

NONPOINT SOURCE ASSESSMENT REPORT HOH RIVER WATERSHED

JEFFERSON COUNTY, WASHINGTON WRIA 20



Submitted to:

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 10 TRIBAL ASSISTANCE PROGRAM

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Submitted by:

July 2026

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CONTENTS

OVERVIEW	<u>34</u>
INTRODUCTION	<u>45</u>
METHODOLOGY	<u>67</u>
Water Quality Monitoring Data	<u>78</u>
Equipment	<u>940</u>
Quality Assurance/Quality Control Protocols.....	<u>1044</u>
Geospatial Data Sources	<u>1415</u>
Historical Documentation	<u>1546</u>
Limitations & Assumptions	<u>1617</u>
LAND USE SUMMARY	<u>1617</u>
Forest Lands.....	<u>1617</u>
Developed Lands	<u>1920</u>
Residential.....	<u>1920</u>
Commercial.....	<u>1920</u>
Transportation	<u>2024</u>
Agricultural and Open Lands.....	<u>2223</u>
Other Land Cover Categories	<u>2223</u>
SURFACE AND GROUND WATER QUALITY	<u>2829</u>
Hoh Indian Reservation	<u>2829</u>
Historical Monitoring Program.....	<u>2830</u>
Wetlands and Aquatic Features	<u>3637</u>
Ground Water Standards	<u>3637</u>
Pollutants.....	<u>3738</u>
RESULTS	<u>3738</u>
Nonpoint Source Assessment.....	<u>4445</u>
Data Gaps in Historical Record	<u>4748</u>
Results Assessment	<u>4748</u>
DISCUSSION.....	<u>4849</u>
Temperature Impairments	<u>4849</u>
Dissolved Oxygen Patterns	<u>4951</u>
pH Depression.....	<u>5052</u>
Sediment Sources.....	<u>5152</u>
SELECTION OF BMPS.....	<u>5556</u>
Selection Process	<u>5556</u>
NPS CONTROL PROGRAMS	<u>5860</u>
EPA Programs	<u>5860</u>
Bureau of Indian Affairs Programs	<u>5860</u>
USDA Natural Resources Conservation Service Programs.....	<u>5860</u>
NOAA Fisheries Restoration Programs	<u>5961</u>
U.S. Fish and Wildlife Service Programs	<u>5961</u>
Washington Department of Ecology Programs.....	<u>6062</u>
Washington State Salmon Recovery Funding.....	<u>6062</u>
Jefferson County Conservation District.....	<u>6062</u>
North Pacific Coast Lead Entity	<u>6163</u>
Olympic Peninsula Conservation Organizations	<u>6264</u>

Regional Foundations and Funding Organizations	6365
Academic and Research Partnerships	6365
Volunteer and Community Organizations	6466
Coordination Mechanisms	6466
CONCLUSION.....	6567
Meeting EPA Section 319 Requirements	6567
REFERENCES	6769
APPENDICES	7570
ACRONYMS AND ABBREVIATIONS	7570

Lists of Tables and Figures

Table 1. Calibration and maintenance requirements for water quality equipment. 1314
Table 2. Current Land-Cover Composition in the Hoh River Watershed. 2526
Table 3. Hoh River Watershed hydrologic unit descriptions..... 2829
Table 4. List of monitoring sites conducted by the Hoh Tribe’s water quality monitoring program and their frequency and parameters. 3233
Table 5. List of monitored rivers and creeks in the Hoh River Watershed as outlined in the Hoh River monitoring program.. 3536
Table 6. Existing or potential pollutants throughout the Hoh River Watershed..... 3738
Table 7. Historical DO and pH impairments at high-risk creeks. 3940
Table 8. Monitoring sites in rivers and creeks of the Hoh River Watershed with impaired water quality from FY 2021-2025 that did not fully support designated uses..... 4243
Table 9. Impaired waterbodies within the HRW according to the Washington Department of Ecology’s 2022 Waterbody Assessment Cycle. 4344
Table 10. Summary of results of NPS category assessment for water quality monitoring sites. 5455
Table 11. Summary of potential contributors of NPS program implementation..... 5556
Table 12. Summary of previous or active BMPs addressing NPS pollution sources in the Hoh River Watershed..... 5759
Table 13. Summary of potential NPS funding sources. 6466
Figure 1. The Hoh Indian Reservation is located on the mouth of the Hoh River by the Pacific Ocean. 56
Figure 2. Hoh River Watershed Land Uses with potential for NPS pollution along water quality monitoring site waterways. 2425
Figure 3. Land coverage of the Hoh River Watershed. 2627
Figure 4. Land Coverage surrounding the Hoh Indian Reservation. 2728
Figure 5. Water quality monitoring sites in the Hoh River Watershed. Site numbers correspond to those found in Table 4. 3132

Figure 6. Noxious Weed Detections throughout the HRW with monitoring sites waterways
labeled. 4647

OVERVIEW

This assessment report aims to evaluate nonpoint source pollution throughout the Hoh River Watershed (HRW), which runs from multiple glaciers on Mount Olympus to the Pacific Ocean. The Hoh Tribe's Reservation is located off the mouth of the Hoh River. Its land base in trust and fees only comprises approximately 1% of the entire watershed, however, the Hoh Tribe aims to restore and protect Hoh River waterways in its entirety. The Hoh Indian Tribe retains treaty-reserved hunting, fishing, and gathering rights within the Tribe's Usual and Accustomed (U&A) area, which includes approximately 400 square miles of land and thousands of square miles of the Pacific Ocean. Within the U&A, the Hoh Tribe co-manages natural resources with the state of Washington. Members of the tribe depend on natural resources within their U&A for their cultural and economic values. Protecting and responsibly managing natural resources, such as fish, wildlife, cedar, and berries, in the Hoh River Watershed is of the utmost importance to the Hoh Tribe to ensure that resources are available for current and future generations to hunt, fish, and gather, as is their treaty-reserved right.

The Hoh Tribe's water monitoring program has collected water quality data for decades. This data provides the basis for establishing baselines, assessing nonpoint source (NPS) pollution, and understanding waterway impairments. HRW's top pollutant sources are temperature, dissolved oxygen (DO), pH, and turbidity. Potential NPS categories contributing to these water quality impairments include forestry, roads and highways, hydromodification, atmospheric deposition, invasives species, and natural resource extraction. These NPS categories are contributing to pollution that are slowly reducing the river or creek's ability to support aquatic life. This assessment will provide evidence of our pollution through historical water quality data collection, cultural knowledge, GIS analysis of landscape patterns, and review of historical documentation.

By documenting current conditions, identifying pollution sources, and establishing selection criteria for management practices, this assessment creates the roadmap for transitioning from documentation to action. The widespread and persistent impairments revealed through monitoring, from chronic temperature exceedances to severe acidification in some streams, demonstrate that natural recovery processes alone cannot restore water quality within timeframes necessary to protect treaty resources. This assessment provides the scientific justification and strategic framework for the comprehensive management program needed to restore and protect water quality from nonpoint source pollution throughout the Hoh Watershed.

INTRODUCTION

The Hoh Indian Reservation ~~encompasses 960 acres (1.5 square miles)~~ is located at the mouth of the Hoh River on the western coast of the Olympic Peninsula in Jefferson County, Washington. The reservation lands, established by Presidential Executive Order on September 11, 1893, sit where the Hoh River meets the Pacific Ocean, containing 5.30 miles of rivers and streams, 1.76 miles of coastline, 2.97 acres of lakes and ponds, 19.6 acres of estuary, and 17.1 acres of swamps and marshes. Beyond the original reservation boundaries, the Hoh Tribe has attained over 2,269

acres in trust lands brought over 1300 additional acres into trust status. These trust lands include the developing Highlands area near Highway 101, which represents the Tribe's commitment to meeting housing needs while maintaining environmental stewardship. Additionally, over 400 acres in fee lands have been added that expand tribal management authority within the watershed.

