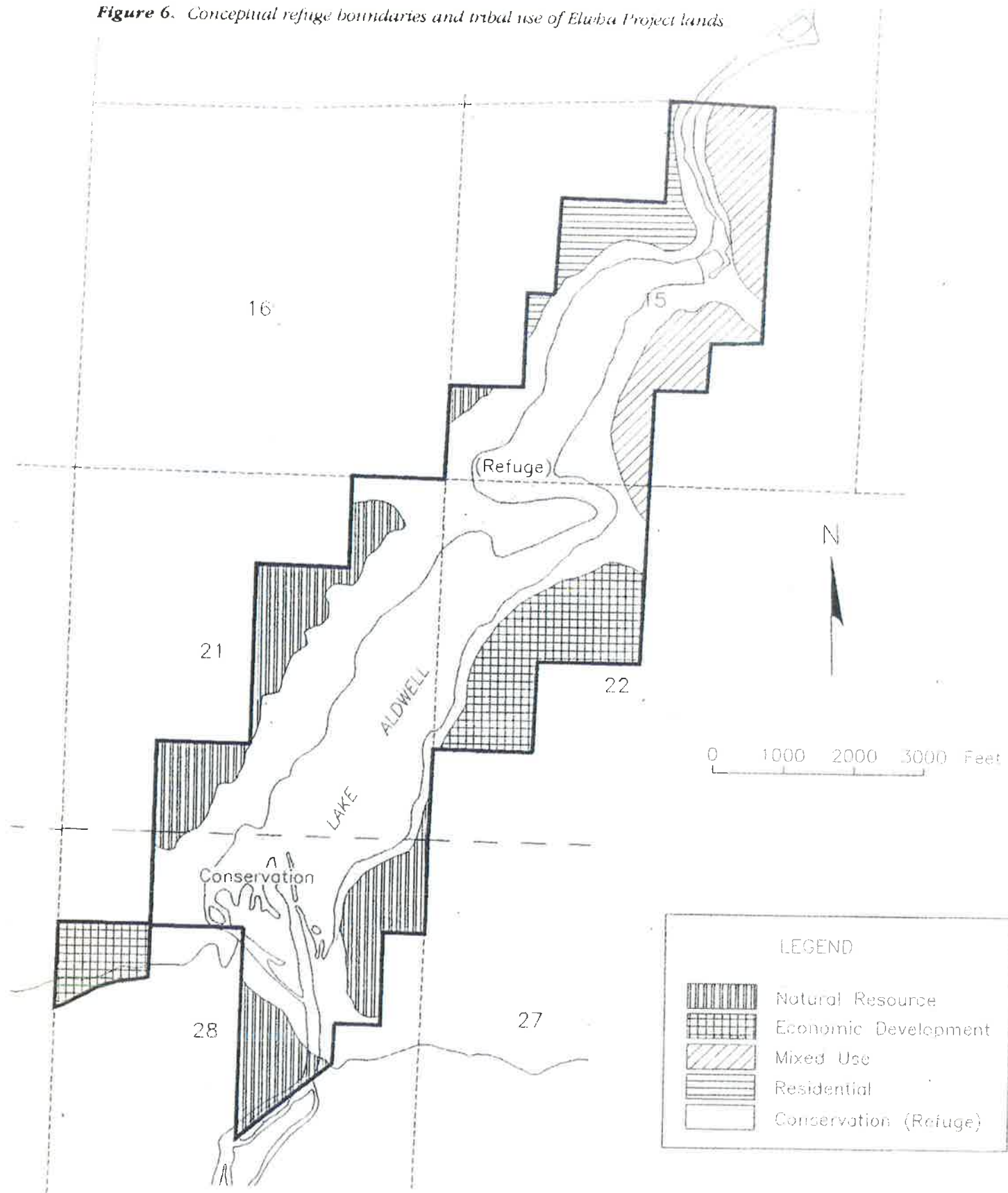
Based on the above criteria, it appears that the Elwha Project lands would be suitable for addition to Olympic National Park, provided full timber rights are also acquired. Such a boundary adjustment would require an act of Congress.

3. Transfer to the Lower Elwha S'Klallam Tribe. The Lower Elwha S'Klallam Tribe is interested in trust ownership of land that will sustain limited development for badly needed housing and economic development. Residential and economic development of project lands outside of the central river corridor (and outside of the external boundaries of Olympic National Park) could help meet long-term Tribal objectives without adversely impacting restoration of the ecosystem and the fisheries. The Tribe has proposed general land use designations for the Lake Aldwell project lands, based on environmental constraints, natural, environmental and cultural resources, environmental carrying capacity and tribal development objectives (Figure 6). Development activities on these lands would be guided by a tribal land use plan currently in progress. Land use planning efforts would focus on methods to determine and manage an appropriate quantity and density of development, while protecting the river ecosystem and maintaining the scenic attraction of the area.

