



Board of County Commissioners
1820 Jefferson Street
PO Box 1220
Port Townsend, WA 98368

Kate Dean, District 1 David Sullivan, District 2 Kathleen Kler, District 3

June 26, 2018

Via email and Regular Mail

Allyson Brooks, Ph.D.
Executive Director
State Historic Preservation Officer
Washington Department of
Archaeology & Historic Preservation
P.O. Box 48343
Olympia, Washington 98504-8343
allyson.brooks@dahp.wa.gov

Re: Project Tracking Code: 081106-12-JE
 Project: Pleasant Harbor Master Planned Resort, Black Point, Brinnon, WA
 Archaeology-DAHP Comments for Public Hearing for Pleasant Harbor MPR

Dear Dr. Brooks:

On behalf of the Jefferson County Board of Commissioners (Board), I am writing in response to your letter to me, dated June 20, 2018 (your letter).

Your letter states: “In the case of this particular project, we *merely notified* you of information that was recently provided to us by the Port Gamble Tribe and interested constituents.” Your Letter, pg. 1 (emphasis added). Respectfully, DAHP’s April 9, 2018 letter seems to go well beyond mere notification of information provided to DAHP by the Port Gamble S’Klallam Tribe’s (PGST) and interested constituents. Furthermore, we disagree that information about the PGST’s claimed cultural resources was “recently” provided to you by the PGST. In fact, it was Jefferson County that provided DAHP more detailed information about the PGST’s cultural resources claims *in 2016*. By email dated March 16, 2016, Jefferson County provided DAHP with two letters, dated March 11, 2016 and March 15, 2016. See Attachment A, attached. Nevertheless, if mere notification was DAHP’s intent in sending DAHP’s April 9, 2018 letter, we accept your clarification.

DAHP’s April 9, 2018 letter states: “The project are (sic) *contains unique and geologically significant features*.” April 9, 2018 Letter, pg. 1 (emphasis added). And, DAHP’s April 9, 2018 letter states what appears to be an opinion based on that claim of geological uniqueness: “*Coupled with the uniqueness of the geological features*, the kettles would qualify as both a Traditional

Cultural Property (TCP) as well as a Cultural Landscape (CL) and would be eligible for listing on the National Register of Historic Places (NRHP).” *Ibid.* (emphasis added). Since your letter concedes DAHP has no expertise in geology and did not consult DNR, you have alleviated Jefferson County’s concern that the above statement from DAHP’s April 9, 2018 letter was just to provide information to Jefferson County.

Your letter also states:

This agency does not question areas of cultural importance to tribes nor do we question anyone’s religious beliefs. We accept other’s cultural values as relevant and of importance under their cultural belief system. ***Even though glacial kettles are a common feature of the Puget Sound landscape, we would not expect a geologist from DNR to validate a tribe’s cultural and traditional values.***

Your Letter, pg. 1 (emphasis added). We agree. However, we would not expect DAHP to base opinions on cultural significance on unverified claims of geological uniqueness.

Thank you for acknowledging that a cultural resources assessment was performed, as DAHP’s April 9, 2018 letter stated the opposite. However, we disagree with your suggestion that the traditional, spiritual and cultural value of the project area was not assessed. *See* Your Letter, pg. 2. For example, the 2006 Cultural Resource Assessment for the Proposed Pleasant Harbor Marina and Golf Resort (2006 Cultural Resource Assessment) states:

- “Culturally significant places are recorded in the project vicinity (see Appendix A; Elmendorf and Kroeber 1992:41-42). The southeast tip of Black Point is named *kwaca’p*, from which Quatsap Point was derived. A small lake north of Quatsap Point, *qaqaq le’w t*, was the domain of guardian spirits (*swa ‘das*) that took the form of reptiles.” *Ibid.*, pgs. 6-7.
- “In addition, the Tribal Historic Preservation Officer of the Skokomish Indian Tribe has identified numerous culturally significant locations, both within and in the vicinity of the project area (see Appendix A).” *Ibid.*, pg. 12.
- “The probability for historical cultural resources within the project area is considered to be high. Locally compiled histories indicate several historical structures were/are present within or adjacent to the proposed project boundaries.” *Ibid.*

We appreciate DAHP’s role as an expert agency under the State Environmental Policy Act, (SEPA) WAC 197-11-920 concerning existing or potential cultural resources. Surely that role does not include providing information to counties they already have. Jefferson County was requesting comment on proposed development regulations and a proposed development agreement for the Pleasant Harbor Master Planned Resort. DAHP’s April 9, 2018 letter made no suggestion for modification of either of these documents.

