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JUN 02 2026

BOARD of CLALLAM COUNTY COMMISSIONERS MINUTES for the week of May 25-29, 2026

WORK SESSION – 9 a.m.

The work session convened at 9 a.m., Tuesday, May 26, 2026. Present were Commissioners Ozias, Johnson, and French and Administrator Mielke.

Items of discussion per the agenda published May 14 were:

- Calendar/Correspondence
- Agreement amendment 2 with Puget Sound Partnership to support projects in the Onsite Septic Management Plan
- Agreement with County Road Administration Board for overlay on Old Olympic Highway between Kitchen Dick Road and Carlsborg Road with Hot-mix asphalt
- Update on Energy Efficiency Retrofit Grant
- Agreement with Washington Secretary of State for producing and distributing voters' pamphlet
- Letter of support for Economic Development Council for their Opportunity Zone 2.0 application
- Open County position review

Meeting concluded at 9:39 a.m.

REGULAR MEETING OF THE BOARD OF CLALLAM COUNTY COMMISSIONERS

Chair French called the meeting to order at 10 a.m., Tuesday, May 26, 2026. Also present were Commissioners Johnson and Ozias, and Administrator Mielke.

REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA

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

Public comment for agenda items

- Jake Seegers, District III, commented on items, 3a, 3b
- Denise Lapio, Sequim, commented on 1a, Bureau of Indian Affairs letter
- Ed Bowen, Clallam Bay, commented on item 1d, public comment, National Park Service, Coffee with Colleen, Department of Interior – Bureau of Indian Affairs
- John Worthington, Sequim, commented on item 1d
- Kenneth Reandeau, Port Angeles, commented on item 3a
- Karin Cummins, Sequim, commented on Memorial Day, Recompete, items 1a & 3a
- Terri DiMartino, Clallam County, commented on items 3a, 1a, Fireworks

CONSENT AGENDA

1a Approval of vouchers for the week of May 18

The following warrants and electronic payments are approved for payment:

Accounts Payable	Total
Warrant numbers: 9953385 - 9953425	\$48,216.58
Electronic payment dates: N/A	\$0.00
Total Accounts Payable:	\$48,216.58

1b Approval of minutes for the week of May 18

1c Letter of support for the Port of Port Angeles Terminal 3 Cargo Efficiency Upgrades Project application

1d Verbal approval to join the Np Riparian Buffer Rule Lawsuit

1e Letter of support for Economic Development Council for their Opportunity Zone 2.0 application

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

BOARD of CLALLAM COUNTY COMMISSIONERS
MINUTES for the week of May 25-29, 2026
Page 2

REPORTS AND PRESENTATIONS

- CRJ reported on Clallam Economic Alliance, Port Angeles Chamber, Np Riparian Buffer Rule, Ride the Hurricane, Memorial Day Ceremonies

HEARING(S)

- 4a Consideration of resolution adopting the following debatable emergencies:

NonDepartmental – Hotel/Motel Tax – Additional funding is required to support grants awarded to lodging tax recipients after a second round of applications/\$181,000

- Mark Lane, Finance Department, provided a staff report

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

- The following provided testimony:
 - John Worthington, Sequim
 - Mark Curtis, Sequim
 - Karin Cummins, Sequim
 - Denise Lapio, Sequim
 - Teresa Miller, Sequim
 - Jeff Tozzer, Sequim

ACTION TAKEN: CMOm to close the public hearing and adopt, CRJs, mc

REPORTS AND PRESENTATIONS - continued

- CMO reported on Clallam Transit System, tourism
- CMF reported on Forks Chamber of Commerce,

CONTRACTS AND AGREEMENTS

- 2a Agreement with Jamestown S’Klallam Tribe for annual Olympia oyster population surveys

ACTION TAKEN: CRJm to approve, CMOs, mc

- 2b Agreement with Washington State University Extension for program services

ACTION TAKEN: CRJm to approve, CMOs, mc

- 2c Agreement with Port Angeles Fire Department to maintain two autonomous response units

ACTION TAKEN: CRJm to approve, CMOs, mc

BUDGET

- 3a Resolution for consideration to adopt the following budget revisions:

NonDept-Affordable Housing Sales Tax – The budget is being revised to add \$500,000 in funding for the Eklund at Gales project/\$500,000

NonDept-Hotel/Motel Tax – Reallocate remaining unanticipated project funds to support grants awarded to lodging tax recipients after a second round of applications/\$101,000

Parks and Facilities-Capital Projects – This budget revision is to move 2026 funds from the Courthouse Fuel Tank project, completed in 2025, to the Office Space Reconfiguration project/\$10,000

