From:	BrownScott, Jennifer
To:	Sollmann, Lorenz; Thomas, Sue
Subject:	Fwd: Dungeness NWP48 (NWS-2007-1213)
Date:	Thursday, February 22, 2018 8:58:22 AM
Attachments:	Critical Eelgrass Habitat Survey_Dungeness Lease.pdf Dungeness Bay DNR Lease Renewal 2013-2017.pdf Dungeness Tidelands Survey Report_Final_Jan2017.pdf Dungeness_Project Drawings_Dec28-2017.docx JARPA_122717_Signed.pdf JARPA_AttachmentE_Signed.pdf
Importance:	High

I thought I forwarded this to you guys, but I am not seeing it in my sent folder.

-jennifer

Jennifer Brown-Scott
Refuge Manager
Washington Maritime NWRC
715 Holgerson Rd
Sequim, WA 98382
office: (360) 457-8451 ext.22
fax: (360) 457-9778

~~Dungeness NWR~Protection Island NWR~San Juan Islands NWR~~
~~Copalis NWR~Flattery Rocks NWR~Quillayute Needles NWR~~

---------- Forwarded message ----------
From: **Ralph Riccio** <rriccio@jamestowntribe.org>
Date: Mon, Feb 12, 2018 at 4:35 PM
Subject: Dungeness NWP48 (NWS-2007-1213)
To: "Bennett, Matthew J NWS (Matthew.J.Bennett@usace.army.mil)" <Matthew.J.Bennett@usace.army.mil>, "jennifer_brownscott@fws.gov" <jennifer_brownscott@fws.gov>
Cc: Elizabeth Tobin <etobin@jamestowntribe.org>

Matthew and Jennifer,

Please find attached Jamestown's final proposal for farming oysters in Dungeness Bay on their DNR lease.

Clallam County has set a date for the public hearing for mid-March.

The Tribe anticipates having a clear understanding of the remainder of the federal process and Federal Lead status well in advance of the County public hearing.

Please let me know when you receive this email, and how I can assist in moving forward.

Thank you.

Ralph

Prepared By: Ralph Riccio, Jamestown S'Klallam Tribe
Date Prepared: November 13th 2017

Critical Eelgrass Habitat Survey for DNR Lease #20-A013012 in Dungeness Bay

Background

The Jamestown S'Klallam Tribe (herein referred to as "the Tribe") is proposing to re-establish oyster cultivation on a tideland parcel within Dungeness Bay on the state-owned aquaculture lease (see Fig. 1 Vicinity Map). The Tribe has be growing oysters and leasing this tideland parcel from the Washington State Department of Natural Resources (DNR) for 27 years, but degraded water quality conditions within the Bay required the Tribe to cease farming activities in 2005. With recent improvements in water quality and upgraded growing area classification, the Tribe is proposing to harvest existing oysters and continue oyster cultivation activities on identified areas within the parcel using low-impact on-bottom bag culture and manual harvest methods.

Specific conservation measures for all shellfish activities in Washington State have been developed by The Army Corps of Engineers and outlined in the U.S. Fish and Wildlife Service's 2016 Programmatic Biological Opinion. In conducting the proposed Dungeness Bay shellfish activities in a manner that is consistent with these stated conservation measures, a survey was required to determine the presence and location of native eelgrass (*Zostera marina*) on the DNR-leased parcel. This report describes the survey methods used for identifying and delineating eelgrass at the Dungeness Bay aquaculture site, and discusses the survey results and associated conservation measures for protecting observed critical eelgrass habitat.

Survey Method

The eelgrass survey was completed in joint effort by the Tribe and the U.S. Fish and Wildlife Service (USFWS). Survey methods used were similar to a "Tier 1" level survey adopted by the 2016 US Army Corps of Engineers Seattle District and is described as follows:

> "…a reconnaissance level survey that captures basic information such as presence/absence and eelgrass bed spatial distribution. A Tier-1 survey is generally applicable when the project will avoid work in eelgrass and therefore only requires identification of the eelgrass boundaries" (Corps 2016).

The goal of the survey was to capture basic information on eelgrass within the DNR-leased parcel, including presence/absence, spatial distribution and approximate total area of the eelgrass bed.

The parcel was surveyed in sub-sections over 2 days, July 1st 2016 and July 19th 2016, during the season of peak above-ground biomass (June – September) due to the extensive area of the parcel (50 acres), of which a large proportion is at low elevation <0 MLLW, and the patchy nature of eelgrass at the site. The July 1st survey was completed by USFWS staff: Jennifer Brown-Scott, Lorenz Sollmann, and a Refuge Technician, and Jamestown Tribal staff: Ralph Riccio and Chris Burns, between 6:30 and 10:30am. The July 19th survey was completed by USFWS staff: Jennifer Brown-Scott, Lorenz Sollmann, and a Refuge Technician, Jamestown Tribal staff: Ralph Riccio and Pam Edens, and Clallam County Marine Resources Committee members: Lyn Muench and Kathy Cooper, between 8:00am and 12:30pm (see Figure 2 photos of surveyors). The "Eelgrass Delineation Method A" was used to define the eelgrass bed

boundary where an eelgrass bed is defined as a minimum of 3 shoots per 0.25 m^2 and the bed boundary is 0.5 meter past the last shoot.

Eelgrass shoot data was collected by using a belt transect method, where surveyors walked 15-25 ft. wide transects during the low tides, to ensure that all eelgrass within the 50 acre project parcel was recorded. Because the project parcel is not positioned adjacent to the shoreline, and does not have consistent depth gradients to follow, the belt transects ran Northeast to Southwest - parallel to the upper and lower parcel boundaries. GPS coordinates were collected continuously along each transect. All eelgrass shoots observed along each transects were counted, identified by species and GPS positions were recorded. An estimate of eelgrass abundance was made based on the number of shoots per eelgrass "patch". A patch perimeter was determined when the distance between adjacent shoots was greater than 0.5 meters (i.e., there was >0.5 meters of un-vegetated area surrounding the shoots).

Survey Results

Patches of the native eelgrass *Zostera marina* were observed throughout the Southwest section and lower elevations of the project parcel (Figure 3). The non-native eelgrass, *Zostera japonica,* was not observed at all during the survey. The greatest abundance of *Z. marina* (>50 shoots/patch) was observed at the lowest elevation in the Southwest corner of the parcel and outside of the project area (see Figure 3). The Army Corps of Engineer's conservation measures requires that no shellfish activities should not occur within 16 ft. of native eelgrass. For each patch with 3 or more observed shoots, we applied the more conservative buffer of 25 ft. as guided by Washington State DNR (Figure 4). The estimated eelgrass bed area for the project parcel, including the 25 ft. buffer, is 16 acres. All proposed shellfish farming activities will occur outside of this 16 acres of delineated eelgrass habitat (Figure 4).

Other notable biological observations included prevalent *Ulva* (green alga) mats covering the majority of the parcel (as seen in lower photo in figure 2) and mature oysters spread throughout the parcel from previous oyster farming observations.

References

U.S. Fish and Wildlife Service. 2016. Biological Opinion: Programmatic Consultation for Shellfish Activities in Washington State Inland Marine Waters. U.S. Fish and Wildlife Service Reference 01EWFW00-2016-F-0121.
http://www.nws.usace.army.mil/Portals/27/docs/regulatory/160907/USFWS_Final%20BiOp_AQ%2020160826.pdf

US Army Corps of Engineers Seattle District. 2016. Components of a Complete Eelgrass Delineation and Characterization Report. Seattle, WA.
http://www.nws.usace.army.mil/Portals/27/docs/regulatory/Forms/Components%20of%20Eelgrass%20Delineation%205-27-16.pdf?ver=2016-05-27-131522-740

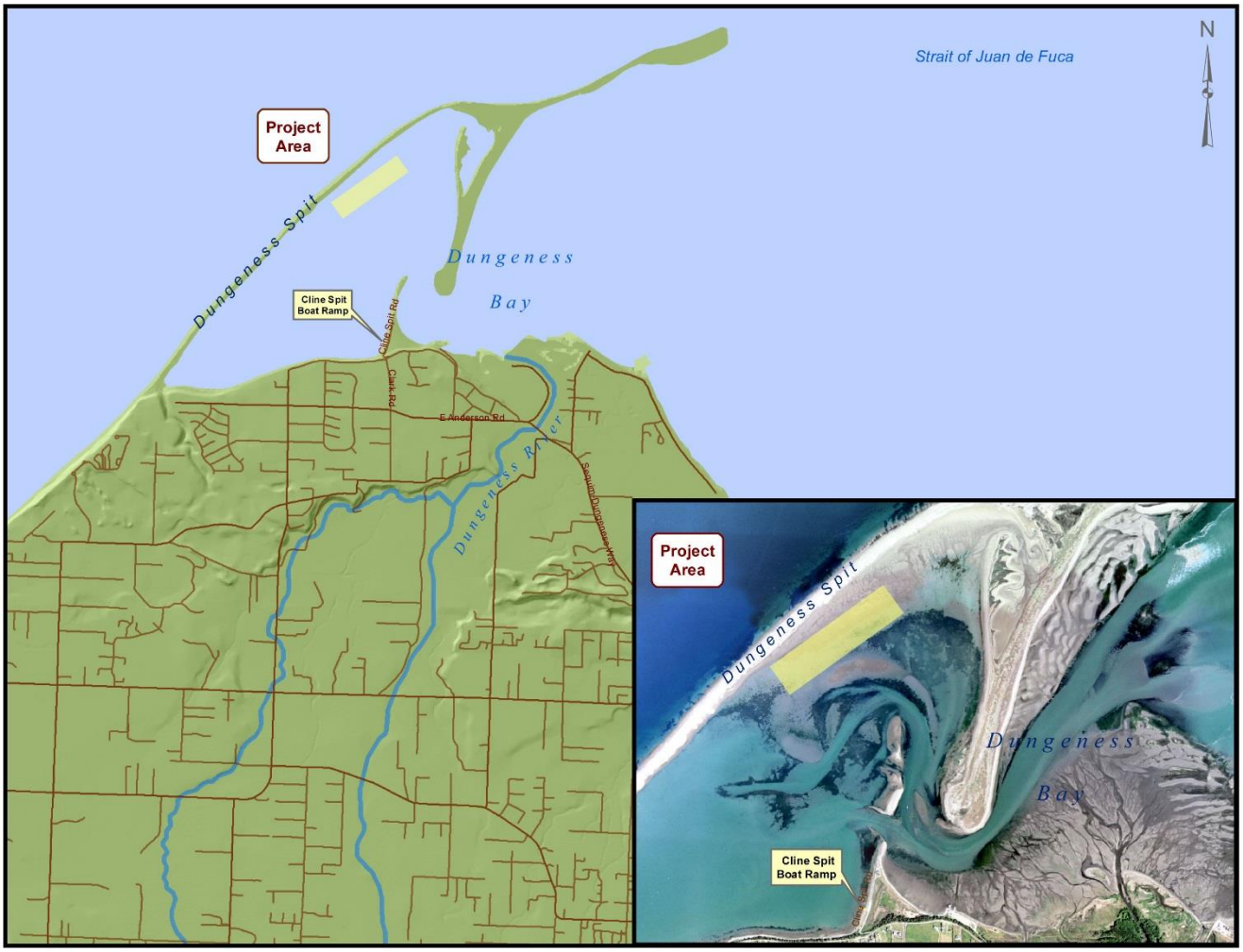


Figure 1. Vicinity map showing the location of the state-owned aquaculture leased site in Dungeness Bay. The Yellow box designates the project area where the eelgrass survey was conducted.

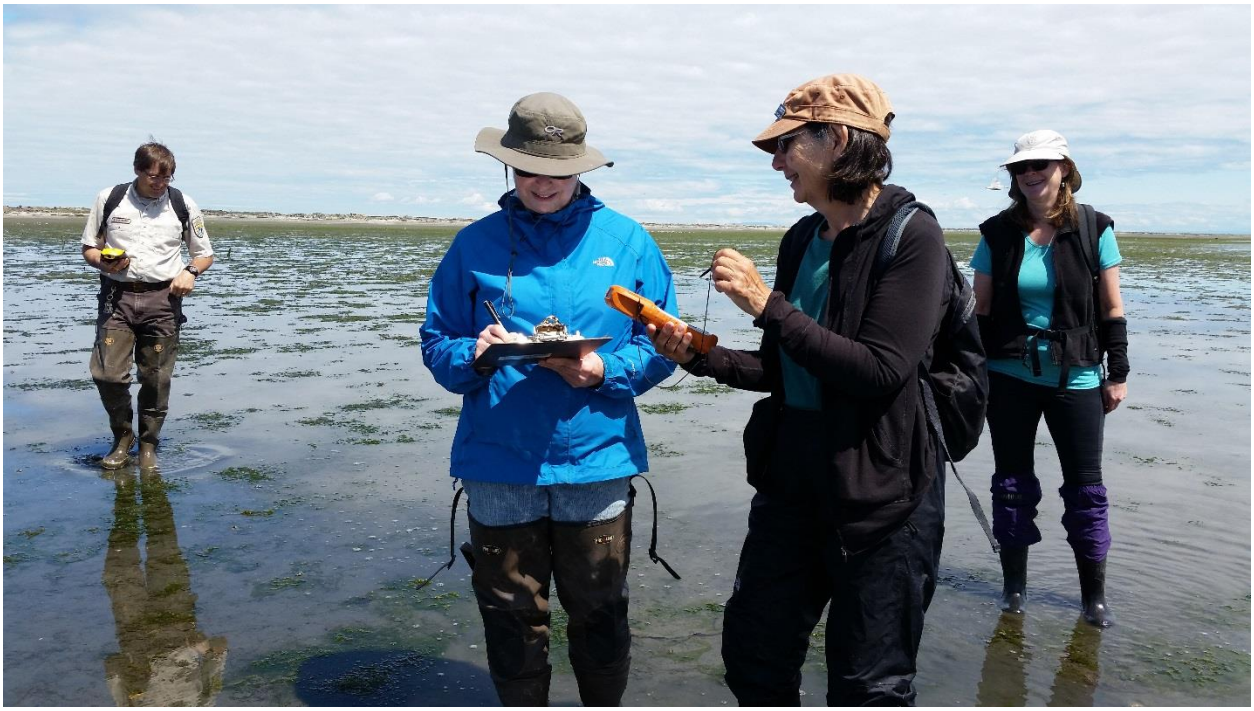


Figure 2. Photos of the survey team on July 1st 2016 (upper) and July 19th 2016 (lower). Note the extensive *Ulva* coverage throughout the project parcel in the lower photo.

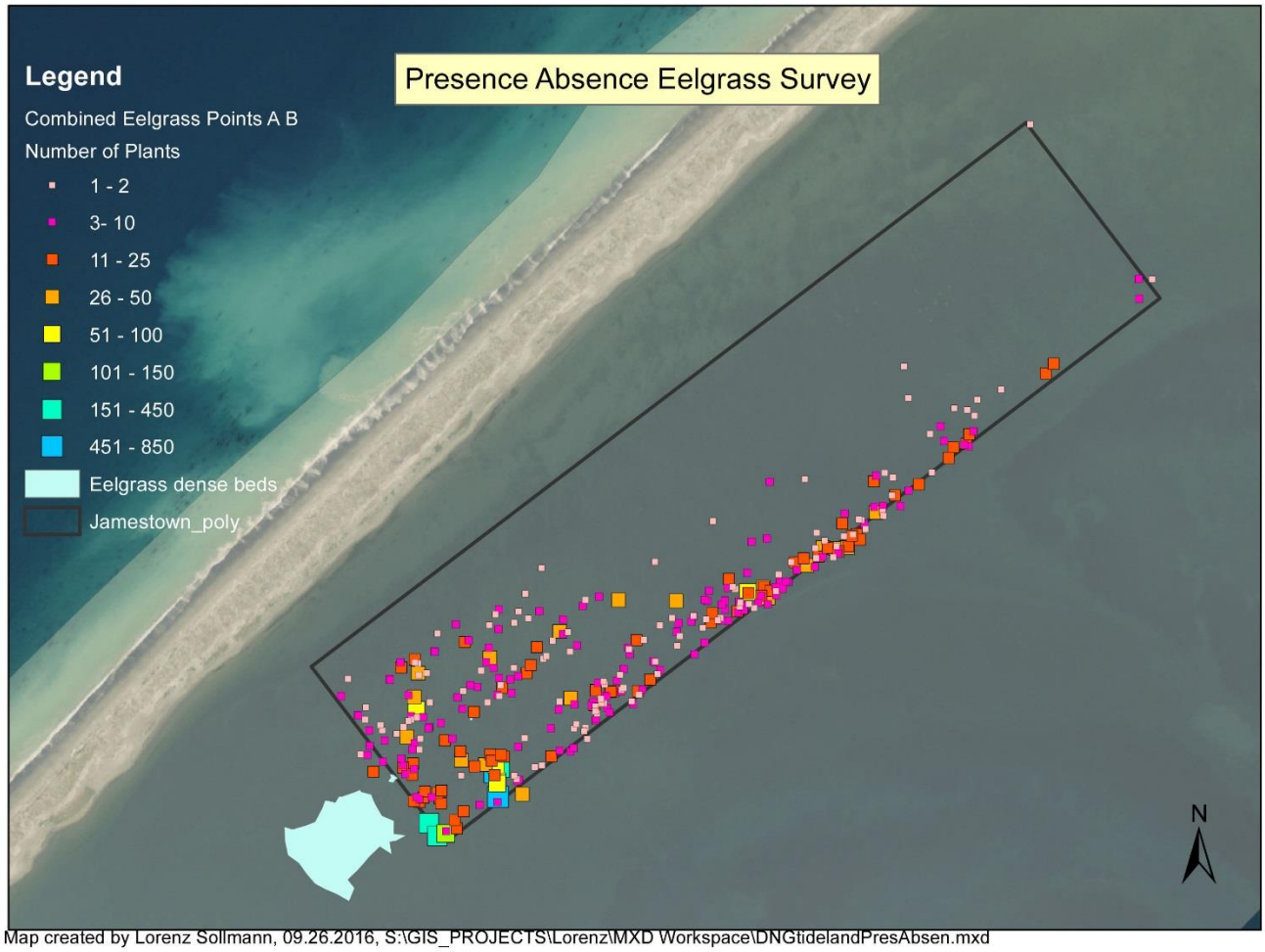


Figure 3.Eelgrass habitat map showing the locations and abundance of eelgrass shoots throughout the leased project parcel in Dungeness Bay.