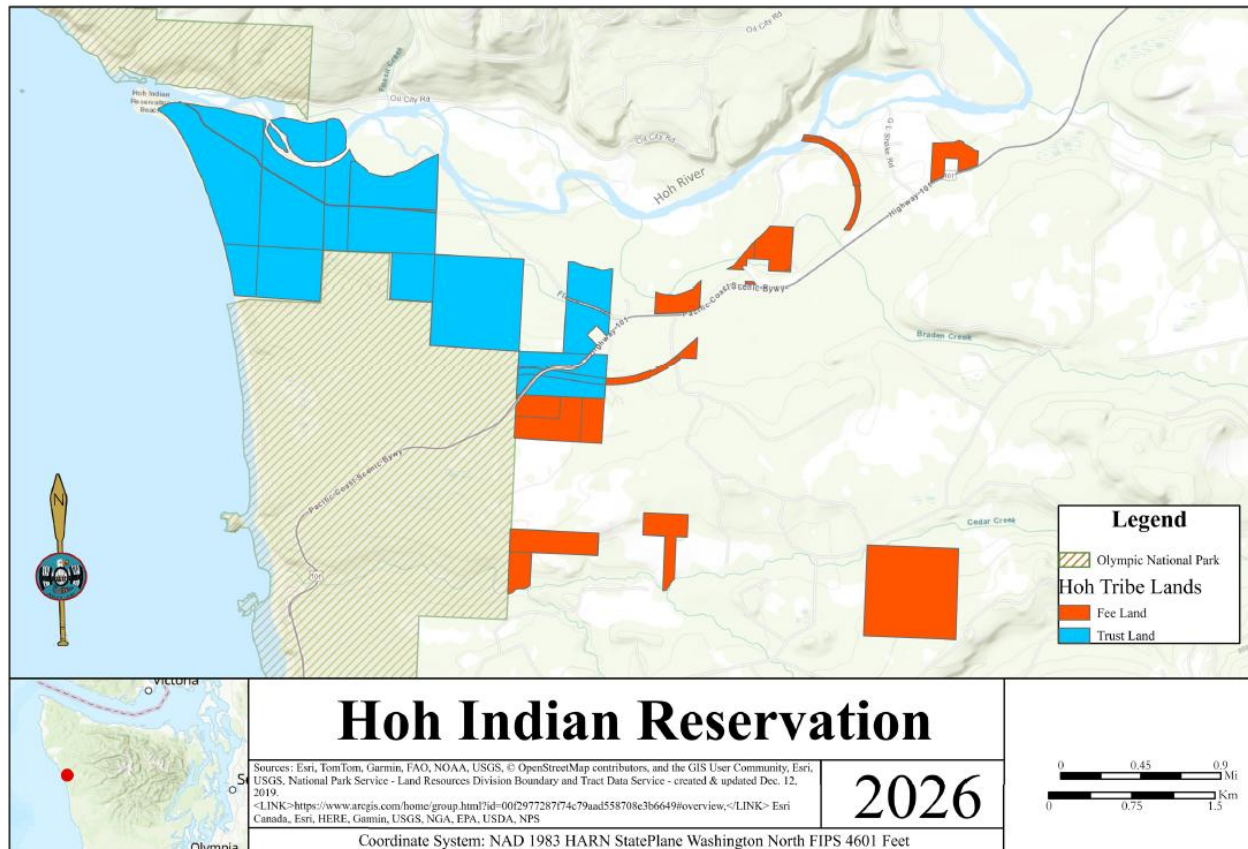


Figure 1. The Hoh Indian Reservation is located on the mouth of the Hoh River by the Pacific Ocean.

The Hoh River Watershed, a subset of the Tribe's Usual and Accustomed Area, encompasses 298.5 square miles (191,360 acres) of the Olympic Peninsula's temperate rainforest ecosystem. The Hoh River itself extends 56 miles from its glacial origins at Mount Olympus within Olympic National Park to its terminus at the Pacific Ocean. The river's largest tributary, the South Fork of the Hoh River, joins the mainstem at river mile 31, approximately 0.5 miles upstream from the Olympic National Park boundary. Throughout the watershed, a dendritic network of 1,299 miles of mapped streams and rivers creates critical habitat for Pacific salmon and other culturally significant species.

The watershed's landscape reflects its position on the western slope of the Olympic Mountains, receiving between 94 and 125 inches of annual precipitation. This extreme rainfall, among the highest in the continental United States, drives a dynamic hydrologic regime characterized by frequent winter flooding and summer low flows. Peak runoff occurs from October through March during intense Pacific storms, while minimum flows typically occur in late summer. The glacially

fed nature of the Hoh River and several headwater tributaries contribute year-round flow and naturally elevated turbidity from glacial flour.

Major tributaries within the reservation boundaries monitored by the Tribe include Chalaat, Fletcher, and Braden Creeks. These tributaries range from small, spring-fed streams to substantial rivers draining extensive sub-basins, each contributing unique water quality characteristics shaped by local geology, land use, and management history.

The Hoh Tribe's nonpoint source program's goal is to identify and control nonpoint source pollution in the Hoh Watershed to protect water quality of waterways in their usual and accustomed area (U&A). The primary objectives implemented to achieve this goal are to comprehensively document current water quality conditions throughout the Hoh River Watershed, identify nonpoint source pollution categories affecting those conditions, and establish the framework for selecting management practices to address identified problems.

Synthesis of water quality data collected through the Tribe's CWA 106 monitoring program from FY 2021-2025 enables identification of both persistent impairments requiring restoration and high-quality waters needing protection from future degradation. By documenting baseline conditions across 60 monitoring sites representing diverse stream types, land uses, and management histories, the assessment provides the scientific basis for prioritizing management actions where they will produce the greatest water quality improvements.

Nonpoint source categories in the watershed include forestry and forest roads, hydromodification and bank erosion, roads and highways, atmospheric deposition, natural resource extraction, and invasive species. The wide variety of pollution sources and land use ownerships will require collaboration and support from public outreach and partnering organizations.

This assessment provides the technical foundation for the companion Nonpoint Source Management Program Plan, which will establish specific goals, implementation schedules, and funding strategies for addressing identified water quality problems. Together, these documents fulfill EPA requirements while serving the Tribe's broader mission of protecting and restoring water quality for current and future generations. The assessment represents not just regulatory compliance but a comprehensive evaluation of watershed health that will guide management decisions affecting treaty resources fundamental to tribal culture, economy, and identity.

METHODOLOGY

This assessment synthesizes multiple data sources to characterize water quality conditions and identify nonpoint source pollution throughout the Hoh Watershed. Primary data derives from the Hoh Tribe's water quality monitoring program, supplemented by spatial datasets, field observations, and historical documentation to provide a comprehensive watershed assessment. The current monitoring network provides sufficient data for nonpoint source assessment with several key strengths reinforcing assessment reliability.

The network's temporal depth, with a 30+ year temperature record, captures long-term trends beyond natural variability cycles, enabling detection land use impacts. Spatial coverage of all major tributaries and mainstem segments ensures no significant source areas remain uncharacterized. The parameter suite addresses core indicators of forestry impacts, the watershed's primary nonpoint source category. EPA- compliant QA/QC procedures ensure defensible results suitable for regulatory decisions. Sampling frequency exceeds minimum requirements for statistical power, providing robust conclusions about designated use attainment. The five-year dataset (FY 2021-2025) provides robust assessment of current conditions and recent trends, meeting EPA requirements for NPS assessment while identifying specific waters needing restoration and informing BMP selection.