Like DAHP, Jefferson County has always prided itself on having a good relationship with DAHP, other Jefferson County communities, and all area tribes. That is why we were so surprised by DAHP’s April 9, 2018 letter.

Finally, your letter states, "... I am sorry that you did not contact me in person prior to writing this letter." But Jefferson County Commissioner Kate Dean did contact you in person prior to June 7, 2018 and discussed DAHP's April 9, 2018 letter with you in person when you were in Port Townsend on April 24, 2018. A copy of your email confirming the April 24, 2018 meeting is attached as Appendix B.

Sincerely,



David Sullivan, Chair
Jefferson County Board of Commissioners

Cc:

Lys Burden, Native Connection Action Group
Kris Miller, THPO, Skokomish Tribe
Bill White, Archaeologist, Lower Elwha S'Klallam Tribe
David Brownell, Cultural Resources, Jamestown S'Klallam Tribe
Stormy Purser, THPO, Port Gamble S'Klallam Tribe
Gretchen Kaehler, Assistant State Archaeologist, Local Government
Philip C. Hunsucker, Chief Civil Deputy Prosecuting Attorney

Appendix A to Jefferson County BoCC's Response to DAHP's June 20, 2018 Letter

From: David W. Johnson
To: Gretchen Kaehler; Kaehler, Gretchen (DAHP); Kaehler, Gretchen (DAHP)
Cc: David W. Johnson
Subject: FW: Pleasant Harbor FSEIS: Port Gamble S'Klallam Tribe Comments
Date: Wednesday, March 16, 2016 9:42:07 AM
Attachments: PGST Letter Blackpoint031516Final.pdf
Pleasant Harbor Golf Course THPO Response-1.pdf

Gretchen,

I will be calling you to discuss this.

Thanks!

From: Roma Call [mailto:romac@pgst.nsn.us]
Sent: Tuesday, March 15, 2016 5:44 PM
To: David W. Johnson <djohnson@co.jefferson.wa.us>; Cynthia Koan <cynthia.koan@gmail.com>; Gary Felder <gfelder@broadstripe.net>; Kevin Coker <cokerdesignworks@msn.com>; Lorna Smith <smithsnoh@aol.com>; Mark Jochems <mdjochems@gmail.com>; Matt Sircely <mattsircely@gmail.com>; Richard Hull <richardhull@embarqmail.com>; Tom Brotherton <tomb255@gmail.com>; Tom Giske <tgiske@gmail.com>
Subject: Pleasant Harbor FSEIS: Port Gamble S'Klallam Tribe Comments

David Johnson and Planning Commission Members,

Please see the Port Gamble S'Klallam Tribe's final response letter to the Pleasant Harbor Master Planned Resort FSEIS, as well as the Tribal Historic Preservation Officer's letter regarding cultural resources.

As David suggested in his email below, please forward any questions you may have in preparation for our presentation at the April 6th Planning Commission meeting.

Thank you.

Roma Call

Roma Call
Port Gamble S'Klallam Tribe
Environmental Program
romac@pgst.nsn.us
cell 360-516-3979
office 360-297-6293

On 3/9/16 11:01 AM, David W. Johnson wrote:

Planning Commission Members,

We will have Roma Call from the PGST give a presentation to us at the April 6th PC meeting on Pleasant Harbor. Do any of you have specific questions you'd like to ask them so they can prepare a response? If so, let me know what your questions are no

th

later than March 25 so can forward them on and they can respond to your questions at the meeting.

Thanks!

David Wayne Johnson - LEED AP - Neighborhood Development
Associate Planner - Port Ludlow Lead Planner
Department of Community Development
Jefferson County
360.379.4465



Mission: To preserve and enhance the quality of life in Jefferson County by promoting a vibrant economy, sound communities and a healthy environment.