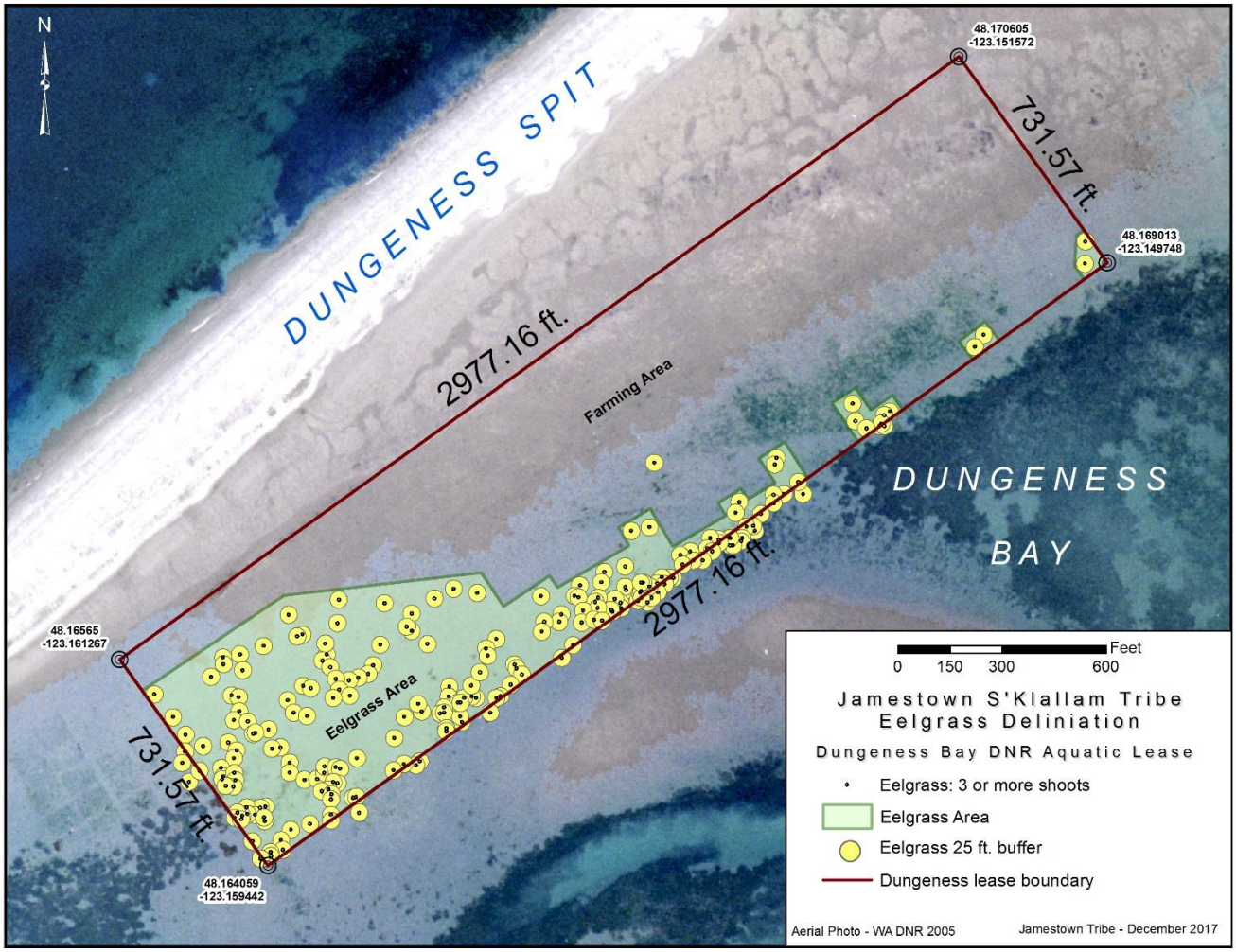


Figure 4. Project area map showing the delineation of the ~16 acre eelgrass bed (green shaded area), including the 25 ft. conservation buffer around eelgrass patches with 3 or more shoots. All shellfish activities will occur within the designated farming area outside of the survey and buffered eelgrass area.

2015-1327056
Page 1 of 10 Lease
Jamestown Sklallam Tribe
Clallam County Washington 10/16/2015 03:00:38 PM

When recorded, re
Jamestown S'Klallam Tribe
1033 Old Blyn Hwy
Sequim, WA 98382

WASHINGTON STATE DEPARTMENT OF
Natural Resources
Peter Goldmark - Commissioner of Public Lands

LEASE RENEWAL

Lease No. 20-A13012

Grantor: Washington State Department of Natural Resources
Grantee(s): Jamestown S'Klallam Tribe
Legal Description: Section 23, Township 31 North, Range 4 West, W.M.
Assessor's Property Tax Parcel or Account Number: Not Applicable
Assessor's Property Tax Parcel or Account Number for Upland parcel used in conjunction with this lease: 0431230000000000

THIS LEASE RENEWAL is made by and between the STATE OF WASHINGTON, acting through the Department of Natural Resources ("State"), and JAMESTOWN S'KLALLAM TRIBE, a government entity ("Tenant").

BACKGROUND

A. Lease No. 20-A13012 was entered into on the 1st day of August, 2007, by and between JAMESTOWN S'KLALLAM TRIBE as Tenant and the STATE OF WASHINGTON, acting by and through the Department of Natural Resources, as landlord ("State"), and recorded with the Clallam County Auditor's office under recording number 2015-1324418 (the "Lease").

B. The parties now desire to renew this Lease under the following terms and conditions:

THEREFORE, the parties agree as follows:

SECTION 1 RENEWAL

The Lease is hereby renewed for one four-year term, beginning on the 1st day of August, 2013, and ending on the 31st day of July, 2017, unless terminated sooner under the terms of the Lease or this Lease Renewal.

SECTION 2 RENT

Tenant shall pay to State an initial Annual Rent of Six Hundred Forty-Two and 32/100 Dollars ($642.32). The initial Annual Rent shall be adjusted thereafter based upon the terms and conditions contained in the Lease.

SECTION 3 AMENDMENTS

The parties to the Lease Renewal agree that Section 8 is amended to read as specified in Exhibit A attached hereto.

SECTION 4 CONFIRMATION OF LEASE

All other terms of the Lease not inconsistent with this Lease Renewal are hereby affirmed and ratified.

SECTION 5 RECORDATION

At Tenant's expense and no later than thirty (30) days after receiving the fully-executed Lease Renewal, Tenant shall record this Lease Renewal in the county in which the Property is located. Tenant shall include the parcel number of the upland property used in conjunction with the Property, if any. Tenant shall provide State with recording information, including the date of recordation and file number. If Tenant fails to record this Lease Renewal, State may record it and Tenant shall pay the costs of recording upon State's demand.

THIS AGREEMENT requires the signature of all parties and is executed as of the date of the last signature below.

JAMESTOWN S'KLALLAM TRIBE

Dated: 9/3/15, 2015

W. Ron Allen

By: RON ALLEN
Title: Chairman
Address: 1033 Old Blyn Hwy
Sequim, WA 98382

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

Dated: 9/15/15, 2015

For Kristin Swendal

By: KRISTIN SWENDDAL
Title: Aquatic Resources Division Manager
Address: 1111 Washington St SE
PO Box 47027
Olympia, WA 98504-7027

Approved as to form this
October 2003
Mike Grossmann, Assistant Attorney General

REPRESENTATIVE ACKNOWLEDGMENT

STATE OF WASHINGTON)
) ss
County of Clallam)

I certify that I know or have satisfactory evidence that RON ALLEN is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Chairman of Jamestown S'Klallam Tribe to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: Sept 3, 2015

(Seal or stamp)

Marguerite Ann Sargent
(Signature)

MARGUERITE ANN SARGENT
(Print Name)

Notary Public in and for the State of Washington, residing at
SEQUIM

My appointment expires 5-17-19

MARGUERITE ANN SARGENT
COMMISSION EXPIRES
NOTARY PUBLIC
5-17-19
STATE OF WASHINGTON

STATE ACKNOWLEDGMENT

STATE OF WASHINGTON)
) ss
County of Thurston)

Lyle Murphy for

I certify that I know or have satisfactory evidence that KRISTIN SWENDDAL is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the acting Aquatic Resources Division Manager of the Department of Natural Resources of the State of Washington to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 9-15-15

(Seal or stamp)

ANDREA WAGNER
NOTARY PUBLIC
COMMISSION EXPIRES 09-16-18
STATE OF WASHINGTON

(Signature)

Andrea Wagner
(Print Name)

Notary Public in and for the State of Washington, residing at Olympia

My appointment expires 9-16-18

EXHIBIT A

SECTION 8 ENVIRONMENTAL LIABILITY/RISK ALLOCATION

8.1 Definitions.

(a) "Hazardous Substance" means any substance that now or in the future becomes regulated or defined under any federal, state, or local statute, ordinance, rule, regulation, or other law relating to human health, environmental protection, contamination, pollution, or cleanup, including, but not limited to, the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6901 *et. seq.*, as amended; Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. 9601 *et seq.*, as amended; Washington's Model Toxics Control Act ("MTCA"), Chapter 70.105 RCW, as amended; and Washington's Sediment Management Standards, WAC Chapter 173-204.

(b) "Release or threatened release of Hazardous Substance" means a release or threatened release as defined under any law described in Paragraph 8.1(a).

(c) "Utmost care" means such a degree of care as would be exercised by a very careful, prudent, and competent person under the same or similar circumstances; the standard of care established under MTCA, RCW 70.105D.040.

8.2 General Conditions.

(a) Tenant's obligations under this Section 8 extend to the area in, on, under, or above:

(1) The Property, and

(2) Adjacent state-owned aquatic lands where a release or the presence of Hazardous Substances may arise from Tenant's use of the Property.

(b) Standard of Care.

(1) Tenant shall exercise the utmost care with respect to Hazardous Substances.

(2) Tenant shall exercise utmost care for the foreseeable acts or omissions of third parties with respect to Hazardous Substances, and the foreseeable consequences of those acts or omissions, to the extent required to establish a viable, third-party defense under the law, including – but not limited to – RCW 70.105D.040.

8.3 Current Conditions and Duty to Investigate.

(a) State makes no representation about the condition of the Property. Hazardous Substances may exist in, on, under, or above the Property.

(b) This Lease does not impose a duty on State to conduct investigations or supply information to Tenant about Hazardous Substances.

(c) Tenant is responsible for conducting all appropriate inquiry and gathering sufficient information concerning the Property and the existence, scope, and location of any Hazardous Substances on the Property, or adjacent to the Property, that allows Tenant to meet Tenant's obligations under this Lease.

8.4 Use of Hazardous Substances.

(a) Tenant, its subtenants, contractors, agents, employees, guests, invitees, or affiliates shall not use, store, generate, process, transport, handle, release, or dispose of Hazardous Substances, except in accordance with all applicable laws.

(b) Tenant shall not undertake, or allow others to undertake by Tenant's permission, acquiescence, or failure to act, activities that:

(1) Result in a release or threatened release of Hazardous Substances, or

(2) Cause, contribute to, or exacerbate any contamination exceeding regulatory cleanup standards whether the regulatory authority requires cleanup before, during, or after Tenant's occupancy of the Property.

(c) If use of Hazardous Substances related to Tenant's use or occupancy of the Property results in violation of law:

(1) Tenant shall submit to State any plans for remedying the violations, and

(2) Tenant shall implement any remedial measures State may require in addition to remedial measures required by regulatory authorities.

8.5 Management of Contamination.

(a) Tenant shall not undertake activities that:

(1) Damage or interfere with the operation of remedial or restoration activities;

(2) Result in human or environmental exposure to contaminated sediments;

(3) Result in the mechanical or chemical disturbance of on-site habitat mitigation.

(b) If requested, Tenant shall allow reasonable access to:

(1) Employees and authorized agents of the Environmental Protection Agency, the Washington State Department of Ecology, health department, or other similar environmental agencies; and

(2) Potentially liable or responsible parties who are the subject of an order or consent decree that requires access to the Property. Tenant may negotiate an access agreement with such parties, but Tenant may not unreasonably withhold such agreement.

8.6 Notification and Reporting.

(a) Tenant shall immediately notify State if Tenant becomes aware of any of the following:

(1) A release or threatened release of Hazardous Substances;

(2) Any new discovery of or new information about a problem or liability related to, or derived from, the presence of any Hazardous Substance;

(3) Any lien or action arising from the foregoing;

(4) Any actual or alleged violation of any federal, state, or local statute, ordinance, rule, regulation, or other law pertaining to Hazardous Substances;

(5) Any notification from the US Environmental Protection Agency (EPA) or the Washington State Department of Ecology (DOE) that remediation or removal of Hazardous Substances is or may be required at the Property.

(b) Tenant's duty to report under Paragraph 8.6(a) extends to the Property, adjacent state-owned aquatic lands where a release or the presence of Hazardous Substances could arise from the Tenant's use of the Property, and any other property used by Tenant in conjunction with Tenant's use of the Property where a release or the presence of Hazardous Substances on the other property would affect the Property.

(c) Tenant shall provide State with copies of all documents concerning environmental issues associated with the Property, and submitted by Tenant to any federal, state or local authorities. Documents subject to this requirement include, but are not limited to, applications, reports, studies, or audits for National Pollution Discharge and Elimination System Permits; Army Corps of Engineers permits; State Hydraulic Project Approvals (HPA); State Water Quality certification; Substantial Development permit; and any reporting necessary for the existence, location, and storage of Hazardous Substances on the Property.

8.7 Indemnification.

(a) "Liabilities" as used in this Subsection 8.7 means any claims, demands, proceedings, lawsuits, damages, costs, expenses, fees (including attorneys' fees and disbursements), penalties, or judgments.

(b) Tenant shall fully indemnify, defend, and hold State harmless from and against any Liabilities that arise out of, or relate to:

(1) The use, storage, generation, processing, transportation, handling, or disposal of any Hazardous Substance by Tenant, its subtenants, contractors, agents, invitees, guests, employees, affiliates, licensees, or permittees occurring any time Tenant occupies or has occupied the Property;

(2) The release or threatened release of any Hazardous Substance, or the exacerbation of any Hazardous Substance contamination resulting from any act or omission of Tenant, its subtenants, contractors, agents, employees, guests, invitees, or affiliates occurring any time Tenant occupies or has occupied the Property.

(c) Tenant shall fully indemnify, defend, and hold State harmless for any and all liabilities that arise out of or relate to Tenant's breach of obligations under Subsection 8.5.

(d) Third Parties.

(1) Tenant has no duty to indemnify State for acts or omissions of third parties unless Tenant fails to exercise the standard of care required by Paragraph 8.2(b)(2). Tenant's third-party indemnification duty arises under the conditions described in Subparagraph 8.7(d)(2).

(2) If an administrative or legal proceeding arising from a release or threatened release of Hazardous Substances finds or holds that Tenant failed to exercise care as described in Subparagraph 8.7(d)(1), Tenant shall fully indemnify, defend, and hold State harmless from and against any liabilities arising from the acts or omissions of third parties in relation to the release or threatened release of Hazardous Substances. This includes any liabilities arising before the finding or holding in the proceeding.

8.8 Reservation of Rights.

(a) For any environmental liabilities not covered by the indemnification provisions of Subsection 8.7, the Parties expressly reserve and do not waive or relinquish any rights, claims, immunities, causes of action, or defenses relating to the presence, release, or threatened release of Hazardous Substances that either Party may have against the other under federal, state, or local laws, including, but not limited to, CERCLA, MTCA, and the common law.

(b) This Lease affects no right, claim, immunity, or defense either Party may have against third parties, and the Parties expressly reserve all such rights, claims, immunities, and defenses.

(c) The provisions under this Section 8 do not benefit, or create rights for, third parties.

(d) The allocations of risks, liabilities, and responsibilities set forth above do not release either Party from, or affect the liability of either Party for, claims or actions by federal, state, or local regulatory agencies concerning Hazardous Substances.

8.9 Cleanup.

(a) If Tenant's act, omission, or breach of obligation under Subsection 8.4 results in a release of Hazardous Substances, Tenant shall, at Tenant's sole expense, promptly take all actions necessary or advisable to clean up the Hazardous Substances in accordance with applicable law. Cleanup actions shall include, without limitation, removal, containment, and remedial actions.

(b) Tenant's obligation to undertake a cleanup under Section 8 is limited to those instances where the Hazardous Substances exist in amounts that exceed the threshold limits of any applicable regulatory cleanup standards.

