1b

MAR 25 2025

BOARD of CLALLAM COUNTY COMMISSIONERS
MINUTES for the week of March 17-21, 2025

WORK SESSION – 9 a.m.
The work session convened at 9 a.m., Monday, March 17, 2025. Present were Commissioners French, Ozias, and Johnson and Administrator Mielke.

Items of discussion per the agenda published March 13 were:
- Calendar/Correspondence
- Resolution to reauthorize any prior existing account and establish an imprest bank account for the Department of Community Development
- Letter of support to Senator Patty Murray for the YMCA of the Olympic Peninsula
- Agreement amendment 2 with Washington State Administrative Office of the Courts for Family and Juvenile Court Improvement Plan FJCIP
- Briefing and call for hearing to be held on Tuesday, April 8, 2025 at 10:30 a.m. regarding an a proposed ordinance amending Chapter 26.10 Consolidated Development Permit Process, Section 26.10.540, Time limit for final decision expectations
- Request to review job descriptions for Recompete Communications and Media Coordinator and Recompete Analyst

Meeting concluded at 10:xx a.m.

REGULAR MEETING OF THE BOARD OF CLALLAM COUNTY COMMISSIONERS
Chair French called the meeting to order at 10 a.m., Tuesday, March 18, 2025. Also present were Commissioners Ozias and Johnson and Administrator Mielke.

REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA
ACTION TAKEN: CRJm to adopt the agenda as presented, CMOs, mc

PUBLIC COMMENT FOR AGENDA ITEMS
- Ed Bowen, Clallam Bay, commented on virtual participation, item 1e, Coffee with Collen
- John Worthington, Sequim, commented on item 1a
- Jeff Tozzer, Sequim, commented on item 1i
- Stephanie Day, Sequim, commented on revenue
- Pappi Whipple, Sequim, commented on virtual participation, John Worthington confrontation
- C.G.H, commented on permit costs, virtual participation
- Eric Fehrmann, Sequim, commented on funding, public meeting, revenue, tax rolls
- Paula Graham, Sequim, commented on taxes, value, spider story, citizens

CONSENT AGENDA
1a Approval of vouchers for the week of March 10

The Following warrants and electronic payments are approved for payment:

Accounts Payable:	Total
Warrant numbers: 9936380-9936430: 9936456-9936606	**$539,025.32**
Electronic payments dates: n/a	$0.00
Total Accounts Payable:	**$539,025.32**

1b Approval of payroll for a period ending February 28
The following voucher/warrants/electronic payments are approved for payment:

Payroll	**Total**
Warrant Numbers	
175088 – 175583, 9936344 – 9936371	$1,733,857.51
Electronic Payment Date	
3/10/2025 – 3/12/2025	$1,053,162.13
Total Payroll:	$2,787,019.64

1c Approval of minutes for the week of March 10
1d Resolution appointing Kelly Burger to the Marine Resources Committee
1e Resolution appointing Warren Billups to the Planning Commission
1f Resolution appointing Elizabeth Betty Marcoux to the North Olympic Library System Board of Trustees
1g Call for hearing to be held on Tuesday, April 1, 2025 regarding amending Policy 504 Recognitions, Refreshments and Miscellaneous Reimbursements
1h Resolution authorizing expenditures from the Clallam County Heritage Advisory Board Grant Fund
1i Letter of support to Senator Patty Murray for the YMCA of the Olympic Peninsula
ACTION TAKEN: CRJm to adopt the consent agenda, CMOs, mc

REPORTS AND PRESENTATIONS

- CMO commented on department staff meetings, Dungeness River Management Team meeting, KONP Radio Show, KSQM Radio Show, Economic Development Council Gala, Sequim Gazette County article, Hoh River Road
- CRJ commented on My HealtheVet, Revenue Advisory Committee, Economic Development Council Gala,
- CMF commented on Quillayute Valley Scholarship Auction, Clallam Bay / Sekiu Community Advisory Committee Meeting, Governor's press conference regarding Hoh Road, Economic Development Council Gala

CONTRACTS AND AGREEMENTS

2a Agreement amendment 1 with Department of Ecology for Chain Gang activities
ACTION TAKEN: CRJm to approve, CMOs, mc

2b Agreement with U.S. Marshals Service for compensation and housing of federal prisoners
ACTION TAKEN: CRJm to approve, CMOs, mc

2c Agreement with Washington State Patrol for shared services
ACTION TAKEN: CRJm to approve, CMOs, mc

2d Agreement amendment B with Department of Commerce for the broadband project
ACTION TAKEN: CRJm to approve, CMOs, mc

ADMINISTRATION

3a Purchase order with CDWG for 3-year renewal of VEEAM data center back-up application subscription
ACTION TAKEN: CRJm to approve, CMOs, mc

PUBLIC COMMENT

- Laurel Harvest, Port Angeles, commented on elected officials, democracy, thanks the Commissioners for their service
- Ed Bowen, Clallam Bay, commented on Coffee with Colleen, Clallam Bay / Sekiu

- Karin Cummins, Sequim, commented on Economic Development Council, food pyramid, decision makers, noise ordinance
- Stuart Kiehl, Port Angeles, commented on Putin, government
- Paula Graham, Sequim, commented on Colleen McAleer, better paying jobs, taxes, property, Tribes
- C.G.H, commented on public comment, public participation, Open Publics Meeting Act
- Eric Fehrmann, Sequim, commented on public comment, participation, tax rolls, land, citizens
- Jeff Tozzer, Sequim, commented on Donella Clark, conflict with Lisa Boulware and John Worthington, County Officials, demands an apology to John Worthington
- John Worthington, Sequim, commented on public comments from citizens, screen sharing, traffic, forest management, Dungeness farms, environmentalist
- Denise Lapio, Sequim, commented on taxpayer burden, monthly expenses, credit card debt
- Pappi Whipple, Sequim, commented on virtual participation, conflict after meeting, businesses closing

Meeting concluded at 11:15 a.m. and continued to 9 a.m., Monday, March 24, 2025

The Board of Commissioners attended a WSAC virtual update, Department of Natural Resources Meeting, Revenue Advisory Committee Meeting, Board of Health Meeting, Coffee with Colleen, Clallam Transit Meeting, and YMCA Dinner during the week of March 17, 2025.

PASSED AND ADOPTED this 25th day of March 2025

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mike French, Chair

Randall S Johnson

Randy Johnson

Mark Ozias

ATTEST:

Loni Gores, MMC, Clerk of the Board

KEY TO ABBREVIATIONS:

ATM	Administrator Todd Mielke	m	moved
CMO	Commissioner Mark Ozias	mc	motion carried
CRJ	Commissioner Randy Johnson	s	seconded
CMF	Commissioner Mike French		

CLERK OF THE BOARD ★ CLALLAM COUNTY COMMISSIONERS ★ PORT ANGELES, WA

Public comment
Jeff Tozzer
3/19/25

First, I want to thank Donella Clark, the Hearing Examiner, for stating her name and county title during yesterday's meeting. This small act clarified who is—and isn't—a county employee, which was especially important after last week's confusion when Commissioner Ozias' wife was mistaken for one and got into an altercation following public comment.

That incident exposed something deeper—a culture of hostility, favoritism, and contempt for public accountability. What happened in that hallway should concern every resident of Clallam County.

During Tuesday's meeting, Lisa Boulware scolded attendees for clapping after a speaker criticized the commissioners. When John Worthington finished his public comment and left, she followed, leading to a heated confrontation in the hallway.

Boulware claims she was addressing inappropriate behavior. Worthington described it as an "attack" and followed her into the commissioners' office, assuming she was a county employee—only to learn she was Commissioner Ozias' wife. Eyewitnesses confirmed Boulware was aggressive before retreating into her husband's office. Yet, no commissioner addressed this blatant violation of public decorum.

That is the problem.

This isn't just about one altercation—it's about a double standard in how this county treats the public. When Boulware stood at this podium last year, she berated the audience, cursed into the microphone, and accused critics of spreading conspiracy theories. Not one commissioner stopped her.

Why? Because the rules don't apply to those who support those in power.

Commissioners, you swore to serve this county "faithfully and impartially." Yet critics are held to one standard, while allies of those in power are free to harass and intimidate without consequence. This needs to change.

No county official's spouse should be confronting residents. No public commenter should have to wonder if the person confronting them is a government employee or just someone with privileged access. And no resident should fear being dismissed simply because they challenge those in power.

Leadership is tested when accountability is required. You have the chance to show that the rules apply to everyone—not just critics. I urge you to take that responsibility seriously.

Jeff Tozzer, Sequim

Public Comment
Jeff Tozzer
3/18/25

Today, the commissioners are fast-tracking a letter of support for the YMCA. Yesterday, I asked the commissioners to write a letter of support for *residents*. They've written letters of support for the Tribe's roundabout on Highway 101, for Field Hall and Arts request, and for the Sequim School District—sometimes even spreading inaccurate information and refusing to answer questions about these causes they support. They write letters for special interests and government entities all the time, yet they have never once written to the Bureau of Indian Affairs to challenge these property conversions.

