



BOARD of CLALLAM COUNTY COMMISSIONERS

MINUTES for the week of October 6 - 10, 2025

WORK SESSION – 9 a.m.

The work session convened at 9 a.m., Monday, October 6, 2025. Present were Commissioners French, Johnson and Ozias and Administrator Mielke.

Items of discussion per the agenda published September 24 were:

- Calendar/Correspondence
- Resolution appointing Lynne Kastner and Ben Pacheco to Revenue Advisory Committee
- Landowner requesting final approval of Subdivision LDV2018-00035, Portwood Vale for Pakala LLC
- Resolution authorizing expenditure from affordable housing sales and use tax fund
- Presentation – Doc Holiday Timber Replacement Sale
- Administrator recommended 2026 Clallam County Budget and schedule for review

The meeting concluded at 1:08 p.m.

REGULAR MEETING OF THE BOARD OF CLALLAM COUNTY COMMISSIONERS

Chair French called the meeting to order at 10 a.m., Tuesday, October 7, 2025. Also present were Commissioner Ozias and Administrator Mielke. Commissioner Johnson was excused.

REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA

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

PUBLIC COMMENT

- Jim Buck, Joyce, commented on Doc Holiday timber sale
- Kenneth Reandeau, Port Angeles, commented on Doc Holiday timber sale
- Ed Telenick, Sequim, commented on item 1a, Commissioner Forum, weekly vouchers
- Ed Bowen, Clallam Bay, commented on item 1a
- Tim Wheeler, Sequim, commented on Doc Holiday timber sale (see attached)
- Jake Seegers, Sequim, commented on item 1a
- Lisa Dekker, Port Angeles, commented on Doc Holiday timber sale (see attached)
- Bonnie Bliss-Boenish, Sequim, commented on item 1a and Commissioners Forum
- Stephanie Day, Sequim, commented on item 1a
- Karin Cummins, Sequim, commented on Doc Holiday timber sale
- Robert James, Sequim, commented on item 1a
- Teresa Miller, Sequim, commented on item 1a
- Patrick Day, Sequim, commented on item 1a
- Jeff Tozzer, Sequim, commented on item 1a (see attached)

CONSENT AGENDA

1a Proclamation Recognizing the second Monday of October, 2025 as Indigenous Peoples' Day

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

REPORTS AND PRESENTATIONS

- CMO reported on Joint Animal Disaster Plan
- CMF reported on Forks Chamber of Commerce, Salmon Coalition, Public Works, Hwy 110

CONTRACTS AND AGREEMENTS

2a Agreement with Department of Children, Youth, and Families to provide detention-based services

ACTION TAKEN: CMOM to approve agreement for DCYF, CMFs, mc

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PUBLIC COMMENT

- Richard Wade, Port Angeles, commented on Jamestown Tribe, trust lands
- Tim Wheeler, Sequim, commented on item 1a
- Patrick Day, Sequim, commented on Budget
- Jake Seegers, Sequim, commented on Doc Holiday timber sale
- Virginia Shogren, Sequim, commented on Clear Ballot Voting System
- Kenneth Reandeau, Port Angeles, commented on Doc Holiday timber sale
- Donald Beaman, Clallam County, commented on item 1a
- John Worthington, Sequim, commented on Tribes, Jimmy Come Lately
- Jeff Tozzer, Sequim, commented on item 1a
- Karin Cummins, Sequim, commented on Dungeness Crab Festival, Animal Rescue
- Ed Telenick, Sequim, commented on Hazard Mitigation Plan, Code Enforcement (see attached)

FINAL ITEM – Commissioner Forum

(This Session will be held on the 4th Tuesday of each month when BOCC concludes its other agenda items. The Session will be held for 45 minutes or until there are no further questions. Regardless of the start time, this session will end no later than 11:45 a.m.)

Commissioner Forum

- Ed Telenick, Sequim, asked a question regarding Commissioner processes
- Ed Bowen, Clallam Bay, asked questions on Doc Holiday timber sale, Budget Meetings
- Karin Cummins, Sequim, asked questions on Commissioners Forum, Noise Ordinance
- Bonnie Bliss-Boenish, Sequim, asked questions on Public Records process
- Jake Seegers, Sequim, asked questions on Doc Holiday timber sale, Harm Reduction Program
- John Worthington, Sequim, commented on Jimmy Come Lately
- Patrick Day, Sequim, asked questions on Harm Reduction Program
- Mark Curtis, Sequim, asked questions on Harm Reduction Program

Meeting concluded at 12:13 p.m. and continued to an Executive Session to be held on Tuesday, October 7, at 2 p.m. regarding collective bargaining

EXECUTIVE SESSION – October 7, 2025, at 2 p.m.

The Board convened in open session at 2 p.m., on Tuesday, October 7, 2025, to discuss collective bargaining. Present were Commissioners Ozias, French and Administrator Mielke, Finance Department Turner and Lane, Human Resources Dennler, Sheriff's Office King, Wenzel and Bundy outside legal Vinnedge. Commissioner Johnson was excused.

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

ACTION TAKEN: CMOM to executive session for 1.5 hours, CMFs, mc

The Board recessed into executive session at 2 p.m.

The Board convened in open session at 3:30 p.m. and CMF noted that the session will be extended for 30 minutes

The Board recessed into executive session at 3:30 p.m.

The Board convened in open session at 4 p.m. and CMF noted no action will be taken

Meeting concluded at 4 p.m. and continued to Monday, October 13, 2025, at 9 a.m.

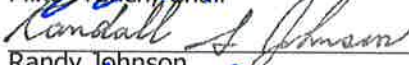
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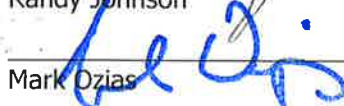
The Board of Commissioners attended a WSAC Virtual Update and Budget Meetings during the week of October 6, 2025.

PASSED AND ADOPTED this 14th day of October 2025

BOARD OF CLALLAM COUNTY COMMISSIONERS


Mike French, Chair


Randy Johnson


Mark Ozias

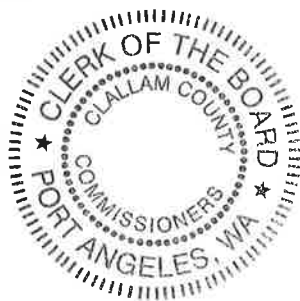
ATTEST:


Loni Gores, MMC, Clerk of the Board

KEY TO ABBREVIATIONS:

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

m moved
mc motion carried
s seconded



BOCC Mail Correspondences Received from other Jurisdictions

OCT 06 2025

THE TRUTH ABOUT THE LFDC DOC HALLIDAY BRIEFING 1...2...3...A...

For more information contact Jim Buck at buckdj@olypen.com.

Clallam County Commissioner Briefing: Carbon Sequestration Proviso (HB 5195 § 3121)

This handout provides key questions and background for commissioners ahead of the Legacy Forest Defense Coalition (LFDC) presentation on the Doc Holliday timber sale. It explains the two-track structure of the proviso, the differences between state-trust and county-trust lands, and the fiduciary obligations counties must uphold.

Commissioner Q-Sheet: Questions to Guide Discussion**1. What is this program actually for?**

The proviso creates two tracks: (1) conservation and replacement of state-grant trust lands in six counties (Clallam, Thurston, Whatcom, Snohomish, Jefferson, and Pierce), and (2) limited replacement for encumbered county forest trust lands in four counties (Clallam, Pacific, Skamania, and Wahkiakum).

2. What's the difference between state-trust and county-trust lands?

State-trust lands (actually Federal grant lands) benefit statewide institutions (schools, universities) and can be conserved or banked. County-trust lands, created from 1930s tax-foreclosures, benefit local taxing districts and cannot be removed from production without county approval and full-value replacement under RCW 79.22.060. They are two distinctly different trusts.

3. Do these trusts include more than timber?

Yes. Valuable materials include timber, gravel, rock, sand, oil, gas, minerals, fossils, and leases (cell towers, wind farms, grazing, recreation). Any conservation must replace all revenue sources.

4. Are county-trust sales like the Doc Holliday sale eligible?

No. The Doc Holliday sale is an active, executed timber contract. The proviso does not authorize DNR to cancel or reclassify such sales.

5. Can county-trust lands use the 'cash-for-counties' option?

No. That option appears only in the state-trust track and relies on RCW 79.64.110, not RCW 79.22.060.

6. What does 'encumbered' actually mean?

It refers to county-trust lands already restricted by ESA or HCP law in four counties, not simply controversial or older stands.

7. Can a county say 'no' if DNR nominates its trust lands?

Yes. The law requires a letter of support from the county and BNR approval before DNR can move forward.

8. What happens to revenue when DNR keeps \$12,000 per acre?

That rule applies only to state-trust lands. County-trust proceeds must return to the Forest Development Account for distribution to local beneficiaries.

9. How does this help schools, fire districts, and roads?

It doesn't automatically. Unless replacement lands generate new revenue, local beneficiaries lose funding.

10. Why can state-trust lands be banked but county-trust lands can't?

State-trust lands may use a land bank under RCW 79.17. County-trust lands cannot—each parcel and dollar must stay tied to the trust.

11. How is a “land pool” agreement created by DNR?

The proviso does **not create any “land pool”** for county forest board trust lands—only state-trust lands can use DNR’s land bank authority under RCW 79.17; county-trust lands must remain tied to their local trust and cannot be pooled or banked.

12. Why are some calling active sales 'encumbered'?

Advocates misread 'encumbered' to mean 'under dispute.' Legally, it means 'restricted by prior legal obligation' such as an HCP or ESA condition.

13. What should commissioners remember most?

Track 1 – State-trust lands (cash or replacement). Track 2 – Encumbered county-trust lands (replacement only). County/BNR approval is required, active sales are not eligible, all revenue streams must be replaced.

Summary: Understanding the LFDF / Doc Holliday Briefing

1. The Doc Holliday sale is not 'encumbered.'

It is an active, legally executed sale benefiting county trust beneficiaries. 'Encumbered' refers only to ESA/HCP restrictions, not contested sales.

2. County trust lands are not the same as state trust lands.

The first \$10 million pool applies to state-grant trusts; county forest board lands are held in trust for local beneficiaries and cannot be withdrawn without consent and full replacement.

3. 'Cash-for-counties' does not apply to county trust lands.

That provision references RCW 79.64.110 and applies only to state-grant lands. County lands must receive replacement property, not cash.

4. LFDF’s interpretation blurs statutory lines.

LFDF presents all state-managed forests as public property, ignoring that county-trust lands are held for local beneficiaries. The Skamania decision prohibits sacrificing trust revenue for non-trust purposes.

5. The true intent of the proviso.

The proviso targets state-trust conservation and limited relief for ESA-restricted county acres—not canceling active timber sales. DNR’s 2024 update shows nominated parcels have been state-trust lands, not county-trust lands.

6. DNR facilitating a “land pool” agreement

This does not appear in the proviso or statutes. HB 5195 § 3121 establishes two separate funding tracks but no shared pool or agreement, and county-trust lands cannot be combined or banked under current law.

Bottom Line: The Carbon Sequestration Proviso (HB 5195 § 3121) created two distinct tracks — one for conserving *state-trust lands* and one for limited replacement of *ESA-encumbered county tracts*. It does **not** authorize any “land pool” or shared account combining the two. County forest board trust lands like *Doc Halliday* remain active, income-producing assets that cannot be withdrawn or reclassified without county approval and full, fair-market-value replacement of all valuable materials. Counties have a fiduciary duty to safeguard these working-forest trusts and the local schools, fire districts, hospitals, and roads they fund.