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Jefferson County Department of Community Development



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PORT GAMBLE S'KLALLAM TRIBE

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Date: March 11, 2016

Jefferson County Planning Commission
621 Sheridan Street,
Port Townsend, WA 98368
Email: PlanComm@co.jefferson.wa.us

David Wayne Johnson
Pleasant Harbor FSEIS c/o Jefferson County DCD
621 Sheridan Street,
Port Townsend, WA 98368
Email: dwjohnson@co.jefferson.wa.us

Re: **Pleasant Harbor Marina and Golf Resort LLC Master Planned Resort**

Dear Planning Commission Members and Mr. Johnson,

Thank you for the opportunity for the Port Gamble S'Klallam Tribal Historic Preservation Office to review and comment on the proposed Pleasant Harbor Marina and Golf Resort LLC Master Planned Resort.

The proposed Pleasant Harbor Marina and Golf Resort LLC Master Planned Resort is located within the Port Gamble S'Klallam Tribe's Adjudicated Usual and Accustomed Area and Traditional and Historic Use Area. This proposed undertaking is located in an area of high cultural and historic significance for the Port Gamble S'Klallam Tribe. It is also located in an area of high probability for encountering cultural resources according to the Washington Department of Archeology and Historic Preservation (DAHP) WISAARD database.

Based on preliminary review of location of the proposed undertaking the Tribe is concerned that the project proposal to use Kettle Ponds B and C for storing stormwater and treated wastewater could result in significant damages to Traditional Cultural Properties (TCPs) that meet multiple federal criteria that render them eligible for inclusion on the National Register of Historic Places.

Criterion B Association with the Lives of Persons Significant in our Past: This area specifically the freshwater within the proposed project area, have direct association with spiritual entities known to the S'Klallam Tribe.

Criterion C. Representative of a Significant and Distinguishable Entity Whose Components May Lack Individual Distinction: Areas within the proposed project area have unique ecological conditions that result in supporting specific biota that supported historic S'Klallam gathering that has continued into the twentieth century within living memory of Port Gamble S'Klallam Tribal members.

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Fax

Criterion D. History of Yielding or Potential to Yield Information Important in Prehistory or History: Based on the high density of Native American Place names that include traditional camp sites and the proximity of the proposed project to two traditional S'Klallam historic and contemporary fisheries and shellfish harvest areas at the Duckabush and Dosewallips River the area has a high probability to yield valuable information to S'Klallam, and broader patterns of Native American history and use of the Hood Canal watershed.

The Tribe believes that the uniqueness of the geologic features and oral historical accounts relating spiritual entities linked to the land, the traditional plants harvested generationally by S'Klallam people from the past and within living memory as well as multiple campsites and Native American place names know in the area, all directly contribute to unique cultural significance of the area that would be impacted by significant modification of the physical environment.

The Port Gamble S'Klallam Tribe requests to have a traditional cultural property evaluation of the kettle ponds and wetland area to determine their eligibility to the National register and evaluate the impacts the proposed undertakings will have on the cultural integrity of the area and their eligibility to be listed on the National Register of Historic Places.

Sincerely,



Laura L. Price

Tribal Historic Preservation Officer
Cultural Resources Department
Port Gamble S'Klallam Tribe
360 297-6358
lives@pgst.nsn.us

cc:

Roma Call
Environmental Program Manager, Port Gamble S'Klallam Tribe

Josh Wisniewski, Ph.D.
Anthropologist, Port Gamble S'Klallam Tribe



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March 15, 2016

Jefferson County Planning Commission
621 Sheridan Street,
Port Townsend, WA 98368
Email: PlanComm@co.jefferson.wa.us

David Wayne Johnson
Pleasant Harbor FSEIS c/o Jefferson County DCD
621 Sheridan Street
Port Townsend WA 98368
Email: dwyjohnson@co.jefferson.wa.us

**Subject: Pleasant Harbor Final Supplemental Environmental Impact Statement,
December 2015, Case No's: MLA08-00188, ZON08-00056**

Dear Planning Commission Members and Mr. Johnson,

On behalf of the Port Gamble S'Klallam Tribe (PGST), the following comments are provided with regard to the Final Supplemental Environmental Impact Statement (FSEIS) and Intent to Amend the Unified Development Code for the Pleasant Harbor Marina and Golf Resort LLC Master Planned Resort (MPR). We request that Jefferson County continue to work with PGST staff to implement the actions described below. These actions are intended to serve as mitigation for the potentially significant effects of the proposed project on cultural resources and the Tribe's treaty rights and are also consistent with the conditions required under Ordinance No. 01-0128-08.