HHS-Foundational Public Health Services - Budget revision is to fund public health planning, outreach, disease prevention, communications, and facility improvements, including kiosks, materials, furniture, advertising, and parking lot safety upgrades/\$71,000

DCD-Administration - Budget is reallocated to increase the Code Enforcement Field Officer position to 30 hours per week to address rising violation complaints in 2026/\$6,510

ACTION TAKEN: CRJm to adopt, CMOs, mc

- 3b Resolution for consideration to adopt the following supplemental appropriations:

HHS-Developmental Disabilities – DSHS Developmental Disabilities is adding \$34,890 for services and administrative costs in Clallam County/\$34,890

BOARD of CLALLAM COUNTY COMMISSIONERS
MINUTES for the week of May 25-29, 2026
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Superior Court – Superior Court entered into an interagency agreement with the Administrative Office of the Courts to provide \$5,000 in therapeutic support for LIFT (Living in Families Together) Court participants/\$5,000

HHS-Operations – Funding is being received from FPHS to support public health planning, outreach, disease prevention, communications, and facility improvements, including kiosks, materials, furniture, advertising, and parking lot safety upgrades/\$71,000

DCD-Environmental Quality - Environmental Quality received pass-through funding to support staff time for restoration project capacity training/\$15,000

Parks & Facilities – Lodging tax award to support strategic marketing and advertising program and organization/\$90,000

ACTION TAKEN: CRJm to adopt, CMOs, mc

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.)

5a Commissioner Forum

- Eric Fehrmann, Sequim, asked questions regarding the Independence, Gabriel Plan book, harm reduction
- Ed Bowen, Clallam Bay, commented on Memorial Day, Elwha Watershed, and asked a question regarding the National Park Service letter of support
- Karin Cummins, Sequim, asked a questions regarding Recompete
- Sarah Kincaid, Sequim, told a story about her cousin and drugs
- Teresa Miller, Sequim, asked questions on Lodging Tax, autonomous
- George Peterson, Port Angeles, commented on drugs, running for elections, apologized to French, call for action, change in the community, declare an emergency for opioid crisis
- John Worthington, Sequim, commented on Oxford House, environmental disaster, public engagement, Recompete, North Olympic Development Council

The meeting concluded at 12:08 p.m. and continued until Monday, June 1, 2026 at 9 a.m.

The Board of Commissioners attended WSAC virtual update, Coffee with Colleen and WSAC Timber Counties Caucus meeting during the week of May 25, 2026.

PASSED AND ADOPTED this 2nd day of June 2026

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias

Randy Johnson

Mike French, Chair

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

Gores, Loni

From: Ozias, Mark
Sent: Friday, May 22, 2026 12:16 PM
To: Gores, Loni
Subject: Fw: Clallam County (Olympic) and DOI Connection

FYI, this communication came to all three Commissioners. My hope is that when you note this as correspondence the Comms can have a brief discussion about whether there is interest in following up.

Thanks,

Mark Ozias

Clallam County Commissioner

** Please note my new email address: mark.ozias@clallamcountywa.gov*

** This correspondence may be subject to disclosure under the Public Records Act.*

From: Naidu, Nathan <loganathan_naidu@ios.doi.gov>
Sent: Friday, May 22, 2026 12:06 PM
To: Naidu, Nathan <loganathan_naidu@ios.doi.gov>
Cc: Ozias, Mark <mark.ozias@clallamcountywa.gov>; Johnson, Randy <randy.johnson@clallamcountywa.gov>; French, Mike <Mike.French@clallamcountywa.gov>
Subject: Clallam County (Olympic) and DOI Connection

 **EXTERNAL:** This message originated from outside your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hey Team,

I am reaching out from the Department of the Interior to offer a virtual meeting to go over any issues you may be having and to touch base going into President Trump's second year. Please let me know availability you have over the coming couple of weeks, and we can nail down a time. If you can't all make it that's fine, but the important thing is to get (and keep) the lines of communication open.

Best,

Nathan

Nathan Naidu
Deputy Director of Intergovernmental and External Affairs
Department of the Interior
(202) 705 4573



NOTE: Every email I send or receive is subject to release under the Freedom of Information Act.