CRITIQUE OF

2025 Natural Climate Solutions "Carbon Sequestration Forests" Proviso Fact Sheet for County Governments

Background

Washington State Association of Counties (WSAC), Department of Natural Resources (DNR), and numerous conservation organizations were successful in securing \$23 million in the 2025-27 budget biennium from the Natural Climate Solutions account created by the Climate Commitment Act.

\$10 million will be spent to acquire replacement forestland in exchange for permanent conservation of approximately 500 acres of mature, structurally complex forests currently managed by DNR for timber harvest. This is a continuation of funding allocated by the legislature for this same purpose in 2023 and 2024, but with an exciting new provision that allows a "cash for counties" option. County governments can opt in to receive a portion of the replacement value of conserved mature forests in cash so that essential services like schools and fire departments can receive funding now- rather than waiting to receive funding until replacement forestlands are ready for timber harvest.

Another \$10 million of the funds will be spent to purchase replacement forestland for ongoing timber harvest, compensating for "encumbered" lands in Clallam, Pacific, Skamania, and Wahkiakum counties. The final \$3 million was appropriated for DNR to do more restoration thinning projects.

This investment allows Washington to continue expanding its public lands, supporting local revenue for rural communities, and conserving older forests for the third consecutive year!

HERE is the full proviso text as passed by the State Legislature.

\$10 million for forest conservation timeline

- DNR received funds from the legislature in July 2025.
- County governments may send letters to DNR requesting specific parcels be considered for nomination. In fact, the Kitsap County Board of Commissioners has already sent such a letter.
- DNR will begin the process of identifying parcels of structurally complex, carbon dense forests for conservation with a total value of \$10 million. DNR will notify counties once they have selected parcels within that county.
- Regardless of the trust beneficiary/ies associated with the lands proposed for conservation, the legislative body of the county where the parcels are located must send a letter of support to DNR and the Board of Natural Resources (BNR). It would be good for letters to indicate whether the county is interested in the "cash for counties" option.
- DNR will then purchase \$10 million of replacement acres for the affected trusts.
- The final step is for the BNR to approve the conservation parcel boundaries.
- Trust beneficiaries will receive revenue from replacement lands as they are harvested. Counties can opt to receive immediate revenue using the "cash for counties" provision.

How valuation and "cash for counties" works

- Acreage valuation includes the raw land AND timber value. Though highly variable, DNR has estimated that these types of forests are valued at approximately \$20-25,000 per acre.

Commented [JB1]: Clallam County's 94,523 acres of County Forest Board Trust lands are held in trust by the trustee Legislature. DNR's duties as to trust lands are unambiguous and unavoidable. In Skamania County v. State, The Washington Supreme Court confirmed that DNR must act prudently and with undivided loyalty to the trust beneficiaries, to the exclusion of all other interests no matter how laudable. The trustee fails its common law trust duties of prudent management and undivided loyalty to the county and the county trust beneficiaries. **WHY SHOULD THE COUNTY PARTICIPATE IN THIS PROGRAM WHEN THE STATE CAN'T CARRY OUT THE TERMS OF THE 1935 TRUST?**

Commented [JB2]: The purchased replacement land comes from the county's private property tax base. It is already used for "ongoing timber harvest." The county loses the property taxes and timber excise tax when the land moves to state ownership.

Commented [JB3]: Clallam County has no interest in expanding the state's public lands. **THIS IS ESPECIALLY TRUE WHEN THE STATE FAILS TO CARRY OUT ITS TRUST DUTIES FOR THE COUNTY AND ITS BENEFICIARIES.**

THE COUNTY MUST INSIST THE STATE CARRY OUT THE COMMON LAW TRUST DUTIES IT ENTERED IN 1936 WHEN IT "DAMANDED" THE COUNTY TURN OVER ITS LANDS. STATE'S FAILURE TO HONOR THE TERMS OF THE TRUST IS A DEFACTO TAKING.

Commented [JB4]: Clallam County junior taxing districts are beneficiaries of the 1935 trust with standing to sue. A letter of support to DNR without their approval is cause for legal action between the county and the beneficiaries.

Commented [JB5]: AGO 1996-11 claims the counties are in a single county forest board trust (forest board transfer). State cannot just purchase replacement acres. There is no commitment to purchase harvestable land free of buffers. The Legislature cannot guarantee it will not change the rules in the future to limit harvest. LFDC cannot make a binding agreement.

In light of LFDC's litigious and awless behavior and DNR's failure to defend to the county trust, there is no reason to participate in this program.

- For "State Forestlands," i.e. forestlands in which county governments are the beneficiary, counties may utilize a "cash for counties" provision:
 - At least \$12,000 per acre must be used to buy replacement lands. This ensures that counties are able to grow their trust holdings. Based on an average replacement cost of \$6,000 per acre, \$12,000 allows counties to receive approximately two acres of replacement land for each acre conserved, which is in alignment with recent DNR forestland purchases.
 - Counties can elect to receive any amount of the replacement value in excess of \$12,000 per acre as cash up front. This is in lieu of purchasing more replacement acres. The cash is then distributed to counties and their junior taxing districts in the same proportion as any other revenue received from DNR, as per RCW 79.64.110.
 - Using the \$25,000 per acre estimate, a county could elect to receive up to \$13,000 per acre in cash.

Example:

- The "Upper Rutsatz" parcel in Whatcom County has 60 acres of State Forest Board Transfer (Whatcom County) trust land.
- 60 acres x \$25,000/acre = \$1,500,000 replacement value
- 60 acres x \$12,000/ac1s = \$720,000 reserved for purchasing replacement acres to ensure a 2:1 acre expansion of the trust. This assumes an average cost of replacement acres to be \$6,000/acre.
- \$1,500,000 - \$720,000 = \$780,000 = the amount up to which Whatcom County Council could elect to receive as cash. Whatcom could also choose to receive a portion of this amount, and use a portion to purchase more replacement acres.

How replacement lands work

- To replace State Forestlands (where the county is the beneficiary), DNR may look for replacement acres within that county. However, if a parcel is only 50 acres, it may not be possible to find 100 acres of replacement acres for sale in the same county that are logistically feasible for DNR to manage. DNR often prefers to buy larger parcels for management ease and access.
- If DNR purchases replacement lands outside of the original county, DNR will facilitate a "land pool" agreement. All of the counties will enter into an agreement with the county in which the replacement land is located. Replacement land revenue will be distributed to counties proportional to the value of the land being replaced.

Example:

- 1,000 acres are purchased in Clallam County to replace conserved parcels in Whatcom, Clallam, and Thurston.
- Whatcom's conserved parcel is valued at \$3 million, Clallam's parcel at \$2 million, and Thurston's at \$1 million.
- As timber harvest occurs on those 1,000 acres, revenue will be distributed at a ratio of 3 (Whatcom) :2 (Clallam): 1 (Thurston).

Commented [JB6]: The "state forestlands" trust (forest board purchase) is 79,384 acres of state-owned land set up IAW session laws of 1923 chapter 154 section 3. Clallam County **DONATED** only 162.41 acres to "state forestlands." It is managed in the best interest of the state. The revenue distribution for this trust is 50 % to DNR, 26% to the county beneficiaries and 24% to the state general fund.

The "county forest board land trust" is 538,918 acres of land set up IAW session laws of 1927 chapter 288 section 3b. Clallam County **DEEDED** 94,523 acres to "county forest board trust program." It is not being managed in the best interest of the county. The revenue distribution for this trust is 75% to the county and 25% to DNR.

The confusion between "state forest lands" and "county forest board trust lands" is a fatal error. First, Clallam County only has 162 acres that qualify for this program. Second, the plan does not specify in which trust the replacement land will be placed. Previous comments state will use this program to expand it's public lands. That implies the revenue distribution will change for the county getting the current 75% to the "state forestland" 26%.

Commented [JB7]: Why would the county do this when it can have the full value of the timber sale if the State does it's job as trustee. Is this a threat that LFDC will sue the county refuses to participate? Is this an admission by DNR that it pursuing a divided loyalty to LFDC?

Commented [JB8]: Clallam County donated 162 acres to the "state forestland trust." County forest board trust lands are not state forestlands and do not qualify for this program.

Dear Clallam County Commissioners,

OCT 01 2025

I am writing in support of the plan to realign the Kitchen-Dick Road and Lotzgesell Road ^{curve 3...A...} (Transportation Improvement Program Project No. 2). I have seen this project on the Six-Year TIP for several years, and it is several years since I have asked at the DCD office about the project schedule; I submitted one comment to the Roads contact form (with no reply). Ourselves and other local neighbors have followed this project each year and watched as it received federal funding and has shown upcoming construction. Although this a part of a much larger project including the complex re-routing off the eroding bluff – the Dungeness National Wildlife Refuge Access Improvements – this letter concerns the realignment of the abrupt 90-degree turn in the road for safety.

I want to make sure you are hearing voices like ours that strongly SUPPORT the county's improvement plans for the corner.

Three board members of our local Blue Ribbon Farms community homeowners' association have been outspoken against this project – either living on the inner curve of the county right of way designated for this road improvement, or due to the inconvenience of the proposed turn west onto Maynard Road while pulling a utility trailer. These board members and their friends/neighbors have been vocal against the change.

As you may be aware, there are frequent small mishaps off this elevated corner. Most go unreported, but some are grave and well known to Sheriff Brian King and his office. We have owned the residential parcel to the north of the corner for ten years. There have been three tragic vehicular accidents during the last seven years. One was fatal in April 2018. One woman has been in ICU after a collision on August 4, 2025. A third occurred in the late evening as the driver continued at speed north following the Kitchen Dick alignment, crashing through a picnic table along the way on the way into a marsh.

As a design professional in an associated field, I understand both the harsh realities of the funding process and that are no cookie cutter design solutions. While some may say this is a relatively “safe” corner in terms of road design and that in all of these cases, there were users truly at fault, I would like to voice SUPPORT of the improvement that makes sense for this context.

The straight-shot Kitchen-Dick Road takes people to the 216-acre regional County park and the popular National Wildlife Refuge with a tight right-hand turn at Lotzgesell Road before the left turn to access the parks. We have witnessed many visitors not knowing exactly where they are going. In the confusion, neighbors have frequently seen cars veer off the embankment and into the irrigation ditch.

Further, it is hazardous to bicycle around this corner toward the park. Widening is part of the project design.

I understand that funding can be swayed by popular sentiment and perhaps by necessity go toward some other large projects. I don't know how individuals voicing opinions can balance with a social-media-type network of comments, but I respectfully request that you support this curve re-design project for the safety and access issues that the design addresses.

Best regards,
~ Laura Davis

Laura Davis
464 Greywolf Rd.
Sequim WA 98382

RECEIVED
CLALLAM CO. COMMISSIONERS

OCT 01 2025

1...2...3...A... 

Sara J. & Bradley R. Tetreault
30 Eagles Rest Lane
Sequim, WA 98382-8622

September 26, 2025

The Honorable Mark Ozias
Clallam County Commissioner, District 1
223 East 4th Street, Suite 4
Port Angeles, WA 98362

Re: Concern Over City of Sequim's Handling of Proposed West Bay Development

Dear Commissioner Ozias,

We are residents of Diamond Point, an unincorporated area of Clallam County located just outside the Sequim city limits. We are writing to express our deep concern regarding the Sequim City Council's handling of a proposed development project that, while geographically within the city limits, promises substantial economic benefits for the entire Olympic Peninsula.