(c) At the State's discretion, Tenant may undertake a cleanup of the Property pursuant to the Washington State Department of Ecology's Voluntary Cleanup Program, provided that Tenant cooperates with the Department of Natural Resources in development of cleanup plans. Tenant shall not proceed with Voluntary Cleanup without the Department of Natural Resources approval of final plans. Nothing in the operation of this provision is an agreement by the Department of Natural Resources that the Voluntary Cleanup complies with any laws or with the provisions of this Lease. Tenant's completion of a Voluntary Cleanup is not a release from or waiver of any obligation for Hazardous Substances under this Lease.

8.10 Sampling by State, Reimbursement, and Split Samples.

(a) State may conduct sampling, tests, audits, surveys, or investigations ("Tests") of the Property at any time to determine the existence, scope, or effects of Hazardous Substances.

(b) If such Tests, along with any other information, demonstrate the existence, release, or threatened release of Hazardous Substances arising out of any action, inaction, or event described or referred to in Subsection 8.4, above, Tenant shall promptly reimburse State for all costs associated with such Tests.

(c) State shall not seek reimbursement for any Tests under this Subsection 8.10 unless State provides Tenant written notice of its intent to conduct any Tests at least thirty

(30) calendar days prior to undertaking such Tests, except when such Tests are in response to an emergency. Tenant shall reimburse State for Tests performed in response to an emergency if State has provided such notice as is reasonably practical.

(d) Tenant is entitled to obtain split samples of any Test samples obtained by State, but only if Tenant provides State with written notice requesting such samples within twenty (20) calendar days of Tenant's receipt of notice of State's intent to conduct any non-emergency Tests. Tenant solely shall bear the additional cost, if any, of split samples. Tenant shall reimburse State for any additional costs caused by split sampling within thirty (30) calendar days after State sends Tenant a bill with documentation for such costs.

(e) Within sixty (60) calendar days of a written request (unless otherwise required pursuant to Paragraph 8.6(c), above), either Party shall provide the other with validated final data, quality assurance/quality control information, and chain of custody information, associated with any Tests of the Property performed by or on behalf of State or Tenant. There is no obligation to provide any analytical summaries or the work product of experts.

8.11 Closeout Assessment.

(a) State has discretion to require Tenant to conduct a Closeout Environmental Assessment ("Closeout Assessment") prior to Termination of the Lease.

(b) The purpose of the Closeout Assessment is to determine the existence, scope, or effects of any Hazardous Substances on the Property and any associated natural resources. The Closeout Assessment may include sediment sampling.

(c) State shall provide Tenant with written notice that a Closeout Assessment is required no later than one hundred eighty (180) calendar days prior to the Termination Date, or within ninety (90) days of any valid notice to early termination.

(d) Within sixty (60) days of State's notice that Closeout Assessment is required and before commencing assessment activities, Tenant shall submit a proposed plan for conducting the Closeout Assessment in writing for State's approval.

(e) If State fails to approve or disapprove of the plan in writing within sixty (60) days of its receipt, State waives requirement for approval.

(f) Tenant shall be responsible for all costs required to complete planning, sampling, analyzing, and reporting associated with the Closeout Assessment.

(g) If the initial results of the Closeout Assessment disclose that Hazardous Substances may have migrated to other property, State may require additional Closeout Assessment work to determine the existence, scope, and effect of any Hazardous Substances on adjacent property, any other property subject to use by Tenant in conjunction with its use of the Property, or on any associated natural resources.

(h) Tenant shall submit Closeout Assessment to State upon completion.

(i) As required by law, Tenant shall report to the appropriate regulatory authorities if the Closeout Assessment discloses a release or threatened release of Hazardous Substances.

CULTURAL RESOURCES REPORT COVER SHEET

Author: Gary C. Wessen

Title of Report: An Archaeological Survey of the Jamestown S'Klallam Dungeness Bay Project Area, Clallam County, Washington

Date of Report: January 2017

County: Clallam Section: 23 Township: 31 N Range: 4 W
Quad: Dungeness Acres: ~35

PDF of report submitted (REQUIRED) Yes

Historic Property Inventory Forms to be Approved Online? No

Archaeological Site(s)/Isolate(s) Found or Amended? No

TCP(s) found? No

Replace a draft? No

Satisfy a DAHP Archaeological Excavation Permit requirement? No

Were Human Remains Found? No

DAHP Archaeological Site #:

- Submission of PDFs is required.
- Please be sure that any PDF submitted to DAHP has its cover sheet, figures, graphics, appendices, attachments, correspondence, etc., compiled into one single PDF file.
- Please check that the PDF displays correctly when opened.

AN ARCHAEOLOGICAL SURVEY OF THE JAMESTOWN S'KLALLAM DUNGENESS BAY PROJECT AREA, CLALLAM COUNTY, WASHINGTON

by

GARY C. WESSEN, Ph.D.

prepared for

the Jamestown S'Klallam Tribe
1033 Old Blyn Highway
Sequim, Washington 98382

by

Wessen & Associates, Inc.
905 56th Street
Port Townsend, Washington 98368

January 2017

MANAGEMENT SUMMARY

The Jamestown S'Klallam Tribe has proposed to develop an oyster farm on an intertidal surface in the northwestern part of Dungeness Bay, on the northeastern Olympic Peninsula. U. S. Army Corp of Engineers reviewers have requested an assessment of the archaeological potential of this location and, to this end, the Tribe arranged for Wessen & Associates, Inc. to conduct the study.

This survey of the Jamestown S'Klallam Dungeness Bay Project Area has found no evidence of the presence of either potentially intact archaeological deposits or re-deposited cultural materials other than those of recent origin. While the surface inspection conducted at this time did not address the possibility of buried cultural deposits associated with older sea level stands, I think that such deposits - - if present - - are likely to be buried beneath the more recent marine sediments in this area. It is not possible to predict whether such deposits are, in fact, present and, if so, at what depth they might occur, but I can note that the extensive shellfish harvesting which has occurred in this area for decades has not exposed evidence of such deposits. Therefore, I believe that the presence of such deposits within the uppermost 18 inches of sediment in this project area is very unlikely.

I recommend that the Jamestown S'Klallam Tribe be allowed to proceed with their plan to conduct shellfish aquaculture activities in this project area. Additional archaeological research actions do not appear to be warranted at this time and monitoring of the proposed aquaculture activities is not necessary.

The cover picture is view of a portion of Dungeness Spit and surrounding waters. The lower half of this image is a portion of the Jamestown S'Klallam Dungeness Bay Project Area in Dungeness Bay. View is to the northwest.

TABLE OF CONTENTS

1 INTRODUCTION

The Jamestown S'Klallam Tribe has proposed to develop an oyster farm on an intertidal surface in the northwestern part of Dungeness Bay, on the northeastern Olympic Peninsula. U.S. Army Corp of Engineers reviewers have requested an assessment of the archaeological potential of this location and, to this end, the Tribe arranged for Wessen & Associates, Inc. to conduct the study. The field work associated with this effort was undertaken by Gary Wessen from Wessen & Associates, Inc., Ralph Riccio, Chris Burns, Casey Allen, and David Brownell from the Jamestown S'Klallam Tribe, and Tori Cantelow from the Point-No-Point Treaty Council on 16 November 2016.

This report describes the background, goals, methods, fieldwork, findings, conclusions, and recommendations of our study of the Jamestown S'Klallam Dungeness Bay Project Area. Field notes and photographs taken during the study are on file with Wessen & Associates, Inc.

2 BACKGROUND

The background for this study includes consideration of the project area, and its environmental, cultural, and archaeological settings.

2.1 Project Area

The Jamestown S'Klallam Dungeness Bay Project Area is an approximately 35 acre rectangular parcel located in the intertidal zone of northwestern Dungeness Bay in Clallam County (see Figure 1). Specifically, it is located near the center of Section 23, Township 31 North, Range 4 West. It is Department of Natural Resources Lease: 20-A013012. There is no street address nor does it have a Clallam County Tax Parcel number

The project area has a long history of commercial shellfish aquaculture and the Jamestown S'Klallam Tribe proposes to continue this activity. The past activity has extensively disturbed the sediment in the project area to a depth of approximately 18 inches and no action proposed at this time is expected to exceed this depth.

2.2 Environmental Setting

The Jamestown S'Klallam Dungeness Bay Project Area is a very gently sloping intertidal surface on an extensive tide flat in the northwestern part of Dungeness Bay. The unit's long axis is oriented northeast-southwest; the shoreward margin of the area lies at approximately +3 feet and it extends to the southeast until an elevation of approximately -2.5 feet MLLW is reached. The closest terrestrial surface - - a portion of the western arc of Dungeness Spit - - is located approximately 200 feet to the northwest. Dungeness Spit is a 5.5 mile long curving sand spit which extends into the Strait of Juan de Fuca from a point approximately 2 miles west of the mouth of the Dungeness River. Waters protected within this arc are referred to as: *Dungeness Bay*. The bay itself is split into two major bodies by two smaller sand spits. The larger of these is a locally-prominent north-south oriented limb of Dungeness Spit known as: *Graveyard Spit*. This landform extends southward almost to the southern shore of the bay. Just to the west is a smaller cuspate foreland extending northward from the southern shore known as: *Cline Spit*. The portion of the bay to the west of these landforms is quite shallow and drains to the east in a circuitous channel

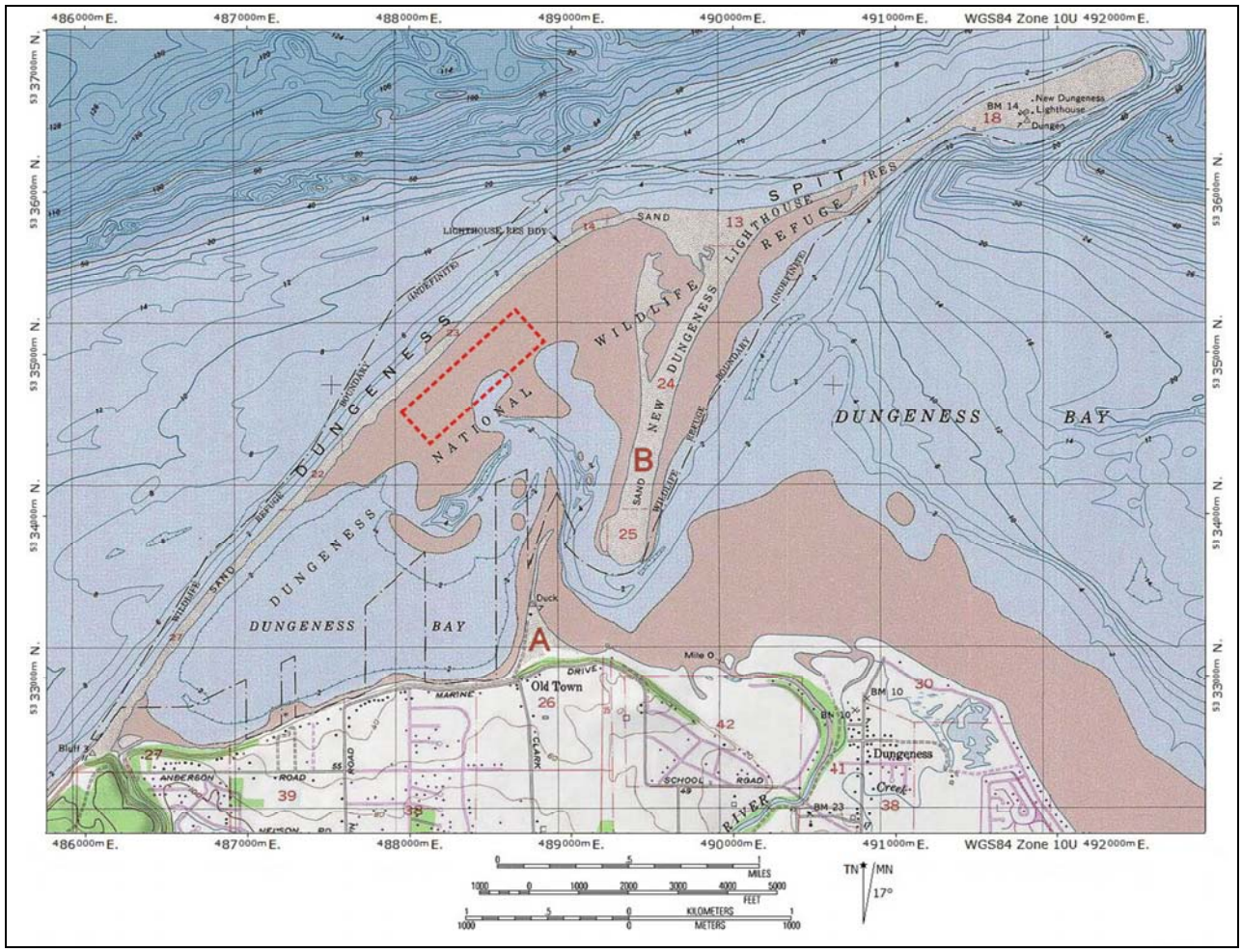


Figure 1 The location of the Jamestown S'Klallam Dungeness Bay Project Area (indicated by the red dashed line), Clallam County, Washington. A - Cline Spit; B - Graveyard Spit.

between the spits. The Jamestown S'Klallam Dungeness Bay Project Area is located in this broad shallow area.

Being an intertidal location, the project area lacks a developed soil. The surface here is a well-sorted fine sand to silt matrix with very small ripple marks (see Figure 2). Small concentrations of rounded to subrounded gravels are present in a few places, but no larger clasts were observed.

Most of the surface of the Jamestown S'Klallam Dungeness Bay Shellfish Aquaculture Project Area is bare, but numerous small 'pockets' of eel grass (*Zostera* sp.) and/or sea lettuce (*Ulva* sp.) are present here.

No wildlife observations were made during the field work, but shells representing basket cockles (*Clinocardium nuttallii*), horse clams (*Tresus* sp.), and Pacific oysters (*Crassostrea gigas*) are common on the surface here and I assume that the area hosts, or formerly hosted, most animals common to intertidal areas in Dungeness Bay.

Finally, while this discussion of the project area's environmental setting has focused on its current conditions, it is also worthwhile to briefly consider the character of past environments here. All of northeastern Clallam County was covered by the Juan de Fuca Lobe of the Cord-

Figure 3 Typical conditions in the Jamestown S'Klallam Dungeness Bay Project Area, Clallam County, Washington. View is to the west.

illeran Ice Sheet during the Late Pleistocene, but the Dungeness Bay area was probably ice free by ca. 12,000 to 14,000 years ago (Porter and Swanson 1998). A recent reconstruction of Late Pleistocene and Holocene sea level history for the eastern Strait of Juan de Fuca suggests that relative sea levels were as much as 400 feet higher ca. 14,000 years ago, but they fell rapidly after this time and were significantly below the modern level from approximately 11,000 to 5,000 years ago (Gowan 2007). The modern sea level has probably been in place for approximately the last 3,000 to 5,000 years. Thus, the project area was probably significantly further below sea level at the end of the Late Pleistocene, but may have been a near shore terrestrial surface for much of the Holocene. This changing sea level history has had a profound effect on the landscape here. All of these spits have formed as a result of wave energy pushing sediments at an angle to the shoreline (i.e., longshore drift cells) and the location of this process is strongly influenced by local sea level conditions. Thus, Dungeness Spit, Deadman Spit, and Cline Spit - - as they appear today - - are all associated with modern sea level; none of these landforms can therefore be more than 3,000 to 5,000 years old. Finally, it is worth adding that Dungeness Spit and its vicinity has been relatively less impacted by historic events than many other parts of coastal western Washington (Todd et al. 2006).

2.3 Cultural Setting

The cultural setting of the Jamestown S'Klallam Dungeness Bay Project Area includes both the early historic and late prehistoric Native American occupants and the early historic and more recent Euro-American occupants of the vicinity of Dungeness Bay. Each of these groups is briefly considered below.

2.3.1 Native American Occupation

The native occupants of the Dungeness Bay area are members of a broad group of peoples referred to as the Coast Salish. Coast Salish peoples are widespread in western Washington and southwestern British Columbia and are divisible into a number of smaller regional groups. The people of the northern Olympic Peninsula are considered to be members of a regional group generally called the Central Coast Salish (Suttles 1990). They are distinguishable from their neighbors by the language they speak, Lkungen, as opposed to Lushootseed and other local Salishan languages spoken in central and southern Puget Sound. Within each of these regional groups, a number of still smaller units may be discerned. Within the Central Coast Salish group, the people of the northern Olympic Peninsula are referred to as the S'Klallam or Klallam[1]. Ethnographic and early historic descriptions of the S'Klallam people have been provided by Gibbs (1855), Eells (1889), Curtis (1913), and Gunther (1927).

The traditional territory of the S'Klallam people includes much of the southern shore of the Strait of Juan de Fuca. Smaller groups of S'Klallam people may also have occasionally occupied nearby areas including: portions of northern Hood Canal, the western shore of Whidbey Island, the southern San Juan Islands, and Vancouver Island in the vicinity of Beecher Bay. During the historic period, S'Klallam people from throughout this area slowly became concentrated into three modern Klallam communities. These are the Lower Elwha Klallam, Jamestown S'Klallam, and Port Gamble S'Klallam Tribes. The modern Jamestown S'Klallam community includes descend-ants of the people who formerly occupied the vicinity of Dungeness Bay.