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

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

RECEIVED
CLALLAM CO. COMMISSIONERS

IN REPLY REFER TO:
Division of Realty

May 12, 2026

MAY 18 2026

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

Certified Mail-Return Receipt Required: 7020 0640 0002 1120 8382

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

Dear Chairman Allen:

This is the decision of the Bureau of Indian Affairs ("BIA"), Northwest Regional Director, on the Jamestown S'Klallam Tribe's ("Tribe") contiguous land-into-trust application for the property more fully identified below, known as the Miller Peninsula IV Parcel ("Property" or "Land") consisting of 2.35 acres, more or less, located in Clallam County, Washington. The proposed acquisition for the property: undeveloped land and land consolidation purposes. The application is not for gaming purposes. For the reasons set forth below, I approve the Tribe's request to acquire the Miller Peninsula IV Parcel into trust.

By Tribal Resolution #09-2025 dated January 22, 2025, the Tribe requested that the United States acquire 2.35 acres in trust for the use and benefit of the Tribe. The Tribe owns the property in fee status.

The Tribe acquired the property from Cash M. Carr and Therese Camille Obial Aquino, by Statutory Warranty Deed dated November 5, 2024, and recorded the purchase on November 15, 2024, in Clallam County, Washington, under document number 2024-1465526.

Land Location and Legal Description

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

TRACT 2 IN LOT 1 OF SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M., ACCORDING TO THE ASSESSOR'S MAP THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 5, RECORDS OF CLALLAM COUNTY, WASHINGTON, AND DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 1 OF SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M.;

THENCE EAST 416.5 FEET TO INTERSECTION OF WEST LINE OF COUNTY ROAD;
THENCE ALONG THE WEST LINE OF COUNTY ROAD 140.25 FEET;
THENCE WEST 362 FEET MORE OR LESS TO MEANDER LINE OF SEQUIM BAY;
THENCE NORTH 2°30'35" WEST TO THE PLACE OF BEGINNING.

TOGETHER WITH TIDELANDS OF THE SECOND CLASS, AS CONVEYED BY THE STATE OF WASHINGTON, SITUATED IN FRONT OF, ADJACENT TO OR ABUTTING THEREON.

EXCEPT RIGHT-OF-WAY FOR ROADS.

SITUATE IN CLALLAM COUNTY, STATE OF WASHINGTON.

A Land Description Examination and Validation (LDEV) request was prepared and submitted to the GIS Strike Team on March 12, 2025, and certified by the GIS Strike Team POC Marlon Dick on April 1, 2025, and approved by Trisha Johnson, BIA OTS Liaison on April 4, 2025. The LDEV received a concur, low risk and stated that:

The Land description is that of Tract 2 in Lot 1, according to the assessor's map there of recorded in Volume 4 of plats, page 5, records of Clallam County, Washington. Tract of land being that of survey, Recorded August 21, 1991, Recording No.: 655577. Records of Clallam County, Washington. Together with Tidelands of the second class. Said description being in Section 12, Township 29 North, Range 3 West, Willamette Meridian, Clallam County, Washington. The description closes within an acceptable amount and conforms to the PLSS. The Land description is deemed acceptable for the stated purpose.

The GIS acreage was calculated to be within 5% of the 2.350 TAAMS acres. It is deemed acceptable of stated purpose.

Based off the most recent available NAIP satellite imagery there does not to be any unauthorized encroachment or encumbrance.

It appears that the boundary between the uplands and the tidelands should be on the line of Mean High Water and not the Meander Line. According to the record of survey, recording no.: 655577.

The deed to said tidelands can be bound recorded under Volume 124 of deeds, page 241, Auditor's file number 148419, records of said county. Said deed describes the upland parcel that the tidelands are in front of and is consistent with the description as cited above.

I find the Tribe has fulfilled the requirements of 25 C.F.R. § 151.8 governing requests for approval of acquisitions because Resolution #09-2025 sets out the identity of the parties, a

description of the land, and other information showing the acquisition comes within 25 C.F.R. Part 151.

REGULATORY REQUIREMENTS, 25 CFR Part 151 (2024)

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

§ 151.3 – Land Acquisition Policy

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

1. The land is located contiguous to the Jamestown Reservation.
2. The Tribe already owns the land, as evidenced by the Statutory Warrant Deed and the title evidence. The Office of the Solicitor, Pacific Northwest Region, reviewed the title evidence and provided Preliminary Title Opinion BIA-00102792 dated August 20, 2025, and found title to be vested in the Tribe; and
3. The acquisition will further Tribal interests by facilitating Tribal self-determination and consolidates land ownership (i.e., the property is contiguous to the Jamestown Reservation).