Protection of the river and restoration of the fishery is of the utmost importance to the Elwha Tribe. The Tribe fully supports management of the central river corridor to protect the fish and wildlife resources of the Elwha River. These lands also contain traditional and cultural properties of great significance to the Elwha Tribe. The Tribe is interested in management of these lands for cultural purposes, including hunting, fishing, spiritual practices and sustainable gathering of resources. Creation of a conservation or refuge area would preserve the area and help to fulfill river restoration objectives. At this time, the Tribe does not have sufficient financial or technical resources to assume full responsibility for restoration and management of conservation lands. However, the Tribe is willing to explore the possibility of a cooperative venture to restore and manage the river corridor, and could eventually assume management responsibility for the project lands outside the park. Additional information on the Tribe's proposal is provided in Appendix I.

4. Development and Use by the State. The Washington State Department of Natural Resources (WDNR) has stated that WDNR is "disinterested in acquiring or managing the upland that would be exposed when the existing reservoirs are drained." No other State agency has formally commented, although

Figure 6. Conceptual refuge boundaries and tribal use of Elieba Project lands





informal discussions indicate that the State is not interested in managing or using the Elwha Project lands.

The above analyses focused on the suitability of managing the Elwha Project lands, consistent with the provision that the "Federal investment in restoration" be protected, by a single entity. Cooperative management approaches with multiple entities (i.e., National Park Service, Fish and Wildlife Service, Tribe, and/or State) may be more practical. Further analysis and discussion would be necessary during the EIS/advanced planning stage to identify the preferred option.

5. Management of Glines Canyon Project Lands. In contrast to the Elwha Project, the Glines Canyon Project lies within Olympic National Park. Public Law 102-495 specifies that.

Upon acquisition, all lands and interests therein within the exterior boundaries of the Park shall be managed pursuant to authorities otherwise applicable to the Park.

A number of options for the management of lands associated with the Glines Canyon Project, consistent with National Park Service authorities, are available and can be found in Appendix I. Generally, these lands would be managed for natural processes while accommodating recreational interests. Ultimately, restored areas could receive Wilderness designation by Congress.