Meanwhile, our economy is struggling. Instead of traveling to Olympia and D.C. or serving on nonprofit boards, our commissioners need to focus on the job they were elected to do—protecting the interests of Clallam County residents.

The Bureau of Indian Affairs recently approved the transfer of six more parcels of land into trust status for the Jamestown Tribe. This decision removes over $21,000 in annual property tax revenue from the county, reducing funding for schools, libraries, emergency services, roads, and other critical services. The loss of revenue forces local taxpayers to shoulder even more of the burden, worsening our already serious affordability crisis.

The BIA allows appeals from entities affected by these decisions, and no entity is more affected than Clallam County itself. The commissioners have an opportunity to take a stand and advocate for the residents who rely on these services. A simple letter opposing this conversion would demonstrate leadership and a commitment to the long-term financial stability of the county.

For too long, we've seen local officials support special interests while ignoring issues that directly impact taxpayers. This is a chance to change that. It's time for our commissioners to step up, take action, and ensure that the needs of Clallam County residents come first.

Jeff Tozzer, Sequim

BOCC Mail Correspondences Received from other Jurisdictions

Gores, Loni

From: Kaylee Charles <executive.assistant@quileutetribe.com>
Sent: Thursday, March 13, 2025 2:24 PM
To: Gores, Loni
Subject: Invitation for government-to-government meeting
Attachments: Letter to Clallam County Board of Commissioners.pdf

You don't often get email from executive.assistant@quileutetribe.com. Learn why this is important

Good Afternoon, Loni,

On behalf of the Quileute Tribal Council, I am reaching out to extend an invitation for a government-to-government meeting with the Commissioners of Clallam County. Please find the invitation attached for your reference.

We would appreciate it if you could let us know which day works best for the Commissioners to attend this meeting. While we would prefer to host the meeting, we understand that scheduling can be difficult, so if it is more convenient, we are also happy to travel to a location of the Commissioners' choosing.

Please feel free to contact me if you need any further details or have any questions regarding the meeting. We look forward to your response and hope to finalize the details soon.

Thank you for your time and consideration.

Kaylee Charles
Executive Assistant
Quileute Tribe
Office: (306) 374-7412
Cell: (360) 640-3374
Executive.assistant@quileutetribe.com

QUILEUTE TRIBAL COUNCIL
POST OFFICE BOX 279
LA PUSH, WASHINGTON 98350-0279
TELEPHONE (360) 374-6163
FAX (360) 374-6311

QUILEUTE

March 12, 2025

Mark Ozias
Randy Johnson
Mike French
Clallam County Board of Commissioners
223 East 4th Street, Suite 4
Port Angeles, WA 98362

Dear Commissioners Ozias, Johnson, and French,

On behalf of the Quileute Tribe, I am writing to formally extend an invitation for a government-to-government meeting with the Commissioners of Clallam County.

We believe this would be a valuable opportunity to discuss matters of mutual interest, share concerns, and explore opportunities for cooperation that would benefit both the Tribe and the broader Clallam County community.

Please let us know your availability in the coming weeks so we can coordinate the details. We are happy to host the meeting here at the Quileute Tribe offices or meet at a location of your preference.

Should you have any questions or need additional information, please do not hesitate to contact me directly. We look forward to meeting with you.

Sincerely,

Douglas Woodruff Jr
Chairman Quileute Tribe

Michael Trebert Chapter
Daughters of the American Revolution

NEWS

Michael Trebert Chapter
Port Angeles, Sequim, & Forks, WA
Media Contact: Nancy Zimmermann, MTC Chair of National Vietnam War Veterans Day & Post 62 Commander, Veteran U.S. Army
Phone: (253) 988-3466; email: NMTZIM@gmail.com

FOR IMMEDIATE RELEASE

March 17, 2024

Vietnam Veteran *Lapel Pins* will be distributed on National Vietnam War Veterans Day in Sequim

Sequim, WA: Michael Trebert Chapter of the Daughters of the American Revolution, along with Jack Grennan American Legion Post 62, will pay tribute to Vietnam War Veterans on Saturday, **March 29, 2025, at 2:00 PM.** The event will take place at 107 East Prairie Street, in Sequim, the Jack Grennan American Legion. This occasion aims to honor the service, courage, and sacrifices of Vietnam veterans and their families. The guest speaker, Daniel Abbott, Gunnery Sergeant E-7 of the United States Marine Corps from Post 62 in Sequim, will convey gratitude to those who have faced the challenges of war and will express appreciation for the veterans and their families during this brief ceremony.

Vietnam Veterans will be honored with the presentation of Vietnam Veteran **Lapel Pins** for those who have yet to receive this recognition. All Vietnam Veterans will be greeted with a heartfelt "Welcome Home" and the sincere gratitude of a thankful Nation.

Michael Trebert DAR has proudly partnered with the Department of Defense (DoD) Commemorative Partner program since 2020, distributing over 350 pins to Vietnam Veterans across the county at 11 different locations over the past five years. This initiative aims to help a grateful nation express its appreciation and honor Vietnam veterans and their families. Since 2012, a remarkable 4.1 million veterans have been acknowledged at more than 28,000 events nationwide.

Nancy Zimmermann, Commander of Post 62 and a Veteran US Army Sergeant, emphasizes, "our dedicated Welcome Home efforts will soon be embraced by all Americans, encouraging everyone to thank a Vietnam veteran!"

The community is warmly invited to participate in honoring all Vietnam Veterans on National Vietnam War Veterans Day, March 29, recognizing their service and sacrifices for the United States. We hope you will join us for refreshments following a brief ceremony. This event is hosted by The American Legion Post 62 and the Michael Trebert Chapter of NSDAR.

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Northwest Regional Office
911 Northeast 11th Avenue
Portland, Oregon 97232

RECEIVED
CLALLAM CO. COMMISSIONERS
MAR 14 2025
1...2...3...A...

IN REPLY REFER TO:
Division of Realty

March 6, 2025

Certified Mail--Return Receipt Required: 7020 0640 0001 2154 8899

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

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 Golf Course III Property ("Property" or "Land') consisting of 0.32 acre, more or less, located in Clallam County, Washington. The proposed acquisition for the property: land consolidation, tribal self-determination, 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 Golf Course III Property into trust.

By Tribal Resolution #11-2024 dated February 27, 2024, the Tribe requested that the United States acquire an 0.32 acre-tract in trust for the use and benefit of the Tribe. The Tribe owns the property in fee status.

The Tribe acquired the property from Craig Turrentine and Debi Turrentine, husband and wife, by Statutory Warranty Deed dated September 19, 2022, and recorded the purchase on October 3, 2022, in Clallam County, Washington under document number 2022-1443314.

Land Location and Legal Description

The Property is contiguous to the Jamestown Reservation (129 T1015)[1]. The property is described as follows:

LOT 8, DUNGENESS ESTATES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 7 OF PLATS, PAGE(S) 32 AND 33, RECORDS OF CLALLAM COUNTY, WASHINGTON.

[1] On July 21, 2017, Acting Assistant Secretary-Indian Affairs signed a Proclamation, which proclaimed 129 T1015, to be made part of the Jamestown S'Klallam Tribe's Reservation.

SITUATE IN CLALLAM COUNTY, STATE OF WASHINGTON.

Parcel Number: 043003540140.

A Land Description Examination and Validation (LDEV) request was prepared and submitted to the GIS Strike Team on July 19, 2024, and certified by the GIS Strike Team POC Marlon Dick on August 8, 2024, and approved by Trisha Johnson, BIA OTS Liaison on August 12, 2024. The LDEV received a *concur, low risk* and stated:

> The Land description is that of a Lot 8, Dungeness Estates, according to the plat thereof recorded in Volume 7 of plats, Page(s) 32 and 33. Records of Clallam County Washington. The land description being in the Northwest Quarter of the Southwest Quarter of Section 03, Township 30 North, Range 04 West, Willamette Meridian, Clallam County, Washington. According to the survey as provided. By nature of the description, the description closes within an acceptable amount and conforms to the PLSS. The Land description is deemed acceptable for the stated purpose.
>
> The GIS acreage was calculated to be within the 5% of the .320 TAAMS acres. It is deemed acceptable of stated purpose.
>
> Based on the most recent available satellite imagery there does not appear to be any unauthorized encroachment or encumbrances.

REGULATORY REQUIREMENTS, 25 CFR Part 151 (2024)

This decision of the BIA Northwest Regional Director is discretionary. This Application was submitted after Bureau of Indian Affairs issued the revised 25 CFR Part 151 regulations for fee-to-trust acquisitions, effective on January 11, 2024 ("2024 Regulations"). Therefore, this decision is issued pursuant to the revised 25 CFR Part 151 regulations.