25 CFR § 151.3(b) (1)-(3).

§ 151.10(a)(1) – Statutory Authority

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

The Tribe was under federal jurisdiction in 1934. The Tribe's predecessor was party to the 1855 Treaty of Point No Point with the United States, the Tribe received benefits and annuities pursuant to that treaty and the federal government continued to provide services and benefits

to the Tribe up to, and after, 1934. During the implementation of the IRA, the federal government endeavored to organize the Tribe and acquire land for it and made the determination that the Tribe was eligible for the benefits of the IRA.

On February 10, 1981, the Tribe was acknowledged as a federally recognized Indian tribe, effectively confirming its continuing existence and supervision by the federal government. 45 Fed. Reg. 81890 (Dec. 12, 1980). The federal acknowledgment of the Tribe through the process set forth in 25 C.F.R. Part 83 in 1981 further confirms that the Tribe was under federal jurisdiction in 1934 and has existed continuously and autonomously since at least 1855. Finally, the Tribe's continuing relationship to the United States was also confirmed when the Tribe intervened in *United States v. Washington* and established its continuing right to exercise treaty fishing activities reserved to it under the 1855 Treaty of Point No Point.

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

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

The Tribe’s proposed/current purposes of the acquisition are undeveloped land and land consolidation.

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

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

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

Based on the above facts, I find that the additional 2.35 acres will not unduly burden the BIA staff. Therefore, I find that the BIA is equipped to discharge the additional responsibilities associated with bringing this land into trust status.

§ 151.10(b) – Great Weight

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

25 CFR § 151.10(b) (4) and (8)

§ 151.10(c) – Tribal Interests

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

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

A Notice of Application was sent to the State of Washington, Governor's Office ("State"), Clallam County ("County"), and the City of Sequim ("City") on July 11, 2025. The notices provided 30 days for a written response. The County and City received their Notice of Application on July 14, 2025, and the State received its Notice on July 16, 2025.

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

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

§ 151.14 – Title Review

A Request for Preliminary Title Opinion was submitted to the Office of the Solicitor, Pacific Northwest Region and a Preliminary Title Opinion BIA-00102792 was issued on August 20, 2025, that indicated all taxes and other assessments must be paid through the date of closing. The post-acquisition title evidence submitted for our review must provide confirmation that all were paid and otherwise addressed as required.

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

§ 151.15 – Review of Environmental Conditions

The Secretary shall comply with the requirements of the National Environmental Policy Act (NEPA), applicable Council on Environmental Quality regulations, 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 September 10, 2025, indicates that an Environmental Assessment is not required because the tribe stated that no development, physical alteration, or change of land use after acquisition is planned or known. 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 ("ESA")

The Phase I ESA was completed on December 20, 2024, by Kristen Burgess EP, LG, of ESA Associates, Inc. (ESAA), for fee-to-trust application purposes.

Recognized Environmental Conditions (RECs)

The consultant found no known or RECs, historical RECs, controlled RECs, Business Environmental Risks (BERs), or other evidence of environmental liability at this property.

Phase I ESA Validity

An ESA must be completed prior to taking title to the subject property. ESA report dates generally do not represent completion date of individual components which must be completed/updated within 180 days of taking title (earliest date from table below; 5/20/2025).

ESA Component Dates

Component	#1: Owner Representative Interviews	#2: Environ. Liens Search	#3: Environmental Records Review	#4: Visual Site Inspection	#5: EP Declaration
Date Completed	12/16/2024	12/12/2024	11/21/2024	12/2/2024	12/20/2025
180-day Expiration	6/14/2025	6/10/2025	5/20/2025	5/31/2025	6/18/2025
Expired?	Yes	Yes	Yes	Yes	Yes

59 IAM 5; Section 1.7 C ii:

In certain situations, BIA may decide not to seek AAI landowner liability protections and instead, use the conclusions of a Phase I ESA that has not been updated pursuant to the AAI regulations to make the acquisition decision for up to 30 months when:

- The property is native prairie, agricultural land, or undisturbed ground with no structures or commercial business operations that produce, store, or include uses of petroleum products, hazardous substances, or any product that could produce environmental harm if released on the land, in groundwater, or in surrounding bodies of water.

- When the Phase I ESA does not identify RECs.
- No change in land use, construction activities, or ground disturbance is proposed.

The undeveloped Miller Peninsula IV property would appear to qualify for 59 IAM 5; Section 1.7 C iii (above).

Therefore, no further evaluation or updating of the Phase I ESA report will be required if the parcel if title is completed prior to June 20, 2026.