As residents living outside the jurisdiction of the City of Sequim, we have no direct representation on the City Council. Nevertheless, the decisions made by the Council on this matter will significantly impact the broader region, including surrounding communities like ours. This raises serious questions about regional equity and representation in decisions of such wide-reaching importance.

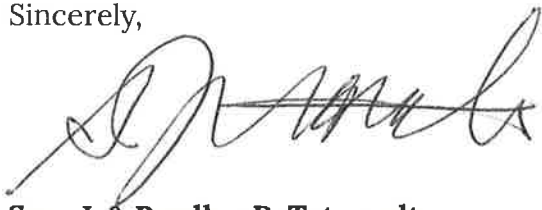
The property in question has long been zoned for the type of development currently proposed. This is not a matter of incompatible land use or zoning challenges. Rather, our concern stems from the City Council's recent decision to enact an emergency moratorium, which appears to be significantly delaying — and potentially jeopardizing — the project's approval process.

We are troubled by indications that proper procedures are not being followed and that negotiations are not being conducted in good faith. Such actions not only undermine public trust but also risk stalling a development that could provide much-needed economic stimulus and long-term vibrancy for the entire Olympic Peninsula.

We urge you to bring appropriate attention to this issue to ensure that the development is given a fair, timely, and transparent review process. It is vital that decisions with regional implications not be unduly hindered by narrowly focused political actions.

Thank you for your attention to this matter. We remain hopeful that this project will receive the thoughtful consideration it deserves — for the benefit of Sequim and the broader Olympic Peninsula.

Sincerely,



Sara J. & Bradley R. Tetreault



CC:

The Honorable Bob Ferguson, Governor of Washington

The Honorable Maria Cantwell, United States Senator

The Honorable Patty Murray, United States Senator

The Honorable Emily Randall, Washington State Senator, 26th Legislative District

The Honorable Mike Chapman, Washington State Senator, 24th Legislative District

The Honorable Adam Bernbaum, State Representative - Position 1

The Honorable Steve Tharinger, State Representative - Position 2

The Honorable Mark Ozias, Clallam County Commissioner - District 1

The Honorable Brandon Janisse, Mayor of Sequim

The Honorable Rachel Anderson, Deputy Mayor of Sequim

Kelly Burger, City Council Position 1, City of Sequim

Dan Butler, City Council Position 2, City of Sequim

Vicki Lowe, City Council Position 3, City of Sequim

Harmony Rutter, City Council Position 6, City of Sequim

Nicole Hartman, City Council Position 7, City of Sequim

OCT 02 2025

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September 28, 2025

Cindy & Warren Wilson
294 Heron Hill Road
Sequim, WA 98382

The Honorable Mark Ozias
Clallam County Commissioner, District 1
223 East 4th Street, Suite 4
Port Angeles, WA 98362

Re: Concern Over City of Sequim's Handling of Proposed West Bay Development

Dear Commissioner Ozias,

As residents of Blyn, an unincorporated area of Clallam County located just outside the Sequim city limits, we are writing to express our deep concern regarding the Sequim City Council's handling of a proposed development project that, while geographically within the city limits, promises substantial economic benefits for the entire Olympic Peninsula.

As residents living outside the jurisdiction of the City of Sequim, we have no direct representation on the City Council. Nevertheless, the decisions made by the Council on this matter will significantly impact the broader region, including surrounding communities like ours. This raises serious questions about regional equity and representation in decisions of such wide-reaching importance.

The property in question has long been zoned for the type of development currently proposed. This is not a matter of incompatible land use or zoning challenges. Rather, our concern stems from the City Council's recent decision to enact an emergency moratorium, which appears to be significantly delaying — and potentially jeopardizing — the project's approval process.

We are troubled by indications that proper procedures are not being followed and that negotiations are not being conducted in good faith. Such actions not only undermine public trust but also risk stalling a development that could provide much-needed economic stimulus and long-term vibrancy for the entire Olympic Peninsula.

We urge you to bring appropriate attention to this issue to ensure that the development is given a fair, timely, and transparent review process. It is vital that decisions with regional implications not be unduly hindered by narrowly focused political actions.

Thank you for your attention to this matter. We remain hopeful that this project will receive the thoughtful consideration it deserves — for the benefit of Sequim and the broader Olympic Peninsula.

Sincerely,

A handwritten signature in black ink that reads "WARREN & Cindy Wilson". The word "WARREN" is in all caps and is more legible, while "Cindy Wilson" is in a cursive script.

Warren & Cindy Wilson



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Northwest Regional Office

911 Northeast 11th Avenue

Portland, Oregon 97232

RECEIVED

CLALLAM CO. COMMISSIONERS

OCT 03 2025

1...2...3...A...

IN REPLY, REFER TO:
Division of Realty

September 25, 2025

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

Dear Chairman Allen:

This is the decision of the Bureau of Indian Affairs ("BIA"), Northwest Regional Director, on the Jamestown S'Klallam Tribe's ("Tribe") contiguous land-into-trust application for the property more fully identified below, known as the "Blyn Basin IV Parcels," ("Property" or "Land") consisting of 4.09 acres, more or less, located in Clallam County, State of Washington. The proposed acquisition for the property are as follows: land consolidation, walking trails, stormwater retention pond, storage/maintenance building, storage shed, and community building and elder lounge. The application is not for gaming purposes. For the reasons set forth below, I approve the Jamestown S'Klallam Tribe's request to acquire the Property into trust.

By Tribal Resolution Number 13-2025 dated February 4, 2025, and Fee-to-Trust Application, the Tribe requested that the United States acquire 4.09 acres in trust for the use and benefit of the Tribe.

The Tribe acquired the Property from Mayme Faulk, an unmarried woman, as her separate estate and as the sole surviving heir of Louise Snyder, who acquired title as Louise Delaney, by Statutory Warranty Deed dated February 12, 2004, and recorded in Clallam County, Washington on February 13, 2004 under recording number 2004-1127875.

Location/Land Description

According to the fee-to-trust application and review of the location map, the Property is contiguous to Tribal Trust Properties 157 T 1239 and 157 T 1244 and the Jamestown Reservation, 129 T 1007. The property is described as follows:

PARCEL 1:PORTION OF 03-29-12-140030 THOSE PORTIONS OF VACATED ZACCARDO ROAD IN GOVERNMENT LOTS 1 AND 2, SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M., AS DESCRIBED IN CR RESOLUTION NO 33, 1993, AND RECORDED APRIL 21, 1993 UNDER AUDITOR'S

FILE NO. 685523, AND IN CR RESOLUTION 11, 2019, AND RECORDED AUGUST 20, 2019, UNDER CLALLAM COUNTY AUDITOR'S FILE NO. 2019-1383213.

PARCEL 2: 03-29-12-140045; 03-29-12-140060; PORTION 03-29-12-140030

"A": THAT PORTION OF TRACT 1 IN GOVERNMENT LOT 2 OF ASSESSOR'S MAP OF SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, WM., AS RECORDED IN VOLUME 4 OF PLATS, PAGE 5, LYING EASTERLY OF PRIMARY STATE HIGHWAY NO 9 (HWY 101); TOGETHER WITH VACATED CHICKEN COOP ROAD, ADJOINING IN GOVERNMENT LOTS 1 AND 2, SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M., WHICH, UPON VACATION ATTACHED TO SAID PROPERTY BY OPERATION OF LAW, AND DESCRIBED IN CR RESOLUTION 11, 2019, RECORDED AUGUST 20, 2019, UNDER CLALLAM AUDITOR'S FILE NO. 2019-1383213.

"B" THAT PORTION OF TRACT 2 IN GOVERNMENT LOT 2 OF ASSESSOR'S MAP OF SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M., AS RECORDED IN VOLUME 4 OF PLATS, PAGE 5, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT SOUTH 1°23'10" WEST 70 FEET FROM THE SOUTHEAST CORNER OF TRACT 1 OF SAID GOVERNMENT LOT 2; THENCE NORTH 61°36'50" WEST 183 FEET; THENCE SOUTH 1°23'10" WEST PARALLEL TO THE EAST LINE OF SAID SECTION 12, TO THE EASTERLY MARGIN OF COUNTY ROAD NO. 5705; THENCE SOUTHERLY ALONG SAID EASTERLY MARGIN TO A POINT SOUTH 89°31' WEST OF A POINT ON THE EAST LINE OF SAID SECTION 12, NORTH 1°23'10" EAST 784.4 FEET FROM THE EAST QUARTER CORNER THEREOF; THENCE NORTH 89°31' EAST 86 FEET TO SAID EAST LINE OF SECTION 12; THENCE NORTH 1°23'10" EAST ALONG SAID EAST LINE OF SECTION 12, 152 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

"C": COMMENCING AT THE SOUTHEAST CORNER OF TRACT 1 OF GOVERNMENT LOT 2, SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M., CLALLAM COUNTY, WASHINGTON; THENCE SOUTH 70 FEET ALONG THE SECTION LINE BETWEEN SECTIONS 7 AND 12, SAID TOWNSHIP AND RANGE; THENCE NORTH 61°36'50" WEST 170 FEET; THENCE NORTH AND PARALLEL WITH SAID SECTION LINE, 70 FEET; THENCE SOUTH 61°35'50" EAST TO THE POINT OF BEGINNING. PARCEL 3: 03-29-12-140100 TRACT 4 ON SURVEY RECORDED IN VOLUME 10 OF SURVEYS, PAGE 39, UNDER CLALLAM COUNTY AUDITOR'S FILE NO. 559167, BEING A PORTION OF GOVERNMENT LOT 2, SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M., CLALLAM COUNTY, WASHINGTON. EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON PER BOOK 124 OF DEEDS, PAGES 85-86, AUDITOR'S FILE NO. 147373, RECORDS OF CLALLAM COUNTY, THE CENTERLINE OF WHICH IS SHOWN IN BOOK 68 OF SURVEY, PAGE 3, RECORDS OF SAID COUNTY.

PARCEL 4: 03-29-12-140110

PARCEL C OF BOUNDARY LINE ADJUSTMENT SURVEY, RECORDED JULY 30, 2004, IN VOLUME 55 OF SURVEYS, PAGE 90, UNDER CLALLAM COUNTY AUDITOR'S FILE NO. 2004-1138451, BEING A PORTION OF TRACTS 2, 3, 4 AND 5A, OF ASSESSOR'S PLAT VOLUME 4 OF PLATS, PAGE 5, IN GOVERNMENT LOT 2 IN SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M., CLALLAM

COUNTY, WASHINGTON. TOGETHER WITH THAT PORTION OF THAT PARCEL DESCRIBED UNDER AUDITOR'S FILE NO. 726195, LYING NORTHERLY OF SAI D PARCEL "C" OF THAT PARCEL DESCRIBED UNDER AUDITOR'S FILE NO. 726925 RECORDS OF SAID COUNTY; EXCEPT THAT PORTION OF ZACCARDO ROAD CONVEYED TO CLALLAM COUNTY PER AUDITOR'S FILE NO. 234814, RECORDS OF CLALLAM COUNTY, WASHINGTON. SITUATE IN CLALLAM COUNTY, STATE OF WASHINGTON.