§ 151.3 – Land Acquisition Policy

Section 151.3 of Title 25 of the *Code of Federal Regulations* set forth the Department's land acquisition policy. I find that the acquisition is consistent with the policy because of the following:

1. The land is located contiguous to the Jamestown Reservation.

2. The Tribe already owns the land as evidenced by the Statutory Warrant Deed and the title evidence. The Office of the Solicitor, Pacific Northwest Region, reviewed the title evidence and provided Preliminary Title Opinion BIA-00089070 dated October 4, 2024, and found title to be vested in the Tribe; and

3. The acquisition will further Tribal interests by facilitating Tribal self-determination and consolidates land ownership (i.e., the property is contiguous to the Jamestown Reservation).

25 CFR § 151.3(b) (1)-(3).

§ 151.10(a)(1) – 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(a)(3) – Purposes for which the land will be used

The current/proposed purposes for the land will be used for the following: consolidate land ownership, tribal self-determination, and undeveloped land.

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

§ 151.10(a)(4) – BIA's ability 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 0.32 acre 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(b) – Great Weight

The Secretary shall give great weight to acquiring land that serves certain tribal interests. This acquisition furthers tribal interests by facilitating Tribal self-determination and consolidating land ownership—contiguous to the Tribe's reservation. I find that this interest weighs in favor of the acquisition of the Property in trust for the Tribe.

25 CFR § 151.10(b) (4) and (8)

§ 151.10(c) – Tribal Interests

I find that the acquisition will further Tribal interests by facilitating tribal self-determination and to consolidate land ownership. Any adverse impacts to local governments' regulatory jurisdiction, real property taxes, and special assessments will be minimal; therefore, the application should be approved.

§ 151.10(d) – Impacts to regulatory jurisdiction, real property taxes and special assessments

A Notice of Application was sent to the State of Washington, Governor's Office ("State"), Clallam County ("County"), and the City of Sequim ("City") on October 1, 2024. The notices provided 30 days for written response. The State received its Notice of Application on October 7, 2024, and the County and City received their Notice of Application on October 3, 2024.

The State, County and City did not respond to the Notice of Application.

There were no written comments to rebut the presumption of minimal adverse impacts to regulatory jurisdiction, real property taxes and special assessments. Therefore, I find that the Tribal community will benefit from the acquisition.

§ 151.14 – Title Review

A Request for Preliminary Title Opinion was submitted to the Office of the Solicitor, Pacific Northwest Region and a Preliminary Title Opinion BIA-00089070 was issued on October 4, 2024, items 1–3 and 11–13 of the Special Exceptions in Schedule B, Part II of the preliminary title evidence must be satisfactorily eliminated or addressed prior to final trust acquisition.

Items 1-3 excepts from coverage taxes and any unpaid assessments imposed by the Notice of Water Assessment, recorded under Clallam County Recording No. 539838.

Item 11 requires that the acquisition of this Property by the United States in trust for the Jamestown S'Klallam Tribe be approved by the Bureau of Indian Affairs on behalf of the Secretary pursuant to 25 USCS 483 (transferred to 25 U.S.C. 5134) or 25 USCS 483A (transferred to 25 U.S.C. 5135).

Item 12 requires evidence that BIA approved the Tribe's limited waiver of Sovereign Immunity, copies of the Tribal Constitution and Bylaws, and evidence of the authority of the BIA representative to execute any approvals or consents.

Item 13 requires the Tribe provide any updates to Resolution #53-18 since January 3, 2019, proof of authority by the Tribe to enter the proposed transaction , along with copies of the Tribal constitution and bylaws.

By Tribal Resolution #61-2024, dated December 3, 2024, the Tribe addressed item 3 of the title evidence. The Tribe has committed to paying all taxes and assessments through the date of closing and assures that they will remove items 11 and 12 prior to obtaining a Final Title Policy.

§ 151.15 – Review of Environmental Conditions

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 59 IAM 5 dated January 10, 2025, Land Acquisitions: Hazardous Substances Determinations. An Exception Checklist for BIA Categorical Exclusions dated December 27, 2024, indicates that an Environmental Assessment is not required because the tribe 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 Tribe 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) was completed by Kristen Burgess, EP, LG, of ESA Associates, Inc. (ESAAI) on January 12, 2024. The consultant found no known or suspected Recognized Environmental Conditions (RECs), historical RECs, controlled RECs, Business Environmental Risks (BERs), or other evidence of environmental liability at this Property.

Phase I ESA Validity:

BIA updated components of the ESA by reviewing an environmental questionnaire completed by Leo Gaten, Property Owner Representative/Governmental Policy Advisor, and conducting an online EPA - WA Ecology - Clallam Co. Assessor's Office database review.

No new RECs and/or other issues of environmental concern were identified at the property that would appear to alter the conclusions of the 2024 Phase I ESA report.

The Phase I Environmental Site Assessment was reviewed by the Northwest Regional Environmental Scientist on October 21, 2024, and he stated that: "The original Phase I ESA, online research, and supporting documents fulfill the requirements of NEPA, 40 CFR § 312, ASTM E 1527-13/21 Standard Practice, and 25 CFR Part 151, and the property is suitable for acquisition under the U.S. Department of the Interior Manual 602 DM 2.13 Acquisition, A & B."

NOTE:

25 CFR Part 151 Final Rule, effective 1/11/2024, allows a maximum of one (1) Phase I ESA and one (1) Updated ESA for fee-to-trust acquisition applications. Based on this, no further fee-to-trust-related environmental review is required for this parcel.

Decision

The proposed uses and purposes of the property are 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 Golf Course III 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[2].§ 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.

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 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.

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[2] The regulations governing appeals to the Board from decisions of BIA officials are contained in 43 CFR §§ 4.310, 4.332-4.3

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

Digitally signed by DANIEL GALVAN
Date: 2025.03.06 16:12:47 -08'00'

Daniel Galvan
Acting Northwest Regional Director

cc: Leo P. Gaten, Governmental Policy Advisor, Jamestown S'Klallam Tribe

Distribution List for the Notice of Decision

CLALLAM COUNTY COMMISSIONERS
223 EAST 4TH STREET, SUITE 4
PORT ANGELES, WA 98362
Certified Mail ID: 7020 0640 0001 2154 8905

STATE OF WASHINGTON
GOVERNOR'S OFFICE OF INDIAN AFFAIRS
1110 CAPITAL WAY SOUTH, SUITE 225
OLYMPIA, WA 98501
Certified Mail ID: 7020 0640 0001 2154 8912

CITY OF SEQUIM
152 W. CEDAR STREET
SEQUIM, WA 98382
Certified Mail ID: 7020 0640 0002 1037 8437

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

March 11, 2025

Certified Mail-Return Receipt Required: 7020 0640 0002 1037 8536

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

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 Blyn Basin V Property ("Property" or "Land') consisting of 27.58 acres, more or less, located in Clallam County, Washington. The proposed acquisition for the property: residential and land consolidation purposes. 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 Blyn Basin V Property into trust.

By Tribal Resolution #10-2024 dated February 27, 2024, the Tribe requested that the United States acquire 27.58 acres in trust for the use and benefit of the Tribe. The Tribe owns the property in fee status.

The Tribe acquired the property as follows:

- From Martin J. Galvin and Sharon L. Galvin, husband and wife, by Statutory Warranty Deed dated February 22, 2016, and recorded the purchase on March 1, 2016, in Clallam County, Washington, under document number 2016-1331796;

- From William R. Allen and Merine M. Allen, husband and wife, by Statutory Warranty Deed dated July 10, 2017, and recorded the purchase on July 14, 2017, in Clallam County, Washington, under document number 2017-1352176; a

- From Stephen J. Cavender and Deborah S. Eagle Cavender, who acquired title as Deborah S. Eagle, a married couple by Statutory Warranty Deed dated August 9, 2018, and recorded the purchase on August 30, 2018, in Clallam County, Washington, under document number 2018-1369458; and

- From Robert J. Riley, as his separate estate by Statutory Warranty Deed dated July 27, 2010, and recorded the purchase on August 2, 2010, in Clallam County, Washington, under document number 2010-1254739.

Land Location and Legal Description

The Property is contiguous to existing Tribal Trust properties and the Jamestown Indian Reservation. The property is described as follows:

PARCEL 1: 02-29-07-228020/12850

PARCEL 2 OF STROM LARGE LOT SUBDIVISION, AS RECORDED IN VOLUME 1 OF LARGE LOT SUBDIVISIONS, PAGE 97, UNDER CLALLAM COUNTY AUDITOR'S FILE NO. 2003-1107903, BEING A PORTION OF GOVERNMENT LOT 1 IN SECTION 7 TOWNSHIP 29 NORTH, RANGE 2 WEST, W.M., CLALLAM COUNTY, WASHINGTON.