Water Quality Monitoring Data

The primary dataset consists of water quality measurements collected through the Hoh Tribe's EPA-approved monitoring program from FY 2021 through FY2025. This comprehensive dataset, documented in annual CWA Section 106 reports to EPA, includes continuous temperature monitoring at approximately 60 sites recording measurements every 15 minutes year-round, instantaneous measurements of dissolved oxygen, pH, turbidity, and specific conductivity collected monthly at 20 sites, continuous dissolved oxygen monitoring at 7 sites with 15-minute recording intervals in the summer, benthic macroinvertebrate sampling at 5 sites during low flow conditions since 2023, storm turbidity monitoring when events arise, low-flow measurements collected during summer conditions, and water chemistry sampling in 2024 at 8 sites. Historical monitoring data extending back to 1991 provides temporal context for assessing long-term trends and persistent impairments, with particular emphasis on temperature records that span over three decades at core monitoring sites. Secondary datasets provide insight into temperature, DO, pH and low flow since the early 2000s at several different creek locations.

Instantaneous Water Quality

The Hoh Indian Tribe Water Quality Monitoring Program (HWQP) has measured instantaneous water temperature, turbidity, DO concentration, and pH in the Hoh River mainstem and selected tributaries each month since 2005 (excluding February 2020 through June 2021; monitoring was discontinued during this time due to COVID-19 Pandemic restrictions). Instantaneous sites were originally chosen by finding locations with the most historical data available at the time. In 2021, water quality parameters of DO saturation and specific conductivity were added to monthly monitoring.

Continuous Water Temperature

The Hoh Tribe's Department of Natural Resources has monitored water temperature continuously in the Hoh River mainstem and its tributaries since 1991. Sites for continuous temperature monitoring include major tributaries, minor creeks, and the Hoh River mainstem.

The network captures the range of conditions present in rivers and streams in the watershed, from the pristine waters to the severely impaired conditions where multiple stressors create harsh conditions for aquatic life. This comprehensive monitoring network, maintained through decades of tribal commitment despite funding uncertainties and physical challenges, provides the foundation for understanding and ultimately reversing nonpoint source pollution impacts throughout the Hoh River Watershed.

Continuous Dissolved Oxygen

In summer 2020, the HWQP began continuous monitoring of DO concentration in the Hoh River above Anderson Creek. Since then, we have added six more continuous DO sites: the Hoh River above Barlows, the Hoh River at ONP Boundary, Lower Braden, Lower Chalaat, Hell Roaring, and Lower Nolan Creeks. Most of these waterways were chosen because results from instantaneous monitoring indicated that they have low DO concentrations in summer months and may be areas of concern.

Base Flow

The HWQP has monitored summer low flow in Hoh River tributaries since the early 2000s. Monitoring varies by year depending on staff structure, availability, and weather conditions. The low flow period varies slightly each year in the HRW but typically occurs from late-July to late-September. This work is being carried out in cooperation with the Northwest Indian Fisheries Commission, USGS, and other contributing Western Washington Tribes. Flow data are used in conjunction with temperature data being collected by the tribes to assess the impacts of land use practices, water withdrawal, and landscape changes.

Water Chemistry & Total Suspended Solids

Eight creeks, Chalaat, Braden, Nolan, Owl, Elk, Winfield, Hoh Oxbow, & Hell Roaring, were selected to conduct surface water chemistry and total suspended solids testing in 2024. These waterways were chosen because they are suspected to have elevated water chemistry or total suspended solids concentrations and/or they are known to be used by salmon and steelhead for spawning, rearing, and/or migration. Grab surface water samples from rivers and creeks were collected once a month for twelve months following methods adapted from WDOE's Standard Operating Procedure EAP015, version 1.4: Manually Obtaining Surface Water Samples.

Benthic Macroinvertebrates

We sample 5 creeks for benthic macroinvertebrates during baseflow conditions in August and September 2024. Samples were taken from Anderson, Owl, Elk, Nolan, and Winfield Creeks. These creeks were chosen because they are used by salmon and steelhead for spawning, rearing, and migration. We also collect a replicate sample from one creek, which is randomly chosen, to assess the within-site variability of the samples. The replicate sample was collected right after the primary sample and within the same sampling reach.

Samples were collected on days without any rain events. Eight digs were completed in each reach (two per riffle, total kick area of eight-square feet per sample) using a surber sampler with a 500-micron (μm) mesh size. Samples were subsampled to 500 individuals and identified to lowest practical taxonomic level by Aquatic Biology Associates, a taxonomic laboratory.

Equipment

Current monitoring employs EPA-approved methods with standardized equipment ensuring data quality and comparability across programs. To get meaningful data, it is necessary to use equipment with the proper sensitivity, or the lowest detection limit for each measurement type. For data to be used for Washington state's Water Quality Assessment process, sensors must have a sensitivity below the applicable water quality criterion. Benthic macroinvertebrate samples must be subsampled and identified in a manner that provides meaningful information about the community assemblage and water quality of the waterway. The equipment and methods used by the HWQP are as follows:

Instantaneous water quality: The YSI ProDSS serves as the primary field instrument for monthly monitoring with advanced features that improve both data quality and field efficiency. It consists of a handheld meter, a cable, and a connected bulkhead with temperature/conductivity, optical dissolved oxygen (ODO), pH, and turbidity sensors. The YSI ProDSS multimeter has sensors with sensitivities of:

- Temperature: $-5\text{ }^{\circ}\text{C}$
- DO: 0 mg/L
- pH: 0
- Specific conductivity: 0 mS/cm
- Turbidity: 0 FNU

Continuous water temperature: The Onset HOBO TidbiT MX Temperature 400 and Temperature Pro v2 are used to monitor continuous temperature every 15 minutes throughout the year. The Onset HOBO TidbiT MX Temperature 400' logger has a sensitivity of $-20\text{ }^{\circ}\text{C}$ in air or water. The Onset HOBO Temperature Pro v2 logger has a sensitivity of $-40\text{ }^{\circ}\text{C}$ in air or water.

Continuous dissolved oxygen: The Onset HOBO DO logger measures dissolved oxygen between $0\text{-}30\text{ mg/L}$ with an accuracy of $\pm 0.2\text{ mg/L}$ up to 8 mg/L ; $\pm 0.5\text{ mg/L}$ from 8 to 20 mg/L .

Low Flow: The OTT MF Pro calculates flow measurements according to USGS and ISO methods. The electromagnetic velocity sensor has an accuracy velocity range of $0\text{ - }10\text{ ft/s}$; $\pm 2\text{ \%}$ of reading $\pm 0.05\text{ ft/s}$ Reading $10\text{ - }16\text{ ft/s}$; $\pm 4\text{ \%}$ of reading.

Benthic Macroinvertebrates: Benthic macroinvertebrates are collected from wadable creeks following methods from the Streamkeepers of Clallam County Field Procedures (2018) manual. Equipment includes 500 micron sieves, denatured alcohol and surber sampling set.

Water chemistry and total suspended solids concentrations: Sensitivity of water sample analyses methods is reported with the method detection limit, or the minimum concentration of an analyte in a sample that can be reported with 99% confidence. The method detection limits for water samples analyzed for water chemistry and total suspended solids concentrations are:

- Total Kjeldahl nitrogen: 0.2 ppm
- Nitrate + nitrite-N: 0.1 ppm
- Ammonia-N: 0.01 ppm
- Total phosphorus: 0.01 ppm
- Ortho-phosphate: 0.01 ppm
- Dissolved organic carbon: 0.095 ppm
- Total suspended solids: 4 ppm

Quality Assurance/Quality Control Protocols

To be considered usable, water quality data must conform to certain quality requirements presented in the Hoh Tribes EPA-approved QAAP. Below are a list of objectives the equipment and sampling undergo to maintain proper quality control measures.