The S'Klallam had economic and subsistence strategies much like those of most of their Salish neighbors. They were skilled fishermen, hunters, and plant material gathers who possessed great knowledge about the resources available in their environment. They followed a subsistence pattern characterized by a series of seasonal movements determined by the availability of different seasonal resources. A typical annual cycle of movements included a substantial winter village and a number of smaller camps which supported such activities as plant or shellfish collecting, hunting, and fishing. Winter villages were marked by the presence of large plank longhouses; residential structures in the seasonal camps were usually relatively small pole frame lodges covered with brush or woven mats. The bulk of their economic activities were oriented towards marine and riverine environments; while not ignored, upland settings were probably of decidedly secondary importance. Salmon, taken in both marine and riverine settings, was probably the major element of the S'Klallam resource base. Other important resources for them included marine fish, marine mammals, shellfish, terrestrial large game, birds, and plant foods such as berries, roots, and shoots.

The material culture of the S'Klallam people was very similar to that of their other Salishan neighbors. They were skilled craftsmen and technicians who produced a wide range of goods from plant, bone, and stone materials. Like all southern Northwest Coast peoples, they were particularly noted for their skill with wood and other plant fibers. They worked extensively with Western Red Cedar, using the wood to make large plank longhouses, canoes, boxes, and many smaller utilitarian items. Cedar bark and other plant fibers were used to make a wide variety of basketry, cordage, nets, clothing, and other woven objects. Bone and stone artifacts represent a smaller, but important portion of the material culture as most cutting tools and ornaments were made of these materials. To a limited extent, shell materials were also utilized

[1] The term "Clallam" is another variation of this group name.

to manufacture cutting tools and ornaments.

The social and ceremonial life of the S'Klallam people had much in common with that of the other Northwest Coast peoples. As noted above, most types of economic, political and social affiliation appear to have focused on local lineal groups (extended families) which were based in individual winter villages. Family control of resource collection localities and ownership of the rights to ceremonial properties such as dances, songs, titles, and masks was the rule. Three broad categories of social standing existed within S'Klallam society: nobles or upper class freemen, commoners or lower class freemen, and slaves (usually captives taken from other groups). Individual family groups existed at all three levels and there seems to have been only limited potential to move between them. Marriage patterns tended toward local group exogamy, with wives generally taking up residence in their husband's village. Similarly, descent patterns tended toward the father's group. Actual marriage patterns seem to have been variable, with the above noted norms being most important among the upper-class families. These relations created a broad network of social ties between families and villages which supported a significant amount of economic and ceremonial exchange. Historic S'Klallam social ties appear to have been most developed with the other Central Coast Salish groups located to their east and north.

Within the context of the present study, it is important to consider the specific character of the S'Klallam presence in the general vicinity of Dungeness Bay. A number of historic and ethnographic sources report the presence of S'Klallam settlements in the area, but few details are available and some accounts may be confused or otherwise incorrect. For example, Gibbs' (1855:37) list of S'Klallam villages includes a "*Tinnis, or Dungeness*". No other source gives this name for a S'Klallam settlement at Dungeness and this may actually be a reference to the village of "*I'ē'nis*" at the eastern end of Port Angeles Harbor. Curtis (1913:174) reports three S'Klallam villages in the vicinity of Dungeness Bay and Gunther (1927:178) follows the latter account. The three villages noted by Curtis are: "*Tsi'skat*" - - at or near the site of the early historic Euro-American settlement of Dungeness (see Section 2.3.2) - - "*Tsŭq*" - - at or near the mouth of the Dungeness River - - and "*Sttítlŭm*" at the site of Jamestown. Unfortunately, very little information is available for the first two. The community at Jamestown is much better documented however, and we know that this is an early historic S'Klallam settlement established in the 1870s (Strauss 2002:143-145). While Gunther's (1927:174) map is not precise, it clearly places all of these communities along the southern margin of the bay. The westernmost of them - - "*Tsi'skat*" (Gunther gives this name as: "*Tsē'esqat*") - - is of most direct relevance to the present Dungeness Bay Project Area. The indicated location of this community is on Cline Spit, approximately 1 mile southeast of the southern end of the project area. I am aware of no details regarding this settlement beyond the observation that Curtis (ibid) described it simply as "*small*". When S'Klallam people ended their occupation on Cline Spit is uncertain, but it is worth noting that an 1855 hydrographic map of New Dungeness prepared by Lt. James Alden shows the village of "*Tsŭq*" - - near the mouth of the Dungeness River - - but no native settlement on Cline Spit (see Figure 3).

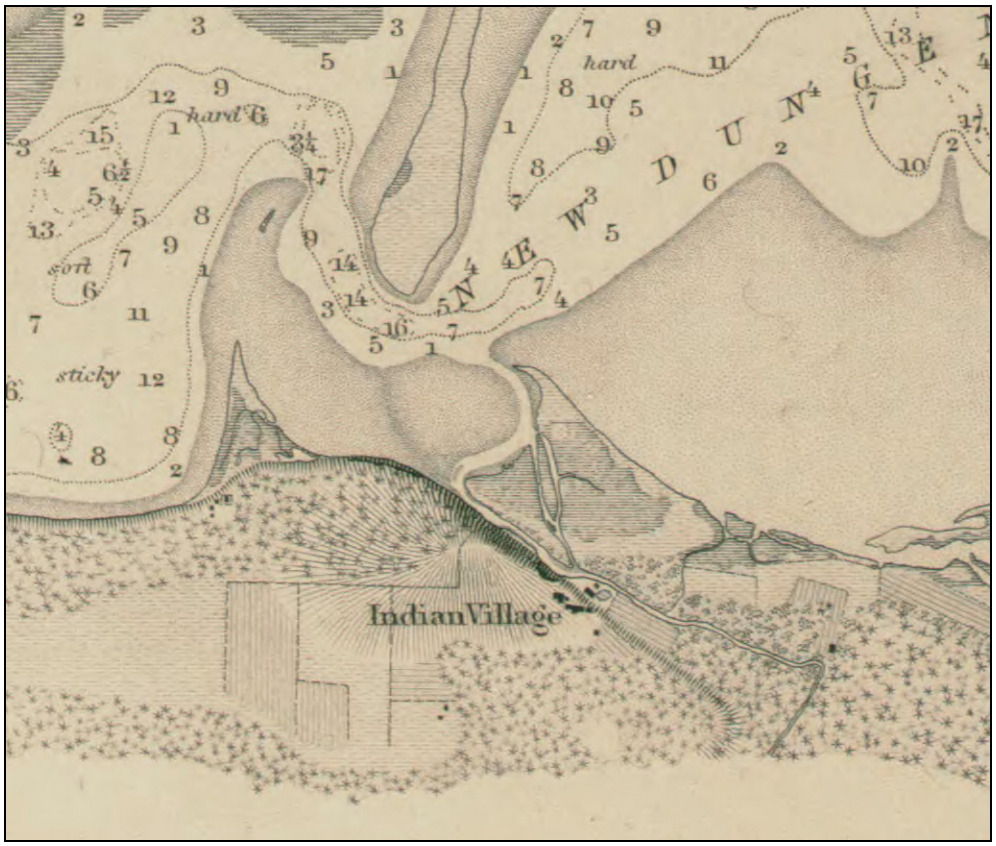


Figure 3 Detail of a portion of the 1855 hydrographic map of New Dungeness prepared by Lt. James Alden. Note the 'Indian Village' on the bluff, on the south side of the river and the absence of a second community on the low spit to its northwest.

Beyond the village locations, there can be no doubt that S'Klallam people engaged in a variety of seasonal economic activities on the lower Dungeness River and at various locations on and near Dungeness Bay. In this regard, Gunther (1927:195-206) makes passing references to features such as duck nets on Dungeness Spit and a wide range of other hunting, fishing, and collecting activities in the area. Thus, it is likely that small seasonal camps were present at multiple locations in the vicinity.

Yet another dimension of the traditional use of the area concerns cemeteries. It is likely that every S'Klallam village had one or more cemeteries associated with it. Eells (in Castile 1985:346) said that "*in nearly every case, their old cemeteries were near the beach*". Gunther (1927:192) said that cemeteries were "*preferably out on a sand spit*". In fact, Smith (1907) reports the presence of burial features at several locations in the Dungeness area and at least one archaeological site here is known to contain human remains. Of particular note in this regard is an event which occurred in the area in 1868; an attack on Tsimshian Indian people camped on a portion of Dungeness Spit by local S'Klallam people (Lambert 1961 and Harper 1969). Eighteen people are reported to have been killed and the area where the attack is thought to have occurred has come to be known as "*Graveyard Spit*". While later designated as an archaeological site (see Section 2.4.2), considerable uncertainties remain regarding precisely where the attack occurred and what might be present there. Lambert (1961:3), for example, says that the victim's bodies were deposited in offshore waters and - - if accurate - - this would mean that

there are no graves representing these individuals on Graveyard Spit. This uncertainty notwithstanding, there could be unrelated prehistoric and/or early historic graves on this landform. With the exception of Graveyard Spit, there do not appear to be reports of traditional cemeteries at, or elsewhere close to, the project area. As noted earlier, the northern end of the project area is approximately 0.5 mile west of Graveyard Spit and this distance increases toward the south.

In sum then, the Jamestown S'Klallam Dungeness Bay Project Area is located within the traditional territory of the S'Klallam Indian people. While there do not appear to be clear detailed accounts of S'Klallam people in - - or close to - - the project area itself, there are clear indications of their presence in the Dungeness area. A few specific settlement locations have been identified, the closest of which - - "*Tsi'skat*" at Cline Spit - - is approximately 1 mile southeast of the southern end of the project area. As an intertidal surface in the bay, however, it is unlikely that settlements of any kind would have been located here. Alternatively, it is likely that some S'Klallam people regularly visited the project area to fish, hunt, and collect shellfish and/or other marine resources.

2.3.2 Euro-American Occupation

While earlier visits by Europeans such as Juan de Fuca remain a possibility, the first white explorers to clearly have entered the Strait of Juan de Fuca began to arrive in the last decades of the 18th Century (Wagner 1933 and Whitebrook 1959). The first explorer to have actually landed near Dungeness Bay was Manual Quimper. He spent several days here in early July of 1790. Quimper collected fresh water from the nearby Dungeness River, traded with S'Klallam Indians he encountered, and formally claimed the area for Spain. He called the bay: "*Puerto de Quimper*". The Dungeness area was briefly visited by George Vancouver two years later. Vancouver anchored in the bay on the night of April 30, 1792 and named the large spit here: "*New Dungeness*". There is no record that he actually came ashore here. A few additional explorers past by the Dungeness area during the following decades (e.g. Charles Wilkes in May of 1841), but there doesn't appear to have been any additional Euro-American presence on the ground here until the first arrival of settlers in the early 1850s.

The earliest records for historic settlement in the vicinity are very incomplete, but we do know that several individuals established themselves here between 1851 and 1855 (Keeting 1976). These early settlers included: Capt. Thomas Abernathy, John Thorton, Charles Bradshaw, Elijah H. McAlmond, and Elliot Henry Cline. Most of these individuals established themselves on the uplands south of Dungeness Bay on the west side of the Dungeness River. Additional settlers arrived and a community began to develop on the bluff along the bay's southern shoreline, approximately 1 mile to the west of the river mouth. This community was called: "*New Dungeness*". It fronted onto that portion of Dungeness Bay to the west of Cline and Graveyard Spits, the latter area now being known as: "*New Dungeness Harbor*". New Dungeness was an important early administrative center for Clallam County. By the 1870s, it included the County Courthouse, a jail, a hotel, a store, at least two saloons, and a number of homes. Almost all of this infrastructure was built atop the bluff above the active beach. The principal exception to this pattern was the community's dock at Cline Spit. The dock was located approximately 1 mile south of the southern end of the project area. The only other mid-19th Century built feature in the vicinity was the New Dungeness Lighthouse located near the northeastern end of Dungeness Spit. First lit in 1857, it was the first lighthouse to operate on the southern side of the Strait of Juan de Fuca (Ayres 1972). It was listed on the National Register of Historic Places in 1993. The New Dungeness Lighthouse is located approximately 2 miles northeast of the project area.

Things progressed well for New Dungeness for a while, but the continued silting in of the passage between Cline and Graveyard Spits made it difficult for ships to reach the community and it began to fail in the late 1880s. By 1891, the County's administrative offices had been moved to Port Angeles and most of the commercial interests had moved to a new location just to the east of the river mouth. This shift was associated with a number of place name changes which offer some potential for confusion. The new community to the east of the Dungeness River mouth was called: "*Dungeness*". The old community formerly known as: "*New Dungeness*" now came to be known as: "*Old Dungeness*" or "*Old Town*". Old Dungeness faded quickly after the early 1890s. It is essentially a rural residential area today. In contrast, a large dock built at the new town site allowed Dungeness to compete as a port for a while, but it fell on hard times when it was bypassed by development of a railroad line across eastern Clallam County in 1915. A large fire also damaged much of the town at about this time. The dock was purchased by the Port of Port Angeles in 1925 and was used until 1941. A few businesses still operate in Dungeness today, but it is now a small rural community.

Against this general backdrop, only limited information is available about the specific land use history of the Jamestown S'Klallam Dungeness Bay Project Area. Documents on file with the Tribe provide few details prior to a tideland lease issued in 1953. In fact, Tribal officials are confident that oyster cultivation was occurring here prior to this time. The 1953 lease was for an oyster farm which grew pacific oysters. In 1964, the operation was sold and shellfish aquaculture activity here then continued under the name D. C. Oyster Farms. The latter group operated here until 1988. The Jamestown S'Klallam Tribe purchased the assets of former oyster farm in 1990 and resumed production here at that time. Water quality issues in the bay led to closures of the oyster cultivation intermittently during the late 1990s and early 2000s, and the Tribe's seafood business closed in 2005 due to these water quality closures. However, the Tribe continued to cultivate a low number of oysters and lease the 50 acre parcel on the main Dungeness Spit while the Tribe contributed their efforts to improve water quality in Dungeness Bay. Improvements in water quality in recent years has, however, now caused an interest in renewing oyster cultivation here.

2.4 Archaeological Setting

Appreciation of the archaeological context of the present study requires both a brief review of the history of archaeology on the Olympic Peninsula and a discussion of the work conducted in the vicinity of Dungeness Bay.

2.4.1 Olympic Peninsula Archaeology

While the first accounts of archaeological resources on the Olympic Peninsula were written more than a century ago, most archaeological research has been relatively recent. The first reference to archaeological sites here is probably Myron Eells' (1877) mention of two shell middens on the Hood Canal shoreline. Harlan Smith (1907) reported the presence of a number of shell midden sites along the eastern portion of the Strait of Juan de Fuca and, shortly afterwards, Albert Reagan (1917) also reported shell midden sites along the western and northern margins of the area. While none of the latter offer many details, both Smith and Reagan clearly investigated some of these sites and they each offered brief accounts of their contents and structures. No further archaeological efforts were conducted here for the next 40 years.

The era of modern archaeological fieldwork began with a few relatively large scale site survey efforts focused upon the peninsula's outer coastal zone. The first of these was in 1947 when Richard Daugherty undertook a systematic survey of the entire outer coast of Washington; Daugherty (1948) recorded several dozen sites during this study. At about the same time, Fred Pennoyer began to record sites along the Strait of Juan de Fuca. In 1956, Bruce Stallard and Clayton Denman surveyed the Olympic Coast between the Queets River and the Ozette River. While also primarily of coastal focus, Stallard and Denman were taken to three 'upriver' localities by local informants and they recorded the western Olympic Peninsula's first interior sites (Stallard and Denman 1956).

Most subsequent archaeological survey and site recording activities on the Olympic Peninsula have occurred within the context of much smaller efforts. Many have been associated with relatively recent culture resource management (CRM) studies and have confined their focus to small project areas. Most have focused upon coastal or near coastal settings. The first systematic attempt to investigate the archaeological potential of the river valleys of the Olympic Peninsula was undertaken by Gary Wessen in 1977. This survey was specifically focused upon ethnographic settlements reported to have been present along the Quinault, Queets, Hoh, and Quilleute River systems. Attention to interior areas began to grow in the early 1980s. The Olympic National Park began to undertake studies of upland areas (notably Bergland 1984 and Schalk 1988). The Olympic National Forest has also made archaeological surveys a more regular part of the preparation of timber sales in recent years.

Starting later than the site survey activities, the excavation of prehistoric sites on the Olympic Peninsula began in 1958 when Thomas S. Newman undertook test excavations at 45JE9 - - the Toleak Point Site - - on the coast south of La Push. Most subsequent work has focused strongly on coastal sites; most of which are located along the peninsula's northern and western margins. To date, more than 35 prehistoric sites have been sampled by excavation, but in most cases these have been small testing efforts. Only a few large projects have been undertaken, the largest of which has been the work at 45CA24 - - the Ozette Village Site - - (Samuels 1991 and 1994). Other large efforts have been conducted at 45CA21 and 45CA213 - - the Hoko River Site Complex - - (Croes 1995 and 2005) and at 45CA426 near Sequim (Morgan 1999). Still another large effort has been conducted recently at 45CA523 - - the Tse-whit-zen Village Site - - in Port Angeles (Larson 2006). While most of the latter have addressed shell midden deposits representing occupation during the last few thousand years, 45CA426 is a multi-component lithic site which contains significantly older cultural materials.

2.4.2 Dungeness Bay Archaeology

In a broad sense, archaeological research activities in the vicinity of Dungeness Bay have paralleled those of the Olympic Peninsula as a whole. While some very early reports of archaeological sites exist, very little systematic work has occurred here until quite recently and the total body of research in this area remains quite small.