PARCEL 2: 02-29-07-230200

THAT PORTION OF THE WEST HALF OF GOVERNMENT LOT 2 IN SECTION 7, TOWNSHIP 29 NORTH, RANGE 2 WEST, W.M., CLALLAM COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 7;
THENCE NORTH 2°23'10" EAST ALONG THE WEST LINE OF SAID SECTION 7, A DISTANCE OF 200.11 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 2°23'10" EAST ALONG SAID WEST LINE A DISTANCE OF 331.22 FEET; THENCE SOUTH 85°31'52" EAST A DISTANCE OF 656.70 FEET; THENCE SOUTH 1°56'05" WEST A DISTANCE OF 331.32 FEET; THENCE NORTH 85°31'52" WEST A DISTANCE OF 659.31 FEET TO THE TRUE POINT OF BEGINNING. EXCEPT THAT PORTION CONVEYED TO CLALLAM COUNTY BY DEED RECORDED UNDER CLALLAM COUNTY RECORDING NO. 234812.

PARCEL 3: 02-29-0-328010/12877

LOT 1 OF LARSEN LARGE LOT SUBDIVISION, RECORDED NOVEMBER 15, 1996 IN VOLUME 1 OF LARGE LOT SUBDIVISIONS, PAGE 49, UNDER CLALLAM COUNTY AUDITOR'S FILE NO. 747728, BEING A PORTION OF GOVERNMENT LOT 6 IN SECTION 7, TOWNSHIP 29 NORTH, RANGE 2 WEST, W.M., CLALLAM COUNTY, WASHINGTON.

PARCEL 4: 02-29-0-328020/12880

LOT 2 OF LARSEN LARGE LOT SUBDIVISION, RECORDED NOVEMBER 15, 1996 IN VOLUME 1 OF LARGE LOT SUBDIVISIONS, PAGE 49, UNDER CLALLAM COUNTY AUDITOR'S FILE NO. 747728, BEING A PORTION OF GOVERNMENT LOT 6 IN SECTION 7, TOWNSHIP 29 NORTH, RANGE 2 WEST, W.M., CLALLAM COUNTY, WASHINGTON.

ALL SITUATED IN CLALLAM COUNTY, STATE OF WASHINGTON.

A Land Description Examination and Validation (LDEV) request was prepared and submitted to the GIS Strike Team on May 3, 2024, and certified by the GIS Strike Team POC Brandon Larrabee on May 14, 2024, and approved by Trisha Johnson, BIA OTS Liaison on May 20, 2024. The LDEV received a *concur, low risk* and stated:

> The land description for this case is made up of four parcels. Three of those descriptions are Lots based off of platted subdivisions which have been included in the packet. The fourth is a portion of a government lot. All the descriptions are tied to the PLSS and close within the acceptable amount. The description is deemed low risk and acceptable as written.
>
> The GIS acreage was calculated to be within 5% of the 27.58 TAAMS acres and is deemed acceptable.
>
> Based of (*sic*-on) the most recent available NAIP satellite imagery there do not appear to be any unauthorized encroachments or encumbrances. None of the surveys attached denote any encroachments either.

I find the applicant has fulfilled the requirements of 25 CFR § 151.8 governing requests for approval of acquisitions because Tribal Resolution #10-2024 dated February 27, 2024, 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.

REGULATORY REQUIREMENTS, 25 CFR Part 151 (2024)

This decision of the BIA Northwest Regional Director is discretionary. This Application was submitted after Bureau of Indian Affairs issued the revised 25 CFR Part 151 regulations for fee-to-trust acquisitions, effective on January 11, 2024 ("2024 Regulations"). Therefore, this decision is issued pursuant to the revised 25 CFR Part 151 regulations.

§ 151.3 – Land Acquisition Policy

Section 151.3 of Title 25 of the *Code of Federal Regulations* set forth the Department's land acquisition policy. I find that the acquisition is consistent with the policy because of the following:

1. The land is located contiguous to the Jamestown Reservation.

2. The Tribe already owns the land, as evidenced by the Statutory Warrant Deeds and the title evidence. The Office of the Solicitor, Pacific Northwest Region, reviewed the title evidence and provided Preliminary Title Opinion BIA-00094769 dated December 19, 2024, and found title to be vested in the Tribe; and

3. The acquisition will further Tribal interests by facilitating Tribal self-determination and consolidates land ownership (i.e., the property is contiguous to the Jamestown Reservation).

25 CFR § 151.3(b) (1)-(3).

§ 151.10(a)(1) – 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(a)(3) – Purposes for which the land will be used

The current/proposed purposes/uses for the land are as follows: residential and land consolidation purposes.

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

§ 151.10(a)(4) – BIA's ability 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 27.58 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(b) – Great Weight

The Secretary shall give great weight to acquiring land that serves certain tribal interests. This acquisition furthers tribal interests by facilitating Tribal self-determination and consolidating land ownership. I find that this interest weighs in favor of the acquisition of the Property in trust for the Tribe.

25 CFR § 151.10(b) (4) and (8)

§ 151.10(c) – Tribal Interests

I find that the acquisition will further Tribal interests by facilitating tribal self-determination and to consolidate land ownership. Any adverse impacts to local governments' regulatory jurisdiction, real property taxes, and special assessments will be minimal; therefore, the application should be approved.

§ 151.10(d) – Impacts to regulatory jurisdiction, real property taxes, and special assessments

A Notice of Application was sent to the State of Washington, Governor's Office ("State"), Clallam County ("County"), and the City of Sequim ("City") on November 6, 2024. The notices provided 30 days for a written response. The State, County, and City received their Notice of Application on November 8, 2024.

On December 10, 2024, the Agency received a cover letter from the Clallam County Assessors in response to the Notice of Application. The cover letter included an attached spreadsheet that provided current land values, improvement values, taxes, and assessments for each parcel. The cover letter did not present a written objection or a statement of adverse impact.

The State and City did not respond to the Notice of Application.

There were no written comments to rebut the presumption of minimal adverse impacts to regulatory jurisdiction, real property taxes, and special assessments. Therefore, I find that the Tribal community will benefit from the acquisition.

§ 151.14 – Title Review

A Request for Preliminary Title Opinion was submitted to the Office of the Solicitor, Pacific Northwest Region and a Preliminary Title Opinion BIA-00094769 was issued on December 19, 2024, which stated that items 1 & 2 of the Special Exceptions in Schedule B, Part II of the preliminary title evidence must be satisfactorily eliminated or addressed prior to final trust acquisition.

Items 1 & 2 in Schedule B, Part II C of the preliminary title evidence, except from coverage of various taxes, assessments, and processing fees related to exempt properties. All taxes and other assessments must be paid through the date of closing, or provision made for their proper disposition. The post-acquisition title evidence submitted for our review must provide confirmation that all were paid or otherwise addressed as required.

The Tribe has committed to paying all taxes and assessments related to the Property prior to or at the time the fee-to-trust Statutory Warranty Deed is recorded with the County Auditor in Clallam County, Washington.

§ 151.15 – Review of Environmental Conditions

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 59 IAM 5 dated January 10, 2025, Land Acquisitions: Hazardous Substances Determinations. An Exception Checklist for BIA Categorical Exclusions dated December 11, 2024, indicates that an Environmental Assessment is not required because the tribe 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 Tribe 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) was completed by Kristen Burgess, EP, LG, of ESA Associates, Inc. (ESAAI) on January 26, 2024. The consultant found no known or suspected Recognized Environmental Conditions (RECs), historical RECs, controlled RECs, Business Environmental Risks (BERs), or other evidence of environmental liability at this Property.

Updated Phase I ESA

The Phase I ESA expires on January 26, 2025, 12 months from the date of issue. BIA updated components of the Phase I ESA by reviewing the environmental questionnaire completed by Leo P. Gaten, Governmental Policy Advisor and Property Owner Representative (copy attached), about changes at the site since the 2024 site visit, changes in proposed land use, and conducting an online review of US EPA, Washington Department of Ecology (WADOE), and the Clallam County Assessor's Office databases.

Result: No new RECs and/or other issues of environmental concern were identified at the property that would appear to alter the conclusions of the original 2024 Phase I ESA report.

NOTE: 25 CFR Part 151 Final Rule, effective 1/11/2024, allows a maximum of one (1) Phase I ESA and one (1) updated ESA for fee-to-trust acquisition applications. Based on this, no further fee-to-trust related environmental review is required for this parcel.

Summary:
On January 7, 2025, Brian J. Haug, Northwest Regional Environmental Scientist stated that: "The original Phase I ESA, online research, updated environmental questionnaire, and supporting documents fulfill the requirements of NEPA, 40 CFR § 312, ASTM E 1527 Standard Practice, and 25 CFR Part 151, and the property is suitable for acquisition under the U.S. Department of the Interior Manual 602 DM 2.13 Acquisition, A & B."

Decision

The proposed uses and purposes of the property are 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 Blyn Basin V 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].§ 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.

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 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.