A Land Description Examination and Validation ("LDEV") request was submitted on February 12, 2025, and reviewed by the GIS Strike Team POC, Madison Brown, and certified by BIA OTS Liaison, Trisha Johnson, on March 7, 2025. The LDEV received a concur, low risk and stated the following:

The Land description consists of multiple parcels, which are adjacent to each other. The description being that of portions of Government Lots. That being furthermore described in Metes and Bounds according to surveys provided. With exceptions to that being Roadways and Right of Ways, which are furthermore described in Metes and Bounds according to surveys provided.

The land description is deemed acceptable for the stated purpose. The GIS acreage was calculated to be within 5% of the 4.090 TAAMS acres. It is deemed acceptable for the stated purpose.

Based on the most recent available satellite imagery, there does not appear to be any unauthorized encroachments or encumbrances.

I find that the Tribe has fulfilled the requirements of 25 CFR § 151.8 governing requests for approval of acquisition because Tribal Resolution No. 13-2025 dated February 4, 2025, sets out the identity of the parties, a description of the land, and other information showing the acquisition comes within 25 CFR Part 15

REGULATORY REQUIREMENTS, 25 CFR Part 151 (2024)

The BIA Northwest Regional Director's decision is discretionary. This application was submitted on or about February 4, 2025, after the Bureau of Indian Affairs issued the revised 25 CFR Part 151 regulations for fee-to-trust acquisitions, effective January 11, 2024 ("2024 Regulations"). Therefore, this decision is issued by the revised 25 CFR Part 151 regulations.

§ 151.3 – Land Acquisition Policy

Section 151.3 of Title 25 of the *Code of Federal Regulations* sets 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 Tribal Trust Properties 157 T 1239 and 157 T 1244 and the Jamestown Reservation, 129 T 1007.
2. The Tribe already owns the land, as evidenced by the Statutory Warranty Deeds and the title evidence. The Office of the Solicitor, Pacific Northwest Region, reviewed the title evidence, provided Preliminary Title Opinion BIA-000105347 dated May 21, 2025, and found the title vested in the United States of America.
3. The acquisition furthers tribal interests by facilitating land consolidation and tribal self-determination.

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 to 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 is memorialized in Sol. Op. M-37029 is reasonable.

- The Tribe was under federal jurisdiction in 1934. The Tribe's predecessor was a 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. It was determined that the Tribe was eligible for the benefits of the IRA.

On February 10, 1981, the Tribe was officially recognized as a federally recognized Indian tribe, thereby confirming its continued existence and oversight 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 purposes for which the land will be used are as follows: land consolidation, walking trails, stormwater retention pond, storage/maintenance building, storage shed, and community building and elder lounge.

According to the Tribe's fee-to-trust application, the Tribe does not have any plans to develop the property.

§ 151.10(a)(4) – BIA's ability to discharge additional responsibilities

The programs at the Puget Sound Agency and Northwest Regional Office can handle the additional responsibilities that come with acquiring this land into trust. The principal programs affected will be Realty, the Division of Environmental, and the Land Titles and Records Office.

Based on the above facts, the additional 4.09 acres will not unduly burden the BIA staff. Therefore, I also find that the BIA is equipped to discharge the extra responsibilities of bringing this land into trust status.

§ 151.10(b) – Great Weight

This acquisition furthers tribal interests by consolidating land ownership—property is contiguous to Tribal Trust Properties 157 T 1239 and 157 T 1244 and the Jamestown Reservation and facilitating Tribal self-determination. 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 consolidating land ownership and facilitating Tribal self-determination. 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 on regulatory jurisdiction, real property taxes, and special assessments

A Notice of Application was sent to the Governor of Washington (“State”), Clallam County (“County”), and the City of Sequim (“City”) on March 14, 2025. The notices provided 30 days for a written response.

No comments were provided to rebut the presumption of minimal adverse impacts on the regulatory jurisdiction. Therefore, I find that the Tribal community will benefit from the acquisition.

§ 151.14 – Title Review

A Request for a Preliminary Title Opinion (“PTO”) was submitted to the Office of the Solicitor, Pacific Northwest Region, and a Preliminary Title Opinion, BIA-00105347, was issued on May 21, 2025. The PTO stated that items 1 (taxes and assessments) 2, and 3 of the Special Exceptions in Schedule B, Part II of the preliminary title evidence must be satisfied or addressed prior to final trust acquisition.

The Tribe provided an updated title commitment dated May 27, 2025, showing items 2 and 3 had been eliminated.

§ 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, and Department of Interior regulations and guidance (59 IAM 5 dated January 10, 2025) regarding Hazardous Substances Determinations. An Exception Checklist for BIA Categorical Exclusions, dated March 26, 2025, indicates that an Environmental Assessment is not required because the tribe has stated that no development, physical alteration, or change in land use is planned or known to occur after acquisition. Therefore, 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 on any historic or archaeological resources or threatened or endangered species that may exist on the property. Should future development occur, compliance with laws governing landmark properties and endangered species, if applicable, will be required.

Phase I Environmental Site Assessment

Kristen Burgess, EP, LG, of ESA Associates, Inc. (ESAAl), completed a Phase I Environmental Site Assessment on August 22, 2022, for fee-to-trust application purposes. 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

The ESA, which must be completed prior to taking title to the subject property, expired on 8/22/2023. An updated ESA report must be completed/updated within 180 days of taking title. 59 IAM 5 allows use of an ESA report for up 18-30 months under certain conditions, which do not apply to this property.

Updated Phase I ESA

BIA updated the following ESA components:

1. Reviewed updated environmental questionnaire completed by Leo P. Gaten, Tribal Governmental Policy Advisor/Property Owner Representative;
2. Inquired about site use changes since the ESA site visit (none),
3. Conducted an online review of the US EPA, Washington Department of Ecology (WADOE), and reviewing Clallam County Assessor's Office databases, and
4. Endorsed this research as a qualified Environmental Professional.

Results

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 2022 Phase I ESA report. **Based on this, no further fee-to-trust related environmental review is required for this parcel.**

Summary:

Brian J. Haug, BIA Northwest Regional Environmental Scientist reviewed and approved the Phase I ESA and Updated Phase I ESA on March 25, 2025, and stated that: "The updated Phase I ESA and supporting documents fulfill the requirements of DOI's 602 DM 2, 52 IAM 12-H, 59 IAM 5, NEPA, ASTM E1527 Standard Practice, 25 CFR §151, 40 CFR § 312, and the property is suitable for acquisition."

Decision

The proposed uses and purposes of the property are non-gaming, and not in conflict with existing land use. In view of the foregoing, all applicable legal requirements have been satisfied, and I hereby approve the Tribe's fee-to-trust application for Blyn Basin IV Parcels.

Appeal Rights

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

A Notice of Appeal shall include:

- (1) A complete 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 of 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,

RUDY PEONE

Digitally signed by
RUDY PEONE
Date: 2025.09.25
13:48:06 -07'00'

Kurt Fredenberg
Acting Northwest Regional Director

cc: Leo Gaten, Governmental Policy Advisor
Jamestown S’Klallam Tribe

Distribution List of Notice of Decision

State of Washington
Governor's Office of Indian Affairs
1110 Capital Way South, Suite 225
Olympia, Washington 98501
Certified Mail.: 7020 0640 0002 1120 8672
Regular mail

Clallam County Commissioners
Clallam County
223 East Fourth Street, Suite 4
Port Angeles, Washington 983
Certified Mail No.:7020 0640 0002 1120 8689
Regular mail

City of Sequim
152 West Cedar Street
Sequim, Washington 98382
Certified Mail No.:7020 0640 0002 1120 8696
Regular mail

Jamestown S'Klallam Tribe
1033 Old Blyn Highway
Sequim, Washington 98382-7670
Certified Mail No.:7020 0640 0002 1120 8702
Regular mail

*Public Notice to Acquire Land into Trust – BIA Regional Director Decisions
(for publication in the local newspaper)*

ACTION: Notice of decision to acquire land into trust under 25 Code of Federal Regulations, Part 151.

SUMMARY: The Regional Director, Bureau of Indian Affairs, U.S. Department of the Interior, on the below date, has made a determination to acquire real property in trust for JAMESTOWN S'KLALLAM TRIBE.

The land referred to as former Blyn Basin IV property, herein and is described as:

See "Exhibit A" for legal descriptions.

DATE: This determination was made on 09/25/2025.

FOR FURTHER INFORMATION CONTACT: BIA NORTHWEST REGIONAL OFFICE, Bureau of Indian Affairs, 911 NE 11TH AVENUE, PORTLAND, OR 97232, telephone (503) 231-6702.

SUPPLEMENTARY INFORMATION: This notice is published to comply with the requirement of 25 CFR § 151.12(d)(2)(iii) that notice be given of the decision by the authorized representative of the Secretary of the Interior to acquire land in trust.

A copy of the determination is available [at the following website: n/a AND/OR from the office identified in the FOR FURTHER INFORMATION section of this notice]. Any party who wishes to seek judicial review of the Regional Director's decision must first exhaust administrative remedies. The Regional Director's decision may be appealed to the Interior Board of Indian Appeals (IBIA) in accordance with the regulations in 43 C.F.R. 4.310-4.340.

If you choose to appeal this decision, your notice of appeal to the IBIA must be signed by you or your attorney and must be either postmarked and mailed (if you use mail) or delivered (if you use another means of physical delivery, such as FedEx or UPS) to the IBIA within 30 days from the date of publication of this notice. The regulations do not authorize filings by facsimile/fax or by electronic means. Your notice of appeal should clearly identify the decision being appealed. You must send your original notice of appeal to the IBIA at the following address: Interior Board of Indian Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy Street, Suite 300, Arlington, Virginia 22203. You must send copies of your notice of appeal to (1) the Assistant Secretary – Indian Affairs, U.S. Department of the Interior, MS-4141-MIB, 1849 C Street N.W., Washington, D.C. 20240; (2) each interested party known to you; and (3) the Regional Director. Your notice of appeal sent to the IBIA must include a statement certifying that you have sent copies to these officials and interested parties and should identify them by names or titles and addresses.

If you file a notice of appeal, the IBIA will notify you of further procedures. If no appeal is timely filed, this decision will become final for the Department of the Interior at the expiration of the appeal period. No extension of time may be granted for filing a notice of appeal.