- Data are precise, with measurements being repeated consistently.
 - Instantaneous water quality: Duplicate measurements of each water quality parameter are taken at each site. If it appears that measurements are not precise, then the YSI ProDSS multimeter will be recalibrated.
 - Benthic Macroinvertebrates: Each year, a replicate sample will be taken from one randomly chosen site to assess within-site variability.
 - Water chemistry and total suspended solids concentration: Duplicate water samples for analysis of each water quality parameter are taken at each site.
- Bias of data is reduced as much as possible.
 - Instantaneous water quality and storm turbidity: Instantaneous water quality is measured each month at sites across the Hoh River watershed to capture a wide range of conditions. Sites include those with relatively pristine (in the ONP) and degraded (out of the ONP) water quality to reduce bias towards either type of site.
 - Continuous water temperature: Continuous water temperature is recorded at sites across the Hoh River watershed to capture a wide range of conditions. Sites include those with relatively pristine (in the ONP) and degraded (out of the ONP) water quality to reduce bias towards either type of site. In the Hoh River, loggers are sometimes placed in side channels, which may result in main channel temperatures being missed.
 - Continuous dissolved oxygen: Continuous dissolved oxygen is recorded at sites outside of the ONP (more degraded). Sites were chosen because results from instantaneous water quality monitoring indicated that they had low DO concentrations. Data are likely skewed. In the Hoh River, loggers are sometimes

placed in side channels, which may result in main channel DO concentration being missed.

- Low Flow: Low flow is measured in creeks outside of the ONP and at a small number of sites. Data are likely skewed and not representative of the entire Hoh River watershed.
 - Benthic Macroinvertebrates: Benthic macroinvertebrates are sampled at a small number of sites. Data are likely skewed to reflect localized conditions instead of the entire Hoh River watershed.
 - Water chemistry and total suspended solids concentration: Grab samples for water chemistry and total suspended solids concentrations are mainly located outside of the ONP (more degraded). Most sites were chosen because results from instantaneous water quality monitoring indicated that they may have elevated water chemistry and/or total suspended solids concentrations.
- Data are representative of the area from which they are measured.
 - Instantaneous water quality and storm turbidity: Instantaneous water quality and storm turbidity are measured at sites across the Hoh River watershed to capture a wide range of conditions. Sites include those with relatively pristine (in the ONP) and degraded (out of the ONP) water quality. Instantaneous water quality is monitored once a month to capture conditions throughout the year.
 - Continuous water temperature: Continuous water temperature is recorded at sites across the U&A to capture a wide range of conditions. Sites include those with relatively pristine (in the ONP) and degraded (out of the ONP) water quality to reduce bias towards either type of site. At select sites, water temperature is monitored through the entire year to capture seasonal variation in temperature. Sites where monitoring is only done during the summer do not properly reflect conditions throughout the entire year.
 - Continuous dissolved oxygen: Continuous dissolved oxygen is recorded at sites outside of the ONP (more degraded). Sites were chosen because results from instantaneous water quality monitoring indicated that they likely had low DO concentrations. Data are likely not representative of conditions throughout the entire watershed. Results do not capture conditions throughout the year because continuous dissolved oxygen is only monitored in the summer.
 - Low Flow: Low flow is measured in creeks outside of the ONP (more degraded) and at a small number of sites. Data are likely skewed and not representative of the entire U&A.
 - Benthic Macroinvertebrates: Benthic macroinvertebrates are sampled at a small number of sites. Data are likely not representative of the entire Hoh River watershed.

- Water chemistry and total suspended solids concentration: Grab samples for water chemistry and total suspended solids concentrations are collected outside of the ONP (more degraded). Most sites were chosen because results from instantaneous water quality monitoring indicated that they may have elevated water chemistry and/or total suspended solids concentrations. Data are likely not representative of the entire Hoh River watershed.
- Data are collected in a manner that they are comparable to other datasets.
 - Instantaneous water quality and storm turbidity: The YSI ProDSS multimeter is calibrated and maintained following QAPP protocols and the manufacturer's recommendations.
 - Continuous water temperature: Onset Hobo temperature loggers are maintained following QAPP protocols and the manufacturer's recommendations. The accuracy of each logger is checked using the QAPP protocol prior to deployment.
 - Continuous dissolved oxygen: Onset Hobo DO loggers are calibrated and maintained following QAPP protocols and the manufacturer's recommendations.
 - Low Flow: The MF Pro flow meter and velocity sensor are calibrated and maintained following QAPP protocols and the manufacturer's recommendations. Data are collected following QAPP protocols.
 - Benthic Macroinvertebrates: Benthic macroinvertebrates are sampled following QAPP protocols.
 - Water chemistry and total suspended solids: Water samples are collected following QAPP protocols.
- Data are measured with sensors with the appropriate sensitivity to answer the questions that are being posed.
 - To get meaningful data, it is necessary to use equipment with the proper sensitivity, or the lowest detection limit for each measurement type. For data to be used for Washington state's Water Quality Assessment process, sensors must have a sensitivity below the applicable water quality criterion. Benthic macroinvertebrate samples must be subsampled and identified in a manner that provides meaningful information about the community assemblage and water quality of the waterway.

Equipment is calibrated to ensure accuracy and precision of respective parameters frequently to ensure quality data. Calibration standards are purchased directly from the instruments supplier and are regularly verified for expiration and reliability. Along with routine calibration by the Water Quality Specialist, Onset HOBOWare, YSI ProDSS multiparameter and MF Pro Flow meters are sent to the manufacturer service center for inspection and, if necessary, replacement of parts and calibration (Table 1).

Table 1. Calibration and maintenance requirements for water quality equipment.

Instrument/ Equipment	Calibration/ Verification Method	Calibration Frequency	Maintenance Requirements
Onset HOBO Pro V2 temperature logger	Temperature verification against a NIST-certified thermometer in an ice bath and in room temp water	Check accuracy of logger prior to summer deployment.	Per manufacturer's instructions
Onset HOBO TidbiT MX temperature 400' logger	Temperature verification against a NIST-certified thermometer in an ice bath and in room temp water	Calibrate sensor after replacing DO cap prior to summer deployment.	Per manufacturer's instructions
Onset HOBO DO logger	Replace sensor cap yearly and calibrate 100% saturation in water-saturated air and adjust for elevation and pressure	Check accuracy of logger prior to summer deployment.	Per manufacturer's instructions
YSI ProDSS multimeter with four-port cable assembly	3pt calibration using pH 4, 7, 10 buffer solutions - Temperature verification against a NIST-certified thermometer - Calibration with 1000 μS/cm conductivity standard 2 or 3 pt calibration using 0, 12.4, 124, or 1010 FNU turbidity standards - DO saturation calibration using in water-saturated air	- Check accuracy of temperature sensor on day of monitoring prior to use. - Calibrate pH and DO sensors on day of monitoring prior to use. - Check accuracy of turbidity and specific conductivity sensors on day of monitoring prior to use. If needed, calibrate sensors. - Send to YSI Repair Center once a year for calibration of sensors.	- Per manufacturer's instructions. - Send to YSI Repair Center once a year for inspection for malfunctions and repairs, including replacement of ODO cap and pH module.
OTT MF Pro flow meter and velocity sensor	Send to OTT Repair Center once a year for calibration of sensors.	Send to OTT Repair Center once a year for calibration of sensors.	- Per manufacturer's instructions. - Send to OTT Repair Center once a year for inspection for malfunctions and repairs.

Data collection methods follow strict protocols outlined in the Tribe's Quality Assurance Project Plan (QAPP). This ensures standard operating procedures are in place to attain quality and avoid

data errors. Protocols are based on known and effective methodologies from NWIFC, USGS, neighboring Western Washington Tribes, WDOE, WDNR, and Streamkeepers of Clallam County.

To ensure proper data management, data are recorded in field notebooks or the appropriate field form when any measurement is conducted. When field data are collected, the site name, date, time, and GPS location are also recorded. When paper field forms are used, they are scanned to pdf format. Data are then entered into Excel files. When data are initially saved as digital forms on an electronic device (e.g., continuous data in a HOBOfile downloaded from an Onset data logger), the data are automatically converted to Excel files. All files containing data are stored in an electronic project folder. Copies of this folder are kept on the Water Quality Specialist's PC, the Hoh Tribe's centralized computer system, and a removable hard drive. After data have been reviewed for anomalies and transcription errors, data are imported into the Hoh Tribe's Tribal Water Quality Database (TWQD) and the Water Quality Time Series (WQTS) database in Microsoft SQL server. Backups of the TWQD and WQTS are saved onto the Water Quality Specialist's computer and external hard drive whenever changes are made to the databases. Finalized data in TWQD are submitted to the EPA Water Quality Exchange (WQX) using the Tribal Water Quality Exchange Client, an exchange network node developed by the NWIFC.