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

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,

KURT FREDENBERG
Digitally signed by KURT FREDENBERG
Date: 2025.03.11 15:27:37 -07'00'

Daniel A. Galvan
Acting Northwest Regional Director

cc: Leo P. Gaten, Governmental Policy Advisor, Jamestown S'Klallam Tribe

Distribution List for the Notice of Decision

CLALLAM COUNTY COMMISSIONERS
223 EAST 4TH STREET, SUITE 4
PORT ANGELES, WA 98362
Certified Mail ID: 7020 0640 0002 1037 8505

STATE OF WASHINGTON
GOVERNOR'S OFFICE OF INDIAN AFFAIRS
1110 CAPITAL WAY SOUTH, SUITE 225
OLYMPIA, WA 98501
Certified Mail ID: 7020 0640 0002 1037 8512

CITY OF SEQUIM
152 W. CEDAR STREET
SEQUIM, WA 98382
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United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Northwest Regional Office
911 Northeast 11th Avenue
Portland, Oregon 97232

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IN REPLY REFER TO:
Division of Realty

March 11, 2025

Certified Mail-Return Receipt Required: 7020 0640 0002 1037 8499

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

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 Blyn Basin VI Property ("Property" or "Land') consisting of 68.31 acres, more or less, located in Clallam County, Washington. The proposed acquisition for the property: land consolidation, tribal self-determination, 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 Blyn Basin VI Property into trust.

By Tribal Resolution #14-2024 dated March 12, 2024, the Tribe requested that the United States acquire 68.31 acres in trust for the use and benefit of the Tribe. The Tribe owns the property in fee status.

The Tribe acquired the Property, as follows:

- From Lisa Clare Brown, Shawn M. Severse, and Kelly Ann Schwarz, as tenants in common, by Statutory Warranty Deed dated June 27, 2017, and recorded the purchase on June 30, 2017, in Clallam County, Washington under document number 2017-1351582; and

- From Mildred Desta Taylor, a unmarried individual, by Statutory Warranty Deed dated July 22, 2017, and recorded the purchase on August 4, 2017 in Clallam County, Washington under document number 2017-1353055.

Land Location and Legal Description

The Property is contiguous to existing Tribal Trust properties and the Jamestown Indian Reservation. The property is described as follows:

PARCEL A: 02-29-06-320020

PARCEL A OF BOUNDARY LINE ADJUSTMENT SURVEY, RECORDED NOVEMBER 5, 2013 IN VOLUME 74 OF SURVEYS, PAGE 91, UNDER CLALLAM COUNTY RECORDING NO. 2013-1302226, BEING A PORTION OF GOVERNMENT LOT 6 IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 29 NORTH, RANGE 2 WEST, W.M., CLALLAM COUNTY, WASHINGTON.

SITUATE IN CLALLAM COUNTY, STATE OF WASHINGTON.

PARCEL B: 02-29-06-230000

GOVERNMENT LOT 5, EXCEPT RIGHT-OF-WAY IN SECTION 6, TOWNSHIP 29 NORTH, RANGE 2 WEST, WM., CLALLAM COUNTY, WASHINGTON.

SITUATE IN CLALLAM COUNTY, STATE OF WASHINGTON.

A Land Description Examination and Validation (LDEV) request was prepared and submitted to the GIS Strike Team on July 19, 2024, and certified by the GIS Strike Team POC Brandon Larrabee on August 13, 2024, and approved by Trisha Johnson, BIA OTS Liaison on August 20, 2024. The LDEV received a *concur, low risk*, and stated:

> The Blyn Basin VI case contains two parcel descriptions, one of those being an aliquot part with the right of way excepted and the other being a lot from a Boundary Line Adjustment. The BLA survey has been included with the submission as well. Both descriptions are tied to the PLSS and close within an acceptable amount. The description is deemed low risk and acceptable as written.
>
> The GIS acreage was calculated to be within 5% of the TAAMS 68.31 acres and is deemed acceptable.
>
> Based on the most recent available NAIP satellite imagery there do not appear to be any unauthorized encroachments or encumbrances.

REGULATORY REQUIREMENTS, 25 CFR Part 151 (2024)

This decision of the BIA Northwest Regional Director is discretionary. This Application was submitted after Bureau of Indian Affairs issued the revised 25 CFR Part 151 regulations for fee-to-trust acquisitions, effective on January 11, 2024 ("2024 Regulations"). Therefore, this decision is issued pursuant to the revised 25 CFR Part 151 regulations.

§ 151.3 – Land Acquisition Policy

Section 151.3 of Title 25 of the *Code of Federal Regulations* set forth the Department's land acquisition policy. I find that the acquisition is consistent with the policy because of the following:

1. The land is located contiguous to the Jamestown Reservation.

2. The Tribe already owns the land as evidenced by the Statutory Warrant Deeds and the title evidence. The Office of the Solicitor, Pacific Northwest Region, reviewed the title evidence and provided Preliminary Title Opinion BIA-00089858 dated September 6, 2024, and found title to be vested in the Tribe; and

3. The acquisition will further Tribal interests by facilitating Tribal self-determination and consolidates land ownership (i.e., the property is contiguous to the Jamestown Reservation).

25 CFR § 151.3(b) (1)-(3).

§ 151.10(a)(1) – 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(a)(3) – Purposes for which the land will be used

The current/proposed purposes for the land will be used for the following: consolidate land ownership, tribal self-determination, and undeveloped land.

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

§ 151.10(a)(4) – BIA's ability 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 68.31 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(b) – Great Weight

The Secretary shall give great weight to acquiring land that serves certain tribal interests. This acquisition furthers tribal interests by facilitating Tribal self-determination and consolidating land ownership. I find that this interest weighs in favor of the acquisition of the Property in trust for the Tribe.

25 CFR § 151.10(b) (4) and (8)

§ 151.10(c) – Tribal Interests

I find that the acquisition will further Tribal interests by facilitating tribal self-determination and to consolidate land ownership. Any adverse impacts to local governments' regulatory jurisdiction, real property taxes, and special assessments will be minimal; therefore, the application should be approved.

§ 151.10(d) – Impacts to regulatory jurisdiction, real property taxes, and special assessments

A Notice of Application was sent to the State of Washington, Governor's Office ("State"), Clallam County ("County"), and the City of Sequim ("City") on November 6, 2024. The notices provided 30 days for a written response. The State, County, and City received their Notice of Application on November 8, 2024.

The State, County, and City did not respond to the Notice of Application.

There were no written comments to rebut the presumption of minimal adverse impacts to regulatory jurisdiction, real property taxes, and special assessments. Therefore, I find that the Tribal community will benefit from the acquisition.

§ 151.14 – Title Review

A Request for Preliminary Title Opinion was submitted to the Office of the Solicitor, Pacific Northwest Region and a Preliminary Title Opinion BIA-00089858 was issued on September 6, 2024, which stated items 1–3 of the Special Exceptions in Schedule B, Part II of the preliminary title evidence must be satisfactorily eliminated or addressed prior to final trust acquisition.

Items 1-3 in Schedule B, Part II C of the preliminary title evidence, except from coverage of various taxes, assessments, and processing fees related to exempt properties. These items should be eliminated from the title evidence, and all taxes and assessments, if any, must be paid in full.

The Tribe has committed to paying all taxes and assessments related to the Property prior to or at the time the fee-to-trust Statutory Warranty Deed is recorded with the County Auditor in Clallam County, Washington.

§ 151.15 – Review of Environmental Conditions

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 59 IAM 5 dated January 10, 2025, Land Acquisitions: Hazardous Substances Determinations. An Exception Checklist for BIA Categorical Exclusions dated January 24, 2025, indicates that an Environmental Assessment is not required because the tribe 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 Tribe 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) was completed by Kristen Burgess, EP, LG, of ESA Associates, Inc. (ESAAI) on March 1, 2024. The consultant found no known or suspected Recognized Environmental Conditions (RECs), historical RECs, controlled RECs, Business Environmental Risks (BERs), or other evidence of environmental liability at this Property.

Phase I ESA Validity:

BIA updated components of the Phase I ESA by reviewing the environmental questionnaire completed by Leo Gaten, Jamestown S'Klallam Governmental Policy Advisor & Property Owner Representative, about changes at the site since the 2024 site visit, changes in proposed land use, and conducting an online review of US EPA, Washington Department of Ecology (WADOE) and Clallam County Assessor's Office databases. No new RECs and/or other issues of environmental concern were identified at the property that would appear to alter the conclusions of the original 2024 Phase I ESA report.

Historical Summary

Parcel 022906230000 consists of 38.69 acres and has been forested and/or used as a hay field from the early 1900s to the present day. The parcel was bought by Jamestown S'Klallam Tribe in 2017 and has never been developed.

Parcel 022906320020 (aka Brown Property) is located at 1743 Old Blyn Highway and consists of 29.62 acres. ESAI visited this parcel in 2017 as part of a pre-acquisition assessment of the property. At that time, they found the property was developed with a circa-1921 single family home. There was a 1,500 square foot wood-sided shop with a dirt floor located to the west of the home. At that time, ESAI reportedly observed several oil cans, gas cans, and various automotive cleaning agents discarded on the dirt floor, some of which were leaking their contents onto the floor. The shop had several welding workstations as well with surrounding metal filings.

The workstations consisted of welding benches, tool storage, and finishing products used for welding projects. The shop was kept in poor condition and there was evidence of fuel spills throughout the shop.