PNRDD01



Office Codes: P, P, 06-129 AD Number: 4200481506 Case: 62213

Case Number: 62213

Applicant Name: JAMESTOWN
S'KLALLAM TRIBE

LEGAL DESCRIPTION EXHIBIT A

Tract ID:

Tract Name: BLYN BASIN IV

<u>Land Area</u>	<u>Land Area Name</u>	<u>Tract Number</u>	<u>LTRO</u>	<u>Region</u>	<u>Agency</u>	<u>Resources</u>	
129	JAMESTOWN KLALLAM (CLALLAM)		PORTLAND, OR	NORTHWEST REGIONAL OFFICE	OLYMPIC PENINSULA AGENCY	Both (Mineral and Surface)	
<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>State</u>	<u>County</u>	<u>Meridian</u>	<u>Legal Description</u>	<u>Acres</u>
12	029.00N	003.00W	WASHINGTON	CHELAN	Willamette		4.080

METES AND BOUNDS: PARCEL 1 :PORTION OF 03-29-12-140030 THOSE PORTIONS OF VACATED ZACCARDO ROAD IN GOVERNMENT LOTS 1 AND 2, SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M., AS DESCRIBED IN CR RESOLUTION NO 33, 1993, AND RECORDED APRIL 21, 1993 UNDER AUDITOR'S FILE NO. 685523, AND IN CR RESOLUTION 11, 2019, AND RECORDED AUGUST 20, 2019, UNDER CLALLAM COUNTY AUDITOR'S FILE NO. 2019-1383213. PARCEL 2: 03-29-12-140045; 03-29-12-140060; PORTION 03-29-12-140030 "A": THAT PORTION OF TRACT 1 IN GOVERNMENT LOT 2 OF ASSESSOR'S MAP OF SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, WM., AS RECORDED IN VOLUME 4 OF PLATS, PAGE 5, LYING EASTERLY OF PRIMARY STATE HIGHWAY NO 9 (HWY 101); TOGETHER WITH VACATED CHICKEN COOP ROAD, ADJOINING IN GOVERNMENT LOTS 1 AND 2, SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M., WHICH, UPON VACATION ATTACHED TO SAID PROPERTY BY OPERATION OF LAW, AND DESCRIBED IN CR RESOLUTION 11, 2019, RECORDED AUGUST 20, 2019, UNDER CLALLAM AUDITOR'S FILE NO. 2019-1383213. "B" THAT PORTION OF TRACT 2 IN GOVERNMENT LOT 2 OF ASSESSOR'S MAP OF SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M., AS RECORDED IN VOLUME 4 OF PLATS, PAGE 5, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT SOUTH 1°23'10" WEST 70 FEET FROM THE SOUTHEAST CORNER OF TRACT 1 OF SAID GOVERNMENT LOT 2; THENCE NORTH 61°36'50" WEST 183 FEET; THENCE SOUTH 1°23'10" WEST PARALLEL TO THE EAST LINE OF SAID SECTION 12, TO THE EASTERLY MARGIN OF COUNTY ROAD NO. 5705; THENCE SOUTHERLY ALONG SAID EASTERLY MARGIN TO A POINT SOUTH 89°31' WEST OF A POINT ON THE EAST LINE OF SAID SECTION 12, NORTH 1°23'10" EAST 784.4 FEET FROM THE EAST QUARTER CORNER THEREOF; THENCE NORTH 89°31' EAST 86 FEET TO SAID EAST LINE OF SECTION 12; THENCE NORTH 1°23'10" EAST ALONG SAID EAST LINE OF SECTION 12, 152 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. "C": COMMENCING AT THE SOUTHEAST CORNER OF TRACT 1 OF GOVERNMENT LOT 2, SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M., CLALLAM COUNTY, WASHINGTON; THENCE SOUTH 70 FEET ALONG THE SECTION LINE BETWEEN SECTIONS 7 AND 12, SAID TOWNSHIP AND RANGE; THENCE NORTH 61°36'50" WEST 170 FEET; THENCE NORTH AND PARALLEL WITH SAID SECTION LINE, 70 FEET; THENCE SOUTH 61°35'50" EAST TO THE POINT OF BEGINNING. PARCEL 3: 03-29-12-140100 TRACT 4 ON SURVEY RECORDED IN VOLUME 10 OF SURVEYS, PAGE 39, UNDER CLALLAM COUNTY AUDITOR'S FILE NO. 559167, BEING A PORTION OF GOVERNMENT LOT 2, SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M., CLALLAM COUNTY, WASHINGTON. EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON PER BOOK 124 OF DEEDS, PAGES 85-86, AUDITOR'S FILE NO. 147373, RECORDS OF CLALLAM COUNTY, THE CENTERLINE OF WHICH IS SHOWN IN BOOK 68 OF SURVEY, PAGE 3, RECORDS OF SAID COUNTY. PARCEL 4: 03-29-12-140110 PARCEL C OF BOUNDARY LINE ADJUSTMENT SURVEY, RECORDED JULY 30, 2004, IN VOLUME 55 OF SURVEYS, PAGE 90, UNDER CLALLAM COUNTY AUDITOR'S FILE NO. 2004-1138451, BEING A PORTION OF TRACTS 2, 3, 4 AND 5A, OF ASSESSOR'S PLAT VOLUME 4 OF PLATS, PAGE 5, IN GOVERNMENT LOT 2 IN SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M., CLALLAM COUNTY, WASHINGTON. TOGETHER WITH THAT PORTION OF THAT PARCEL DESCRIBED UNDER AUDITOR'S FILE NO. 726195, LYING NORTHERLY OF SAI D PARCEL "C" OF THAT PARCEL DESCRIBED UNDER AUDITOR'S FILE NO. 726925 RECORDS OF SAID COUNTY; EXCEPT THAT PORTION OF ZACCARDO ROAD CONVEYED TO CLALLAM COUNTY PER AUDITOR'S FILE NO. 234814, RECORDS OF CLALLAM COUNTY, WASHINGTON. SITUATE IN CLALLAM COUNTY, STATE OF WASHINGTON.

WDAEAD1



Office Codes: P-P-06-129 AD Number: 4200481508 Case: 62213



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Northwest Regional Office

911 Northeast 11th Avenue

Portland, Oregon 97232

RECEIVED
CLALLAM CO. COMMISSIONERS

OCT 03 2025

1..2...3...A...

IN REPLY, REFER TO:
Division of Realty

September 25, 2025

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

Dear Chairman Allen:

This is the decision of the Bureau of Indian Affairs ("BIA"), Northwest Regional Director, on the Jamestown S'Klallam Tribe's ("Tribe") contiguous land-into-trust application for the property more fully identified below, known as the "Blyn Basin IV Parcels," ("Property" or "Land") consisting of 4.09 acres, more or less, located in Clallam County, State of Washington. The proposed acquisition for the property are as follows: land consolidation, walking trails, stormwater retention pond, storage/maintenance building, storage shed, and community building and elder lounge. The application is not for gaming purposes. For the reasons set forth below, I approve the Jamestown S'Klallam Tribe's request to acquire the Property into trust.

By Tribal Resolution Number 13-2025 dated February 4, 2025, and Fee-to-Trust Application, the Tribe requested that the United States acquire 4.09 acres in trust for the use and benefit of the Tribe.

The Tribe acquired the Property from Mayme Faulk, an unmarried woman, as her separate estate and as the sole surviving heir of Louise Snyder, who acquired title as Louise Delaney, by Statutory Warranty Deed dated February 12, 2004, and recorded in Clallam County, Washington on February 13, 2004 under recording number 2004-1127875.

Location/Land Description

According to the fee-to-trust application and review of the location map, the Property is contiguous to Tribal Trust Properties 157 T 1239 and 157 T 1244 and the Jamestown Reservation, 129 T 1007. The property is described as follows:

PARCEL 1: PORTION OF 03-29-12-140030 THOSE PORTIONS OF VACATED ZACCARDO ROAD IN GOVERNMENT LOTS 1 AND 2, SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M., AS DESCRIBED IN CR RESOLUTION NO 33, 1993, AND RECORDED APRIL 21, 1993 UNDER AUDITOR'S

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PARCEL 2: 03-29-12-140045; 03-29-12-140060; PORTION 03-29-12-140030

"A": THAT PORTION OF TRACT 1 IN GOVERNMENT LOT 2 OF ASSESSOR'S MAP OF SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M., AS RECORDED IN VOLUME 4 OF PLATS, PAGE 5, LYING EASTERLY OF PRIMARY STATE HIGHWAY NO 9 (HWY 101); TOGETHER WITH VACATED CHICKEN COOP ROAD, ADJOINING IN GOVERNMENT LOTS 1 AND 2, SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M., WHICH, UPON VACATION ATTACHED TO SAID PROPERTY BY OPERATION OF LAW, AND DESCRIBED IN CR RESOLUTION 11, 2019, RECORDED AUGUST 20, 2019, UNDER CLALLAM AUDITOR'S FILE NO. 2019-1383213.

"B" THAT PORTION OF TRACT 2 IN GOVERNMENT LOT 2 OF ASSESSOR'S MAP OF SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M., AS RECORDED IN VOLUME 4 OF PLATS, PAGE 5, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT SOUTH 1°23'10" WEST 70 FEET FROM THE SOUTHEAST CORNER OF TRACT 1 OF SAID GOVERNMENT LOT 2; THENCE NORTH 61°36'50" WEST 183 FEET; THENCE SOUTH 1°23'10" WEST PARALLEL TO THE EAST LINE OF SAID SECTION 12, TO THE EASTERLY MARGIN OF COUNTY ROAD NO. 5705; THENCE SOUTHERLY ALONG SAID EASTERLY MARGIN TO A POINT SOUTH 89°31' WEST OF A POINT ON THE EAST LINE OF SAID SECTION 12, NORTH 1°23'10" EAST 784.4 FEET FROM THE EAST QUARTER CORNER THEREOF; THENCE NORTH 89°31' EAST 86 FEET TO SAID EAST LINE OF SECTION 12; THENCE NORTH 1°23'10" EAST ALONG SAID EAST LINE OF SECTION 12, 152 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

"C": COMMENCING AT THE SOUTHEAST CORNER OF TRACT 1 OF GOVERNMENT LOT 2, SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M., CLALLAM COUNTY, WASHINGTON; THENCE SOUTH 70 FEET ALONG THE SECTION LINE BETWEEN SECTIONS 7 AND 12, SAID TOWNSHIP AND RANGE; THENCE NORTH 61°36'50" WEST 170 FEET; THENCE NORTH AND PARALLEL WITH SAID SECTION LINE, 70 FEET; THENCE SOUTH 61°35'50" EAST TO THE POINT OF BEGINNING. PARCEL 3: 03-29-12-140100 TRACT 4 ON SURVEY RECORDED IN VOLUME 10 OF SURVEYS, PAGE 39, UNDER CLALLAM COUNTY AUDITOR'S FILE NO. 559167, BEING A PORTION OF GOVERNMENT LOT 2, SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M., CLALLAM COUNTY, WASHINGTON. EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON PER BOOK 124 OF DEEDS, PAGES 85-86, AUDITOR'S FILE NO. 147373, RECORDS OF CLALLAM COUNTY, THE CENTERLINE OF WHICH IS SHOWN IN BOOK 68 OF SURVEY, PAGE 3, RECORDS OF SAID COUNTY.

PARCEL 4: 03-29-12-140110

PARCEL C OF BOUNDARY LINE ADJUSTMENT SURVEY, RECORDED JULY 30, 2004, IN VOLUME 55 OF SURVEYS, PAGE 90, UNDER CLALLAM COUNTY AUDITOR'S FILE NO. 2004-1138451, BEING A PORTION OF TRACTS 2, 3, 4 AND 5A, OF ASSESSOR'S PLAT VOLUME 4 OF PLATS, PAGE 5, IN GOVERNMENT LOT 2 IN SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M., CLALLAM

COUNTY, WASHINGTON. TOGETHER WITH THAT PORTION OF THAT PARCEL DESCRIBED UNDER AUDITOR'S FILE NO. 726195, LYING NORTHERLY OF SAID PARCEL "C" OF THAT PARCEL DESCRIBED UNDER AUDITOR'S FILE NO. 726925 RECORDS OF SAID COUNTY; EXCEPT THAT PORTION OF ZACCARDO ROAD CONVEYED TO CLALLAM COUNTY PER AUDITOR'S FILE NO. 234814, RECORDS OF CLALLAM COUNTY, WASHINGTON. SITUATE IN CLALLAM COUNTY, STATE OF WASHINGTON.