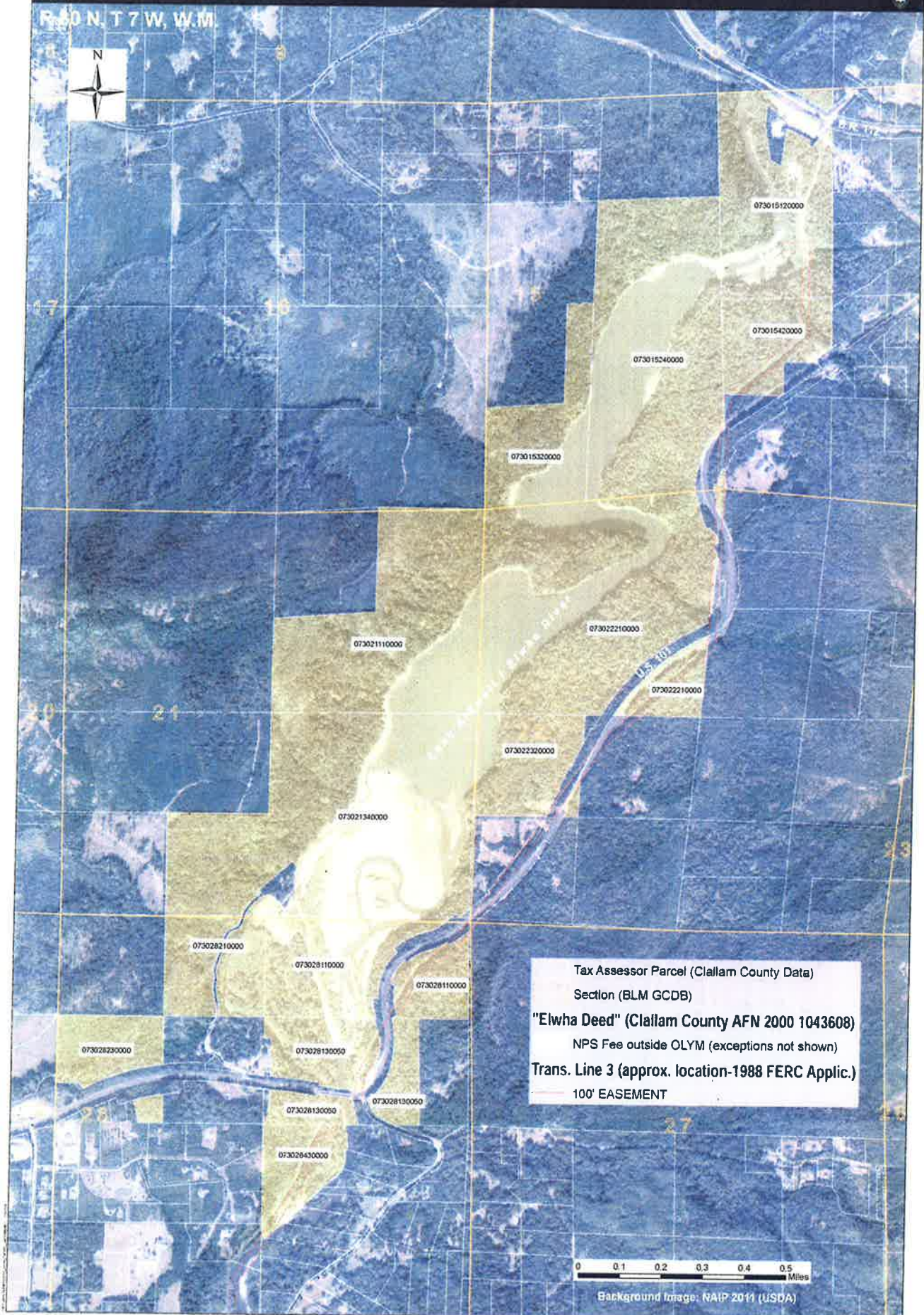
J. Interpretation of Dam Removal

1. Need for Interpretation. Removal of the Elwha and Glines Canyon dams would be of national interest resulting in wide publicity. For years to come, curiosity could increase visitation to the park by people who want to get a firsthand view and the inside story of this historic event.

2. Interpretive Themes. Interpretation of the removal of the dams would be complex, incorporating viewpoints of several agencies, governments, and public interest groups at several sites. Consequently, the interpretive program should consist of diverse biological, cultural, governmental, and technical information. Issues to address could include (1) a description of the physical and operational characteristics of the dams, (2) a description of the processes associated with the removal of the dams, (3) an objective and nonjudgmental discussion of society's changing values as scientific knowledge has increased and resources have become more scarce, (4) the cultural impacts, especially the Tribe's traditional dependence upon the Elwha River for subsistence, the S'Klallam Creation site under Lake Aldwell, the history of S'Klallam Village at the confluence of Indian Creek and the Elwha River, (5) the hydrological and geological dynamics and changing landscape associated with the construction and removal of the dams, (6) the interdependent biological responses of fish, wildlife, and plants to the foregoing, (7) the obligations and objectives of the agencies managing these resources, and (8) the extensive interagency cooperation and coordination required for this effort.



R. 30 N. T. 7 W. W.M.



Tax Assessor Parcel (Clallam County Data)
Section (BLM GCDB)
"Elwha Deed" (Clallam County AFN 2000 1043608)
NPS Fee outside OLYM (exceptions not shown)
Trans. Line 3 (approx. location-1988 FERC Applic.)
100' EASEMENT



Background Image: NAIP 2011 (USDA)

Page 345, paragraph 5, after sentence 1 – add the following:

...limitations on access to the watershed during construction. Access to Altaire campground, where a whitewater guide service currently launches, would be closed to unrestricted public access during dam removal.

Pg. 87 = pg. 81&82

Page 345, paragraph 6, sentence 2 – change to read:

River features that would be created by dam removal are uncertain, and recreational access, including take out sites for whitewater rafting, would be planned when they are better known.

Land Use

Impacts of the Proposed Action – River Erosion Alternative

Page 350, paragraph 5, sentence 3 – change to read:

At Lake Aldwell, 268 acres of lakebed and 750 acres ~~(1018 acres project lands minus 268)~~ of additional lands would be converted to one of several different possible uses.

Page 351, paragraph 4, sentence 5 – change to read:

Natural resource management activities may include riparian protection, viewshed protection, creation of primitive recreational opportunities, selective small-scale harvest of timber on long rotations, vegetative management for cultural resources, and wildlife habitat management.

Page 352, after paragraph 1 – add the following:

...may have additional indirect impacts on the resources described above.

The Elwha Restoration Act also authorizes leases of federal land to the tribe and the city of Port Angeles on Ediz Hook, and the acquisition of unspecified lands in Clallam County for the tribe. The act specifies the land for the tribe on Ediz Hook is to be used for a tribal cultural facility.

Generally, impacts of leasing land to the tribe include the following: it would prevent its use for other purposes and involve impacts associated with development. These may include grading, removing vegetation, noise and its impacts to wildlife or human populations, construction traffic, dust, etc. Use of a cultural facility on Ediz Hook would require utilities and may generate some small amount of traffic. Transfer of fee land to the United States in trust for the tribe may result in a reduction in the county's property tax base.

At this time, there is no specific proposal for lease or use of the federal land, or for acquisition or use of other lands in Clallam County. Because the specifics are not known, a detailed environmental assessment of the proposal or alternatives to it is impossible.

Page 353, paragraph 6, sentence 3 – change to read:

If the slurry pipeline is placed in the riverbed, river recreation users would be adversely affected during the ~~18 month~~ to two-year dam removal period.

Aesthetics

I have to
leave for an
appointment
and can't be here
to assist in answering
any questions if
the meeting does
discuss HR #286.
Please refer them
to contact me if so.

Ed Brown