The Port Gamble S'Klallam Tribe is the successor in interest to Indian bands and tribes signatory to the 1855 Treaty of Point No Point, 12 Stat. 933.¹ Today the Tribe retains deep cultural and economic ties to the surrounding waters and to their fisheries in its usual and accustomed grounds and stations (U&A). More than a century of federal court decisions have fleshed out the components of the treaty right, including the right of access to places, the right to a share of harvest to meet tribal moderate living needs, and the right to protection of fish habitat. Maintaining access to the entire terrestrial and marine landscape that was used by tribal ancestors is also of critical cultural importance, and helps to define the Tribe's identity. The proposed Pleasant Harbor project is located within the Tribe's U&A, in an area where tribal members depend on fish, shellfish and wildlife.

In 2008, the Jefferson County Board of County Commissioners (BOCC) adopted Ordinance No. 01-0128-08, listing 30 special conditions to be required for development approval under the Comprehensive Plan amendment to allow a Master Plan Resort within an area zoned Rural Residential. "Consultation with the Tribes regarding cultural resources, and possibly one kettle preserved as a cultural resource," is included as a requirement in the list of conditions for development approval. The BOCC ordinance also requires a document to be executed or recorded with the County Auditor, reflecting the developer's written

¹ *United States v. Washington*, 459 F. Supp. 1020, 1039 (W.D. Wash. 1978) (hereinafter *Boldt II*).



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understanding with and among the local tribes, as well as other entities, in order to maintain site integrity and to assure traditional tribal access to cultural properties and activities. The BOCC ordinance also requires the applicant to develop a wildlife management plan focused on non-lethal strategies in the public interest in consultation with the Department of Fish and Wildlife and local tribes. The other special conditions for development approval focus on additional measures for environmental protection and other issues also of concern to the Tribe.

With the release of the FSEIS for this project, it is questionable as to whether Jefferson County's Community Development Department (DCD) made a good faith effort to consult with the Port Gamble S'Klallam Tribe. In order to meet the BOCC special conditions in Ordinance No. 01-0128-08, we understood that Jefferson County would work directly with PGST during the development of the FSEIS, including the supporting documents in the appendices. However, the Tribe was not consulted during the development of the FSEIS and our comments were not incorporated. The FSEIS Volume 2 Appendix O includes a Proposed Plan for Archeological Monitoring and Inadvertent Discovery Protocol, DAHP Response to the Cultural Resource Plan and the Skokomish Tribe's Response to the Cultural Resource Plan. However, this section does not go nearly far enough to resolve PGST's concerns and to mitigate project effects with regard to cultural resources and tribal treaty right impacts.

The Centennial Accord (1989) and the New Millennium Agreement (1999)² established a basic framework and provide the general foundation for relations between the Tribes and Washington State. The Government-to-Government Implementation Guidelines³ were developed in order to provide a consistent approach for state agencies and tribes to follow in implementing the Accord, and are applicable to local governments. In the context of the government-to-government consultation process, we expected the Jefferson County DCD to work with us to address the concerns raised at the February 2015 meeting and in our written comments. Yet PGST was not consulted after the February meeting and was not provided with any schedule or notification of the FSEIS prior to its release. We find the Jefferson County DCD consultation process with the Port Gamble S'Klallam Tribe to have been both inadequate and negligent.

As stated in our previous comments in 2001, 2006, 2007 and 2015 regarding this project, we are concerned about the potential for adverse effects on cultural resources and treaty rights from the loss of wetlands and rare kettle ponds, increased traffic, intensity of land use for commercial and residential development, significant alteration of hydrology, clearing and grading, increased impermeable surface, use of persistent pollutants, and other proposed project effects.