The Hoh Tribe does not have water quality standards for fresh surface waters. Therefore, tribal goals for rivers and creeks in the watershed are based on Washington State fresh water designated aquatic life uses (WAC 173-201A-200 freshwater designated uses and criteria, 2020). Designated aquatic life uses describe the ways in which a waterbody is used by aquatic organisms during their life cycles. Each designated use has limits, or "criteria", for certain water quality parameters (i.e., temperature, DO, pH). If a water quality measurement of a waterway exceeds criteria, then the water quality is degraded enough to hinder aquatic life growth, reproduction, and/or survival.

Geospatial Data Sources

Spatial analysis employed federal and state datasets to characterize watershed features and land use patterns. The National Wetlands Inventory supplied wetland mapping including type, hydrogeomorphic classification, and regulatory status. Rivers and streams data came from the National Hydrography Dataset, offering complete stream network topology with flow direction and stream order attributes.

Roads data from Topologically Integrated Geographic Encoding and Referencing (TIGER) Shapefiles provided transportation network geometry including road classification and surface type. Elevation data from the Washington State Geospatial Open Data Portal enabled derivation of slope, aspect, flow direction, and flow accumulation, supporting complete watershed delineation. The WADOE Water Quality Atlas supplied 303(d) impaired waters listings with parameter-specific impairment designations.

Geospatial analysis employed ArcGIS Pro with Spatial Analyst extension to integrate diverse datasets, identify pollution sources, and quantify landscape-water quality relationships. Land use and land cover data from the Jefferson County Public Land records.

All spatial data were projected to NAD 1983 State Plane Washington North FIPS 4601 (US Feet) to maintain geometric accuracy and enable precise overlay analysis. This projection minimizes distortion across the watershed while maintaining compatibility with state and regional datasets. Transformations between datums employed the NAD 1927 to NAD 1983 NADCON transformation for historical data integration.

The watershed was delineated using 10-meter Digital Elevation Model (DEM) data through systematic terrain processing. Flow direction was calculated using D8 algorithm identifying steepest descent from each cell. Flow accumulation quantified upstream contributing area for stream network definition. Stream networks were extracted at 25-acre accumulation threshold calibrated to match NHD flowlines. Watershed boundaries were delineated from the Hoh River mouth pour point, capturing all contributing drainage. Sub-watershed boundaries at HUC-12 scale enabled localized analysis of pollution sources and impairment patterns.

Spatial overlay analysis identified potential nonpoint source pollution delivery pathways by intersecting land use, infrastructure, and water resources. Analysis parameters included roads within 100 feet of streams on slopes exceeding 10%, harvest units from 2015-2025 within 300 feet of fish-bearing streams, residential parcels lacking 50-foot riparian buffers, and stream crossing locations. While comprehensive GIS quantification exceeded the scope of this assessment, the methodology established the framework for identifying pollution delivery pathways.

Despite these assumptions, the assessment provides sufficient information to identify priority waters needing restoration, characterize major nonpoint source categories, and establish a framework for BMP selection. The combination of long-term monitoring data, comprehensive spatial analysis, and extensive historical documentation creates a robust foundation for the Nonpoint Source Management Program. Acknowledged uncertainties are addressed through adaptive management approaches that incorporate effectiveness monitoring and periodic reassessment as additional information becomes available.

Historical Documentation

Historical documents reviewed included the Environmental Assessment for the Highlands Development (2024) documenting pre-development conditions and infrastructure plans, multiple Phase I Environmental Site Assessments identifying potential contamination sources including historical land uses, wetland delineations and stream assessments establishing baseline habitat conditions and regulatory jurisdictions, diesel spill response monitoring following incidents near Chalaat Creek and Highway 101, and the Upper Hoh Road water quality assessment with monthly sampling at six stations. The Hoh Tribe's Non-Expiring Forest Management Plan and accompanying Environmental Impact Statement provided forest management standards and harvest projections affecting water quality. Regional assessments including WRIA 20 watershed

planning documents and Olympic National Park monitoring reports offered watershed-scale context for local observations.

Limitations & Assumptions

This assessment acknowledges inherent limitations in data availability, analytical methods, and jurisdictional constraints that influence conclusions and recommendations.

The dynamic nature of the Hoh River system presents significant monitoring challenges that affect data completeness and program costs. Seasonal access constraints affect data collection throughout the year. Winter storms make roads impassable from December through February, snow blocks upper elevation sites from November through April, and high flows prevent safe wading from November through May. These limitations create temporal bias, with summer data overrepresented relative to winter conditions when different water quality dynamics occur. Headwaters above 3,000 feet in elevation remain largely unmonitored due to access constraints and snow limiting deployment windows. Non-fish tributaries receive lower priority given limited resources, though they contribute flow and potentially pollutants. Wetlands require different protocols than stream monitoring, remaining largely uncharacterized despite their influence on pH and dissolved oxygen.

LAND USE SUMMARY

The Hoh River Watershed encompasses diverse land cover types that collectively influence nonpoint source pollution generation and transport pathways. Forest lands dominate the landscape, comprising 81.6% of the total watershed area. This forested landscape creates both the watershed's exceptional baseline water quality and its primary nonpoint source challenges through forest management activities.

Forest Lands

Coniferous forest represents the watershed's dominant land cover, with evergreen forest comprising 112,742 acres (58.89% of the watershed), extending from sea level to alpine zones across multiple ownership categories. Within Olympic National Park's (ONP) 109,888 acres (57.4% of the watershed), intact old-growth forests that create headwater conditions that maintain exceptional water quality in the upper watershed. These protected forests, some containing trees exceeding 1,000 years in age, provide an ecological benchmark against which downstream impacts are measured.

A large portion of the Hoh River flows through a temperate rainforest. Dominant tree species are western hemlock (*Tsuga heterophylla*), Sitka spruce (*Picea sitchensis*), black cottonwood (*Populus trichocarpa*), big-leaf maple (*Acer macrophyllum*), red alder (*Alnus rubra*), willow species (*Salix spp.*), western red cedar (*Thuja plicata*), Pacific silver fir (*Abies amabilis*), and Douglas fir (*Pseudotsuga menziesii*). Obligate wetland plant species often found in the watershed include slough sedge (*Carex obnupta*), water parsley (*Oenanthe sarmentosa*), and western skunk cabbage (*Lysichiton americanus*). Invasive plant species, such as spotted jewelweed (*Impatiens capensis*), Japanese knotweed (*Fallopia japonica*), scotch broom (*Cytisus scoparius*), and reed canary grass

(*Phalaris arundinacea*) persist within floodplain and riparian zones. Spread of invasives is associated with reduced river bank stabilization and loss of water from the channel, which pose major threats to instream ecosystems.

Outside the park boundaries, managed forests on state and private lands display a complex mosaic of harvest units and regenerating stands at various stages of succession. Timber harvest operations are extensive throughout the watershed, with clearcuts of varying ages along Highway 101, the Hoh Mainline Road, and Oil City Road. These harvest units displayed distinct age classes that reflect decades of continuous forest management: fresh clearcuts less than one year old with exposed soil and logging debris, recent harvests between one and five years old showing early regeneration (including a documented 5-year-old clearcut observed near the Elk Creek monitoring station), mid-rotation stands of five to fifteen years displaying closed canopy conditions, and maturing second growth exceeding fifteen years approaching commercial thinning age. A recently harvested clearcut was documented immediately adjacent to the west side of Anderson Creek, demonstrating the proximity of active forest management to water quality monitoring sites.