Summary:

On September 4, 2025, Brian J. Haug, Northwest Regional Environmental Scientist stated that: The Phase I ESA and supporting documents fulfill the requirements of DOI's 602 DM 22, 52 IAM 12-H, 59 IAM 53, 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 illegal. In view of the foregoing, all applicable legal requirements have been satisfied, and I hereby approve the Tribe's fee-to-trust application for the Miller Peninsula IV Parcel.

NOTICE OF RIGHT TO FURTHER APPEAL

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 their attorney of record or other qualified representative as provided by 43 CFR § 1.3, and filed with the Interior Board of Indian Appeals at 801 N. Quincy Street, Suite 300, Arlington, VA 22203, ibia@oha.doi.gov, in accordance with 43 CFR § 4.310 and the Office of Hearings and Appeals ("OHA") Standing Orders on Contact Information and the OHA Standing Orders on Electronic Transmission, found on the Department of the Interior OHA website: <https://www.doi.gov/oha>. The IBIA will be the reviewing official, and your appeal will be governed by the IBIA regulations at 43 CFR Part 4.

Deadline for Appeal.

The notice of appeal must be filed within 30 days of the date you receive notice of the Regional Director's decision. A copy of your notice of appeal must simultaneously be sent to the Assistant Secretary—Indian Affairs and the Associate Solicitor, Division of Indian Affairs. If you do not file a timely notice of appeal, you will have failed to exhaust administrative remedies, and this decision will become effective at the expiration of the appeal period. A notice of appeal not timely filed shall be dismissed for lack of jurisdiction. Service of a notice of appeal is considered effective on the date it is electronically transmitted, mailed, or hand-delivered in accordance with 43 CFR § 4.310(c).

Appeal Contents and Packaging.

Both the notice and envelope in which it is mailed should be clearly labeled “Notice of Appeal.” If submitting by electronic filing, “Notice of Appeal” must appear in the subject line of the email submission. Your notice of appeal must certify that you have sent copies to all interested parties; this office; the Assistant Secretary—Indian Affairs; and the Associate Solicitor of Indian Affairs, Office of the Solicitor. (See OHA Standing Orders for current AS-IA and Office of the Solicitor contact information.)

A notice of appeal must include:

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

43 CFR § 4.332(a).

If possible, attach a copy of this decision letter to your notice of appeal.

Within 40 days from the IBIA’s receipt of a notice of appeal, the Assistant Secretary—Indian Affairs may decide to review the appeal. 43 CFR § 4.332(b).

Assistance.

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. 43 CFR § 4.332(c).

Sincerely,

KURT
FREDENBERG

Digitally signed by KURT
FREDENBERG
Date: 2026.05.12 14:18:42
-07'00'

Kurt Fredenberg
Acting Northwest Regional Director

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

Distribution List for the Notice of Decision

STATE OF WASHINGTON
GOVERNOR'S OFFICE OF INDIAN AFFAIRS
1110 CAPITAL WAY SOUTH, SUITE 225
OLYMPIA, WA 98501
Certified Mail ID: 7020 0640 0002 1120 8399

CLALLAM COUNTY COMMISSIONERS
223 EAST 4TH STREET, SUITE 4
PORT ANGELES, WA 98362
Certified Mail ID: 7020 0640 0002 1120 8405
Regular Mail

CITY OF SEQUIM
152 W. CEDAR STREET
SEQUIM, WA 98382
Certified Mail ID: 7020 0640 0002 1120 8412
Regular Mail

Case Number: 62342
Applicant Name: JAMESTOWN
S'KLALLAM TRIBE

LEGAL DESCRIPTION EXHIBIT A

Tract ID:

Tract Name: MILLER PENINSULA 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	CLALLAM	Willamette	CLALLAM COUNTY AP: 032912110040, PROPERTY ADDRESS: 1253 OLD BLYN HWY, SEQUIM, WA 98382 METES AND BOUNDS: TRACT 2 IN LOT 1 OF SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M., ACCORDING TO THE ASSESSOR'S MAP THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 5, RECORDS OF CLALLAM COUNTY, WASHINGTON, AND DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 1 OF SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M.; THENCE EAST 416.5 FEET TO INTERSECTION OF WEST LINE OF COUNTY ROAD; THENCE ALONG THE WEST LINE OF COUNTY ROAD 140.25 FEET; THENCE WEST 362 FEET MORE OR LESS TO MEANDER LINE OF SEQUIM BAY; THENCE NORTH 2°30'35" WEST TO THE PLACE OF BEGINNING. TOGETHER WITH TIDELANDS OF THE SECOND CLASS, AS CONVEYED BY THE STATE OF WASHINGTON, SITUATED IN FRONT OF, ADJACENT TO OR ABUTTING THEREON. EXCEPT RIGHT-OF-WAY FOR ROADS. SITUATE IN CLALLAM COUNTY, STATE OF WASHINGTON.	2.350