A Land Description Examination and Validation ("LDEV") request was submitted on February 12, 2025, and reviewed by the GIS Strike Team POC, Madison Brown, and certified by BIA OTS Liaison, Trisha Johnson, on March 7, 2025. The LDEV received a concur, low risk and stated the following:

The Land description consists of multiple parcels, which are adjacent to each other. The description being that of portions of Government Lots. That being furthermore described in Metes and Bounds according to surveys provided. With exceptions to that being Roadways and Right of Ways, which are furthermore described in Metes and Bounds according to surveys provided.

The land description is deemed acceptable for the stated purpose. The GIS acreage was calculated to be within 5% of the 4.090 TAAMS acres. It is deemed acceptable for the stated purpose.

Based on the most recent available satellite imagery, there does not appear to be any unauthorized encroachments or encumbrances.

I find that the Tribe has fulfilled the requirements of 25 CFR § 151.8 governing requests for approval of acquisition because Tribal Resolution No. 13-2025 dated February 4, 2025, sets out the identity of the parties, a description of the land, and other information showing the acquisition comes within 25 CFR Part 15

REGULATORY REQUIREMENTS, 25 CFR Part 151 (2024)

The BIA Northwest Regional Director's decision is discretionary. This application was submitted on or about February 4, 2025, after the Bureau of Indian Affairs issued the revised 25 CFR Part 151 regulations for fee-to-trust acquisitions, effective January 11, 2024 ("2024 Regulations"). Therefore, this decision is issued by the revised 25 CFR Part 151 regulations.

§ 151.3 – Land Acquisition Policy

Section 151.3 of Title 25 of the *Code of Federal Regulations* sets 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 Tribal Trust Properties 157 T 1239 and 157 T 1244 and the Jamestown Reservation, 129 T 1007.
2. The Tribe already owns the land, as evidenced by the Statutory Warranty Deeds and the title evidence. The Office of the Solicitor, Pacific Northwest Region, reviewed the title evidence, provided Preliminary Title Opinion BIA-000105347 dated May 21, 2025, and found the title vested in the United States of America.
3. The acquisition furthers tribal interests by facilitating land consolidation and tribal self-determination.

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 to 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 is memorialized in Sol. Op. M-37029 is reasonable.

The Tribe was under federal jurisdiction in 1934. The Tribe's predecessor was a 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. It was determined that the Tribe was eligible for the benefits of the IRA.

On February 10, 1981, the Tribe was officially recognized as a federally recognized Indian tribe, thereby confirming its continued existence and oversight 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

4 – Notice of Decision

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 purposes for which the land will be used are as follows: land consolidation, walking trails, stormwater retention pond, storage/maintenance building, storage shed, and community building and elder lounge.

According to the Tribe's fee-to-trust application, the Tribe does not have any plans to develop the property.

§ 151.10(a)(4) – BIA's ability to discharge additional responsibilities

The programs at the Puget Sound Agency and Northwest Regional Office can handle the additional responsibilities that come with acquiring this land into trust. The principal programs affected will be Realty, the Division of Environmental, and the Land Titles and Records Office.

Based on the above facts, the additional 4.09 acres will not unduly burden the BIA staff. Therefore, I also find that the BIA is equipped to discharge the extra responsibilities of bringing this land into trust status.

§ 151.10(b) – Great Weight

This acquisition furthers tribal interests by consolidating land ownership—property is contiguous to Tribal Trust Properties 157 T 1239 and 157 T 1244 and the Jamestown Reservation and facilitating Tribal self-determination. 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 consolidating land ownership and facilitating Tribal self-determination. 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 on regulatory jurisdiction, real property taxes, and special assessments

A Notice of Application was sent to the Governor of Washington (“State”), Clallam County (“County”), and the City of Sequim (“City”) on March 14, 2025. The notices provided 30 days for a written response.

No comments were provided to rebut the presumption of minimal adverse impacts on the regulatory jurisdiction. Therefore, I find that the Tribal community will benefit from the acquisition.

§ 151.14 – Title Review

A Request for a Preliminary Title Opinion (“PTO”) was submitted to the Office of the Solicitor, Pacific Northwest Region, and a Preliminary Title Opinion, BIA-00105347, was issued on May 21, 2025. The PTO stated that items 1 (taxes and assessments) 2, and 3 of the Special Exceptions in Schedule B, Part II of the preliminary title evidence must be satisfied or addressed prior to final trust acquisition.

The Tribe provided an updated title commitment dated May 27, 2025, showing items 2 and 3 had been eliminated.

§ 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, and Department of Interior regulations and guidance (59 IAM 5 dated January 10, 2025) regarding Hazardous Substances Determinations. An Exception Checklist for BIA Categorical Exclusions, dated March 26, 2025, indicates that an Environmental Assessment is not required because the tribe has stated that no development, physical alteration, or change in land use is planned or known to occur after acquisition. Therefore, 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 on any historic or archaeological resources or threatened or endangered species that may exist on the property. Should future development occur, compliance with laws governing landmark properties and endangered species, if applicable, will be required.

Phase I Environmental Site Assessment

Kristen Burgess, EP, LG, of ESA Associates, Inc. (ESA AI), completed a Phase I Environmental Site Assessment on August 22, 2022, for fee-to-trust application purposes. 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

The ESA, which must be completed prior to taking title to the subject property, expired on 8/22/2023. An updated ESA report must be completed/updated within 180 days of taking title. 59 IAM 5 allows use of an ESA report for up 18-30 months under certain conditions, which do not apply to this property.

Updated Phase I ESA

BIA updated the following ESA components:

1. Reviewed updated environmental questionnaire completed by Leo P. Gaten, Tribal Governmental Policy Advisor/Property Owner Representative;
2. Inquired about site use changes since the ESA site visit (none),
3. Conducted an online review of the US EPA, Washington Department of Ecology (WADOE), and reviewing Clallam County Assessor's Office databases, and
4. Endorsed this research as a qualified Environmental Professional.

Results

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 2022 Phase I ESA report. **Based on this, no further fee-to-trust related environmental review is required for this parcel.**

Summary:

Brian J. Haug, BIA Northwest Regional Environmental Scientist reviewed and approved the Phase I ESA and Updated Phase I ESA on March 25, 2025, and stated that: "The updated Phase I ESA and supporting documents fulfill the requirements of DOI's 602 DM 2, 52 IAM 12-H, 59 IAM 5, NEPA, ASTM E1527 Standard Practice, 25 CFR §151, 40 CFR § 312, and the property is suitable for acquisition."

Decision

The proposed uses and purposes of the property are non-gaming, and not in conflict with existing land use. In view of the foregoing, all applicable legal requirements have been satisfied, and I hereby approve the Tribe's fee-to-trust application for Blyn Basin IV Parcels.

Appeal Rights

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

A Notice of Appeal shall include:

- (1) A complete 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 of 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,

RUDY PEONE
Digitally signed by
RUDY PEONE
Date: 2025.09.25
13:48:06 -07'00'

Kurt Fredenberg
Acting Northwest Regional Director

cc: Leo Gaten, Governmental Policy Advisor
Jamestown S’Klallam Tribe

Distribution List of Notice of Decision

State of Washington
Governor's Office of Indian Affairs
1110 Capital Way South, Suite 225
Olympia, Washington 98501
Certified Mail.: 7020 0640 0002 1120 8672
Regular mail

Clallam County Commissioners
Clallam County
223 East Fourth Street, Suite 4
Port Angeles, Washington 983
Certified Mail No.:7020 0640 0002 1120 8689
Regular mail

City of Sequim
152 West Cedar Street
Sequim, Washington 98382
Certified Mail No.:7020 0640 0002 1120 8696
Regular mail

Jamestown S'Klallam Tribe
1033 Old Blyn Highway
Sequim, Washington 98382-7670
Certified Mail No.:7020 0640 0002 1120 8702
Regular mail

*Public Notice to Acquire Land into Trust – BIA Regional Director Decisions
(for publication in the local newspaper)*

ACTION: Notice of decision to acquire land into trust under 25 Code of Federal Regulations, Part 151.

SUMMARY: The Regional Director, Bureau of Indian Affairs, U.S. Department of the Interior, on the below date, has made a determination to acquire real property in trust for JAMESTOWN S'KLALLAM TRIBE.

The land referred to as former Blyn Basin IV property, herein and is described as:

See "Exhibit A" for legal descriptions.

DATE: This determination was made on 09/25/2025.

FOR FURTHER INFORMATION CONTACT: BIA NORTHWEST REGIONAL OFFICE, Bureau of Indian Affairs, 911 NE 11TH AVENUE, PORTLAND, OR 97232, telephone (503) 231-6702.

SUPPLEMENTARY INFORMATION: This notice is published to comply with the requirement of 25 CFR § 151.12(d)(2)(iii) that notice be given of the decision by the authorized representative of the Secretary of the Interior to acquire land in trust.

A copy of the determination is available [at the following website: n/a AND/OR from the office identified in the FOR FURTHER INFORMATION section of this notice]. Any party who wishes to seek judicial review of the Regional Director's decision must first exhaust administrative remedies. The Regional Director's decision may be appealed to the Interior Board of Indian Appeals (IBIA) in accordance with the regulations in 43 C.F.R. 4.310-4.340.

If you choose to appeal this decision, your notice of appeal to the IBIA must be signed by you or your attorney and **must be either postmarked and mailed (if you use mail) or delivered (if you use another means of physical delivery, such as FedEx or UPS) to the IBIA within 30 days from the date of publication of this notice.** The regulations do not authorize filings by facsimile/fax or by electronic means. Your notice of appeal should clearly identify the decision being appealed. You must send your **original** notice of appeal to the IBIA at the following address: Interior Board of Indian Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy Street, Suite 300, Arlington, Virginia 22203. You must send **copies** of your notice of appeal to (1) the Assistant Secretary – Indian Affairs, U.S. Department of the Interior, MS-4141-MIB, 1849 C Street N.W., Washington, D.C. 20240; (2) each interested party known to you; and (3) the Regional Director. Your notice of appeal sent to the IBIA must include a statement certifying that you have sent copies to these officials and interested parties and should identify them by names or titles and addresses.

If you file a notice of appeal, the IBIA will notify you of further procedures. If no appeal is timely filed, this decision will become final for the Department of the Interior at the expiration of the appeal period. No extension of time may be granted for filing a notice of appeal.

