



SPECIAL COMMISSION MEETING
Tuesday, January 7, 2025, at 9:00 am
338 W. First St, Port Angeles, WA 98362
AGENDA

The Regular Commission Meeting will be available to the public in person and remotely. For instructions on how to connect to the meeting remotely, please visit <https://portofpa.com/about-us/agenda-center/>

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

II. EARLY PUBLIC COMMENT SESSION (TOTAL SESSION UP TO 20 MINUTES)

III. OTHER BUSINESS

Public Hearing

A. Public Hearing to Declare Property Surplus and Comp Scheme Amendment – Resolution 25-1314

1. Open Public Hearing
2. Staff Presentation
3. Public Comment
4. Commission Consideration & Possible Action on Resolution 25-1314

IV. NEXT MEETINGS

- A. January 9, 2025 – Special Joint Commission Meeting at Tribal Justice Center
10:00 am – 341 Spokwes Drive, Port Angeles, WA 98363
- B. January 14, 2025 – Regular Commission Meeting
- C. January 28, 2025 – Regular Commission Meeting
- D. February 11, 2025 – Regular Commission Meeting
- E. February 25, 2025 – Regular Commission Meeting
- F. March 11, 2025 – Regular Commission Meeting

V. UPCOMING EVENTS

BROWN BAG LUNCH AND OPEN DISCUSSION WITH THE COMMISSION *(TIME PERMITTING)*

VI. EXECUTIVE SESSION

The Board may recess into Executive Session for those purposes authorized under Chapter 42.30 RCW, The Open Public Meetings Act.



VII. ADJOURN

RULES FOR ATTENDING COMMISSION MEETING

- Signs, placards, and noise making devices including musical instruments are prohibited.
- Disruptive behavior by audience members is inappropriate and may result in removal.
- Loud comments, clapping, and booing may be considered disruptive and result in removal at the discretion of the Chair.

RULES FOR SPEAKING AT A COMMISSION MEETING

- Members of the public wishing to address the Board on general items may do so during the designated times on the agenda or when recognized by the Chair.
- Time allotted to each speaker is determined by the Chair and, in general, is limited to 3 minutes.
- Total time planned for each public comment period is 20 minutes, subject to change by the Chair.
- All comments should be made from the speaker's rostrum and any individual making comments shall first state their name and address for the official record.
- Speakers should not comment more than once per meeting unless their comments pertain to a new topic they have not previously spoken about.
- In the event of a contentious topic with multiple speakers, the Chair will attempt to provide equal time for both sides.

**ITEM FOR CONSIDERATION
BY THE
BOARD OF PORT COMMISSIONERS**

January 3, 2025

**SUBJECT: Surplus of Real Property & Amendment of the Port's
Comprehensive Scheme of Harbor Improvements**

STAFF LEAD: Chris Hartman, Director of Engineering

RCW & POLICY REQUIREMENTS:

Per RCW 53.080.090, the Port Commission must declare real property no longer needed for district purposes by resolution before sale or transfer.

Per RCW 53.20.020, amendments to the Comprehensive Scheme of Harbor improvements to add and delete property must be accomplished by public hearing with 10 days' notice provided in the newspaper of general circulation.

BACKGROUND:

In 2022, the Port was a successful recipient of \$8.6 million of Port Infrastructure Development Program (PIDP) funds from the United States Department of Transportation Maritime Administration (MARAD) to make safety, environmental, and efficiency improvements to the Port's Intermodal Handling and Transfer Facility (IHTF, aka Log Yard) to sort and transfer forest products more efficiently through the Port. This federally funded work includes regrading and paving a little over ten (10) acres of the IHTF and making repairs and improvements to the Cofferdam Barge facility.

MARAD, as the federal funding agency, is responsible for complying with Section 106 of the National Historic Preservation Act (NHPA). Section 106 of the NEPA process requires MARAD to consult with the Washington State Department of Archaeology and Historic Preservation (DAHP), Federally Recognized Tribes, and sometimes other project-related stakeholders.

Early on, it was recognized that the proposed project could adversely impact properties on or eligible to be on the National Register of Historic Places (NRHP). To ensure all project effects were considered and adequately mitigated, the Port and the Lower Elwha Klallam Tribe (LEKT) engaged in routine meetings that included Tribal Counsel, the Port Commission President, and the Port Team.