Spatial distribution of these harvest units correlates strongly with documented water quality impairments. Washington Department of Natural Resources manages 46,464 acres (24.3% of the watershed) as state trust lands, while private industrial and non-industrial forest lands encompass 33,600 acres (17.6%), including 10,315 acres under management by The Nature Conservancy (Figure 2). The 960-acre Hoh Indian Reservation (0.5% of the watershed) maintains limited forest management primarily for cultural uses. These actively managed forests outside the park, while providing economic benefits through timber production, create the primary source areas for sediment delivery, thermal pollution, and invasive species establishment affecting downstream waters. The intensity of management varies by ownership, with industrial forests typically harvested on 35–45-year rotations while state lands follow longer 60–80 year rotations, creating a patchwork of forest conditions across the landscape.

Recently harvested and regenerating areas display clear successional patterns across the landscape. GIS analysis reveals that shrub/scrub vegetation representing the most recent clearcuts (0–5 years old) encompasses 10,620 acres (5.55% of the watershed), while deciduous forest dominated by red alder colonizing older harvest units (5–20 years old) covers 38,962 acres (20.35% of the watershed). Combined, these early successional stages total 49,582 acres (25.9% of the watershed) (Figure 3), confirming field observations of extensive recent timber harvest activity. Disturbance of these areas opens opportunities for invasive species to develop in place of native, large growth trees.

These areas concentrate along major transportation corridors where access facilitates timber extraction. Harvest rotation ages have evolved significantly from traditional practices, with maximum ages now ranging from approximately 90 years on high-quality sites to 117 years on lower-quality sites based on US Forestry Service (USFS) Pacific Northwest Research Station

extended rotation research. This evolution toward longer rotations reflects growing recognition of the multiple values forests provide beyond timber production.

Mixed forest areas occupy 4,516 acres (2.36% of the watershed), occurring primarily in riparian zones and transitional areas between coniferous and deciduous stands. Red alder (*Alnus rubra*) dominates the deciduous component, particularly in riparian areas and recently disturbed sites where its nitrogen-fixing capability accelerates soil development. Bigleaf maple (*Acer macrophyllum*) occurs as a subdominant species, providing rapid shade recovery along stream corridors critical for temperature regulation. These hardwood-dominated stands, while representing a smaller portion of total forest cover, provide disproportionate ecological benefits through nitrogen fixation, rapid growth rates that quickly restore canopy cover, and high-quality leaf litter that supports aquatic food webs.

Commercial timber harvest has persisted as the dominant land use activity affecting water quality throughout the watershed's state and private forest lands over the past decade. While tribal forest lands continue to be managed under sustained yield principles that prioritize cultural values and salmon habitat protection, the surrounding industrial and state forests have maintained active harvest programs that create ongoing nonpoint source pollution challenges.

The Olympic Experimental State Forest's 270,000 acres on the western Olympic Peninsula has emerged as a living laboratory for evolving forest management approaches that may influence practices throughout the Hoh watershed. Research conducted there has documented a fundamental shift in silvicultural philosophy, with harvest rotation ages extending from traditional 45–60-year industrial cycles to 90–117 years under extended rotation strategies developed by the USFS Pacific Northwest Research Station. Maximum rotation ages now range from approximately 90 years on high-quality sites to 117 years on lower-quality sites, with peer-reviewed studies demonstrating that rotations can be "considerably extended without reducing long-term timber production" (Curtis 1995). This paradigm shift reflects growing recognition that forests managed for multiple values, including wildlife habitat, carbon sequestration, and water quality protection, can maintain economic viability while reducing environmental impacts.

Post-harvest regeneration throughout the watershed follows predictable Olympic Peninsula succession patterns, though specific stocking levels and species composition data remain proprietary to individual landowners. Natural regeneration by red alder (*Alnus rubra*) dominates riparian-adjacent harvest units, providing nitrogen fixation and relatively rapid canopy closure that partially mitigates temperature. However, the conversion from complex old-growth and mature second-growth forests to simplified even-aged plantations represents a fundamental alteration of watershed processes that affect water quality for decades following harvest.

The spatial distribution of harvest activity over the past decade may contribute with persistent water quality impairments documented through the Tribe's monitoring program. The FY25 monitoring found 26 sites across the Hoh River, South Fork Hoh River, and 22 tributaries impaired due to elevated temperatures, affecting 35.8 river miles or 47.2% of the total monitored stream

length (Hoh FY25 Water Quality Assessment Report, 2025). This represents a troubling expansion from earlier assessments. Current aerial imagery available through Google Earth and NAIP reveals visible harvest patterns that align with these temperature-impaired drainages, suggesting a relationship between canopy removal and thermal pollution.

Developed Lands

Development within the watershed concentrates in specific zones that create localized but significant water quality impacts. GIS analysis of 2021 NLCD data reveals that developed areas, including residential, commercial, and transportation infrastructure, comprise 7,463 acres (3.90% of the watershed). Despite this relatively small footprint, the concentration of impervious surfaces and human activities in these areas can generate disproportionate pollutant loads that affect downstream water quality, especially with heavy traffic stemming from the ONP.

Residential

The Lower Hoh community represents the primary concentration of development within tribal lands, encompassing the 960-acre Hoh Indian Reservation at the river mouth where tribal members maintain their ancestral connection to the watershed. This community benefits from modern wastewater infrastructure, which serves tribal homes and administrative buildings. The Tribe's municipal-style treatment system represents a significant investment in water quality protection, preventing the nutrient and pathogen loading that would occur from individual on-site septic systems.

Residential growth within the watershed has proceeded at a modest but steady pace, though at rates significantly lower than broader Jefferson County trends would suggest. While Jefferson County's population increased from approximately 30,000 residents in 2014 to 34,000 in 2025 (USA Facts 2026), representing a compound annual growth rate of 1.1%, most of this growth occurred on the eastern side of the Olympic Peninsula in communities like Port Townsend and Quilcene. The Hoh Watershed on the western slope contains only a small fraction of the county's population, with most residents concentrated in the Lower Hoh community and scattered rural properties along transportation corridors. The watershed's geographic isolation and limited services, suggests development pressure remains minimal compared to many Pacific Northwest watersheds. However, the cumulative effects of even modest development in a largely undeveloped watershed create water quality impacts that persist for decades.

Commercial

Tourism infrastructure has experienced dramatic growth pressure, with Olympic National Park visitation at 3.5 million annual visitors generating 565,706 vehicle trips along Highway 101 in 2025 (National Park Service, 2026). This tourism surge creates seasonal stress on transportation systems, with one-to-two-hour entrance delays during peak periods indicating infrastructure capacity limitations. The economic importance of tourism drives pressure for infrastructure improvements that may conflict with water quality protection goals.

The emergency repairs needed on Upper Hoh Road exemplify how increasing storm intensity overwhelms infrastructure designed for historical conditions. Projected increases in atmospheric river events, rain-on-snow occurrences, and peak flow magnitudes suggest that existing infrastructure will face accelerating stress, potentially creating new pollution sources as systems fail. The observed bank stabilization challenges, requiring massive dolosse structures and ongoing multi-mile armoring projects, indicate that geomorphic changes are already exceeding infrastructure adaptive capacity.

Transportation

The watershed's transportation network continues to serve as a chronic source of sediment and toxic chemicals while providing essential access for local residents, the annual visitors to Olympic National Park and the forest management activities that support regional economies.