WDAEAD1



Office Codes: P-P, 06, 129 AD Number: 4200482512 Case: 62342



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Northwest Regional Office

911 Northeast 11th Avenue

Portland, Oregon 97232

RECEIVED
CLALLAM CO. COMMISSIONERS

IN REPLY REFER TO:

Division of Realty

May 12, 2026

MAY 18 2026

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

Certified Mail-Return Receipt Required: 7020 0640 0002 1120 8382

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

Dear Chairman Allen:

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Land Location and Legal Description

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

TRACT 2 IN LOT 1 OF SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M., ACCORDING TO THE ASSESSOR'S MAP THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 5, RECORDS OF CLALLAM COUNTY, WASHINGTON, AND DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 1 OF SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M.;

THENCE EAST 416.5 FEET TO INTERSECTION OF WEST LINE OF COUNTY ROAD;
THENCE ALONG THE WEST LINE OF COUNTY ROAD 140.25 FEET;
THENCE WEST 362 FEET MORE OR LESS TO MEANDER LINE OF SEQUIM BAY;
THENCE NORTH 2°30'35" WEST TO THE PLACE OF BEGINNING.

TOGETHER WITH TIDELANDS OF THE SECOND CLASS, AS CONVEYED BY THE STATE OF WASHINGTON, SITUATED IN FRONT OF, ADJACENT TO OR ABUTTING THEREON.

EXCEPT RIGHT-OF-WAY FOR ROADS.

SITUATE IN CLALLAM COUNTY, STATE OF WASHINGTON.

A Land Description Examination and Validation (LDEV) request was prepared and submitted to the GIS Strike Team on March 12, 2025, and certified by the GIS Strike Team POC Marlon Dick on April 1, 2025, and approved by Trisha Johnson, BIA OTS Liaison on April 4, 2025. The LDEV received a concur, low risk and stated that:

The Land description is that of Tract 2 in Lot 1, according to the assessor's map there of recorded in Volume 4 of plats, page 5, records of Clallam County, Washington. Tract of land being that of survey, Recorded August 21, 1991, Recording No.: 655577. Records of Clallam County, Washington. Together with Tidelands of the second class. Said description being in Section 12, Township 29 North, Range 3 West, Willamette Meridian, Clallam County, Washington. The description closes within an acceptable amount and conforms to the PLSS. The Land description is deemed acceptable for the stated purpose.

The GIS acreage was calculated to be within 5% of the 2.350 TAAMS acres. It is deemed acceptable of stated purpose.

Based off the most recent available NAIP satellite imagery there does not to be any unauthorized encroachment or encumbrance.

It appears that the boundary between the uplands and the tidelands should be on the line of Mean High Water and not the Meander Line. According to the record of survey, recording no.: 655577.

The deed to said tidelands can be bound recorded under Volume 124 of deeds, page 241, Auditor's file number 148419, records of said county. Said deed describes the upland parcel that the tidelands are in front of and is consistent with the description as cited above.

I find the Tribe has fulfilled the requirements of 25 C.F.R. § 151.8 governing requests for approval of acquisitions because Resolution #09-2025 sets out the identity of the parties, a

description of the land, and other information showing the acquisition comes within 25 C.F.R. Part 151.

REGULATORY REQUIREMENTS, 25 CFR Part 151 (2024)

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

§ 151.3 – Land Acquisition Policy

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

1. The land is located contiguous to the Jamestown Reservation.
2. The Tribe already owns the land, as evidenced by the Statutory Warrant Deed and the title evidence. The Office of the Solicitor, Pacific Northwest Region, reviewed the title evidence and provided Preliminary Title Opinion BIA-00102792 dated August 20, 2025, and found title to be vested in the Tribe; and
3. The acquisition will further Tribal interests by facilitating Tribal self-determination and consolidates land ownership (i.e., the property is contiguous to the Jamestown Reservation).

25 CFR § 151.3(b) (1)-(3).

§ 151.10(a)(1) – Statutory Authority

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

The Tribe was under federal jurisdiction in 1934. The Tribe's predecessor was party to the 1855 Treaty of Point No Point with the United States, the Tribe received benefits and annuities pursuant to that treaty and the federal government continued to provide services and benefits

to the Tribe up to, and after, 1934. During the implementation of the IRA, the federal government endeavored to organize the Tribe and acquire land for it and made the determination that the Tribe was eligible for the benefits of the IRA.