The house and shop were demolished in 2021. At that time, chemical analysis of the soils in the shop was not performed. In addition, ESAI was unable to obtain any records documenting the testing or removal of possible contaminated soils associated with the workstations and fuel releases observed during their previous 2017 site reconnaissance. For this reason, ESAI recommended a Phase II ESA be performed within the shop footprint to determine whether soils were impacted by the former use of the shop as a welding and fuel storage area.

Phase II ESA Investigation

On May 1, 2023, after approval of a further site investigation by the U.S. Environmental Protection Agency, ESAI explored the footprint of the former workshop located on the 29.62-acre parcel 022906320020. A Phase II ESA report, entitled "Brown Property," was completed on May 24, 2023. The investigation included removal of a one-foot-deep layer of a gravel from the footprint of the former workshop, exposing the soil surface for observation of any obvious soil staining and fuel releases. In a grid pattern, surface soils were screened with sheen testing and a Photoionization Detector (PID) and sampled at 12 locations. Based on results from the field soil screening, six test pits were excavated to document the current soil conditions and to further define the impacts of possible petroleum related hydrocarbons at the site of the former workshop. All of the soil samples were analyzed for target analytes including petroleum hydrocarbon as heavy oil, semi-volatile organic compounds (SVOCs), VOCs, and MTCA-5 metals.

Results:
Based on the laboratory chemical analysis, none of the soil sample exceeded the target analytes at concentrations above the Washington Ecology's MTCA Method A cleanup levels for unrestricted land use.

In ESAI's opinion, the two Clallam County parcels are suitable for acquisition. BIA concurs with ESAI; based on our review of the submitted Phase I ESA and supporting information. **In summary, no further investigation of the parcels appears to be warranted at this time**.

Current Property Condition & Recommendations
The Brown Property, parcel 022906320020, is currently a vacant parcel with a grass field at the western end. Some recycling containers are stored at the south end of the parcel. The well and the septic system that provided water to the 1921 former home are still located on the property. However, they are not hooked up to any structures.

BIA recommends that the water well and septic system be properly decommissioned if future use is not planned.

Summary:
On January 23, 2025, Brian J. Haug, Northwest Regional Environmental Scientist stated: "The original Phase I ESA, online research, updated environmental questionnaire, and supporting documents fulfill the requirements of NEPA, 40 CFR § 312, ASTM E 1527 Standard Practice, and 25 CFR Part 151, and the property is suitable for acquisition under the U.S. Department of the Interior Manual 602 DM 2.13 Acquisition, A & B."

NOTE:
25 CFR Part 151 Final Rule, effective 1/11/2024, allows a maximum of one (1) Phase I ESA and one (1) Updated ESA for fee-to-trust acquisition applications. Based on this, no further fee-to-trust-related environmental review is required for this parcel.

Decision

The proposed uses and purposes of the property are 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 Blyn Basin VI 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].§ 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.

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

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

has decided to review the 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,

KURT FREDENBERG
Digitally signed by KURT FREDENBERG
Date: 2025.03.11 12:18:06 -07'00'

Daniel A. Galvan
Acting Northwest Regional Director

cc: Leo P. Gaten, Governmental Policy Advisor, Jamestown S'Klallam Tribe

Distribution List for the Notice of Decision

CLALLAM COUNTY COMMISSIONERS
223 EAST 4TH STREET, SUITE 4
PORT ANGELES, WA 98362
Certified Mail ID: 7020 0640 0002 1037 8468

STATE OF WASHINGTON
GOVERNOR'S OFFICE OF INDIAN AFFAIRS
1110 CAPITAL WAY SOUTH, SUITE 225
OLYMPIA, WA 98501
Certified Mail ID: 7020 0640 0002 1037 8475

CITY OF SEQUIM
152 W. CEDAR STREET
SEQUIM, WA 98382
Certified Mail ID: 7020 0640 0002 1037 8482

Westport Insurance Corporation
Attn: Novation Services Team
175 King Street
Armonk, NY 10504

250044.3-566868833-116
116 2 SP 0.970 T1 P0 AUTO 250044.3-YNNNNN

Attn: CLALLAM COUNTY
223 E 4TH ST
STE 4
PORT ANGELES WA 98362-3000

RECEIVED
CLALLAM CO. COMMISSIONERS
MAR 14 2025
1...2...3...A...

250044.3-116.1

Policyholder Notice

WESTPORT INSURANCE CORPORATION
SWISS RE CORPORATE SOLUTIONS AMERICA INSURANCE CORPORATION

March 7, 2025

Dear Policyholder:

On March 9, 2021, Swiss Re Corporate Solutions announced it would streamline the legal entity structure of its North American business and establish a new flagship insurance carrier, Swiss Re Corporate Solutions America Insurance Corporation. As part of the legal entity streamlining, an agreement has been reached between WESTPORT INSURANCE CORPORATION ("Westport") and SWISS RE CORPORATE SOLUTIONS AMERICA INSURANCE CORPORATION ("SRCSAIC") for the assumption of your policies identified on Schedule I attached hereto by SRCSAIC. SRCSAIC's offices are located at 1200 Main Street, Suite 800, Kansas City, MO 64105. SRCSAIC will become your insurer and will assume all of the rights, obligations and liabilities of Westport under the express terms of your policy/ policies. This assumption will be effective as of 12:00:01 a.m., Missouri Time, on July 1, 2025.

The assumption has been approved by the Missouri Department of Commerce and Insurance, the domiciliary state insurance department of both Westport and SRCSAIC.

SRCSAIC holds a valid certificate of authority for the types of insurance involved in the proposed transfer in your state of residence. Westport and SRCSAIC have been conducting commercial insurance business in the State of Washington since 1918 and 1985 respectively. Balance sheets for Westport and SRCSAIC for the past three years are provided in Attachment One to this Policyholder Notice. To further introduce you to SRCSAIC, attached is an information sheet of essential information about Swiss Re Group and SRCSAIC.

You have the following legal options with regard to the assumption of your policy/ policies:

The assumption of your policy/ policies will not have any effect upon the availability and extent of protection afforded by any state guaranty fund, in the event of insolvency of SRCSAIC.

Option 1: Accept the transfer of your policy/ policies from Westport to SRCSAIC.

Option 2: Reject the proposed transfer of your policy/ policies from Westport to SRCSAIC. If you choose this option, Westport will remain as your insurer and you will have no rights to claim any payments from SRCSAIC.

Also enclosed are an Acceptance Form and a Rejection Form. If you wish to choose Option 1 you <u>must</u> complete the enclosed Acceptance Form, sign it and return it to Westport in the accompanying postage prepaid return envelope. Please return the Acceptance Form on or before May 6, 2025. Unless you sign and return the enclosed Acceptance Form, the proposed transfer will

250044.3-116.2

not take place as to your insurance contract and liabilities under said contract will remain with Westport. If Westport receives from you an Acceptance Form, SRCSAIC will mail to you a Certificate of Assumption to be attached to your policy/ policies. If you wish to choose Option 2, please complete the enclosed Rejection Form, sign it and return it to Westport on or before May 6, 2025 in the accompanying postage prepaid return envelope. If you do not return either form, you will be deemed to have rejected this transfer. Westport will not unfairly discriminate against those policyholders who do not consent to the assumption.

If you have any questions about the assumption or your policy/ policies, or about SRCSAIC, please feel free to call a Novation Service Representative at 1 833-889-4440. Written inquiries may be mailed to:

Westport Insurance Corporation
ATTN: Novation Services Team
1200 Main Street
Suite 800
Kansas City, MO 64105
Email: Transfers_CorporateSolutionsInfo@swissre.com