Throughout these meetings, the Port and LEKT discussed and came to an understanding regarding the site's cultural significance and the community-wide positive impacts of

making the proposed improvements. To support the project moving forward, the Port and Tribe developed a Memorandum of Agreement (MOA) that balances cultural resource preservation with the continued use of and improvements to the Port's IHTF.

ANALYSIS:

The MOA details an exchange of properties between the Port and the LEKT. The LEKT will receive 6.1 acres for cultural stewardship and protection. The Port will receive 0.8 acres with associated stormwater infrastructure. The infrastructure will be critical for stormwater management of the IHTF and surrounding property.

To accomplish this exchange, the Port must adopt a resolution declaring the property surplus to its needs, and then amend the Port's Comprehensive Scheme of Harbor Improvements with the deletion of the 6.1 acres and adding the 0.8 acres along with its associated infrastructure.

RECOMMENDED ACTION:

Introduce Resolution 25-001 – Surplus of Real Property and amendment of the Port's Comprehensive Scheme of Harbor Improvements.

A Resolution of the Port of Port Angeles Commission, Port Angeles Washington pursuant to RCW 53.08.090 and RCW 53.20.020 declaring certain real property surplus to its needs due to the unique characteristics of that Property, which will allow a future planned action to transfer the property to the Lower Elwha Klallam Tribe in exchange for the LEKT transferring to the Port three stormwater ponds and to amend the Port's Comprehensive Scheme of Harbor Improvements to add and delete the properties accordingly.

WHEREAS, the U.S. Department of Transportation (DOT) Maritime Administration (MARAD) plans to provide funding through a MARAD FY 2022 Port Infrastructure Development Program (PIDP) grant to the Port of Port Angeles (Port) for the Intermodal Handling & Transfer Facility Project (Undertaking or Project); and

WHEREAS, MARAD is responsible for complying with Section 106 of the National Historic Preservation Act (54 U.S.C. § 300101), (NHPA) with respect to this undertaking and consulted with the Washington State Historic Preservation Officer (SHPO or DAHP¹, as defined herein below) pursuant to 36 C.F.R Part 800; and

WHEREAS, the Undertaking will be located in the city of Port Angeles, Clallam County, Washington at the Port's Terminal 7 with an approximate address of 1301 Marine Drive, Port Angeles, Washington; and

WHEREAS, the Undertaking will consist of the following Project components: site grading and resurfacing approximately 10 acres with asphalt pavement; installing aboveground biofiltration treatment system with pretreatment tanks, biofiltration cell, polishing cell, and associated aboveground piping and appurtenances; and

WHEREAS, pursuant to Section 106 of the NHPA and its implementing regulations, 36 C.F.R Part 800, MARAD is required to consider the effects of the Undertaking on properties included in or eligible for inclusion in the National Register of Historic Places (NRHP), and to consult with the SHPO; and

WHEREAS, MARAD, as the Lead Federal Agency for the purposes of complying with Section 106 of the NHPA, complied with Section 106 of the NHPA as memorialized by a Memorandum of Agreement (MOA or Agreement); and

WHEREAS, MARAD, in consultation with the State Historic Preservation Office (SHPO), the Lower Elwha Klallam Tribe (LEKT), and the Port, has determined that the Undertaking will have an adverse effect on an adjacent NRHP-listed archaeological site pursuant to 36 C.F.R. Part 800, of the regulations implementing Section 106 of the NHPA; and

WHEREAS, the State, Port, and LEKT are parties to the *Settlement Agreement among the State of Washington, Lower Elwha Klallam Tribe, City*

¹ The SHPO is the director of the Department of Archaeology and Historic Preservation, or DAHP, Washington State's primary agency with knowledge and expertise in historic preservation.

of Port Angeles, and Port of Port Angeles, dated August 14, 2006 (the “4 Party Agreement”) concerning the preservation and protection of that NRHP-listed archaeological site; and