Highway 101 serves as the watershed's primary transportation artery and most significant linear source of nonpoint pollution, extending 366 miles through Washington State while bisecting tribal lands to provide the only year-round access route to the outer Olympic Peninsula coast. This heavily traveled corridor generates continuous water quality impacts through multiple mechanisms that compound across its length. Many river and stream crossings, such as the Highway 101 old trestle bridge over the Hoh River, have no stormwater control infrastructure, resulting in traffic and road stormwater flowing directly into the waterways. This complete absence of treatment infrastructure allows road runoff contaminated with tire particles, petroleum hydrocarbons, heavy metals, and winter de-icing materials to discharge directly into waters that support threatened salmonid populations. Emissions from vehicle exhaust or hazardous material combustion can reach waterbodies through proximity and aerial dispersal. High mercury concentrations, attributed to vehicle emissions, have already been detected in snow and fish in the Olympics (Eagles-Smith et al. 2014). Waterbodies are directly affected through rainwater runoff; however, particulates also get distributed to soil through lichen absorption or forest debris (Maynes 2008). This insinuates long-term adsorption from soil, even if roads are no longer in use. Elevated mercury concentrations pose hazards to aquatic life species and human health.

Upper Hoh Road exemplifies the escalating challenges of maintaining essential transportation infrastructure in a dynamic river environment while attempting to minimize water quality impacts. It provides the critical access route from Highway 101 to Olympic National Park's Hoh Rainforest visitor center and represents another significant infrastructure corridor. This road serves the 460,000 annual visitors who entered the park in 2024, with 176,566 vehicles sometimes creating one-to-two-hour entrance wait times during peak periods (National Park Service, 2026).

In 2021, Western Federal Lands Highway Division built a massive erosion control barrier along the north bank between the road and the river to protect Upper Hoh Road from the river's erosive force. This barrier incorporates traditional riprap and logs but relies primarily on dolosse—specialized concrete erosion control structures typically used in coastal engineering—placed in large piles along the bank between the river and road. The presence of these massive concrete

forms, each weighing several tons, indicates erosion pressures that exceeded conventional engineering solutions. The current 12-mile bank stabilization project underway through the Western Federal Lands Highway Division represents a multi-million-dollar investment attempting to protect the road into the Olympic National Park from destruction, though the long-term viability of armoring approaches remains questionable under the extreme migration of the Hoh River. The Tribe's Natural Resource Department is aiding in long-term research monitoring to assess the effectiveness of this project. This project demonstrates the ongoing challenge of maintaining transportation infrastructure in this dynamic river environment while minimizing water quality impacts. The road's importance to both tourism and emergency access was highlighted by the need for \$650,000 in emergency repairs at milepost 9.9 in May 2025, funded through Washington State Strategic Reserve funds.

The Hoh Mainline Road, anchored at its Highway 101 intersection where a former lumber mill once processed the watershed's timber harvest, continues providing access to extensive forest lands and rural properties throughout the middle watershed. While receiving less traffic than Upper Hoh Road, this route's proximity to active forest management areas creates chronic sediment delivery at numerous stream crossings. The road's gravel surface generates fine sediment during dry conditions and concentrated erosive flows during storms, creating year-round water quality impacts that affect downstream beneficial uses.

Jefferson County's maintenance responsibility for 400 center-line miles of secondary roadway plus 8.4 miles of multi-use trails creates an extensive secondary transportation network that generates cumulative water quality impacts through distributed pollution sources. Secondary roads within the watershed primarily serve residential properties and provide natural resource access, creating moderate but persistent traffic that mobilizes pollutants year-round.

Forest roads constructed primarily for timber harvest access create the watershed's most extensive transportation infrastructure, forming a dendritic network throughout the approximately 70,864 acres of state and private commercial forest lands. These roads, while essential for forest management operations, represent chronic sediment sources that persist long after harvest activities cease. Many forest road stream crossings, including single-lane wooden bridges at Maple Creek and Owl Creek Upper monitoring stations, act as nonpoint sources of sediment runoff during precipitation events.

Washington Department of Natural Resources road management has shifted from expansion toward strategic decommissioning and maintenance optimization, reflecting recognition that road density correlates directly with water quality degradation. Regional studies indicate that properly functioning watershed conditions require road densities below 2 miles per square mile, with sensitive species like bull trout often absent where densities exceed 1.5 miles per square mile (Lyon & Maguire, 2008).

Agricultural and Open Lands

Agricultural lands and pastures represent a minor land use within the watershed. GIS analysis reveals that agricultural uses account for 765 acres (0.40% of the watershed), consisting primarily of hay and pasture lands. Pastoral landscapes dot the Upper Hoh Road, including relatively large areas of pastureland along the north side of the road with several large open fields enclosed by grazing fences. These agricultural areas occur primarily in valley bottoms where gentler slopes and deeper soils support pasture establishment, with most operations appearing to be small-scale livestock grazing and hay production based on aerial imagery interpretation.

Grasslands and open areas not in active agricultural production comprise 5,128 acres (2.68% of the watershed) according to GIS analysis. These areas include natural meadows maintained by periodic flooding or poor drainage, utility corridors requiring vegetation management for power line clearance, road rights-of-way maintained in herbaceous vegetation, and other open land types visible in current aerial imagery. While individually small, these openings in the forest canopy create edge effects and can concentrate surface runoff during precipitation events.

Other Land Cover Categories

Barren lands throughout the watershed, including exposed river gravels, landslide scars, and rock outcrops, represent 670 acres (0.35% of the total area). The Hoh River's active channel migration zone creates the most extensive barren areas, with dynamic patterns of gravel bar formation and vegetation colonization visible in sequential aerial imagery. The river's characteristic milky slate-blue coloration, produced by glacial flour from the Blue, White, and Lateral Glaciers in the upper watershed, indicates active erosion of bedrock that maintains sediment supply to these depositional features. These naturally barren areas, while appearing disturbed, represent essential components of the river ecosystem, providing spawning gravels for salmonids and nesting habitat for specialized bird species.

The distribution of land ownership within the watershed creates distinct management zones that fundamentally influence water quality protection approaches (Figure 2). The majority of the upper basin is under federal preservation status that prohibits commercial resource extraction, providing better headwater protection compared to some Olympic Peninsula watersheds. The ownership maps (Figures 2 - 4) illustrate the complex checkerboard pattern of state and private forest lands in the lower and middle watershed that creates coordination challenges for implementing consistent management practices, while the upper watershed's consolidated federal ownership enables uniform preservation standards.

The Hoh Tribe has strategically expanded its land base through acquisition of additional trust lands beyond the reservation boundary, enhancing the Tribe's capacity to implement comprehensive watershed protection measures. These acquisitions, focused on culturally significant areas and critical habitat, demonstrate the Tribe's long-term commitment to ecosystem restoration and protection.

The current land cover composition, shaped by geology, landscape, and human management over millennia, creates both the watershed's exceptional ecological values and its vulnerability to nonpoint source pollution. The dominance of forest cover maintains base water quality conditions superior to more developed watersheds, yet the intensity of forest management on portions of the landscape generates chronic and acute water quality impacts. Understanding this complex mosaic of land covers and their associated management regimes provides the foundation for developing targeted strategies to protect and restore water quality throughout the Hoh River Watershed.

