

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

REGULAR AGENDA REQUEST

TO: Board of County Commissioners

FROM: Mark McCauley, County Administrator

DATE: May 20, 2024

SUBJECT: Point No Point Treaty Council Letter Regarding the Trust Land Transfer Program

STATEMENT OF ISSUE:

Earlier this year, Jefferson County applied to the Washington State Department of Natural Resources (DNR) to receive four tracts of forested land under the Trust Land Transfer (TLT) Program. Our application survived the first cut and will now be evaluated by the Trust Land Transfer Advisory Committee. DNR is accepting letters of support through May 15, 2024.

ANALYSIS:

On May 13, 2024 the County received a letter from Randy Harder, Executive Director of the Point No Point Treaty Council. In the letter he voices concern that the Port Gamble S'Klallam and Jamestown S'Klallam Tribes were only notified of these potential land transfers on April 23, 2024 and have not had sufficient time to consider the implications of the transfers or have government to government consultations. They are requesting an extension of the DNR response deadline to August 24, 2024.

In addition, they are requesting that the County engage with local Tribes before proposing transfers under the TLT Program.

FISCAL IMPACT:

None.

RECOMMENDATION:

That the Board discuss the letter and potentially take action.

REVIEWED BY:



Mark McCauley, County Administrator

Date 5/13/24



Point No Point Treaty Council

Port Gamble S'Klallam • Jamestown S'Klallam

5/10/2024

Mark McCauley
Jefferson County Administrator
P.O. Box 1220
Port Townsend, WA 98368

RE: Jefferson County Trust Land Transfer applications for the 2025-27 biennium

Mr. Mark McCauley,

On April 23, 2024 the Port Gamble S'Klallam Tribe and Jamestown S'Klallam Tribe received an email from DNR informing us that four parcels proposed for Trust Land Transfer (TLT) to Jefferson County met the best interest of DNR's trust responsibilities and would be considered in the 2025-27 biennium.

The proposed transfers were not preceded by any outreach to either Tribe and were unknown to the Tribes before April 23. This is deeply disappointing because repeated assurances were given that receiving agencies would consult with affected Tribes in the TLT process. Now, we are being asked to support or oppose the projects by May 15. Both Tribes hope to support the TLT process, encourage local conservation efforts, and increase the net amount of public lands in Jefferson County, but have significant concerns regarding the possible impact of the TLT process on treaty rights, and do not support any impact on hunting and gathering rights on these parcels. We are concerned with any impermissible deed or use restrictions which would infringe on rights reserved in the Treaty of Point No Point.

In order to ensure we have time to appropriately review the four proposals, the documents associated with the proposals, and potential for treaty restrictions due to the TLT transfer the Tribes are requesting an extension to August 24, 2024 to submit responses to DNR. We hope this will provide the Tribes and County with sufficient time for government-to-government consultation regarding the potential impacts of Jefferson County's proposed transfers. Of particular concern any restrictions that would interfere with treaty rights, such as limitations on tribal access for hunting or gathering, or any use restriction that interferes with the full exercise of treaty rights.

We will require that the reserved Treaty Rights will explicitly remain intact on these parcels in perpetuity, or until abrogated by an act of Congress. If the County is unwilling or unable to meet under this tight timeline, we will have no choice besides objecting to all four proposals. We would like to schedule a government-to-government meeting as soon as possible to discuss our concerns and begin developing solutions and the required assurances.

In the future, we request that Jefferson County engage with local Tribes *before* parcels are proposed for transfer. We are requesting of DNR that in future TLT cycles, Tribes be given 6 months from being notified of the projects that meet DNR's trust obligations to an official response. This longer time frame will allow Tribes to meaningfully engage with receiving agencies before providing a response.

Sincerely,

A handwritten signature in black ink that reads "Randy Harder". The signature is written in a cursive, flowing style.

Randy Harder, Executive Director
Point No Point Treaty Council

CC: Hansi Hals, Jamestown S'Klallam Tribe, Natural Resources Director
Roma Call, Port Gamble S'Klallam Tribe, Natural Resources Director
Kate Dean, Jefferson County Commissioner, District 1
Heidi Eisenhour, Jefferson County Commissioner, District 2
Greg Brotherton, Jefferson County Commissioner, District 3
Patrick DePoe, DNR Tribal Liaison
Kenny Ocker, Trust Land Transfer Program Manager
Hillary Franz, Commissioner of Public Lands