Harlan Smith (1907) was the first person to make specific written reference to archaeological sites in the immediate vicinity of Dungeness Bay. Operating as a part of the Jessup North Pacific Expedition, Smith made a wide ranging reconnaissance of much of maritime western Washington around the turn of the 20th Century. Smith (1907:386-387) makes passing reference to at least six shell middens and/or grave sites on or near Dungeness Bay. Little, if any, real investigation was conducted at any of these places. Unfortunately, individual site descriptions are very brief and it is difficult to unequivocally associate any of the places noted by Smith with

any currently documented archaeological site. Nevertheless, deposits representing the S'Klallam villages of "*Tśiskat*" and "*Tsŭq*" were probably reported. Also of note, Smith specifically describes what he considered to be historic Native American burial features on the southern end of Graveyard Spit.

A second early account of archaeological sites in portions of western Washington was published by Albert Reagan in 1917. It is unlikely that Reagan spent much time investigating sites in eastern Clallam County, but his account of shell midden sites along the northern margin of the Olympic Peninsula includes two sites at Dungeness Bay. The Reagan and Smith reports are sometimes difficult to compare, but it appears likely that both of the sites noted by Reagan are also noted in Smith's list. Indeed, it is likely that Reagan was aware of the earlier Smith effort. Both of the sites noted by Reagan are located along the bay's southern margin; one near Cline Spit and one near the base of Dungeness Spit.

After Reagan, nothing else of significance happens with respect to the area's archaeological resources until the late 1960s. In 1969, I. C. Harper prepared an application to the National Register of Historic Places for Graveyard Spit and the property identified in this submittal was assigned the Smithsonian Trinomial Number: 45CA238H. While the *Statement of Significance* in the application focuses exclusively on the 1868 attack on Tsimshian people (see Section 2.3.1), it is important to stress that Harper was a historian, not an archaeologist, and there is no evidence that an archaeological study of Graveyard Spit was conducted prior to drafting this document. Thus, the application does not specifically identify: (1) where within the described property the attack occurred or (2) whether human remains are likely to be present here. In the latter regard, Harper did not note Smith's 1907 report of historic Native American burial features on the southern end of Graveyard Spit. It is additionally important to stress that the above-described National Register application is the only document which describes 45CA238H. An Archaeological Site Inventory Form was never prepared for it. The formal boundaries of 45CA238H - - as described in the application - - are a large rectangle encompassing the entire Graveyard Spit landform and a significant amount of the surrounding waters. More than half of the included area consists of intertidal and shallow subtidal surfaces in the adjacent bay. The closest terrestrial portions of 45CA238H are located approximately 0.5 mile east of the project area.

The Graveyard Spit property identified by Harper was not approved for listing with the National Register of Historic Places and it was subsequently added to the Washington Heritage Register in 1971.

Richard H. McClure, Jr. recorded a shell midden site at Cline Spit in 1980. It was assigned the Smithsonian Trinomial Number: 45CA239. No survey report accompanies the Archaeological Site Inventory Form and so the circumstances of this effort are unclear. In any event, McClure described cultural deposits extending across an area of approximately 125 by 55 yards and attributed them to the traditional S'Klallam village of "*Tśiskat*". No estimate of the depth of the deposits was offered nor does it appear that he collected any materials there.
A second account of the 45CA239 site area was prepared in an updated Archaeological Site Inventory Form prepared by Guideon Cauffman in 2014. Again, no survey report accompanies the updated Archaeological Site Inventory Form and so the circumstances of this effort are also unclear. Of some note, the site dimensions reported by Cauffman - - 7.3 by 5.5 meters - - are dramatically smaller than those given earlier by McClure. In this regard, Cauffman's account offers no evidence that subsurface testing was conducted in order to establish these much smaller boundaries and it remains possible that a significantly larger area of cultural deposits is still present here. The 45CA239 site area (as described by McClure) is located approximately 0.8

mile from the project area. The 45CA239 site area (as described by Cauffman) is located approximately 1 mile from the project area.

In sum, there have been no studies of shell midden deposits at any of the sites near Dungeness Bay and so we have no direct information about their ages or contents. Nevertheless, some data is available for shell midden sites in the nearby Sequim Bay area just to the southeast. In particular, data is available from 45CA227 at Washington Harbor (Onat and Larson 1984) and from 45CA214 at Pitship Point (Kennedy and Thomas 1977 and Wessen 1984). The latter sites offer evidence of a variety of economic activities related to the collection and use of maritime resources during the last ca. 2,000 years, and it is likely that at least some of the shell midden sites near Dungeness Bay contain additional such evidence of similar antiquity. At least broadly similar deposits are known from most coastal areas in western Washington.

Somewhat further away, recent excavations at 45CA426 - - approximately 6 miles to the south - - near Sequim (Morgan 1999), has provided evidence of much older Early to Middle Holocene cultural activities. While the latter is not well dated, it could be as much as 7,000 to 9,000 years old. Much less is known with confidence regarding these earlier cultures, but we do know that - - though less common - - sites with similar ancient stone tool assemblages have been found elsewhere on the Olympic Peninsula (e.g., at Slab Camp [Gallison 1994], Quilcene [Larsen 1971], Lake Cushman [Wessen 1990], and Lake Ozette [Conca 2000]). As such, it would not be unusual if similar materials were found on older surfaces in the vicinity of Dungeness Bay.

3 RESEARCH DESIGN

The activities described in this report represent a limited program of site survey designed to determine whether potentially significant archaeological resources are present within the Jamestown S'Klallam Dungeness Bay Project Area. The research design of the study included both a clear statement of goals and an identified set of appropriate methods.

3.1 Research Goals

The goals of this effort were to identify any potentially significant archaeological resources which might be present in the project area, to document them, and to offer an assessment and recommendations regarding possible impacts to them during the proposed shellfish aquaculture activities. Such resources could include shell midden deposits similar to those present elsewhere in the Dungeness Bay area, deposits and/or features associated with early historic or more recent Euro-American occupation, and/or any other archaeological materials which might be present. To this end, the investigation reviewed the entire project area and considered adjoining areas. The effort was descriptive and documentary in nature. As such, the articulation of study findings within any particular proposed regional cultural framework was not a high priority. Similarly, the study results cannot be considered to be a test of any particular model of prehistoric settlement and subsistence patterns or other cultural process dynamics.

3.2 Research Methods

The work plan for this study relied upon standardized archaeological techniques established for an earlier assessment of an intertidal area in Sequim Bay selected for similar shellfish aquaculture activities (Wessen 2010). That effort consisted of background research and a ground surface inspection. The U. S. Army Corp of Engineers reviewers for the earlier proposed project specifically requested a visual "*walk over*" survey with no digging and our effort was designed to meet this standard. Essentially the same procedures were used at this time. I felt that they were equally appropriate in this situation as the current project area has already been in use for this purpose since the 1970s. Background information collected as a part of the effort indicates that this area was regularly disturbed to a depth of approximately 18 inches during this period and the Jamestown S'Klallam Tribe's proposal is to continue to engage in similar disturbance. Given these conditions, I felt that materials exposed on the surface were likely to be a useful indicator of what this already disturbed deposit contains.

Background research for the study included the review of relevant documents on file with the Department of Archaeology and Historic Preservation, the Jamestown S'Klallam Tribe, in the author's possession, and other sources available on the internet.

The survey was essentially a reconnaissance-level examination of the surface of the project area. While straightforward in concept, the effort was complicated in that the only deep minus low tides available to us were during nighttime hours. As such, special plans were developed to conduct the survey in the dark. The inspection was made by a field crew of five individuals walking parallel transects at intervals of approximately 4 to 5 meters (13 to 16.5 feet). Each individual carried a strong light and swept the lane in front of them as the group moved as a single unit. Hand-held GPS receivers were used to keep the crew oriented correctly and to ensure that our coverage was complete. As was the case with the earlier 2010 survey, the possibility of including subsurface testing was initially considered during planning for this effort. The idea was again rejected, however, since it was felt that digging into the intertidal sediments could prove to be logistically complicated and that it would require more time than the brief exposure during the low tide would allow. I concluded that, if areas warranting subsurface testing were identified, they could by recorded with the GPS receivers and plans to attempt such action could be made for a later time.

If archaeological resources were identified, I planned to collect sufficient descriptive information to formally record them with the Department of Archaeology and Historic Preservation. Diagnostic artifacts, if encountered, would be photographed, but no cultural materials would be collected.

3.3 Practical Expectations

The background review and prior experience at Dungeness Bay and elsewhere along the marine shorelines of the northeastern Olympic Peninsula, suggested that the potential for archaeological resources being encountered in the Jamestown S'Klallam Dungeness Bay Project Area was low. The most likely type of archaeological feature to be seen here was considered to be an intertidal fish trap. Both wooden stake alignments representing weirs and stone wall traps have been reported on the southern Northwest Coast, and I considered that either type of structure could be present. I also considered that either late prehistoric or early historic cultural materials could be encountered on the tide flat's surface, but such objects would be far likelier to

be re-deposited from nearby terrestrial areas than to represent potentially *in situ* cultural deposits exposed in the project area. The range of possible objects which could be encountered was understood to include human remains, although I felt that the likelihood of encountering such material was low. Finally, I did not dismiss the possibility that much older prehistoric cultural materials or deposits - - associated with older sea level stands - - could be present here, but, if so, I would expect them to be deeply buried beneath the more recent marine sediments. Such materials - - if present - - would not be visible during a "*walk over*" inspection and are very unlikely to be encountered within the depths that the planned shellfish aquaculture activities will affect.

4 FIELD ACTIVITIES AND FINDINGS

Fieldwork activities conducted at the Jamestown S'Klallam Dungeness Bay Project Area occurred on the evening of 16 November 2016. The inspection was scheduled to take advantage of a -2.2 foot low tide. The crew included: Gary Wessen from Wessen & Associates, Inc., Ralph Riccio, Chris Burns, Casey Allen, and David Brownell from the Jamestown S'Klallam Tribe, and Tori Cantelow from the Point-No-Point Treaty Council. The weather was cool and overcast, but no rain fell.

The crew used for this survey was made up of shellfish technicians and other individuals without prior archaeological experience. As such, I gave them specific instructions regarding what we would be looking for. Crew members were to advise me if they encountered any broken - - or otherwise modified - - rock greater than 2 inches in length, any bone, or any historic object likely to be older than 50 years (i.e., pre-1965). We arrived in the project area almost 3 hours prior to the low tide and began examining northeast-southwest oriented lanes at its northwest (i.e., upper) margin. This approach allowed us to cover the uppermost portion of area first and then shift to lower portions of it as they become exposed by the dropping water level. In fact, the tide did not drop far enough to completely expose the entire unit and it's southeastern (i.e., lower) margin had to be examined while it was still covered by from 2 to 4 inches of water. The water in this area was quite clear however and our lights effectively illuminated the exposed surface despite this presence. I do not believe that it significantly degraded our ability to detect the types of materials we were looking for.

We encountered some variation in conditions while examining the project area. While most of it consists of broad exposed surfaces of sand and/or finer sediments - - offering very good survey conditions - - more difficult locations are also present. The latter are mostly places in the southeastern part of the unit where eel grass or other aquatic vegetation effectively obscures the surface. Field mapping of the eel grass areas indicates that they account for approximately 15-20% of the surface here. These areas were examined, and I acknowledge that our efforts in them were less effective than on the adjacent bare surfaces.

Examples of cultural material are uncommon in the project area and most objects we did observe appeared to be quite recent and are probably related to earlier shellfish aquaculture activities here. These include fragments of plastic mesh bags, small diameter PVC pipes, rope, and small diameter hoses. No potentially prehistoric or early historic objects were observed. Localized low density accumulations of marine shell dominated by fragments representing Japanese oyster and basket cockle were encountered in a few places, but these appeared to be related to fluvial processes on the tide flat rather than cultural activity.

5 CONCLUSIONS AND RECOMMENDATIONS

This survey and assessment of the Jamestown S'Klallam Dungeness Bay Project Area has found no evidence of the presence of either potentially intact archaeological deposits or re-deposited cultural materials other than those of relatively recent origin. While the surface inspection conducted at this time did not address the possibility of buried cultural deposits associated with older sea level stands, I think that such deposits - - if present - - are likely to be buried beneath the more recent marine sediments in this area. It is not possible to predict whether such deposits are, in fact, present and, if so, at what depth they might occur, but I can note that the extensive shellfish harvesting which has occurred in this area in recent years has not exposed evidence of such deposits. As such, I believe that the presence of such deposits within the uppermost 30 inches of sediment in this project area is very unlikely.

I recommend that the Jamestown S'Klallam Tribe be allowed to proceed with their plan to conduct shellfish aquaculture activities in this project area. Additional archaeological research actions do not appear to be warranted at this time and monitoring of the proposed aquaculture activities is not necessary.

6 BIBLIOGRAPHY

Bergland, Eric
1984 *Summary Prehistory and Ethnography of the Olympic National Park, Washington*. A report prepared by the National Park Service Pacific Northwest Region, Cultural Resource Division. Seattle.

Blumenthal, Richard W.
2009 *Charles Wilkes and the Exploration of Inland Washington Waters*. McFarland & Company, Inc. Jefferson.

Chambers, Craig, Paul Martin, Lee Porterfield, and June Robinson
2003 *A History of Clallam County, Washington*. Clallam County Historical Society. Port Angeles.

Croes, Dale R.
1995 *The Hoko River Archaeological Site Complex: the Wet/Dry Site (45CA213), 3,000 – 1,700 B.P.* Washington State University Press. Pullman.
2005 *The Hoko River Archaeological Site Complex: the Rockshelter (45CA21), 1,000 – 100 B.P.* Washington State University Press. Pullman.

Conca, David J.
2000 *Archaeological Investigations at Site 45CA432: Re-Evaluating Mid-Holocene Land Use on the Olympic Peninsula, Washington*. A Master's Thesis in Anthropology, Western Washington University. Bellingham.

Daugherty, Richard D.
1948 Survey of the Washington Coast from Cape Flattery to Cape Disappointment. Manuscript in the author's possession.

Eells, Myron
1889 The Twana, Chemakum, and Klallam Indians of Washington Territory. *Smithsonian Institute Annual Report for 1887*, pp.605-681. Washington D.C.

Fish, Harriet U.
1983 *Tracks, Trails, and Tales in Clallam County, State of Washington*. Published by the author.

Gallison, James Daniel
1994 *Slab Camp: An Early to Middle Holocene Olcott Complex in the Eastern Olympic Mountains of Washington*. A Doctoral Dissertation in Anthropology, Washington State University. Pullman.

Gibbs, George
1877 Tribes of Western Washington and Northwestern Oregon. *Contributions to North American Ethnology* 1(2): 157-361.

Gorsline, Jerry (editor)
1992 *Shadows of Our Ancestors*. Empty Bowl. Port Townsend.

Gowan, Evan James
2007 *Glacio-Isostatic Adjustment Modeling of Improved Relative Sea-Level Observations in Southwestern British Columbia, Canada*. A Masters Thesis prepared for the School of Earth and Ocean Sciences, University of Victoria. Victoria.

Hallion, Louis
1987 *Soil Survey of Clallam County Area, Washington*. Soil Conservation Service, United States Department of Agriculture. Washington D.C.

Keeting, Virginia (editor)
1976 *Dungeness: the Lure of a River*. Sequim Bicentennial Committee. Sequim.

Kennedy, Hal and Robert S. Thomas
1977 Archaeological Testing of a Disturbed Site on Sequim Bay, Clallam Bay, Washington. Office of Public Archaeology, Institute of Environmental Studies, University of Washington. Seattle.

Lambert, Mary Ann
1961 *Dungeness Massacre and Other Regional Tales*. Published by the author.

Larsen, Curtis
1971 Unpublished draft preliminary report of excavations at the Quilcene Site (45JE14), Jefferson County, Washington. Report on file with the Department of Archaeology and Historic Preservation. Olympia.

Larson, Lynn
2006 Data Recovery Excavation and Archaeological Monitoring at the Tse-Whit-Zen Site (45CA523), Clallam County, Washington. Larson Anthropological/Archaeological Services. Gig Harbor.

Lotzgesell, George
1993 Pioneer Days at Old Dungeness. *Washington Historical Quarterly* 24(4):264-270.

Meany, Edmond S.
1957 *Vancouver's Discovery of Puget Sound*. Binfords & Mort. Portland.

Morgan, Vera E. (editor)
1999 The SR-101 Sequim Bypass Archaeological Project: Mid- to Late-Holocene Occupations on the Northern Olympic Peninsula, Clallam County, Washington. *Eastern Washington University Reports in Archaeology and History* 100-108. Cheney.

Onat, Astrida R. Blukis and Lynn Larson
1984 Report of Testing of 45CA227, Washington Harbor and Cultural Resources Overview at the Battelle Marine Research Laboratories, Sequim, Washington. A report prepared for Battelle's Pacific Northwest Laboratories by Blukis Onat Applied Sciences, Inc. Seattle.

Porter, Stephen and Terry W. Swanson
1998 Radiocarbon Age Constraints on Rates of Advance and Retreat of the Puget Lobe of the Cordilleran Ice Sheet during the Last Glaciation. *Quaternary Research* 50:205-213.

Reagan, Albert
1917 Archaeological Notes on Western Washington and Adjacent British Columbia. *Proceedings of the California Academy of Sciences, Fourth Series*, 7(1):1-37.

Samuels, Stephan R. (editor)
1991 Ozette Archaeological Project Research Reports, Volume I, House Structure and Floor Midden. *Reports of Investigation* No. 63, Department of Anthropology, Washington State University. Pullman.
1994 Ozette Archaeological Project Research Reports, Volume II, Fauna. *Reports of Investigation* No. 66, Department of Anthropology, Washington State University. Pullman.