The MPR project would be located in an aquifer recharge area and would significantly impact kettle ponds and wetlands. The project proposes to remove 20,700 sq. ft. of wetland and associated buffers in and around the largest kettle, Kettle Pond B, for the purpose of creating a control pond for storing stormwater and treated wastewater. The Kettle Pond B wetland

² Governor's Office of Indian Affairs: <http://www.goia.wa.gov/government-to-government/data/agreement.htm>

³ Governor's Office of Indian Affairs Implementation Guidelines: <http://www.goia.wa.gov/government-to-government/Data/guidelines.htm>



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would be cleared of vegetation, filled and lined. The proposal provides inadequate compensatory mitigation for these effects with the plan to manufacture a wetland in existing Kettle Pond C that would also serve as a stormwater runoff basin for the project. Impacts to flora and fauna in the Kettle Ponds and wetlands would likely have significantly adverse effects on both cultural and natural resources.

Additionally, we are very concerned about the effects of persistent pollutants on water quality in groundwater, wetlands and streams from the proposed use of pesticides, fungicides and other chemicals in the project area, and potentially the Hood Canal, Duckabush and Dosewallips River systems during overflow events. The project would remove 55% of existing trees and native vegetation replacing it with impermeable surfaces and landscaping. The project also has the potential to impact wildlife, including a migrating elk herd in the project area. It would increase vehicular traffic along highway, roads and parking lots and would degrade water quality in Hood Canal through stormwater runoff, impacting the Tribe's fish and shellfish resources. The developer commissioned a study of the number of jobs expected to be created as a direct or indirect result of the MPR. However, an analysis of the risks to fisheries, an existing economic base in the area for tribal members and others, was not incorporated into the study. The proposed compensatory mitigation in the FSEIS does not effectively and sufficiently offset these effects.

Due to the potential for significant impacts to tribal fisheries and cultural resources we request that Jefferson County work with the developer and PGST staff to implement the following mitigation actions, and meet the requirements of Ordinance No. 01-0128-08.

A. Cultural Resources Protection and Stewardship

Action 1: Preserve Kettle Ponds B and C and adjacent wetlands for a traditional property evaluation and the protection of cultural resources. Conduct a traditional cultural property evaluation to determine the eligibility of the kettle ponds and wetlands to the National register. Evaluate the impacts of the proposed project on the cultural integrity of the area and its eligibility to be listed on the National Register of Historic Places. Redesign stormwater and wastewater management plans to avoid the destruction of wetlands and the alteration and use of Kettle Ponds B and C for stormwater and treated wastewater storage.

Action 2: Schedule a site visit with PGST staff to view the kettle ponds and other areas of cultural significance.

Action 3: Provide a biological inventory of plants, amphibians, birds and other species that are currently present in Kettle Ponds B and C and those that were likely present prior to timber harvesting and other disturbances.

Action 4: Consult with PGST Cultural Resource Dept. staff to schedule site monitoring, particularly during ground disturbing activities.

Action 5: Develop a Stewardship Plan that provides for the restoration of traditional plants in the project area and the opportunities for tribal access to cultural resources.

According to oral tradition and knowledge, the Brinnon area, including Pleasant Harbor, holds cultural resources of great value to the Port Gamble S'Klallam people. Uncommon geological



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features, such as kettle ponds, are often linked to spiritual and cultural knowledge that is passed through the generations. The area was known as an important place for gathering and processing traditional foods and materials needed to support a productive livelihood. The area was known for its abundant provisions of reeds and other thush materials.

The Port Gamble S'Klallam Tribal Historic Preservation Officer (THPO) has provided a separate letter describing the significance of the site as a traditional cultural property and challenging the DAHP determination, which did not involve any consultation with the Port Gamble S'Klallam Tribe's TPHO officer. The proposed action would impact the integrity of this site, which by oral accounts has cultural and spiritual significance and contributes to regional Native American history. Based on historic Native American place names, camping locations, and oral traditions regarding spiritual entities associated with the landscape, the site has the potential to yield more information about the unique history and use of the area by the S'Klallam people. The site is representative of unique geology and unique plant communities and has been actively used within living memory for traditional plant gathering and cultural practices.