WHEREAS, in Section 2 of the 4 Party Agreement, the State, Port, and LEKT agreed to cooperate with the preservation and use of the stormwater treatment ponds along the western boundary of the property transferred to the Tribe in Section 3 of the 4 Party Agreement (consisting of a portion of the NRHP-listed archaeological site; and

WHEREAS, in Sections 8, 9, and 10 of the 4 Party Agreement, the State, Port, and LEKT agreed on protocols for the identification of archeological resources, project permitting, mitigation, and disposition of artifacts and human remains located within the geographic scope of the 4 Party Agreement; and

WHEREAS, LEKT agreed to be a signatory to the agreement, the Jamestown S’Klallam Tribe and Suquamish Tribe responded, both deferring to LEKT; and

WHEREAS, MARAD, the Port, LEKT, and SHPO (hereinafter referred to together as Consulting Parties) all agreed to be signatories to the Grant funding MOA; and

WHEREAS, MARAD, pursuant to 36 CFR § 800.6(a)(4), provided the public an opportunity to comment on the MOA and has considered the recommendations of the public and reviewing agencies in the preparation of the MOA; and

WHEREAS, MARAD, the Port, LEKT, and SHPO have consulted and agree that the Port’s Undertaking shall be implemented in accordance with the stipulations contained in the MOA in order to take into account the effect of the Undertaking on historic properties, and

WHEREAS, one stipulation in the MOA is that the Port’s agreement to transfer to the LEKT the “Protection Area” property (“Protection Area” or “Property”), which is approximately 6.13 acres at the Port’s Terminal 7 with an approximate address of 1301 Marine Drive, Port Angeles, Washington, and that the Port will take all necessary steps to create a separate parcel consisting of the Protection Area with boundaries as depicted in the MARAD MOA, preparation of deed, and transfer title from the Port to the LEKT, and that prior to transfer, the Port will remove from the Protection Area the existing storage warehouse building, office Conex, travel trailer, truck weigh scale, existing paving, quarry spalls, and bark and woody debris.

WHEREAS, pursuant to RCW 53.08.090, Port has determined that it is appropriate that the Protection Area be declared surplus and transferred to the LEKT in order to take into account the effect of the Undertaking on historic properties pursuant to 36 C.F.R. Part 800, of the regulations implementing Section 106 of the NHPA;

WHEREAS, the Port Executive Director has certified the Protection Area to be surplus to the Port’s need on this basis, and

WHEREAS, because the estimated value of the real property proposed to be declared surplus exceeds \$22,000, this action requires Commission approval, and

WHEREAS, the MOA also provides that the LEKT agrees to transfer to the Port three stormwater ponds located adjacent to the Northwest property line of the LEKT's property ("Storm Pond Property");

WHEREAS, pursuant to RCW 53.08.090, the property which is part of the Port's Comprehensive Scheme of Harbor Improvements or modification thereof shall not be disposed of until the comprehensive scheme has been modified to find the property surplus to port needs, after public notice and hearing as provided by RCW 53.20.020; and

WHEREAS, public notice was given and a public hearing was held as required by statute.

NOW, THEREFORE, be it resolved by the Port of Port Angeles Commission that:

1. The Protection Area Property is no longer needed for Port District purposes due to the unique characteristics of the Property, is surplus to the Port's needs, and the transfer of ownership of said Property to the LEKT is in the public interest conditioned upon the Port's and LEKT's future approval of the MOA.
2. The Port's Comprehensive Scheme shall be, and is hereby amended to:
 - i. remove the property from the Port's Comprehensive Scheme of Harbor Improvements to permit the proposed transfer of the Protection Area Property to the LEKT for the uses stated in the MARAD MOA, and
 - ii. is further amended to add the Stormwater Pond Property; both amendments are conditioned upon the Port's and LEKT's future approval of the MOA.

ADOPTED by a majority of the members of the Port of Port Angeles Commission at Special Meeting held on the ___ day of _____, a majority of the members being present and voting on this resolution and signed by its President and attested by its Secretary under the official seal of said Commission in authentication of its passage this ___ day of January 2025.

PORT OF PORT ANGELES
BOARD OF COMMISSIONERS

Connie L. Beauvais, President

Colleen M. McAleer, Vice President

Steve D. Burke, Secretary