On February 10, 1981, the Tribe was acknowledged as a federally recognized Indian tribe, effectively confirming its continuing existence and supervision by the federal government. 45 Fed. Reg. 81890 (Dec. 12, 1980). The federal acknowledgment of the Tribe through the process set forth in 25 C.F.R. Part 83 in 1981 further confirms that the Tribe was under federal jurisdiction in 1934 and has existed continuously and autonomously since at least 1855. Finally, the Tribe's continuing relationship to the United States was also confirmed when the Tribe intervened in *United States v. Washington* and established its continuing right to exercise treaty fishing activities reserved to it under the 1855 Treaty of Point No Point.

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

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

The Tribe's proposed/current purposes of the acquisition are undeveloped land and land consolidation.

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

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

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

Based on the above facts, I find that the additional 2.35 acres will not unduly burden the BIA staff. Therefore, I find that the BIA is equipped to discharge the additional responsibilities associated with bringing this land into trust status.

§ 151.10(b) – Great Weight

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

25 CFR § 151.10(b) (4) and (8)

§ 151.10(c) – Tribal Interests

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

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

A Notice of Application was sent to the State of Washington, Governor's Office ("State"), Clallam County ("County"), and the City of Sequim ("City") on July 11, 2025. The notices provided 30 days for a written response. The County and City received their Notice of Application on July 14, 2025, and the State received its Notice on July 16, 2025.

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

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

§ 151.14 – Title Review

A Request for Preliminary Title Opinion was submitted to the Office of the Solicitor, Pacific Northwest Region and a Preliminary Title Opinion BIA-00102792 was issued on August 20, 2025, that indicated all taxes and other assessments must be paid through the date of closing. The post-acquisition title evidence submitted for our review must provide confirmation that all were paid and otherwise addressed as required.

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

§ 151.15 – Review of Environmental Conditions

The Secretary shall comply with the requirements of the National Environmental Policy Act (NEPA), applicable Council on Environmental Quality regulations, 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 September 10, 2025, indicates that an Environmental Assessment is not required because the tribe stated that no development, physical alteration, or change of land use after acquisition is planned or known. 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 ("ESA")

The Phase I ESA was completed on December 20, 2024, by Kristen Burgess EP, LG, of ESA Associates, Inc. (ESAA), for fee-to-trust application purposes.

Recognized Environmental Conditions (RECs)

The consultant found no known or RECs, historical RECs, controlled RECs, Business Environmental Risks (BERs), or other evidence of environmental liability at this property.

Phase I ESA Validity

An ESA must be completed prior to taking title to the subject property. ESA report dates generally do not represent completion date of individual components which must be completed/updated within 180 days of taking title (earliest date from table below; 5/20/2025).

ESA Component Dates

Component	#1: Owner Representative Interviews	#2: Environ. Liens Search	#3: Environmental Records Review	#4: Visual Site Inspection	#5: EP Declaration
Date Completed	12/16/2024	12/12/2024	11/21/2024	12/2/2024	12/20/2025
180-day Expiration	6/14/2025	6/10/2025	5/20/2025	5/31/2025	6/18/2025
Expired?	Yes	Yes	Yes	Yes	Yes

59 IAM 5; Section 1.7 C ii:

In certain situations, BIA may decide not to seek AAI landowner liability protections and instead, use the conclusions of a Phase I ESA that has not been updated pursuant to the AAI regulations to make the acquisition decision for up to 30 months when:

- The property is native prairie, agricultural land, or undisturbed ground with no structures or commercial business operations that produce, store, or include uses of petroleum products, hazardous substances, or any product that could produce environmental harm if released on the land, in groundwater, or in surrounding bodies of water.

- When the Phase I ESA does not identify RECs.
- No change in land use, construction activities, or ground disturbance is proposed.

The undeveloped Miller Peninsula IV property would appear to qualify for 59 IAM 5; Section 1.7 C iii (above).

Therefore, no further evaluation or updating of the Phase I ESA report will be required if the parcel if title is completed prior to June 20, 2026.

Summary:

On September 4, 2025, Brian J. Haug, Northwest Regional Environmental Scientist stated that: The Phase I ESA and supporting documents fulfill the requirements of DOI's 602 DM 22, 52 IAM 12-H, 59 IAM 53, 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 illegal. In view of the foregoing, all applicable legal requirements have been satisfied, and I hereby approve the Tribe's fee-to-trust application for the Miller Peninsula IV Parcel.