We have great concern with the continued diminution of cultural resources linking the Tribe's ancestral ties to the land and water. To see its natural resources, such as the rare kettle ponds, forever changed is deplorable to tribal members. The Tribe seeks to preserve and restore its natural landscapes in order to reserve the ability to teach its children and future generations the traditional knowledge and culture that defines it. The County should work with tribal staff to plan and implement the stewardship of these resources.

B. Shellfish Resources Protection and Management

Action 6: Consult with PGST Natural Resources Dept. staff to develop and implement a plan for the protection and restoration of tribal shellfish resources. This will include the following:

- a) Protection of tidelands adjacent to the project area,
- b) Shellfish seeding and enhancement on Duckabush and Dosewallips River beaches where tribal members harvest, and
- c) Response plans in the event of any water quality incidents or other project-related activities that would result in a downgrade of shellfish harvesting areas by the Washington State Department of Health.

The Black Point Resort will be located between two public beaches (the Duckabush and the Dosewallips) which provide both significant commercial and ceremonial/subsistence harvest opportunities to the Tribes with Usual and Accustomed fishing rights in the area. The two delta flats are two of the three most important intertidal areas to Tribal harvesters based on acreage available, habitat available and existing natural manila clam and pacific oyster production. The Duckabush and Dosewallips tidelands combined supply over 75% of tribal resource for pacific oysters from public tidelands.

The increase in visitors, both temporary and permanent residents, is expected to increase the harvest pressure on the Duckabush and Dosewallips tidelands. Natural recruitment of bivalves



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in Hood Canal is sporadic and increased pressure from additional harvesters without an annual enhancement will result in a decline in the existing resource over time. In addition, both tidelands have areas of concern to the Washington Department of Health (DOH). In 2015, DOH reported that one water sampling location on Dosewallips and two locations on Duckabush were in Threatened status and an additional location on each tideland were falling into Concerned status. Additional system overflows into the Duckabush or contaminated stormwater runoff from the increase in impervious areas could result in poor water quality in the rivers leading to problems with shellfish on the tidelands. A closure of these tidelands by DOH due to water quality issues would have a cultural and economic impact on the Port Gamble S'Klallam Tribe.

C. Wildlife Protection and Habitat Management Plan

Action 7: Consult with PGST/Point No Point Treaty Council wildlife biologist to develop and implement a plan for the protection of wildlife and the restoration of wildlife habitat. The purpose of the plan is to provide protective actions for wildlife, including keeping the elk herd from crossing the highway to enter the project area. The plan will also provide information regarding vegetation and habitat preservation in natural areas.

We are concerned about impacts to the elk herd that forages to the West of this project area in the lower end of the Duckabush River Valley and the development of an “attractive nuisance” in the form of highly alluring elk and deer forage opportunities. The construction of lawns and fairways proposed as part of this MPR will create an “attractive nuisance” that will increase the frequency at which elk cross highway 101. Coupled with the projected increase of more than 4,000 vehicle trips per day, the “attractive nuisance” poses a significant risk to human health and the viability of the elk herd.

The FSEIS Habitat Management Plan was not developed in consultation with the Tribe and does not fulfill the wildlife safety and damage control objectives of the 2008 BOCC ordinance (Ordinance No. 01-0128-08, 63.1). Although the Habitat Management Plan describes the placement of an exclusion fence to discourage elk from utilizing the site, a more comprehensive Wildlife Management Plan is required. An adequate Wildlife Management Plan must describe how the elk will be discouraged or prevented from crossing the highway. GPS and other elk monitoring records reveal that highway 101 is not a barrier to dispersal to the Duckabush elk herd. We know that the elk readily cross the highway just north of McDonald Creek and in the vicinity of Triton Head/Triton Cove. The wildlife management plan should also describe the location, size, and other specifications of the fence or any other deterrents constructed to reduce risks to the elk. Additionally, we need a legitimate Wildlife Management Plan that describes what actions can and will be taken in the event that the fence doesn't work—i.e. what will be done if the elk still manage to get on the property and start damaging greens and fairways. Such actions must NOT include lethal control or state-subsidized monetary compensation.



