

PORT ANGELES HARBOR TRUSTEE COUNCIL RESOLUTION NO. 11 AMENDMENT

ADOPTED May 2024

The Trustee Council consists of the Washington State Department of Ecology; the Lower Elwha Klallam Tribe; the Port Gamble S’Klallam Tribe; the Jamestown S’Klallam Tribe; the U.S. Department of the Interior, represented by the U.S. Fish and Wildlife Service; and the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce.

The Trustee Council is operating under the 2021 MOA *Relating to Port Angeles Harbor Natural Resources Restoration Planning & Implementation (“Restoration MOA”)*, which was fully executed on November 22, 2021. That MOA provides the framework of coordination and cooperation for the Trustees in natural resources restoration planning and implementation associated with the Port Angeles Harbor. It is intended to supplement the 2012 Trustee MOA (*“Natural Resource Trustees Memorandum of Agreement for the Port Angeles Harbor”*), which remains fully in effect for the purposes for which it was entered into, including assessment of damages for injuries to natural resources resulting from contamination at or from facilities in the Port Angeles Harbor and assertion of claims against Potentially Responsible Parties (PRPs).

Pursuant to the 2012 MOA, the Trustees entered into two Consent Decrees with certain PRPs, under which the Trustees received funds from the PRPs to be used for restoration of natural resources of Western Port Angeles Harbor. In conjunction with the Consent Decrees, the Trustees prepared a Draft Damage Assessment and Restoration Plan (DARP) addressing restoration alternatives for the affected natural resources. The Draft DARP was released for formal public review and comment on March 26, 2021, and the public comment period closed on April 26, 2021. The Trustee Council authorized the adoption of the Final DARP and its inclusion in the Administrative Record, along with a published notice announcing its public availability, via Trustee Council Resolution No. 9, which was fully executed on June 3, 2021. The restoration funds paid under the Consent Decrees are held in NRDAR Account #0668.

Pursuant to Section IV of the 2021 Restoration MOA, the Trustee Council is required to memorialize all authorizations of expenditures or obligations of restoration funds. The early action eelgrass transplantation authorized by original Resolution No. 11, signed by the Trustees in May 2023, did not occur.

NOW THEREFORE, IT IS HEREBY RESOLVED THAT: The Trustee Council approves the following disbursements of restoration funding from NRDAR Account #0668:

\$92,150.00 for early action eelgrass transplantation activities consistent with Figure 4 on page 23 of the Final DARP. The early action eelgrass transplantation activities are outlined in the memorandum dated April 25, 2024 from Matt Beirne, Lower Elwha Klallam Tribe NRD TC Representative, sent to the Port Angeles Harbor Natural Resources Trustee Council, regarding *Proposal to Utilize Western Port Angeles Harbor NRD Settlement Monies to Support PNNL Eelgrass Transplant Activities* (Attached as Appendix A). Eelgrass planting will be conducted in 2024 and 2026. A summary of those transplantation activities will be provided to the Trustee Council by October 1, 2024 and October 1, 2026. Eelgrass performance monitoring dives will be conducted in 2025 and 2027, followed by the completion of Monitoring Reports by October 1, 2025 and 2027.

By their signatures below, representatives of the Trustees hereby certify that this Resolution was adopted in compliance with decision-making procedures adopted by the Trustee Council.

This Resolution may be executed in counterparts. A copy with all original executed signature pages affixed shall constitute the original Resolution and be retained by the Lead Administrative Trustee.

THE WASHINGTON DEPARTMENT OF ECOLOGY

BY: Connie G. Hone ON: 4/30/2024

THE LOWER ELWHA KLALLAM TRIBE

BY: _____ ON: _____

THE PORT GAMBLE S'KLALLAM TRIBE

BY: _____ ON: _____

THE JAMESTOWN S'KLALLAM TRIBE

BY: _____ ON: _____

UNITED STATES FISH AND WILDLIFE SERVICE ON BEHALF OF THE DEPARTMENT OF THE INTERIOR

BY: _____ ON: _____

THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

BY: _____ ON: _____

THE WASHINGTON DEPARTMENT OF ECOLOGY

BY: _____

ON: _____

THE LOWER ELWHA KLALLAM TRIBE

BY:  _____

ON: 4-30-24

THE PORT GAMBLE S'KLALLAM TRIBE

BY: _____

ON: _____

THE JAMESTOWN S'KLALLAM TRIBE

BY: _____

ON: _____

UNITED STATES FISH AND WILDLIFE SERVICE ON BEHALF OF THE DEPARTMENT OF THE INTERIOR

BY: _____

ON: _____

THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

BY: _____

ON: _____

THE WASHINGTON DEPARTMENT OF ECOLOGY

BY: _____

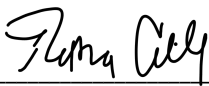
ON: _____

THE LOWER ELWHA KLALLAM TRIBE

BY: _____

ON: _____

THE PORT GAMBLE S'KLALLAM TRIBE

BY: 