NOTICE OF RIGHT TO FURTHER APPEAL

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 their attorney of record or other qualified representative as provided by 43 CFR § 1.3, and filed with the Interior Board of Indian Appeals at 801 N. Quincy Street, Suite 300, Arlington, VA 22203, ibia@oha.doi.gov, in accordance with 43 CFR § 4.310 and the Office of Hearings and Appeals ("OHA") Standing Orders on Contact Information and the OHA Standing Orders on Electronic Transmission, found on the Department of the Interior OHA website: <https://www.doi.gov/oha>. The IBIA will be the reviewing official, and your appeal will be governed by the IBIA regulations at 43 CFR Part 4.

Deadline for Appeal.

The notice of appeal must be filed within 30 days of the date you receive notice of the Regional Director's decision. A copy of your notice of appeal must simultaneously be sent to the Assistant Secretary—Indian Affairs and the Associate Solicitor, Division of Indian Affairs. If you do not file a timely notice of appeal, you will have failed to exhaust administrative remedies, and this decision will become effective at the expiration of the appeal period. A notice of appeal not timely filed shall be dismissed for lack of jurisdiction. Service of a notice of appeal is considered effective on the date it is electronically transmitted, mailed, or hand-delivered in accordance with 43 CFR § 4.310(c).

Appeal Contents and Packaging.

Both the notice and envelope in which it is mailed should be clearly labeled “Notice of Appeal.” If submitting by electronic filing, “Notice of Appeal” must appear in the subject line of the email submission. Your notice of appeal must certify that you have sent copies to all interested parties; this office; the Assistant Secretary—Indian Affairs; and the Associate Solicitor of Indian Affairs, Office of the Solicitor. (See OHA Standing Orders for current AS-IA and Office of the Solicitor contact information.)

A notice of appeal must include:

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

43 CFR § 4.332(a).

If possible, attach a copy of this decision letter to your notice of appeal.

Within 40 days from the IBIA’s receipt of a notice of appeal, the Assistant Secretary—Indian Affairs may decide to review the appeal. 43 CFR § 4.332(b).

Assistance.

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. 43 CFR § 4.332(c).

Sincerely,

KURT
FREDENBERG

Digitally signed by KURT
FREDENBERG
Date: 2026.05.12 14:18:42
-07'00'

Kurt Fredenberg
Acting Northwest Regional Director

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

Distribution List for the Notice of Decision

STATE OF WASHINGTON
GOVERNOR'S OFFICE OF INDIAN AFFAIRS
1110 CAPITAL WAY SOUTH, SUITE 225
OLYMPIA, WA 98501
Certified Mail ID: 7020 0640 0002 1120 8399

CLALLAM COUNTY COMMISSIONERS
223 EAST 4TH STREET, SUITE 4
PORT ANGELES, WA 98362
Certified Mail ID: 7020 0640 0002 1120 8405
Regular Mail

CITY OF SEQUIM
152 W. CEDAR STREET
SEQUIM, WA 98382
Certified Mail ID: 7020 0640 0002 1120 8412
Regular Mail

Case Number: 62342
Applicant Name: JAMESTOWN
S'KLALLAM TRIBE

LEGAL DESCRIPTION EXHIBIT A

Tract ID:

Tract Name: MILLER PENINSULA 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	CLALLAM	Willamette		2.350

CLALLAM COUNTY AP: 032912110040, PROPERTY ADDRESS: 1253 OLD BLYN HWY, SEQUIM, WA 98382

METES AND BOUNDS: TRACT 2 IN LOT 1 OF SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M., ACCORDING TO THE ASSESSOR'S MAP THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 5, RECORDS OF CLALLAM COUNTY, WASHINGTON, AND DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 1 OF SECTION 12, TOWNSHIP 29 NORTH, RANGE 3 WEST, W.M.; THENCE EAST 416.5 FEET TO INTERSECTION OF WEST LINE OF COUNTY ROAD; THENCE ALONG THE WEST LINE OF COUNTY ROAD 140.25 FEET; THENCE WEST 362 FEET MORE OR LESS TO MEANDER LINE OF SEQUIM BAY; THENCE NORTH 2°30'35" WEST TO THE PLACE OF BEGINNING. TOGETHER WITH TIDELANDS OF THE SECOND CLASS, AS CONVEYED BY THE STATE OF WASHINGTON, SITUATED IN FRONT OF, ADJACENT TO OR ABUTTING THEREON. EXCEPT RIGHT-OF-WAY FOR ROADS. SITUATE IN CLALLAM COUNTY, STATE OF WASHINGTON.

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Office Codes: P1P106129 AD Number: 4200482612 Case: 62342