Smith, Harlan I.
1907 Archaeology of the Gulf of Georgia and Puget Sound. *Publications of the Jesup North Pacific Expedition* Volume II, Part VI. American Museum of Natural History. New York.

Stallard, Bruce and Clayton Denman
1955 Archaeological Site Survey of the Olympic Coast between the Queets and Ozette Rivers. Report on file with the Washington State Department of Archaeology and Historic Preservation. Olympia.

Stauss, Joseph H.
2002 *The Jamestown S'Klallam Story - Rebuilding a Northwest Coast Indian Tribe*. Jamestown S'Klallam. Sequim.

Suttles, Wayne
1990 Central Coast Salish. In: *Northwest Coast*, edited by Wayne Suttles. Handbook of North American Indians, Volume 7, William Sturtevant, general editor, Smithsonian Institute. Washington, D.C.

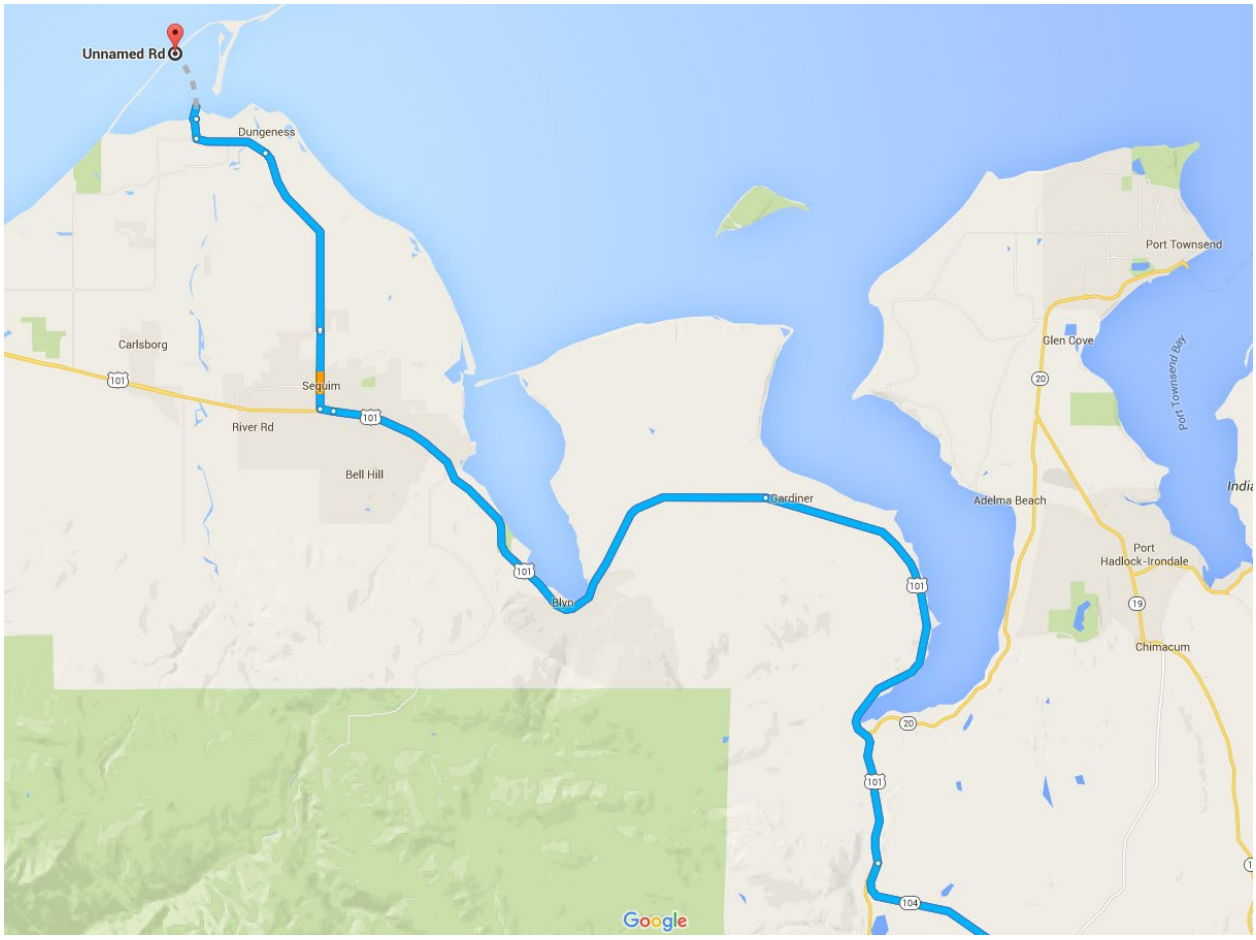
Todd, Steve, Nick Fitzpatrick, Alan Carter-Mortimer, and Chris Weller
2006 Historical Changes to Estuaries, Spits, and Associated Tidal Wetland Habitats in the Hood Canal and Strait of Juan de Fuca Regions of Washington State. *Point No Point Treaty Council Technical Report* 06-1. Kingston.

Wessen, Gary C.
1978 Archaeological Reconnaissance of River Valleys on the Western Olympic Peninsula, Washington. *Project Report* No. 69, Washington Archaeological Research Center. Pullman.
1984 Archaeological Activities at the Sequim Bay Marina Site, Pitship Point, Clallam County, Washington. A report prepared for the Port of Port Angeles by Wessen & Associates, Inc. Burien.
1990a The Prehistory of the Ocean Coast of Washington. In: *Northwest Coast*, edited by Wayne Suttles. Handbook of North American Indians, Volume 7. William Sturtevant, general editor, Smithsonian Institute. Washington, D.C.
1990b A Report of Limited Survey and Evaluation at 45CA407, A Prehistoric Archaeological Site near Dungeness, Washington. A report prepared for the Jamestown S'Klallam Tribe by Wessen & Associates, Inc. Burien.
2004a An Assessment of Possible Prehistoric Shell Midden Deposits Near the Mouth of Dean Creek, Blyn, Washington. A report prepared for the Jamestown S'Klallam Tribe by Wessen & Associates, Inc. Burien.
2004b An Archaeological Assessment of a Portion of a Proposed New RV Park near Jimmy-Come-Lately Creek, Blyn, Washington. A report prepared for the Jamestown S'Klallam Tribe by Wessen & Associates, Inc. Burien.
2005 An Archaeological Assessment of a Portion of the Jimmy-Come-Lately Creek 'Delta Cone', Blyn, Washington. A report prepared for the Jamestown S'Klallam Tribe by Wessen & Associates, Inc. Burien.

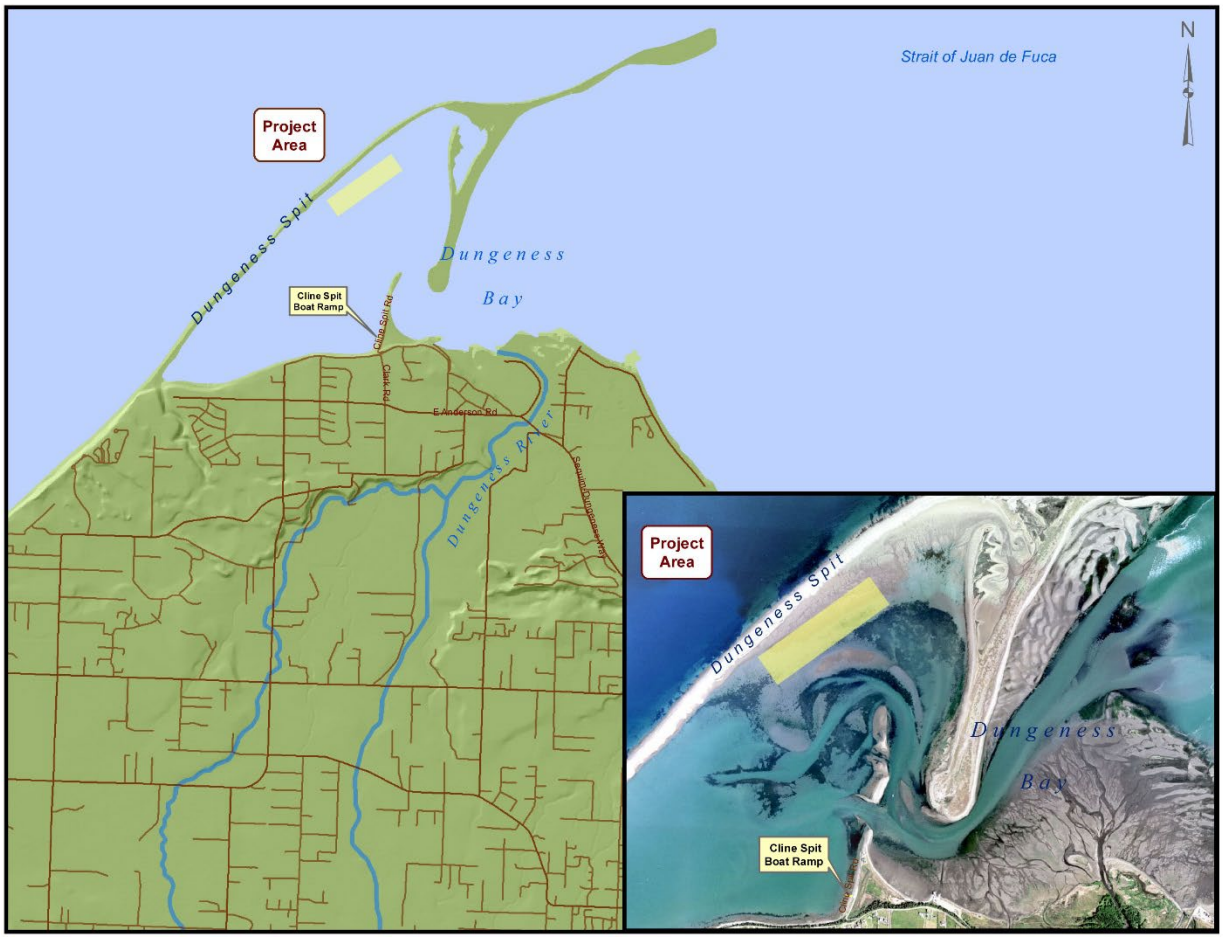
Whitlock, Cathy
1992 Vegetation and Climatic History of the Pacific Northwest during the Last 20,000 Years: Implications for Understanding Present-Day Biodiversity. *The Northwest Environmental Journal* 8:5-28.

REFERENCE: NWS- 2007-1213 APPLICANT: Jamestown S'Klallam Tribe ADJACENT PROPERTY OWNERS: 1. *DNR* 2. *USFWS*	LOCATION: Dungeness Spit *Parcel No. 20-A013012* LAT/LONG: 48.02465N 123.004031W PAGE # __ OF # 5 DATE: *12/28/2017*	PROPOSED PROJECT: *Jamestown S'Klallam Tribe Dungeness Bay Oyster Farm* IN: *Dungeness Bay* NEAR/AT: *Sequim* COUNTY: *Clallam* STATE: WA

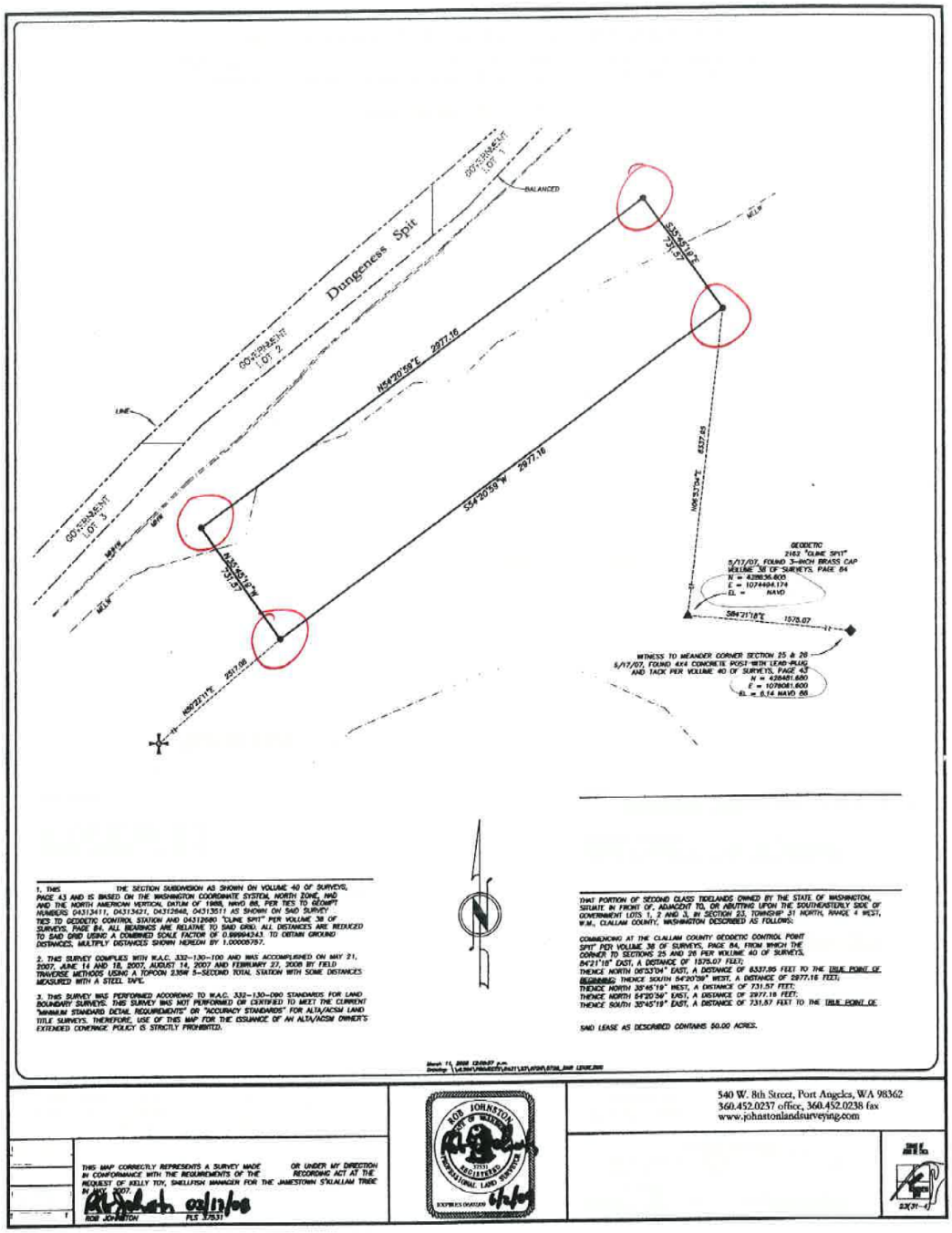
Project Drawings for Shellfish Aquaculture Location and Methods in Dungeness Bay