ON: 4/30/2024

THE JAMESTOWN S'KLALLAM TRIBE

BY: _____


ON: _____

UNITED STATES FISH AND WILDLIFE SERVICE ON BEHALF OF THE DEPARTMENT OF THE INTERIOR

BY: 

ON: 30apr24

THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

BY: 

ON: 03 May 2024

THE WASHINGTON DEPARTMENT OF ECOLOGY

BY: _____

ON: _____

THE LOWER ELWHA KLALLAM TRIBE

BY: _____

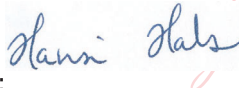
ON: _____

THE PORT GAMBLE S'KLALLAM TRIBE

BY: _____

ON: _____

THE JAMESTOWN S'KLALLAM TRIBE



Digitally signed by Hansi Hals
DN: cn=Hansi Hals, o=Jamestown
S'Klallam Tribe, ou=Natural Resources,
email=hhals@jamestowntribe.org,
c=US
Date: 2024.04.30 14:40:19 -07'00'

BY: _____

ON: April 30, 2024

UNITED STATES FISH AND WILDLIFE SERVICE ON BEHALF OF THE DEPARTMENT OF THE INTERIOR

BY: _____

ON: _____

THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

BY: _____

ON: _____



Lower Elwha Klallam Tribe

ʔəʔl̥x̥ʷə nəx̥ʷsʔay̥əm "The Strong People"

2851 Lower Elwha Road
Port Angeles, WA 98363

360.452.8471
360.452.3428

To: Port Angeles Harbor Natural Resources Trustee Council

From: Matt Beirne, Lower Elwha Klallam Tribe, NRD TC Representative

Date: April 25, 2024

RE: Proposal to utilize Western Port Angeles Harbor NRD Settlement monies to support PNNL Eelgrass transplant activities.

Summary

The Lower Elwha Klallam Tribe (Lower Elwha or the Tribe) requests \$92,150.00 from the Western Port Angeles Harbor NRD settlement funds to complete the planting of eelgrass (*Zostera marina*) salvaged in 2017. The salvaged eelgrass propagated much more prolifically than expected, and this modest funding would enable the Tribe, in conjunction with its partner Pacific Northwest National Laboratory (Sequim, WA) (PNNL), to fully utilize the propagated plants. Eelgrass restoration is recognized as a significant restoration activity in the Western Port Angeles Harbor Damage Assessment and Restoration Plan. This project would run from May, 2024 (initial planting) through October 1, 2027 (submission of final Monitoring Report). The Tribe certifies that it has the capability to hold, administer, and account for the full funding amount over the duration of this project.

Background

In 2017, Lower Elwha led an effort, in collaboration with PNNL, to salvage eelgrass from the footprint of the U.S. Navy's proposed Transit Protection Pier (TPP), to be constructed along Ediz Hook within the U.S. Coast Guard Base. This eelgrass salvage was part of a broader Memorandum of Agreement (MOA) to mitigate for impacts of the TPP on tribal treaty rights and environmental conditions. The Jamestown S'Klallam and Port Gamble S'Klallam Tribes were also parties to this MOA.

In July 2017, the Tribe and PNNL harvested approximately 3,600 eelgrass turions and 3,927 surfgrass (*Phyllospadix serrulatus*) turions from the TPS footprint. Approximately 1350 eelgrass and all surfgrass turions were immediately planted along the central shoreline of inner Ediz Hook. The remaining plants were transported to PNNL and were planted in large outdoor saltwater recirculation tanks. The eelgrass plant material grew extraordinarily well in the tanks and expanded exponentially in the first year. The Tribe and PNNL completed three subsequent eelgrass planting efforts along inner Ediz Hook in 2020 (7,100 plants) and 2021 (9,160). The original 2,250 eelgrass turions planted in the outdoor tanks have given rise to over 25,000 turions – an eleven-fold increase that greatly exceeded expectations when salvage was conducted in 2017.

Eelgrass Planting Proposal – May 20-22, 2024 and April/ May 2026

Lower Elwha proposes to complete the multi-year eelgrass propagation effort by planting an estimated 6,000-9,000 eelgrass turions, with assistance from our PNNL partners, in May 2024. PNNL staff (divers and shore personnel) will require compensation under a 3-year contract with the Tribe. The cost of PNNL’s activities for 3 years is \$85,000.

The scope of work includes the following activities: (1) planting approximately one-half of the eelgrass turions remaining in the PNNL tanks this year (2024); (2) allowing the remaining plants in the tanks to propagate and expand in the tanks in year 2 (2025); and (3) conducting a final planting of the remaining plants in year 3 (2026). The Tribe’s contact at PNNL is not certain how many plants remain in the tanks, but a realistic estimate is that we would plant 7,000-10,000 turions this year. While this proposal allows for three planting days, we may be able to finish in two days, based on our experience in 2022, when we planted 9,000 turions in two days.