PNRDD01



Office Codes: P1P06127 AD Number: 4200481508 Case: 62213

Case Number: 62213

Applicant Name: JAMESTOWN
S'KLALLAM TRIBE

LEGAL DESCRIPTION EXHIBIT A

Tract ID:

Tract Name: BLYN BASIN IV

<u>Land Area</u>	<u>Land Area Name</u>	<u>Tract Number</u>	<u>LTRO</u>	<u>Region</u>	<u>Agency</u>	<u>Resources</u>	
129	JAMESTOWN KLALLAM (CLALLAM)		PORTLAND, OR	NORTHWEST REGIONAL OFFICE	OLYMPIC PENINSULA AGENCY	Both (Mineral and Surface)	
<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>State</u>	<u>County</u>	<u>Meridian</u>	<u>Legal Description</u>	<u>Acres</u>
12	029.00N	003.00W	WASHINGTON	CHELAN	Willamette		4.080

METES AND BOUNDS: PARCEL 1 :PORTION OF 03-29-12-140030 THOSE PORTIONS OF VACATED ZACCARDO ROAD IN GOVERNMENT LOTS 1 AND 2, SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M., AS DESCRIBED IN CR RESOLUTION NO 33, 1993, AND RECORDED APRIL 21, 1993 UNDER AUDITOR'S FILE NO. 685523, AND IN CR RESOLUTION 11, 2019, AND RECORDED AUGUST 20, 2019, UNDER CLALLAM COUNTY AUDITOR'S FILE NO. 2019-1383213. PARCEL 2: 03-29-12-140045; 03-29-12-140060; PORTION 03-29-12-140030 "A": THAT PORTION OF TRACT 1 IN GOVERNMENT LOT 2 OF ASSESSOR'S MAP OF SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, WM., AS RECORDED IN VOLUME 4 OF PLATS, PAGE 5, LYING EASTERLY OF PRIMARY STATE HIGHWAY NO 9 (HWY 101); TOGETHER WITH VACATED CHICKEN COOP ROAD, ADJOINING IN GOVERNMENT LOTS 1 AND 2, SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M., WHICH, UPON VACATION ATTACHED TO SAID PROPERTY BY OPERATION OF LAW, AND DESCRIBED IN CR RESOLUTION 11, 2019, RECORDED AUGUST 20, 2019, UNDER CLALLAM AUDITOR'S FILE NO. 2019-1383213. "B" THAT PORTION OF TRACT 2 IN GOVERNMENT LOT 2 OF ASSESSOR'S MAP OF SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M., AS RECORDED IN VOLUME 4 OF PLATS, PAGE 5, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT SOUTH 1°23'10" WEST 70 FEET FROM THE SOUTHEAST CORNER OF TRACT 1 OF SAID GOVERNMENT LOT 2; THENCE NORTH 61°36'50" WEST 183 FEET; THENCE SOUTH 1°23'10" WEST PARALLEL TO THE EAST LINE OF SAID SECTION 12, TO THE EASTERLY MARGIN OF COUNTY ROAD NO. 5705; THENCE SOUTHERLY ALONG SAID EASTERLY MARGIN TO A POINT SOUTH 89°31' WEST OF A POINT ON THE EAST LINE OF SAID SECTION 12, NORTH 1°23'10" EAST 784.4 FEET FROM THE EAST QUARTER CORNER THEREOF; THENCE NORTH 89°31' EAST 86 FEET TO SAID EAST LINE OF SECTION 12; THENCE NORTH 1°23'10" EAST ALONG SAID EAST LINE OF SECTION 12, 152 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. "C": COMMENCING AT THE SOUTHEAST CORNER OF TRACT 1 OF GOVERNMENT LOT 2, SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M., CLALLAM COUNTY, WASHINGTON; THENCE SOUTH 70 FEET ALONG THE SECTION LINE BETWEEN SECTIONS 7 AND 12, SAID TOWNSHIP AND RANGE; THENCE NORTH 61°36'50" WEST 170 FEET; THENCE NORTH AND PARALLEL WITH SAID SECTION LINE, 70 FEET; THENCE SOUTH 61°35'50" EAST TO THE POINT OF BEGINNING. PARCEL 3: 03-29-12-140100 TRACT 4 ON SURVEY RECORDED IN VOLUME 10 OF SURVEYS, PAGE 39, UNDER CLALLAM COUNTY AUDITOR'S FILE NO. 559167, BEING A PORTION OF GOVERNMENT LOT 2, SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M., CLALLAM COUNTY, WASHINGTON. EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON PER BOOK 124 OF DEEDS, PAGES 85-86, AUDITOR'S FILE NO. 147373, RECORDS OF CLALLAM COUNTY, THE CENTERLINE OF WHICH IS SHOWN IN BOOK 68 OF SURVEY, PAGE 3, RECORDS OF SAID COUNTY. PARCEL 4: 03-29-12-140110 PARCEL C OF BOUNDARY LINE ADJUSTMENT SURVEY, RECORDED JULY 30, 2004, IN VOLUME 55 OF SURVEYS, PAGE 90, UNDER CLALLAM COUNTY AUDITOR'S FILE NO. 2004-1138451, BEING A PORTION OF TRACTS 2, 3, 4 AND 5A, OF ASSESSOR'S PLAT VOLUME 4 OF PLATS, PAGE 5, IN GOVERNMENT LOT 2 IN SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M., CLALLAM COUNTY, WASHINGTON. TOGETHER WITH THAT PORTION OF THAT PARCEL DESCRIBED UNDER AUDITOR'S FILE NO. 726195, LYING NORTHERLY OF SAI D PARCEL "C" OF THAT PARCEL DESCRIBED UNDER AUDITOR'S FILE NO. 726925 RECORDS OF SAID COUNTY; EXCEPT THAT PORTION OF ZACCARDO ROAD CONVEYED TO CLALLAM COUNTY PER AUDITOR'S FILE NO. 234814, RECORDS OF CLALLAM COUNTY, WASHINGTON. SITUATE IN CLALLAM COUNTY, STATE OF WASHINGTON.

WDAEA01



Office Codes: P-P,06,129 AD Number: 4200481508 Case: 62213

Public comment

JEFF TOZZER

10/7/25

A PROCLAMATION FOR THE PEOPLE

WHEREAS, the residents of Clallam County—of every background and ancestry—work, pay taxes, and sustain the government that serves them; and

WHEREAS, history shows that no culture or nation is without conflict or harm, and that the story of humanity is one of migration, struggle, and survival, not moral perfection; and

WHEREAS, people first arrived on this continent by migration thousands of years ago, long before modern borders existed, and all who live here today share the same earth and the same duty to treat one another with respect; and

WHEREAS, using history as a tool to divide present-day citizens or to assign inherited guilt risks deepening resentment rather than healing it; and

WHEREAS, working families in Clallam County already shoulder heavy burdens—rising costs, limited opportunities, and repeated calls to raise their own property taxes—while county funds often go to symbolic or politically fashionable projects instead of addressing core needs like infrastructure, safety, and affordable housing; and

WHEREAS, proclamations that focus on virtue-signaling rather than concrete improvement distract from accountability and good governance; and

WHEREAS, public officials are elected to represent *all* citizens equally, not to advance the interests of select organizations or donors; and

WHEREAS, true progress comes not from guilt or grievance but from ensuring that every resident—regardless of ancestry—has the same chance to succeed through effort, education, and enterprise;

NOW, THEREFORE, we, the citizens of Clallam County, proclaim our belief that unity, fairness, and shared responsibility are the foundation of a healthy community.

We call on our elected leaders to pursue fiscal responsibility, transparency, and respect for all taxpayers; to focus on opportunity rather than division; and to remember that the strength of this county lies not in rewriting the past, but in building a fair future together.

IN WITNESS WHEREOF, we dedicate this day to the residents of Clallam County—those who keep its lights on, its roads repaired, and its spirit alive.

Jeff Tozzer

Jamestown Road, Sequim

PUBLIC COMMENT
TIM WHEELER
10/7/25

Oct. 7, 2025

TESTIMONY AT CLALLAM COUNTY COMMISSIONERS MEETING

My name is Tim Wheeler. I live in Sequim. I want to thank Elizabeth Dunne and all the folks who put together the power point presented yesterday. Even half deaf people had no trouble understanding the message: Doc Holiday is a precious legacy forest with many trees 100 years old. Replacement parcels of timber land are available and the company that bought the logging rights is willing to trade Doc Holiday for another parcel of equal value. There is a new program to provide money to insure no loss of revenues to Clallam County if the trade is signed and sealed.

This sounds like a "no-brainer." I urge the Clallam County Commissioners to accept the trade.

I joined a bunch of tree lovers a few months ago in walking through Doc Holiday. It is a majestic place, like a cathedral! Legacy forests breathe in tons of carbon dioxide. They breathe out tons of oxygen. They keep us alive, a habitat for humans, salmon, orcas. They purify the water we drink. They purify the air. And yes, they also provide timber if we resist the urge to clearcut for short-term profit. Gifford Pinchot is turning in his grave at the drive to "log baby log!" Save Doc Holiday and the Elwha watershed! Save our legacy forests.

Thank you.

Revenue from tourism in 2023: Direct Visitor Spending: \$284.4 M (+4.8%) • Lodging \$113.3 M • Food / Beverage: \$57.2 M • Recreation: \$29.1 M • Retail: \$50.3 M • Transportation: \$34.5 M • Direct State/Local Taxes Generated: \$24.6 M • Visits: 1,370,000 (+3%) • Direct Employment: 1,874 • Represents 5.05% of all county employment • Direct Labor Income: \$67.6 M

Source: https://olympicpeninsula.org/wp-content/uploads/2024/07/2023-WA-State-County-Tourism-Economics-for-Olympic-Peninsula-Counties_June-2024.pdf

Lisa Dekker, 42 Derrick Rd, Port Angeles

Please note that I was here yesterday, and listened to the presentation, and the commissioners' comments.

The parcels of Doc Holliday, and the other legacy parcels here in Clallam, are the last of the best, and the best of the last. Once they're cut, one by one, these natural, diverse, healthy ecosystems are gone.

So here in the Clallam County, what do tourists come to enjoy, to marvel at? I can tell you. I walked through Unit 1 of Doc Holliday; its full of huge trees, 5 ft high ferns, carpet of mosses, and downed logs supporting all kinds of new life. These are things our visitors don't find in Nebraska, Kansas, or Texas. Do these visitors spend money and boost our county's economy? Yes, to the tune of \$284 million a year in 2023. And, this money creates a lot of jobs too.

Do our visitors come to see, hike, or bike through clearcuts? Not so much. I can tell you that when we first moved to the NW, and were excited to see the lush green west end, it was a bit of a shock to see so many logged clearcuts. And yes - logging does bring in revenue, about 2.7 million a year to Clallam, and yes, logging will continue under this plan.

But compare \$284 million a year from tourism vs \$2.7 million from logging. That's about 100 times - 100 times - more from tourism, than logging. Most economists would advise civic planners to pay lots of attention to what it is that attracts those tourists and their dollars. And by the way, that same tourism spending generates \$24.6 million in direct state and local taxes.

To conclude. You have before you a huge opportunity here, with so many long-term benefits, and significantly - that does include benefits for the junior taxing districts. Success with Doc Holliday parcels will be a precedent for many more successes using the Natural Climate Solutions program, and the Cash for Counties proviso. I urge you to seize this opportunity. Thank you.

Public Comment 10/7/25
+ attachments

Public comment
Ed Telenick
10/7/25

Commissioners,

Once again, the DCD has failed to provide their quarterly CE report in a timely manner; one more violation of the MOU that Diane Harvey was instrumental in writing and that each of you signed.

The acting CE supervisor Diane Harvey has apparently been too busy writing your Hazard Mitigation Plan, organizing Energy audits, EOC work and who knows what else rather than doing her primary job.

Last December you authorized an additional \$23,000 to cover additional HE fees which I assume were to cover CE cases, which are free of charge to the violators. The rest of us get to pay thousands of dollars to appear before an examiner for variances, conditional use permits, land divisions etc.

Since last December I could find only one case that was brought before the HE at a cost of \$700 according to Bennu's contract. What happened to the other \$22,300?