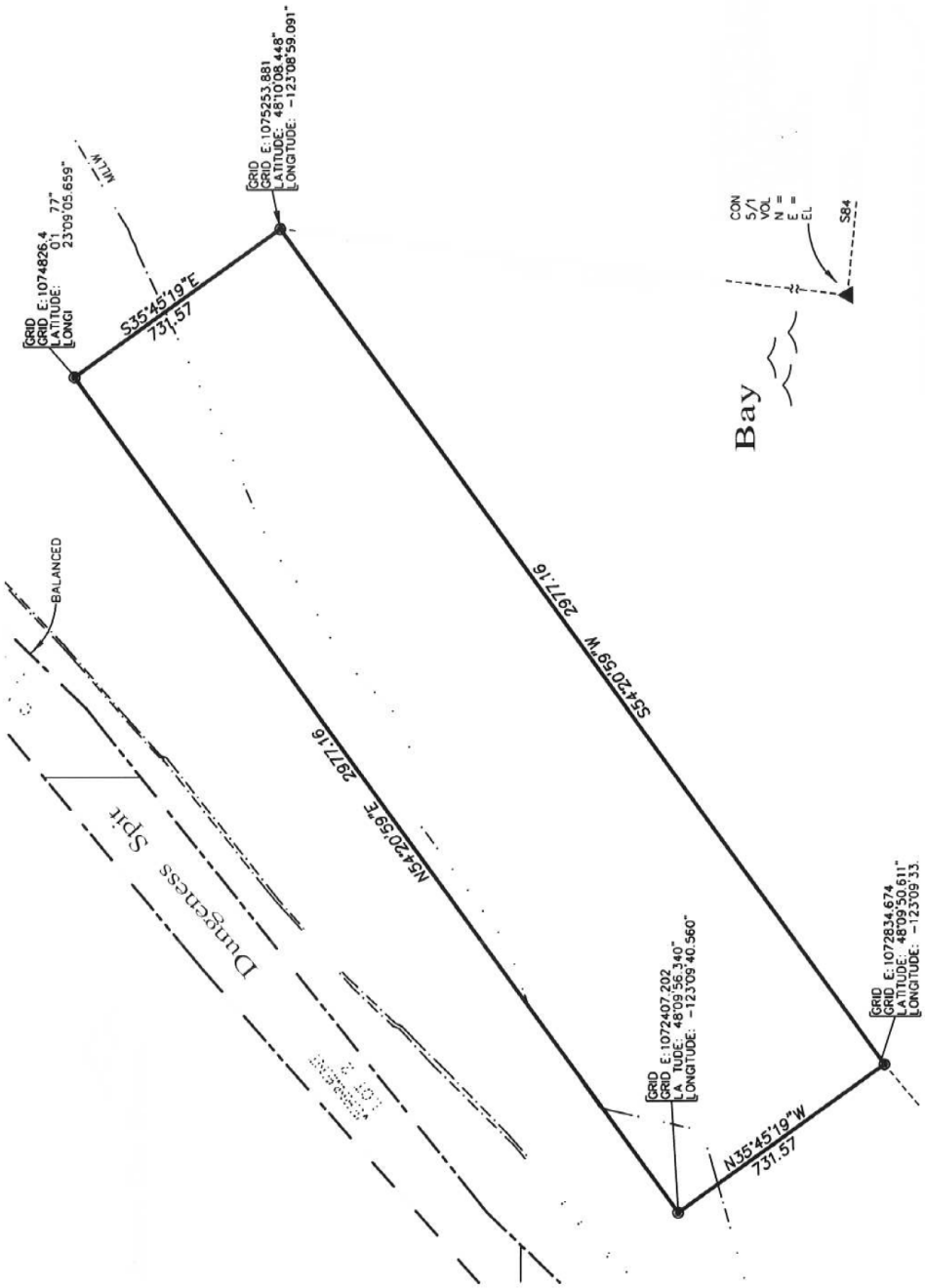


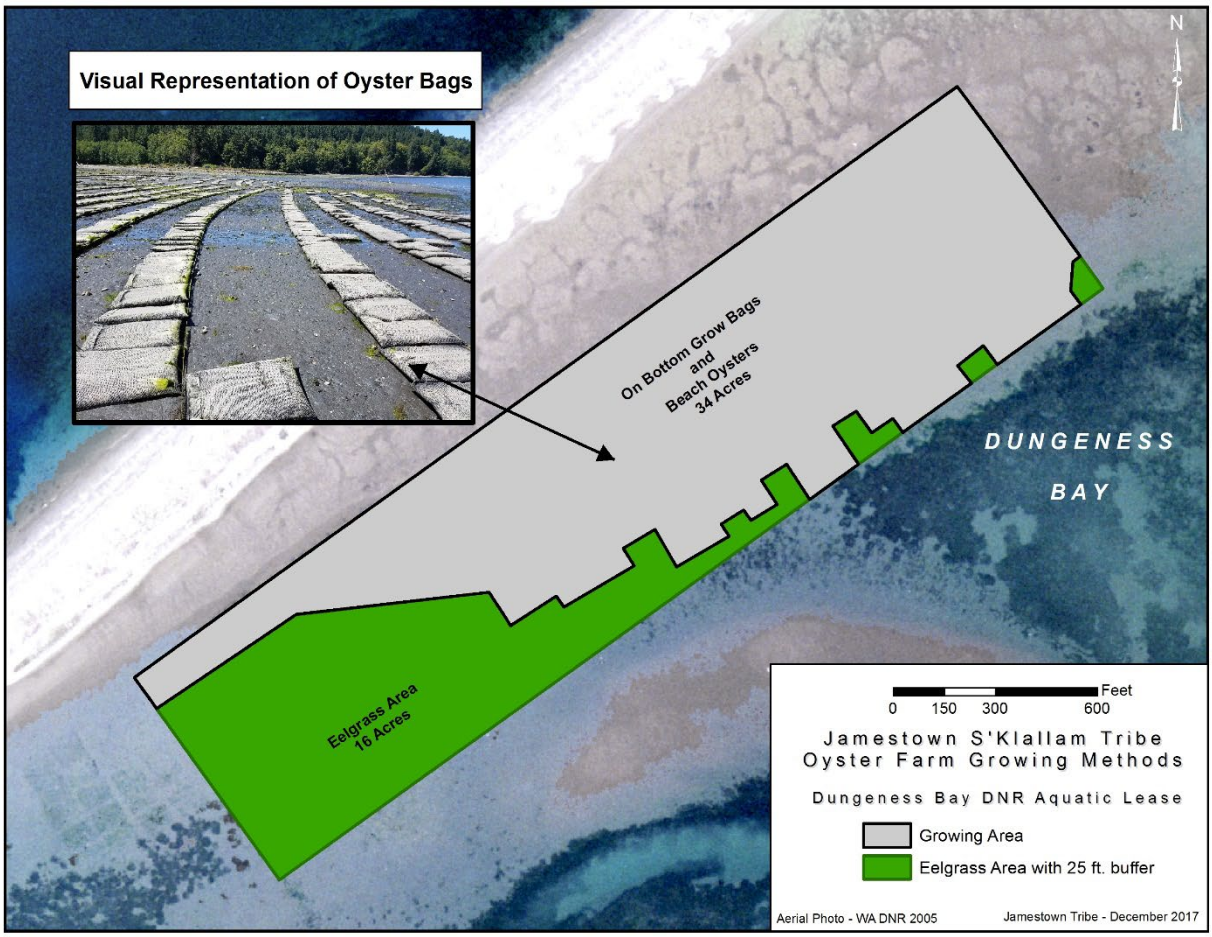
REFERENCE: NWS- 2007-1213 APPLICANT: Jamestown S'Klallam Tribe ADJACENT PROPERTY OWNERS: 1. *DNR* 2. *USFWS*	LOCATION: Dungeness Spit *Parcel No. 20-A013012* LAT/LONG: 48.02465N 123.004031W PAGE # __ OF # 5 DATE: *12/28/2017*	PROPOSED PROJECT: *Jamestown S'Klallam Tribe Dungeness Bay Oyster Farm* IN: *Dungeness Bay* NEAR/AT: *Sequim* COUNTY: *Clallam* STATE: WA



REFERENCE: NWS- 2007-1213 APPLICANT: Jamestown S'Klallam Tribe ADJACENT PROPERTY OWNERS: 1. *DNR* 2. *USFWS*	LOCATION: Dungeness Spit *Parcel No. 20-A013012* LAT/LONG: 48.02465N 123.004031W PAGE # __ OF # 5 DATE: *12/28/2017*	PROPOSED PROJECT: *Jamestown S'Klallam Tribe Dungeness Bay Oyster Farm* IN: *Dungeness Bay* NEAR/AT: *Sequim* COUNTY: *Clallam* STATE: WA




GRID
GRID E:1074826.4
LATITUDE: 01 77"
LONGI 23°09'05.659"
S35°45'19"E
731.57
GRID
GRID E:1075253.881
LATITUDE: 48°10'08.448"
LONGITUDE: -123°08'59.091"
S54°20'59"W 2977.16
N54°20'59"E 2977.16
GRID
GRID E:1072407.202
LATITUDE: 48°09'56.340"
LONGITUDE: -123°09'40.560"
N35°45'19"W
731.57
GRID
GRID E:1072834.674
LATITUDE: 48°09'50.611"
LONGITUDE: -123°09'33.
BALANCED
Dungeness Spit
Bay
CON
S/1
VOL
N =
E =
EL
S84


Visual Representation of Oyster Bags
N
On Bottom Grow Bags and Beach Oysters 34 Acres
DUNGENESS BAY
Eelgrass Area 16 Acres
Feet
0 150 300 600
Jamestown S'Klallam Tribe Oyster Farm Growing Methods
Dungeness Bay DNR Aquatic Lease
Growing Area
Eelgrass Area with 25 ft. buffer
Aerial Photo - WA DNR 2005
Jamestown Tribe - December 2017

WASHINGTON STATE
Joint Aquatic Resources Permit Application (JARPA) Form[1,2] [help]

USE BLACK OR BLUE INK TO ENTER ANSWERS IN THE WHITE SPACES BELOW.

US Army Corps of Engineers
Seattle District

AGENCY USE ONLY

Date received:

Agency reference #: NWS-2007-1213

Tax Parcel #(s):

Part 1–Project Identification

1. Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [help]
Jamestown S'Klallam Tribe Dungeness Bay Oyster Farm

Part 2–Applicant

The person and/or organization responsible for the project. [help]

2a. Name (Last, First, Middle)			
Allen, Ron			
2b. Organization (If applicable)			
Jamestown S'Klallam Tribe			
2c. Mailing Address (Street or PO Box)			
1033 Old Blyn Hwy			
2d. City, State, Zip			
Sequim, WA 98382			
2e. Phone (1)	**2f.** Phone (2)	**2g.** Fax	**2h.** E-mail
(360)681-4630	(360)460-3240	( )	rriccio@jamestowntribe.org

[1]Additional forms may be required for the following permits:

- If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.
- If your project might affect species listed under the Endangered Species Act, you will need to fill out a Specific Project Information Form (SPIF) or prepare a Biological Evaluation. Forms can be found at http://www.nws.usace.army.mil/Missions/CivilWorks/Regulatory/PermitGuidebook/EndangeredSpecies.aspx.
- Not all cities and counties accept the JARPA for their local Shoreline permits. If you need a Shoreline permit, contact the appropriate city or county government to make sure they accept the JARPA.

[2]To access an online JARPA form with [help] screens, go to http://www.epermitting.wa.gov/site/alias__resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx.

For other help, contact the Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.

Part 3–Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b of this application.) [help]

3a. Name (Last, First, Middle)			
Riccio, Ralph, William			
3b. Organization (If applicable)			
Jamestown S'Klallam Tribe			
3c. Mailing Address (Street or PO Box)			
1033 Old Blyn Hwy			
3d. City, State, Zip			
Sequim, WA 98382			
3e. Phone (1)	**3f.** Phone (2)	**3g.** Fax	**3h.** E-mail
(360)681-4630	(360)460-3240	( )	rriccio@jamestowntribe.org

Part 4–Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. Consider both **upland and aquatic** ownership because the upland owners may not own the adjacent aquatic land. [help]

☐ Same as applicant. (Skip to Part 5.)

☐ Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)

☐ There are multiple upland property owners. Complete the section below and fill out JARPA Attachment A for each additional property owner.

☒ Your project is on Department of Natural Resources (DNR)-managed aquatic lands. If you don't know, contact the DNR at (360) 902-1100 to determine aquatic land ownership. If yes, complete JARPA Attachment E to apply for the Aquatic Use Authorization.

4a. Name (Last, First, Middle)			
WA Department of Natural Resources			
4b. Organization (If applicable)			
4c. Mailing Address (Street or PO Box)			
5310 Eaglemount Rd,			
4d. City, State, Zip			
Chimacum, WA 98325			
4e. Phone (1)	**4f.** Phone (2)	**4g.** Fax	**4h.** E-mail
(360) 732-7411	( )	( )	sean.carlson@dnr.wa.gov

Part 5–Project Location(s)

Identifying information about the property or properties where the project will occur. [help]

☐ There are multiple project locations (e.g. linear projects). Complete the section below and use JARPA Attachment B for each additional project location.

5a. Indicate the type of ownership of the property. (Check all that apply.) [help]

☐ Private
☐ Federal
☐ Publicly owned (state, county, city, special districts like schools, ports, etc.)
☐ Tribal
☒ Department of Natural Resources (DNR) – managed aquatic lands (Complete JARPA Attachment E)

5b. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.) [help]

Dungeness Spit

5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]

Sequim, WA 98382

5d. County [help]

Clallam

5e. Provide the section, township, and range for the project location. [help]

¼ Section	Section	Township	Range
	23	31 North	4 West

5f. Provide the latitude and longitude of the project location. [help]

- Example: 47.03922 N lat. / -122.89142 W long. (Use decimal degrees - NAD 83)

48.02465 N / 123.004031 W - NAD83

5g. List the tax parcel number(s) for the project location. [help]

- The local county assessor's office can provide this information.

Parcel No. 20-A013012

5h. Contact information for all adjoining property owners. (If you need more space, use JARPA Attachment C.) [help]

Name	Mailing Address	Tax Parcel # (if known)
Dungeness Wildlife Refuge-USFWS	715 Holgerson Road, Sequim, WA 98382	NA

5i. List all wetlands on or adjacent to the project location. [help]

NA

5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [help]

Dungeness Bay

5k. Is any part of the project area within a 100-year floodplain? [help]

☐ Yes ☒ No ☐ Don't know

5l. Briefly describe the vegetation and habitat conditions on the property. [help]

The project site is in the intertidal zone with sparse vegetation present (See eelgrass survey attached). Eelgrass is concentrated in the southwest, and sparsely observed along the southeast, lowest elevations of the parcel. The substrate is mostly sand and shell rubble from pre-existing oyster production. There are also mature oysters covering the substrate throughout the parcel.

5m. Describe how the property is currently used. [help]

The oyster farm has not been in full production since poor water quality caused the Tribe to shrink operations in 2005. Some remnant equipment and many mature oysters ready for harvest still remain on the property. The USFWS Dungeness Wildlife Refuge holds a use easement on the parcel.

5n. Describe how the adjacent properties are currently used. [help]

The adjacent properties are currently used by the USFWS Dungeness Wildlife Refuge by visitors and various species of birds and other animals.

5o. Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. [help]

There are remnant metal and PVC posts sticking up out of the mud from past shellfish farming. They are not in use at this time.

5p. Provide driving directions from the closest highway to the project location, and attach a map. [help]

See Project Drawings

Part 6–Project Description

6a. Briefly summarize the overall project. You can provide more detail in 6b. [help]

Continue farming oysters using on-bottom culture methods on 34 acres of the 50 acre parcel. Sixteen acres will be avoided due to eelgrass presence. The Tribe recognizes and values the ecosystem services provided by eelgrass and the goals of the Dungeness Wildlife Refuge in protecting habitat to promote migrating water fowl. It is with conservation in mind that farming will not take place within 25 feet of eelgrass observed during the eelgrass survey completed in July 2016 by USFWS.

6b. Describe the purpose of the project and why you want or need to perform it. [help]

Purpose: Produce shellfish to sell for human consumption. The Tribe must grow shellfish because many shellfish growing areas where the Tribe is accustomed to harvesting wild shellfish are either over harvested or are suffering from poor water quality. The Tribe must farm shellfish in order to exercise their treaty rights, and Dungeness Bay is the location that the Tribe has been growing oysters and leasing this tideland parcel from DNR for 27 years. With recent improvements in water quality, the Tribe will harvest existing product and culture new product on identified areas within the parcel. The following oyster culture method will be used:

On-Bottom Bag Culture: Up to 34 acres will be used to grow oysters in mesh bags that are attached to a line and anchored to the substrate. Oysters will grow out for either 14 months in the bags, or be spread onto the beach after reaching a larger size.

On-Bottom Beach Oysters are oysters which are grown to maturity on tidal beaches with muddy, sandy or rocky bottoms. On-bottom beach oysters grow freely on the substrate with no need for equipment. They are harvested by hand and placed into oyster harvest bags. Oyster harvest bags are containers that can be easily lifted onto a marine vessel.

6c. Indicate the project category. (Check all that apply) [help]

☒ Commercial ☐ Residential ☐ Institutional ☐ Transportation ☐ Recreational
☐ Maintenance ☐ Environmental Enhancement

6d. Indicate the major elements of your project. (Check all that apply) [help]

☒ Aquaculture	☐ Culvert	☐ Float	☐ Retaining Wall (upland)
☐ Bank Stabilization	☐ Dam / Weir	☐ Floating Home	☐ Road
☐ Boat House	☐ Dike / Levee / Jetty	☐ Geotechnical Survey	☐ Scientific Measurement Device
☐ Boat Launch	☐ Ditch	☐ Land Clearing	☐ Stairs
☐ Boat Lift	☐ Dock / Pier	☐ Marina / Moorage	☐ Stormwater facility
☐ Bridge	☐ Dredging	☐ Mining	☐ Swimming Pool
☐ Bulkhead	☐ Fence	☐ Outfall Structure	☐ Utility Line
☐ Buoy	☐ Ferry Terminal	☐ Piling/Dolphin	
☐ Channel Modification	☐ Fishway	☐ Raft	

☐ Other:

6e. Describe how you plan to construct each project element checked in 6d. Include specific construction methods and equipment to be used. [help]

- Identify where each element will occur in relation to the nearest waterbody.
- Indicate which activities are within the 100-year floodplain.

Minimal construction is required for the aquaculture project. The equipment needed for the on-bottom bag culture described in section 6b will be brought to the property via Dungeness Bay by boat, assembled by hand and securely anchored to the substrate during low tide. The mesh bags are fastened to a line and the line is secured to the bottom using screw anchors.

6f. What are the anticipated start and end dates for project construction? (Month/Year) [help]

- If the project will be constructed in phases or stages, use JARPA Attachment D to list the start and end dates of each phase or stage.

Start date: March/2018 End date: On going ☐ See JARPA Attachment D

6g. Fair market value of the project, including materials, labor, machine rentals, etc. [help]

$50-70,000

6h. Will any portion of the project receive federal funding? [help]

- If yes, list each agency providing funds.

☐ Yes ☒ No ☐ Don't know

Part 7–Wetlands: Impacts and Mitigation

☐ Check here if there are wetlands or wetland buffers on or adjacent to the project area. (If there are none, skip to Part 8.) [help]

7a. Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [help]

☐ Not applicable

7b. Will the project impact wetlands? [help]

☐ Yes ☐ No ☐ Don't know

7c. Will the project impact wetland buffers? [help]

☐ Yes ☐ No ☐ Don't know

7d. Has a wetland delineation report been prepared? [help]

- **If Yes**, submit the report, including data sheets, with the JARPA package.

☐ Yes ☐ No

7e. Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? [help]

- **If Yes**, submit the wetland rating forms and figures with the JARPA package.

☐ Yes ☐ No ☐ Don't know

7f. Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands? [help]

- **If Yes**, submit the plan with the JARPA package and answer 7g.
- **If No, or Not applicable**, explain below why a mitigation plan should not be required.