WESTPORT INSURANCE CORPORATION

By:____________________
Name: Andrew Sher
Title: Chief Financial Officer

SWISS RE CORPORATE SOLUTIONS
AMERICA INSURANCE CORPORATION

By:____________________
Name: Reid Belford
Title: Chief Risk Officer

250044.3-116.2b

Attachment One to Policyholder Notice

Balance Sheets

ANNUAL STATEMENT OF THE SWISS RE CORPORATE SOLUTIONS AMERICA INSURANCE CORPORATION					
Assets					
		3Q 2024	2023	2022	2021
01	Bonds	1,360,084,346	1,444,904,017	797,801,222	690,900,133
02.1	Preferred stocks				
02.2	Common stocks	337,295,000	300,203,129	315,720,039	318,679,074
03.1	Mortgage loans on real estate: First liens				
03.2	Mortgage loans on real estate: Other than first liens				
04.1	Properties occupied by the company (less $... encumbrances)				
04.2	Properties held for the production of income (less $... encumbrances)				
04.3	Properties held for sale (less $... encumbrances)				
05	Cash, cash equivalents and short-term investments	752,048,190	730,164,557	424,718,741	72,466,637
06	Contract loans (including $... premium notes)				
07	Derivatives	0	0	(0)	
08	Other invested assets				
09	Receivables for securities	42,406	24,949	34,774	420,025
10	Securities lending reinvested collateral assets				
11	Aggregate write-ins for invested assets				0
12	Subtotals, cash and invested assets (Lines 1 to 11)	2,449,469,943	2,475,296,652	1,538,274,777	1,082,465,868
13	Title plants less $... Charged off (for Title insurers only)				
14	Investment income due and accrued	10,134,383	12,899,741	3,014,982	1,611,638
15.1	Uncollected premiums and agents' balances in the course of collection	438,859,422	256,015,778	155,058,889	30,999,909
15.2	Deferred premiums, agents' balances and installments booked but deferred and not yet due (including $... earned but unbilled premiums)	29,672,624	40,790,952	(15,989,213)	7,711,118
15.3	Accrued retrospective premiums ($...) and contracts subject to redetermination ($...)				
16.1	Amounts recoverable from reinsurers	474,676,935	215,666,203	101,398,494	50,168,178
16.2	Funds held by or deposited with reinsured companies	1,312,003	1,751,177		
16.3	Other amounts receivable under reinsurance contracts				
17	Amounts receivable relating to uninsured plans				
18.1	Current federal and foreign income tax recoverable and interest thereon	6,003,095			
18.2	Net deferred tax asset	20,773,442	22,577,118	11,306,724	2,371,206
19	Guaranty funds receivable or on deposit	43,797	28,344	10,888	64
20	Electronic data processing equipment and software				
21	Furniture and equipment, including health care delivery assets ($ ...)				
22	Net adjustment in assets and liabilities due to foreign exchange rates				
23	Receivables from parent, subsidiaries and affiliates	4,620,415	12,176,315	901,219	
24	Health care ($ ...) and other amounts receivable				
25	Aggregate write-ins for other than invested assets	897,270,304	184,016,024	129,950,507	14,570,435
26	Total assets excluding Separate Accounts, Segregated Accounts and Protected Cell Accounts (Lines 12 to 25)	4,332,836,362	3,221,218,304	1,923,927,267	1,189,898,416
27	From Separate Accounts, Segregated Accounts and Protected Cell Accounts				
28	Total (Lines 26 and 27)	4,332,836,362	3,221,218,304	1,923,927,267	1,189,898,416

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ANNUAL STATEMENT OF THE SWISS RE CORPORATE SOLUTIONS AMERICA INSURANCE CORPORATION

Liabilities, Surplus and Other Funds

		3Q 2024	2023	2022	2021
01	Losses	683,654,921	567,005,919	191,479,154	14,024,761
02	Reinsurance payable on paid losses and loss adjustment expenses	98,387,436	87,610,139	9,360,056	131,616
03	Loss adjustment expenses	144,181,162	121,640,078	44,356,119	1,997,629
04	Commissions payable, contingent commissions and other similar charges	13,215,873	11,520,526	1,651,591	
05	Other expenses (excluding taxes, licenses and fees)	2,553,574	5,911,942	1,203,292	30,149
06	Taxes, licenses and fees (excluding federal and foreign income taxes)	12,476,382	21,014,394	8,774,346	1,418,386
07.1	Current federal and foreign income taxes (including $... on realized capital gains (losses))	33,723,385	26,341,667	1,739,565	1,353,352
07.2	Net deferred tax liability				
08	Borrowed money $... and interest thereon $...				
09	Unearned premiums (Part 1A, Line 38, Column 5)(after deducting unearned premiums for ceded reinsurance of $ ... and including warranty reserves of $ ... and accrued accident and health experience rating refunds including $... for medical loss ratio rebate per the Public Health Service Act)	257,899,888	276,334,609	149,350,540	31
10	Advance premium				
11.1	Dividends declared and unpaid: Stockholders				
11.2	Dividends declared and unpaid: Policyholders				
12	Ceded reinsurance premiums payable (net of ceding commissions)	471,714,440	301,062,076	237,487,266	63,088,849
13	Funds held by company under reinsurance treaties	266,909,037	135,408,389	92,137,049	5,676,002
14	Amounts withheld or retained by company for account of others	11,971,563	15,411,241	13,795,898	16,688,472
15	Remittances and items not allocated	274,296,712	282,282,775	71,124,199	41,279,683
16	Provision for reinsurance (including $... certified)	14,575,724	14,575,724	7,575,424	191,000
17	Net adjustments in assets and liabilities due to foreign exchange rates				
18	Drafts outstanding				
19	Payable to parent, subsidiaries and affiliates	64,512,284	63,611,957	53,879,593	10,267,482
20	Derivatives				
21	Payable for securities	29,219,725	114,689	60,495	1,013
22	Payable for securities lending				
23	Liability for amounts held under uninsured plans				
24	Capital Notes $... and interest thereon $...				
25	Aggregate write-ins for liabilities	770,406,148	84,971,465	23,234,685	16,200,275
26	Total liabilities excluding protected cell liabilities (Lines 1 through 25)	3,149,698,254	2,014,817,590	907,209,273	172,348,700
27	Protected cell liabilities				
28	Total liabilities (Lines 26 and 27)	3,149,698,254	2,014,817,590	907,209,273	172,348,700
29	Aggregate write-ins for special surplus funds				0
30	Common capital stock	4,800,000	4,800,000	4,800,000	4,800,000
31	Preferred capital stock				
32	Aggregate write-ins for other than special surplus				0
33	Surplus Notes				
34	Gross paid in and contributed surplus	1,021,471,505	1,021,471,505	861,381,698	811,381,698
35	Unassigned funds (surplus)	156,866,603	180,129,209	150,536,296	201,368,018
36.1	Less treasury stock, at cost: ... shares common (value included in Line 30 $ ...)				
36.2	Less treasury stock, at cost: ... shares preferred (value included in Line 31 $ ...)				
37	Surplus as regards policyholders (Lines 29 to 35, less 36)	1,183,138,108	1,206,400,714	1,016,717,994	1,017,549,716
38	TOTALS	4,332,836,362	3,221,218,304	1,923,927,267	1,189,898,416

ANNUAL STATEMENT OF THE WESTPORT INSURANCE CORPORATION

Assets

		3Q 2024	2023	2022	2021
01	Bonds	653,982,029	711,763,302	2,413,096,652	2,873,963,255
02.1	Preferred stocks				
02.2	Common stocks		0	0	0
03.1	Mortgage loans on real estate: First liens				
03.2	Mortgage loans on real estate: Other than first liens				
04.1	Properties occupied by the company (less $... encumbrances)				
04.2	Properties held for the production of income (less $... encumbrances)				
04.3	Properties held for sale (less $... encumbrances)				
05	Cash, cash equivalents and short-term investments	128,580,666	87,174,911	434,396,187	489,803,699
06	Contract loans (including $... premium notes)				
07	Derivatives				
08	Other invested assets	2,580,374	2,444,898	2,487,904	4,232,118
09	Receivables for securities	15,438			
10	Securities lending reinvested collateral assets				
11	Aggregate write-ins for invested assets				0
12	Subtotals, cash and invested assets (Lines 1 to 11)	785,158,506	801,383,111	2,849,980,743	3,367,999,072
13	Title plants less $... Charged off (for Title insurers only)				
14	Investment income due and accrued	4,069,858	7,575,349	17,826,939	18,118,961
15.1	Uncollected premiums and agents' balances in the course of collection	(7,053,672)	4,002,543	86,593,786	310,884,395
15.2	Deferred premiums, agents' balances and installments booked but deferred and not yet due (including $... earned but unbilled premiums)	4,907,228	5,786,814	60,604,861	34,726,017
15.3	Accrued retrospective premiums ($...) and contracts subject to redetermination ($...)				
16.1	Amounts recoverable from reinsurers	(1,024,104)	123,850,487	60,987,173	292,651,300
16.2	Funds held by or deposited with reinsured companies	2,355,065	1,703,493	3,466,731	2,861,582
16.3	Other amounts receivable under reinsurance contracts				
17	Amounts receivable relating to uninsured plans				
18.1	Current federal and foreign income tax recoverable and interest thereon	5,764,840			
18.2	Net deferred tax asset	4,329,689	1,104,394	32,062,312	32,459,036
19	Guaranty funds receivable or on deposit	95,592	63,416	54,271	138,740
20	Electronic data processing equipment and software				
21	Furniture and equipment, including health care delivery assets ($ ...)				
22	Net adjustment in assets and liabilities due to foreign exchange rates				
23	Receivables from parent, subsidiaries and affiliates	366,167	3,424,201	23,504,664	54,683,396
24	Health care ($ ...) and other amounts receivable				
25	Aggregate write-ins for other than invested assets	779,325,946	101,680,293	70,164,375	131,303,937
26	Total assets excluding Separate Accounts, Segregated Accounts and Protected Cell Accounts (Lines 12 to 25)	1,578,295,115	1,050,574,101	3,205,245,855	4,245,826,436
27	From Separate Accounts, Segregated Accounts and Protected Cell Accounts				
28	Total (Lines 26 and 27)	1,578,295,115	1,050,574,101	3,205,245,855	4,245,826,436