Tribal staff participating on the shore team, which prepares the eelgrass for planting, will be conducting this work under various grant-funded sources. However, due to the difficulty in accessing grant funding to support SCUBA related activities, the Tribe also requests funding to support a team of 2-3 LEKT Natural Resources divers to participate in eelgrass planting and annual dive surveys.

The primary recipient location for eelgrass planting is the shallow subtidal sites along the recently restored shoreline formerly occupied by the Cooke Aquaculture laydown area. This overwater fill feature had been present since at least the early 1920s (Figure 1). This site had been used in recent decades as an upland storage and operations center to support Atlantic salmon net pen operations by various seafood companies, most recently Cooke Aquaculture. This structure was fully removed in fall/ winter 2022 and the shoreline restored to a pocket beach configuration (Figure 2, simulated). The Tribe completed the planting of beach grass and native plants along the backbeach areas of the site, as the final phase of restoration. This eelgrass planting project will extend restoration into the subtidal area.



Figure 1. Former Cooke Aquaculture laydown area and associated derelict buildings.



Figure 2. Restored shoreline and proposed eelgrass planting area (marked in light blue).

Eelgrass Preparation & Planting Methods Summer 2024 & 2026

May 2024

Approximately half of the eelgrass turions located within the outdoor tanks at PNNL will be removed and transported in large coolers with fresh seawater to the staging area located near the restoration site. Plants will be transferred to holding tanks brought to the staging area. Pumps will be used to maintain flowing seawater through the tanks during the operation.

A shore team comprising tribal Natural Resources and PNNL staff will prepare the eelgrass turions for planting by attaching them to rebar segments that will anchor them within the sediment. Plants will first be sorted the plants and laid out flat in plastic tubs of seawater. Then plants will be counted into 20-shoot bundles, placed on an 18-inch rebar with the rhizomes running parallel to the rebar, and tied on loosely using a 4-foot length of hemp twine. Rebar will be placed on PVC frames, 5 to a frame, and the frames stored in coolers with seawater until delivery to the divers later in the day for planting.

The dive team, comprising two PNNL divers (and two tribal divers) will transport the racks of rebar to the planting sites and stage them at the bottom. One diver will remove the rebar segments from the rack and place them vertically into the sand along a planting line. The other diver will gently bury each segment into the substrate approximately one-inch, ensuring that the rhizomes are completely covered with sand.

Turion bundles will be planted by hand in densities of approximately 100 turions/ m². Rows of rebar will be spaced at 0.5m intervals with each line approximately ~2.5m long (four 0.5m rebar with a little space between them).



Figure 1. Preparing eelgrass turions for planting.

PNNL Eelgrass Propagation in Outdoor Tanks

PNNL will care for the remaining eelgrass plants in the outdoor tank(s) at its Sequim laboratory until the 2026 final planting effort. This will give the remaining eelgrass an opportunity to propagate (rhizome and seeds) and expand within the tanks, as in preceding years since 2017.

April/ May 2026

The remaining eelgrass plants (likely 6,000-9,000) within the PNNL outdoor tanks will be removed and transported to Ediz Hook in the manner described above. Eelgrass turions will be planted along inner Ediz Hook opportunistically in suitable areas located between central Ediz Hook and the aforementioned restored pocket beach (former Cooke Aquaculture site).

Performance Monitoring Summer 2025 & 2027

The Tribe will conduct dive surveys of eelgrass planting sites one year after each of the plantings in early summer (June-July) 2025 and 2027. Small ½ m² PVC quadrats will be used to estimate eelgrass densities at previous planting sites, as well as those planted in 2024. The condition of the plants (e.g. flowering, biofouling) and habitat characteristics (substrate grain size, *Ulva* competition, etc.) will also be noted.



Figure 4. Eelgrass planting site.

A brief summary report of the 2024 and 2026 eelgrass planting efforts will be provided to the Port Angeles Harbor Natural Resources Trustee Council by October 1, 2024 and 2026, respectively. Eelgrass monitoring dives will be completed approximately one year following each planting (June- July), followed by the completion and submission to the Trustee Council of Monitoring Reports by October 1, 2025 and 2027, respectively.

Funding Request:

PNNL Dive Planting, Eelgrass prep, and Care:	\$ 85,000
LEKT Dive Planting/Monitoring:	\$ 5,000
Supplies – 20” rebar segments (500) x 2 (2024/ 2026), jute twine	\$ 1,250
DNR Right of Entry Fees (5 Years)	\$ 900
Total Funding Request	\$ 92,150



Figure 5. Diver evaluating eelgrass

Funding Administration (Agent): Lower Elwha Klallam Tribe
Funding Recipient: Pacific Northwest National Laboratory, Sequim, WA.
Mechanism: PNNL under Contract with Lower Elwha Klallam Tribe
Projected Start Date: May 20, 2024.