☐ Yes ☐ No ☐ Not applicable

7g. Summarize what the mitigation plan is meant to accomplish, and describe how a watershed approach was used to design the plan. [help]

7h. Use the table below to list the type and rating of each wetland impacted, the extent and duration of the impact, and the type and amount of mitigation proposed. Or if you are submitting a mitigation plan with a similar table, you can state (below) where we can find this information in the plan. [help]

Activity (fill, drain, excavate, flood, etc.)	Wetland Name[1]	Wetland type and rating category[2]	Impact area (sq. ft. or Acres)	Duration of impact[3]	Proposed mitigation type[4]	Wetland mitigation area (sq. ft. or acres)

[1] If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report.
[2] Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package.
[3] Indicate the days, months or years the wetland will be measurably impacted by the activity. Enter "permanent" if applicable.
[4] Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/In-lieu fee (B)

Page number(s) for similar information in the mitigation plan, if available: _____

7i. For all filling activities identified in 7h, describe the source and nature of the fill material, the amount in cubic yards that will be used, and how and where it will be placed into the wetland. [help]

7j. For all excavating activities identified in 7h, describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. [help]

Part 8–Waterbodies (other than wetlands): Impacts and Mitigation

In Part 8, "waterbodies" refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [help]

☒ Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

8a. Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [help]

☒ Not applicable

Adverse impacts are not anticipated because on-bottom shellfish culture will occur in areas that have been farmed for over 60 years. Fallow areas with eelgrass will be avoided by establishing a 25ft buffer for all farming activities. Gear will be clearly labeled and patrolling will happen twice a month to locate and remove any derelict gear.

All conditions of the 2016 Programmatic Biological Opinions will be followed.

8b. Will your project impact a waterbody or the area around a waterbody? [help]

☒ Yes ☐ No

8c. Have you prepared a mitigation plan to compensate for the project's adverse impacts to non-wetland waterbodies? [help]

- **If Yes**, submit the plan with the JARPA package and answer 8d.
- **If No, or Not applicable**, explain below why a mitigation plan should not be required.

☐ Yes ☐ No ☒ Not applicable

We do not believe project activities will have any adverse impacts to the adjacent waterbody (Dungeness Bay). Because oysters are filter feeders, there will perhaps be a positive effect to water quality in Dungeness Bay.

8d. Summarize what the mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.

- If you already completed 7g you do not need to restate your answer here. [help]

NA

8e. Summarize impact(s) to each waterbody in the table below. [help]

Activity (clear, dredge, fill, pile drive, etc.)	Waterbody name[1]	Impact location[2]	Duration of impact[3]	Amount of material (cubic yards) to be placed in or removed from waterbody	Area (sq. ft. or linear ft.) of waterbody directly affected
On-Bottom Culture Bags	Dungeness Bay	In waterbody	Temporary: duration of project	75,000 – 150,000 culture bags	34 acres ≈ 1,481,040 sq ft

[1] If no official name for the waterbody exists, create a unique name (such as "Stream 1") The name should be consistent with other documents provided.
[2] Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain.
[3] Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter "permanent" if applicable.

8f. For all activities identified in 8e, describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody. [help]

Not applicable. No fill material will be used in this project.

8g. For all excavating or dredging activities identified in 8e, describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed. [help]

Not applicable. No dredging or excavating activities will occur as part of this project.

Part 9–Additional Information

Any additional information you can provide helps the reviewer(s) understand your project. Complete as much of this section as you can. It is ok if you cannot answer a question.

9a. If you have already worked with any government agencies on this project, list them below. [help]

Agency Name	Contact Name	Phone	Most Recent Date of Contact
DNR	Sean Carlson	(360)732-7411	November 28th 2017
Army Corps	Matthew Bennette	(206)764-3428	December 12th 2017
		( )	

9b. Are any of the wetlands or waterbodies identified in Part 7 or Part 8 of this JARPA on the Washington Department of Ecology's 303(d) List? [help]

- **If Yes,** list the parameter(s) below.
- If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: http://www.ecy.wa.gov/programs/wq/303d/.

☐ Yes ☒ No

9c. What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [help]

- Go to http://cfpub.epa.gov/surf/locate/index.cfm to help identify the HUC.

17110020

9d. What Water Resource Inventory Area Number (WRIA #) is the project in? [help]

- Go to http://www.ecy.wa.gov/services/gis/maps/wria/wria.htm to find the WRIA #.

18

9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [help]

- Go to http://www.ecy.wa.gov/programs/wq/swqs/criteria.html for the standards.

☒ Yes ☐ No ☐ Not applicable

9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [help]

- If you don't know, contact the local planning department.
- For more information, go to: http://www.ecy.wa.gov/programs/sea/sma/laws_rules/173-26/211_designations.html.

☐ Rural ☐ Urban ☐ Natural ☒ Aquatic ☐ Conservancy ☐ Other _____

9g. What is the Washington Department of Natural Resources Water Type? [help]

- Go to http://www.dnr.wa.gov/forest-practices-water-typing for the Forest Practices Water Typing System.

☒ Shoreline ☐ Fish ☐ Non-Fish Perennial ☐ Non-Fish Seasonal

9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [help]

- If No, provide the name of the manual your project is designed to meet.

☐ Yes ☒ No Not applicable.

Name of manual:

9i. Does the project site have known contaminated sediment? [help]

- If Yes, please describe below.

☐ Yes ☒ No

9j. If you know what the property was used for in the past, describe below. [help]

Oyster Farming in Dungeness Bay

The Jamestown S'Klallam Tribe purchased the assets of an existing oyster farm on a DNR aquaculture lease in Dungeness Bay in 1990. The history of oyster farming prior to that time has been derived from various documents currently available.

1953: The oyster farm operation was owned by a succession of private owners prior to 1953.The first lease of tidelands for the purpose of oyster farming occurred in 1953. At that time oyster seed was brought from Japan (*Crassostrea gigas*) since Olympia oysters had been harvested out of Washington waters.

1964: In 1964 Mr. Joe Engman of Sequim became the owner, under the name D.C Oyster Farms. (The Tribe purchased the assets of this company in 1990.)

1968: Oysters were grown as "bottom culture", using seed naturally spawned and set on oyster shell in Quilcene and Dabob Bays. The mature oysters (2 to 3 years) were harvested by hand or by an oyster "dredge", sometimes referred to as a shallow dredge, on a barge-like boat.

1970-71: In 1970-71, according to a letter to the editor by Mr. Engman, the Washington State Department of Fisheries conducted a study of the impact of oyster farming on Dungeness crab, clams, and soil erosion. He states that there were no harmful effects from 17 years of oyster farming.

1972: D.C. Oyster Farm began growing oysters by "long-line", meaning the oyster shell containing oyster seed is hung from a line about 2 feet off the ground, strung on pvc pipe set into the substrate. They strung 100,000 shells with seed on them according to Mr. Engman. They also continued with bottom culture.

1988: WA Department of Natural Resources did not renew Mr. Engman's lease, pending Mr. Engman conducting an official survey of the tideland lease boundaries.

February 1990: Nancy Curry, Refuge Manager of the US Fish and Wildlife Service Coastal Refuge Office wrote a letter to the State Department of Natural Resources stating they had no objection to renewing the tideland lease to the Tribe. However they requested several conditions including, that the restriction of oyster culture to landward of eelgrass beds be retained in the new lease, that the operation be conducted in such a manner as to minimize interference with waterfowl, and that harvest be by hand or shallow dredge. The letter repeats that it is imperative that no eelgrass beds be lost.

August 1990: The Tribe purchased the assets of the company and continued bottom culture and the shucking operation. We formed a company called JKT Oyster Company, Dungeness Oyster House. Harvesting was done by hand and by dredge, of the oysters already on the tidelands. We planted bottom culture. We gradually expanded the long-line culture area on the inside of the main Dungeness Spit.

Water Quality in Dungeness Bay: The Washington Department of Health Shellfish Program was responsible for insuring that the water in which shellfish for human consumption are grown meets rigorous federal and state standards. The standards are based primarily on levels of fecal coliform bacteria, either found in the water or have a high likelihood to be there do to upland conditions. Multiple years of data were collected (30 sample dates, taken either monthly or bi-monthly) and analyzed. Water samples were collected throughout the inner and outer Bay

1995: the State Department of Health (DOH) warned that water quality was deteriorating in the Bay. The Tribe initiated monitoring of fresh water inputs to the Bay, to identify potential sources of fecal coliform. Over the years the Tribe was joined by Clallam County, Clallam Conservation District, Washington Department of Ecology, Washington Department of Health and Battelle Marine Laboratory to conduct a robust series of monitoring and assessments of pollution sources, controls and fixes.

1997: DOH closed shellfish harvesting at NW corner of the lease due to elevated fecal coliform levels. They issued a warning that water quality elsewhere in the Bay was close to failing the standards.

1999: DOH closed shellfish harvest in front of the dock and shucking plant, and on Graveyard Spit due to water monitoring failing fecal coliform standards. The Tribe stopped planting oysters and closed the shucking plant.

2003: The DOH closed shellfish harvest in the inner Bay from November through January, based on analysis that those months were the ones contributing to the failing fecal coliform levels.

2005: The oyster farm was closed, and remnant PVC pipe and rope were removed from the inner Bay tidelands. However, the Tribe continued to cultivate a low number of oysters and lease the 50 acre parcel on the main Dungeness Spit while concurrently contributing their efforts to improve water quality in Dungeness Bay.

2015 to present: Improvements in water quality in recent years led to DOH upgrades for shellfish growing in the bay. These upgrades motivated the Tribe to utilize their current DNR lease agreement to increase oyster cultivation on the parcel. The Tribe has been working with the appropriate regulatory agencies to acquire growing permits to utilize the DNR lease they have held and renewed since 1990.

9k. Has a cultural resource (archaeological) survey been performed on the project area? [help]

- **If Yes**, attach it to your JARPA package.

☒ Yes ☐ No

9l. Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [help]

Murrelet, marbled - only a single sighting
Salmon, Chinook Puget Sound ESU
Steelhead Puget Sound DPS
Trout, bull U.S.A.
Whale, killer Southern Resident DPS

9m. Name each species or habitat on the Washington Department of Fish and Wildlife's Priority Habitats and Species List that might be affected by the proposed work. [help]

See Biological Opinion:
http://www.nws.usace.army.mil/Portals/27/docs/regulatory/160907/USFWS_Final%20BiOp_AQ%2020160826.pdf

Part 10–SEPA Compliance and Permits

Use the resources and checklist below to identify the permits you are applying for.

- Online Project Questionnaire at http://apps.oria.wa.gov/opas/.
- Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.
- For a list of addresses to send your JARPA to, click on agency addresses for completed JARPA.

10a. Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.) [help]

- For more information about SEPA, go to www.ecy.wa.gov/programs/sea/sepa/e-review.html.

☐ A copy of the SEPA determination or letter of exemption is included with this application.

☒ A SEPA determination is pending with Clallam County (lead agency). The expected decision date is March 2018.

☐ I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) [help]

☐ This project is exempt (choose type of exemption below).

☐ Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt? _____

☐ Other: _____

☐ SEPA is pre-empted by federal law.

10b. Indicate the permits you are applying for. (Check all that apply.) [help]

LOCAL GOVERNMENT

Local Government Shoreline permits:

☒ Substantial Development ☒ Conditional Use ☐ Variance

☐ Shoreline Exemption Type (explain): _____

Other City/County permits:

☐ Floodplain Development Permit ☐ Critical Areas Ordinance

STATE GOVERNMENT

Washington Department of Fish and Wildlife:

☐ Hydraulic Project Approval (HPA) ☐ Fish Habitat Enhancement Exemption – Attach Exemption Form

You must submit a check for $150 to Washington Department of Fish and Wildlife, unless your project qualifies for an exemption or alternative payment method below. **Do not send cash.**

Check the appropriate boxes:

☐ $150 check enclosed. Check #_____
Attach check made payable to Washington Department of Fish and Wildlife.

☒ My project is exempt from the application fee. (Check appropriate exemption) Tribe
- ☐ HPA processing is conducted by applicant-funded WDFW staff.
  Agreement #_____
- ☐ Mineral prospecting and mining.
- ☐ Project occurs on farm and agricultural land.
  (Attach a copy of current land use classification recorded with the county auditor, or other proof of current land use.)
- ☐ Project is a modification of an existing HPA originally applied for, prior to July 10, 2012.
  HPA #_____

Washington Department of Natural Resources:

☒ Aquatic Use Authorization
Complete JARPA Attachment E and submit a check for $25 payable to the Washington Department of Natural Resources.
Do not send cash.

Washington Department of Ecology:

☐ Section 401 Water Quality Certification

FEDERAL GOVERNMENT

United States Department of the Army permits (U.S. Army Corps of Engineers):

☒ Section 404 (discharges into waters of the U.S.) ☒ Section 10 (work in navigable waters)

☐ Other:

United States Coast Guard permits:

☐ Private Aids to Navigation (for non-bridge projects)

Part 11–Authorizing Signatures

Signatures are required before submitting the JARPA package. The JARPA package includes the JARPA form, project plans, photos, etc. [help]

11a. Applicant Signature (required) [help]

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application. ___RA_____ (initial)

By initialing here, I state that I have the authority to grant access to the property. I also give my consent to the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project. ___RA_____ (initial)

Ron Allen	W. Ron Allen	12/27/17
Applicant Printed Name	Applicant Signature	Date

11b. Authorized Agent Signature [help]

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities and I agree to start work only after all necessary permits have been issued.

Ralph Riccio	Ralph W Riccio	12/27/2017
Authorized Agent Printed Name	Authorized Agent Signature	Date

11c. Property Owner Signature (if not applicant) [help]
Not required if project is on existing rights-of-way or easements.

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

See Attachment E

Property Owner Printed Name	Property Owner Signature	Date

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years or both.

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORIA publication number: ENV-019-09 rev. 09/2015

US Army Corps of Engineers • Seattle District

WASHINGTON STATE
Joint Aquatic Resources Permit Application (JARPA) [help]

Attachment E:
Aquatic Use Authorization on Department of Natural Resources (DNR)-managed aquatic lands [help]

AGENCY USE ONLY
Date received: 12/27/17_____; ☐ Town
☐ Application Fee Received; ☒ Fee N/A
☐ New Application; ☒ Renewal Application
Type/Prefix #: 20 ; NaturE Use Code:___
LM Initials & BP#: S. Carlson_____
RE Assets Finance BP#:_____
New Application Number: 20-B13012_____
Trust(s):_____; County:_____
AQR Plate #(s):_____
Gov Lot #(s):_____
Tax Parcel #(s):_____

Complete this attachment and submit it with the completed JARPA form only if you are applying for an Aquatic Use Authorization with DNR. Call (360) 902-1100 or visit http://www.dnr.wa.gov/programs-and-services/aquatics/leasing-and-land-transactions for more information.

- DNR recommends you discuss your proposal with a DNR land manager before applying for regulatory permits. Contact your regional land manager for more information on potential permit and survey requirements. You can find your regional land manager by calling (360) 902-1100 or going to http://www.dnr.wa.gov/programs-and-services/aquatics/aquatic-districts-and-land-managers-map. [help]
- The applicant may not begin work on DNR-managed aquatic lands until DNR grants an Aquatic Use Authorization.
- Include a $25 non-refundable application processing fee, payable to the "Washington Department of Natural Resources." (Contact your Land Manager to determine if and when you are required to pay this fee.) [help]

DNR may reject the application at any time prior to issuing the applicant an Aquatic Use Authorization. [help]

Use black or blue ink to enter answers in white spaces below.

1. Applicant Name (Last, First, Middle)	
Ron, Allen	
2. Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [help]	
Jamestown S'Klallam Tribe	
3. Phone Number and Email	
360-681-4630, rriccio@jamestowntribe.org	
4. Which of the following applies to Applicant? Check one and, if applicable, attach the written authority – bylaws, power of attorney, etc. [help]	
☐ Corporation ☐ Limited Partnership ☐ General Partnership ☐ Limited Liability Company Home State of Registration: _____	☐ Individual ☐ Marital Community (Identify spouse): _____ ☒ Government Agency ☐ Other (Please Explain): _____

5. Washington UBI (Unified Business Identifier) number, if applicable: [help]
6. Are you aware of any existing or previously expired Aquatic Use Authorizations at the project location?
☒ Yes ☐ No ☐ Don't know If Yes, Authorization number(s): **20-A13012**
7. Do you intend to sublease the property to someone else?
☐ Yes ☒ No If Yes, contact your Land Manager to discuss subleasing.
8. If fill material was used previously on DNR-managed aquatic lands, describe below the type of fill material and the purpose for using it. [help]
Not applicable.

To be completed by DNR and a copy returned to the applicant.

Signature for projects on DNR-managed aquatic lands:

Applicant must obtain the signature of DNR Aquatics District Manager OR Assistant Division Manager if the project is located on DNR-managed aquatic lands.

I, a designated representative of the Dept. of Natural Resources, am aware that the project is being proposed on Dept. of Natural Resources-managed aquatic lands and agree that the applicant or his/her representative may pursue the necessary regulatory permits. My signature does not authorize the use of DNR-managed aquatic lands for this project.

Dennis Clark	Dennis Clark	12/27/17
Printed Name	**Signature**	**Date**
Dept. of Natural Resources ~~District Manager or~~ Assistant Division Manager	Dept. of Natural Resources District Manager or Assistant Division Manager	

Note: replaces previous Attachment E signed 1/31/17.