The County already has hundreds of thousands of dollars in uncollected fines that will never be collected. Many CE cases are dropped altogether because County Staff falsifies compliance records or just ignores them while entire neighborhoods validate the broken window theory that the CE website explains

Yesterday during your budget discussions, you went on about how important public safety is; yet you ignore these properties that are not only an eyesore that diminish property values but also frequently create serious health risks, and have serious criminal, drug, and theft activity associated with them. WHY?

Director Emery has not only ignored serious violations of the County codes but he has also allowed retaliatory actions by Staff and falsified data in order to exonerate Staff who were in contempt of a HE orders. He refuses to even engage citizens who question why this is happening.

I would like to read a paragraph from a letter that Ms. Harvey, a licensed attorney, wrote to then Administrator Sill seeking a written response filed as part of her grievance against previous DCD Director Winborn. I have provided each of you with a copy and have submitted it to public record.

"The acting Manager of CE believes that an injustice has occurred and is occurring because the DCD Director (and other publicly elected officials) are not subject to corrective or disciplinary action under Clallam County Administrative Policy 235 and work rules under Clallam County Administrative Policy 230. They need to be."

Admin policy 235 states: "It is both necessary and desirable that Clallam County consistently and critically examine all actions of employees that represent a liability to either the County, the community or the employee". She goes on to cite the options available to employees and that the same policy reasoning should apply to the DCD director, all other Clallam County publicly elected official and there should be no distinction between employees and "electeds"

Furthermore, she states, "The fact that the DCD director and other elected officials are not subject to corrective action and discipline standards under the County's Administrative Policy exposes the county to untold liability"

What she forgot to add was that these same rights should be extended to citizens who have been wronged in the same manner. Now that she works under director Emery she has apparently changed her stance.

I have provided photographic and written evidence of how this county treats CV on just my block alone. I can't imagine what happens to the other serious violations that have been ongoing for years. It's time to focus your priorities on helping those of us who are actually trying to make this a more livable community.

I am also using this opportunity to ask my question to all three commissioners and administrator Mielke and would like a response.

If you have evidence that an elected official had knowingly violated the law to cover up the actions of Staff or violated their Oath of Office would you support an independent investigation of that individual.

D. HARVEY GRIEVANCE

GRIEVANCE REQUEST SEEKING WRITTEN DECISION BY ADMINISTRATOR SILL UNDER CLALLAM COUNTY ADMINISTRATIVE POLICY 235.50.1.

The Acting Manager of Code Enforcement believes that an injustice has occurred and is occurring because the DCD Director (and other publically elected officials) are not subject to corrective or disciplinary action under Clallam County Administrative Policy 235 and under conduct and work rules under Clallam County Administrative Policy 230. They need to be.

Administrative Policy 235 states: "It is both necessary and desirable that Clallam County consistently and critically examine all actions of employees that represent a liability to either the County, the community or the employee." This very same policy reasoning needs to apply to the DCD Director and all other Clallam County publically elected officials. There should be no distinction drawn in ensuring that publically elected officials act within professional bounds as to ensure the public confidence, trust and cooperation in the County, protect employees, preserve morale and prevent, detect and resolve misconduct so that corrective action or discipline may be quickly and fairly administered.

The fact that the DCD Director and other elected officials are not subject to corrective action and disciplinary standards under the County's Administrative Policy exposes the County to untold liability. Specifically, the options that a County employee has if a publically elected official creates a hostile work environment are limited to (1) full investigation that might subject the employee to possible retaliation and can only result in a recall resolution; (2) leaving the department and going to another department; (3) leaving the County employ; (4) filing a whistleblower complaint under RCW 41.42; or (5) filing a Section 1983 Civil Rights lawsuit in Tacoma federal court or a similar state based lawsuit (or if prevalent among employees, a class action lawsuit). Without corrective action or disciplinary proceedings, many employees who suffer abuse might opt for (2), (3), (4), or (5) or a combination of (3) and (5). This subjects the County to potentially more litigation and more risk exposure.

In addition, because Clallam County has no anti-harassment policy with respect to publically elected officials, and can take no corrective action or disciplinary procedures against such officials, the County cannot assert a Faragher/Elzerth Affirmative Defense if the County is sued under Title VII with respect to an employee being sexually harassed by a publically elected official. See Burlington Industries, Inc. v. Ellerth, 524 U.S. 775 (1998); Faragher v. City of Boca Raton, 524 U.S. 765 (1998).

With respect to the DCD Director, the below described prior conduct demonstrates why the Administrator should find in his written opinion, that publically elected officials in Clallam County should be subjected to corrective action and disciplinary action for conduct that is inappropriate, unprofessional, abusive, threatening or otherwise creates a work environment that may be deemed to be hostile:

- See attached Calendar entries (Exhibit 1) describing numerous episodes where the DCD Director raged at me, pounded her fist on her desk close to my face, said inappropriate things to me, made veiled threats to me (i.e., singing "Homecoming Queen has a Gun" and

thereafter asking me: "Diane, do you believe I am intentionally trying to hurt you?" on August 12, 2020) and my attempts to address this behavior with Senior County individuals. I have vivid factual recollections of all of these events in these calendar entries and would be willing to provide the context in great detail if requested.

- See attached diagram (Exhibit 2) drafted by the DCD Director in which she refers to Clallam County staff as having "minimum standard of care", people who "gas light, shell games, blindsides and criticize" and whose values are "pay check". Note the values of DH (i.e., Diane Harvey) were written in by me at the DCD Director's request at a face to face meeting in early February 2020 where she made a copy of this diagram and gave it to me. During this meeting she also referred to her DCD staff as "LAs" She told me "LA" stands for "low aptitude";

The following are other instances of conduct by the DCD Director that should also be examined in concluding that publically elected officials should be subject to Administrative Policy 235 and 230;

- Shared the buzz word "Sky Down" that she and her husband use when she is upset and screaming at him and needs to calm down. Tells me I can use that phrase with her when needed. (face to face meeting in May, 2020)
- Tells me that "Code Enforcement is very sexy" repeatedly.
- Recounts her friendship with a lesbian when she was in high school and that there was a falling out and the lady died before resolving their issues.
- Telling me she "wants to play in the playground with me" (by phone on July 20, 2020)
- Tells me she was voted "Hot Mom" by her son Curry's high school band. Shimmies her bare shoulders at me on several occasions.
- Inappropriate request that a female employee (not me) hug her in a setting where they were alone. That employee did give her a full body hug and did so because she felt pressured to do so.
- Telling me that I "pout" at her (October, 2020)
- Tells me on several occasions: "Do you know I dated five lawyers... "I only dated lawyers before Joel." This typically ends with her saying "I do not trust lawyers that's why I didn't marry one"
- "You sound like my husband." She has said this on numerous occasions.
- Tells me she once threw a plate at her husband's head while he was sitting at the kitchen table with her 2 kids present at the table. She tells me he ducked and the two kids ran out of the room. (by phone in October, 2020)

- Refers repeatedly to 4h [REDACTED] 4h [REDACTED] and Greg Ballard as the "Dark Triad" -- a psychological reference to psychopathic behavior such as narcissism and being a sociopath (face to face meetings in November, December 2019).
- Asks me to participate in writing a negative evaluation concerning 4h [REDACTED] so she could "paper" his eventual termination. I refused to do so telling her it would be inappropriate. (February 2020)
- Accuses me of suffering from Asperger's Syndrome "like" her first husband (I have no such disability)
- Tells me I am "heartless" (December 2019)
- Approves things and then the next day disapproves without any logical basis (e.g. Proposed Letter from Board of Directors to Department of Ecology in January 2020 -- this happened twice with respect to this letter: after she had approved the Agenda Item and the evening before the public Board Meeting concerning the approval of the letter)
- Told me I couldn't buy my own chair with my own money unless I got HR to perform a test of my ergonomic requirements. This resulted in her yelling at me in the hallway, when I told her that there was no such HR requirement. (Early December 2019) The next day she comes into my office and says that her husband told her it was ok for me to buy the chair without HR approval, but she didn't apologize for her screaming at me.
- Asking me for a "waiver" after her fist slamming on the desk/screaming at me incident on February 18th. Requesting the waiver again on March 25, 2020 after asking me "if I am still on probation."
- Stating to me that the Board of Commissioners are "out to get" her, Mr. Sill is "out to get" her and that "You could destroy me". The "I could destroy" her comment was said to me on Feb. 20, 2020 in her office after the evening Charter Review meeting. Director Winborn had asked me to attend these evening meetings to help her prepare for her presentation/submissions to the Charter Review and after several of these meetings she asked me to come to her office to talk late into the evening. I believe the comment is in reference to the fist slamming incident -- but of course I cannot be sure. It was also at this meeting that she requested that I give her a "waiver."
- Screaming at other DCD employees. (G. Ballard (I witnessed this and was also screamed at by her on November 14, 2019)) 4h [REDACTED] (on information and belief), 4h [REDACTED] (on information and belief), 4h [REDACTED] (on information and belief)).
- Asking me to investigate whether an land LLC involving Commissioner Johnson, and his immediate family obtained a parcel of land in the County was in violation of the disclosure requirements for publically elected officials and whether it was a "sweetheart deal".

(September 2020) {I did not do this because it was not a Code Enforcement matter and did not satisfy a special project that DCD is authorized to do under any ordinance}.

Respectfully Submitted,

November 6th, 2020


Diane Harvey
Acting Manager to Code Enforcement
Clallam County

P4/4



CLALLAM COUNTY
Department of Community Development
Bruce Emery, Director
County Courthouse
223 E. 4th St., Suite 5
Port Angeles, WA 98362-3015
Code Enforcement: (360) 565-2677
Annie.Fricker@ClallamCountyWA.Gov

12/18/2023

NEW PROPERTY OWNERS
550 Sherburne Rd
Sequim, WA 98382

Dear New Property Owners:

It has come to our attention that this parcel (043020230100) located at 550 Sherburne Rd, Sequim has recently sold. I hope that I am not the first to inform you of the code violations on this parcel, as that should have been disclosed by the realtor Tom Blore, who I have talked with about the code violations extensively, and the previous property owner, Roger Fell.

There is a Junk Vehicle located on this parcel, and the paperwork has already been done by my department in order to make it easy for you to remove the vehicle from the property. If you plan to remove this vehicle it can be done immediately with the Junk Vehicle Affidavit that I have waiting for you. There is also the issue of the building permit on this site. There was an addition added to the home without a building permit. An after-the-fact permit has been issued, however was unable to be finalized due to a couple of items, including siding, open fascia, and a failed septic. We are aware of a new septic design that was drawn by Shold Excavating out of Port Hadlock, but the contract was never signed to install the new system. A new septic must be installed by a certified installer and tested in order for the code violations that exist to be resolved. I would be happy to meet with you on site at your convenience to discuss the violations further.

This parcel does have a Hearing Examiners Order attached to it and must come into compliance to avoid further enforcement action, including but not limited to fines, liens, and misdemeanor charges.

If you have any questions or would like for me to meet you on site, please contact me at 360-417-2538 or Annie.Fricker@ClallamCountyWA.Gov. Our team would be happy to assist you.

Thank you -

Annie Fricker | Code Enforcement Officer
Clallam County Department of Community Development
223 E 4th Street, Suite 5
Port Angeles, WA 98362
Annie.Fricker@ClallamCountyWA.gov
Office: 360-417-2538



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CODE ENFORCEMENT FIELD OFFICER
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Shesburne Rd. latest dump in critical
area photo 10/6/25