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D. Water Quality Protection and Monitoring Plan

Action 8: Contact U.S. Army Corps representatives to request a new determination of wetlands jurisdiction for the purposes of USCOE permit review. The 2007 determination (FSEIS Vol. 2 Appendix J.A) expired in 2012 and the document is no longer a valid determination that the wetlands in question are not Waters of the U.S.

Action 9: Consult with PGST Natural Resources Dept. staff to develop and implement a plan for the protection of water quality in the project area and in waters adjacent to the project area or amend the existing Draft Water Quality Monitoring Plan to include these protections. This will incorporate the following:

- a) Water quality monitoring in waters connected to tribal fisheries and shellfish harvesting areas, including monitoring for pollutants, and
- b) An evaluation of alternatives for constructing additional swales and contours near roadways to redirect stormwater runoff away from Hood Canal, particularly in the areas of Phase 1 construction.

Action 10: Revise project management plan to eliminate the use of persistent pollutants and replace them with substances allowed for use under the agricultural national organic program. Provide the draft revised management plan to PGST Natural Resources staff for review and comment.

The urbanization of Black Point by the development of the proposed Master Planned Resort (MPR) will increase the prevalence of toxic heavy metals, persistent organic pollutants and other contaminants of emerging concern in this rural area. The increase in the prevalence of these pollutants will likely have a negative effect on fish and shellfish resources inhabiting Black Point and the surrounding areas, including the Dosewallips and Duckabush River Estuaries.

Developing a stormwater and wastewater remediation system may reduce the effects of these pollutants. To ensure the functionality of this type of system, extensive and regular, discharge, ambient water and biota tissue monitoring will be required. Unfortunately, we are unaware of any working examples of this type of system. Our concern with regard to the construction of an urban development in this rural area is clearly illustrated by the pollution related loss of ~36,000 acres of shellfish beds throughout Puget Sound.

The geochemical processes occurring at the seawater/groundwater interface form a critical transition zone, which provides essential ecological functions driven by sediment-associated biota. A reduction in the hydraulic conductivity between the wetlands located within the proposed MPR and the nearshore environment surrounding Black Point will likely affect the chemical constituents available to biota inhabiting this area. For instance, an increase in salinity could negatively affect the productivity of Pacific oysters (*C. gigas*).

E. Unified Development Code and Development Agreement

Action 11: Include the above actions in the Jefferson County Code as an amendment to the Unified Development Code.

Action 12: Include the above actions as a requirement in the development agreement.



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Action 13: Include the final compilation of the plans and measures described in the above actions as an appendix to the FSEIS.

Although FSEIS covers potential environmental effects to some extent, we are concerned that it does not go nearly far enough to resolve the potentially significant impacts to tribal treaty rights and cultural resources. We look forward to working with you to address these concerns. Please contact me with any questions at (360) 297-6293.

Thank you.

Sincerely,

Roma Call
Environmental Program Manager
Port Gamble S'Klallam Tribe

Appendix B to Jefferson County BoCC's Response to DAHP's June 20, 2018 Letter

From: [Kate Dean](#)
To: [Julie Shannon](#)
Subject: FW: Port Townsend
Date: Monday, April 23, 2018 10:11:51 PM

From: Brooks, Allyson (DAHP)
Sent: Monday, April 23, 2018 10:11:44 PM (UTC-08:00) Pacific Time (US & Canada)
To: Kate Dean
Subject: RE: Port Townsend

Sure! I'll be around after 1:30 when the Governor's event is finished.

All the best

Allyson

Allyson Brooks Ph.D.
State Historic Preservation Officer
Dept. of Archaeology and Historic Preservation
360-586-3066

From: Kate Dean [KDean@co.jefferson.wa.us]
Sent: Monday, April 23, 2018 4:16 PM
To: Brooks, Allyson (DAHP)
Subject: Port Townsend

Hi Allyson,
I received your letter regarding the Port Gamble Sklallam Tribes concerns about the proposed resort at Black Point. I would very much appreciate the opportunity to chat with you about this. I see that you are going to be in Port Townsend tomorrow- is there any chance you would be available to chat with me for 15 minutes about how to best interpret your letter and concerns in light of our process and next steps?
If not tomorrow, perhaps a phone call?
Thank you,
Kate Dean

Kate Dean
Jefferson County Commissioner, District 1
1820 Jefferson Street
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