250044 3-116.4

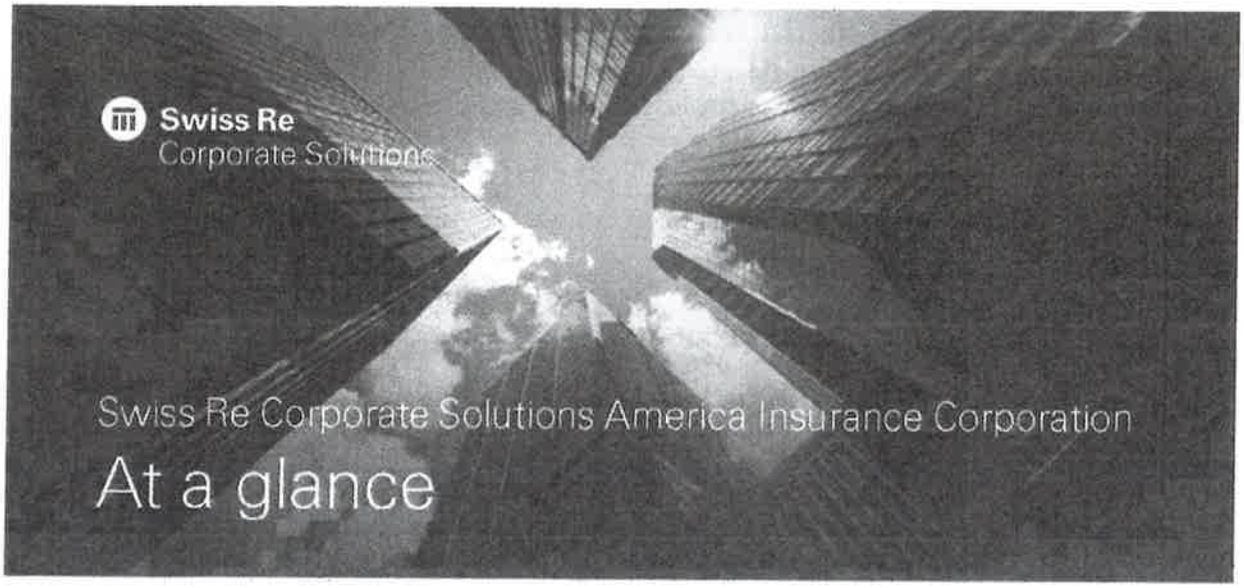
ANNUAL STATEMENT OF THE WESTPORT INSURANCE CORPORATION

Liabilities, Surplus and Other Funds

		3Q 2024	2023	2022	2021
01	Losses	12,181,602	9,803,939	801,197,609	1,009,237,506
02	Reinsurance payable on paid losses and loss adjustment expenses	5,089,064	58,547,813	75,871,570	132,695,168
03	Loss adjustment expenses	17,209,653	17,033,078	280,288,689	361,666,704
04	Commissions payable, contingent commissions and other similar charges	1	3	10,474,772	7,230,371
05	Other expenses (excluding taxes, licenses and fees)	1,800,128	(63,756)	4,474,176	54,837,287
06	Taxes, licenses and fees (excluding federal and foreign income taxes)	(2,011,805)	(4,297,428)	2,008,913	13,204,199
07.1	Current federal and foreign income taxes (including $... on realized capital gains (losses))	954,139	14,490,337	15,556,954	29,095,270
07.2	Net deferred tax liability				
08	Borrowed money $... and interest thereon $...				
09	Unearned premiums (Part 1A, Line 38, Column 5)(after deducting unearned premiums for ceded reinsurance of $ ... and including warranty reserves of $ ... and accrued accident and health experience rating refunds including $... for medical loss ratio rebate per the Public Health Service Act)	10,698	(81,248)	189,315,181	334,392,196
10	Advance premium				
11.1	Dividends declared and unpaid: Stockholders				
11.2	Dividends declared and unpaid: Policyholders				
12	Ceded reinsurance premiums payable (net of ceding commissions)	(14,376,772)	(3,193,363)	29,026,267	302,104,870
13	Funds held by company under reinsurance treaties	526,725,876	734,711,359	365,551,736	561,647,571
14	Amounts withheld or retained by company for account of others	772,056	772,121	5,321,526	1,764,637
15	Remittances and items not allocated	28,136,807	23,667,292	174,223,236	191,046,556
16	Provision for reinsurance (including $... certified)	11,566,100	11,566,100	20,291,975	16,721,447
17	Net adjustments in assets and liabilities due to foreign exchange rates	16,147,274	12,128,824	99,520,147	58,095,940
18	Drafts outstanding				
19	Payable to parent, subsidiaries and affiliates	280,317	7,031,482	45,949,420	68,003,151
20	Derivatives				
21	Payable for securities	4			2,999,959
22	Payable for securities lending			28,940,000	
23	Liability for amounts held under uninsured plans				
24	Capital Notes $... and interest thereon $...				
25	Aggregate write-ins for liabilities	810,351,541	10,962,808	1,406,868	69,273,463
26	Total liabilities excluding protected cell liabilities (Lines 1 through 25)	1,414,836,683	893,079,361	2,149,419,040	3,214,016,295
27	Protected cell liabilities				
28	Total liabilities (Lines 26 and 27)	1,414,836,683	893,079,361	2,149,419,040	3,214,016,295
29	Aggregate write-ins for special surplus funds				0
30	Common capital stock	6,345,000	6,345,000	6,345,000	6,345,000
31	Preferred capital stock				
32	Aggregate write-ins for other than special surplus				0
33	Surplus Notes				
34	Gross paid in and contributed surplus	99,481,815	99,481,815	921,672,765	1,046,672,765
35	Unassigned funds (surplus)	57,631,617	51,667,925	127,809,050	(21,207,624)
36.1	Less treasury stock, at cost: ... shares common (value included in Line 30 $ ...)				
36.2	Less treasury stock, at cost: ... shares preferred (value included in Line 31 $ ...)				
37	Surplus as regards policyholders (Lines 29 to 35, less 36)	163,458,432	157,494,740	1,055,826,815	1,031,810,141
38	TOTALS	1,578,295,115	1,050,574,101	3,205,245,855	4,245,826,436

250044.3-116.4b

INFORMATION SHEET



In a world of ever-increasing risk and complexity, Swiss Re Corporate Solutions America Insurance Corporation can help you navigate uncertainty by advancing corporate insurance together.

New carrier. Same team. Consistent commitment.

On March 9, 2021, Swiss Re Corporate Solutions ("CorSo") announced the streamlining of its North American legal entity structure establishing Swiss Re Corporate Solutions America Insurance Corporation ("SRCSAIC") as its new flagship insurance carrier.

As part of the legal entity streamlining, CorSo is transferring certain portfolios of business, currently held on Westport Insurance Corporation ("WIC"), to the new flagship.

More than 150 years of in-depth insurance knowledge and expertise

Best-in-class claims service

Cutting-edge and customer centric solutions

Contact

For more information about our insurance solutions and other innovative products, please contact your account representative or email

Transfers_CorporateSolutionsInfo@swissre.com

Financial strength

SRCSAIC is highly rated by Standard and Poor's, Moody's and A.M. Best, and benefits from Swiss Re Group's capital resources, international carrier network and deep insurance expertise, allowing it to provide its clients with industry-leading capacity and innovative insurance solutions.

Swiss Re Group 2023

Net premiums earned	USD 50.9 billion
Net income	USD 3.2 billion

Swiss Re Corporate Solutions America Insurance Corporation 2023

Net premiums earned	USD 941.8 million
Net income	USD 85.8 million

250044.3-116.5

Schedule I
Policy Number(s)

Policy Number	Effective Date	Expiry Date	Legacy Policy Number
XWC-0555316-00	1986-04-28	1987-04-27	0006146
XWC-0555317-00	1986-04-28	1987-04-27	0006147

ACCEPTANCE FORM

To: Westport Insurance Corporation
ATTN: Novation Services Team
1200 Main Street
Suite 800
Kansas City, MO 64105
Email: Transfers_CorporateSolutionsInfo@swissre.com

Re: Policy Number(s) in Schedule I ("Policy"/ "Policies")

I accept the proposed transfer of my Policy/ Policies from Westport Insurance Corporation to Swiss Re Corporate Solutions America Insurance Corporation.

____
Date

____
Signature

____
Name

____
Title

____
Phone Number

Policyholder: CLALLAM COUNTY

Street Address: 223 E 4TH ST, STE 4

City, State, Zip: PORT ANGELES, WA, 98362-3000

250044.3-116.6*

REJECTION FORM

To: Westport Insurance Corporation
ATTN: Novation Services Team
1200 Main Street
Suite 800
Kansas City, MO 64105
Email: Transfers_CorporateSolutionsInfo@swissre.com

Re: Policy Number(s) in Schedule I ("Policy"/ "Policies")

I reject the proposed transfer of my Policy/ Policies from Westport Insurance Corporation to Swiss Re Corporate Solutions America Insurance Corporation.

____
Date

____
Signature

____
Name

____
Title

____
Phone Number

Policyholder: CLALLAM COUNTY

Street Address: 223 E 4TH ST, STE 4

City, State, Zip: PORT ANGELES, WA, 98362-3000