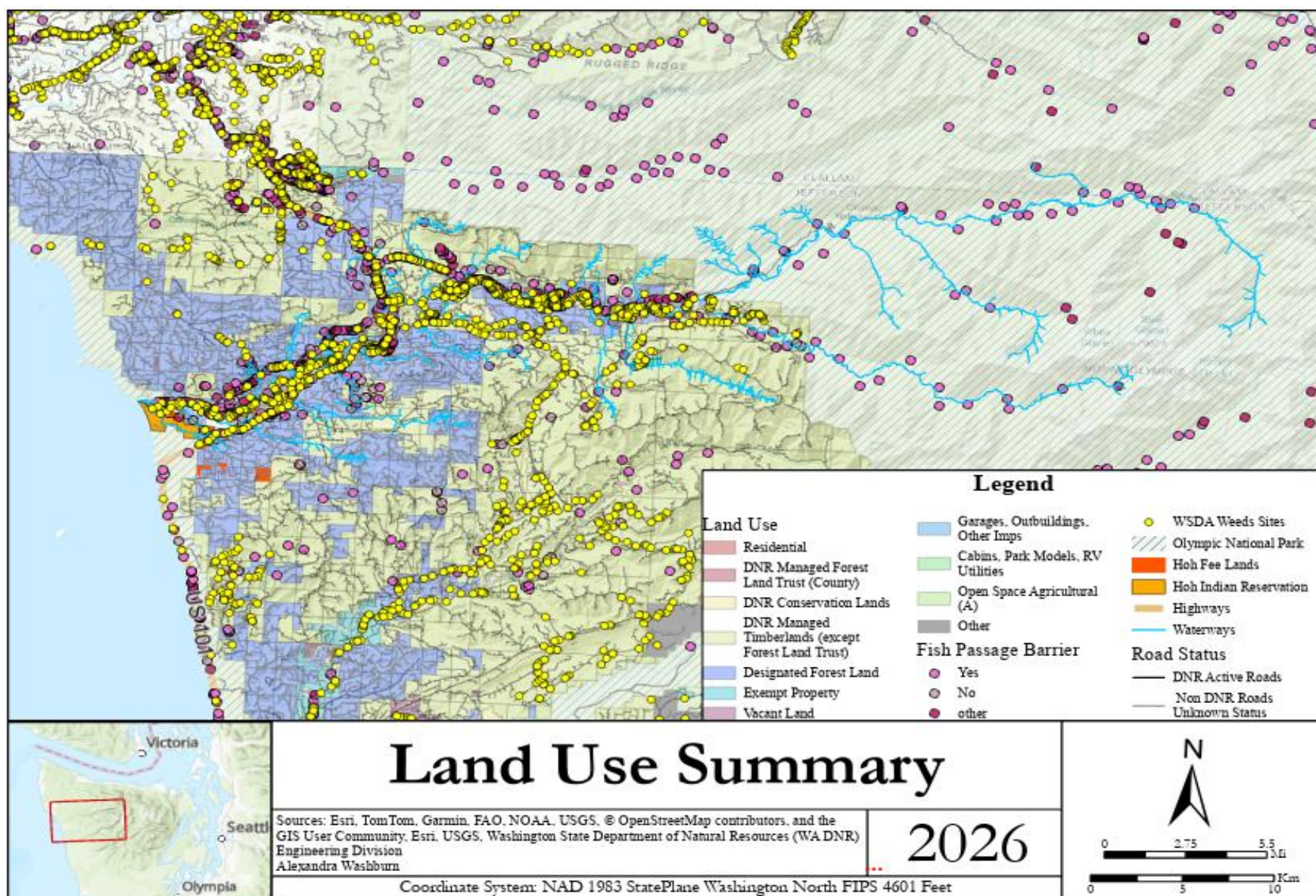


Figure 2. Hoh River Watershed Land Uses with potential for NPS pollution along water quality monitoring site waterways.

Table 2. Current Land-Cover Composition in the Hoh River Watershed.

Land Cover Type	Acres	Percentage	Primary Locations
Evergreen Forest	112,742	58.89%	Throughout watershed
Deciduous Forest	38,962	20.35%	Riparian areas, harvest regrowth
Mixed Forest	4,516	2.36%	Transitional zones
Shrub/Scrub	10,620	5.55%	Recent harvest areas
Grassland/Herbaceous	5,128	2.68%	Meadows, clearings
Pasture/Hay	765	0.40%	Valley bottoms
Woody Wetlands	7,425	3.88%	Throughout
Emergent Wetlands	631	0.33%	Lowland areas
Open Water	2,469	1.29%	Rivers and streams
Developed Open Space	6,257	3.27%	Lower Hoh area
Developed Low Intensity	1,072	0.56%	Rural residential
Developed Medium Intensity	96	0.05%	Commercial areas
Developed High Intensity	38	0.02%	Dense development
Barren Land	670	0.35%	River gravels
Total	191,391	100%	-

Source: GIS analysis of 2021 National Land Cover Database (NLCD)

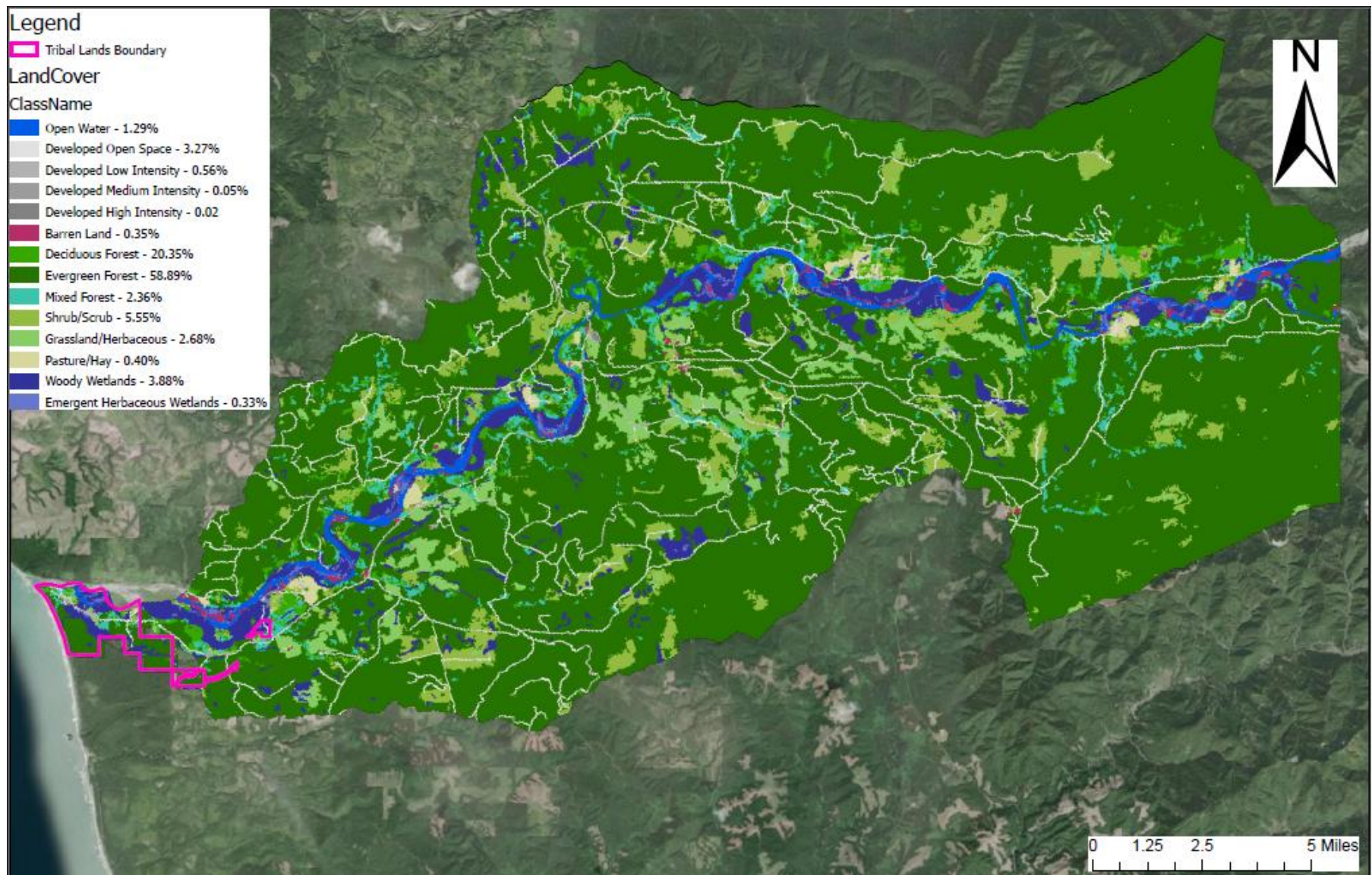


Figure 3. Land coverage of the Hoh River Watershed.

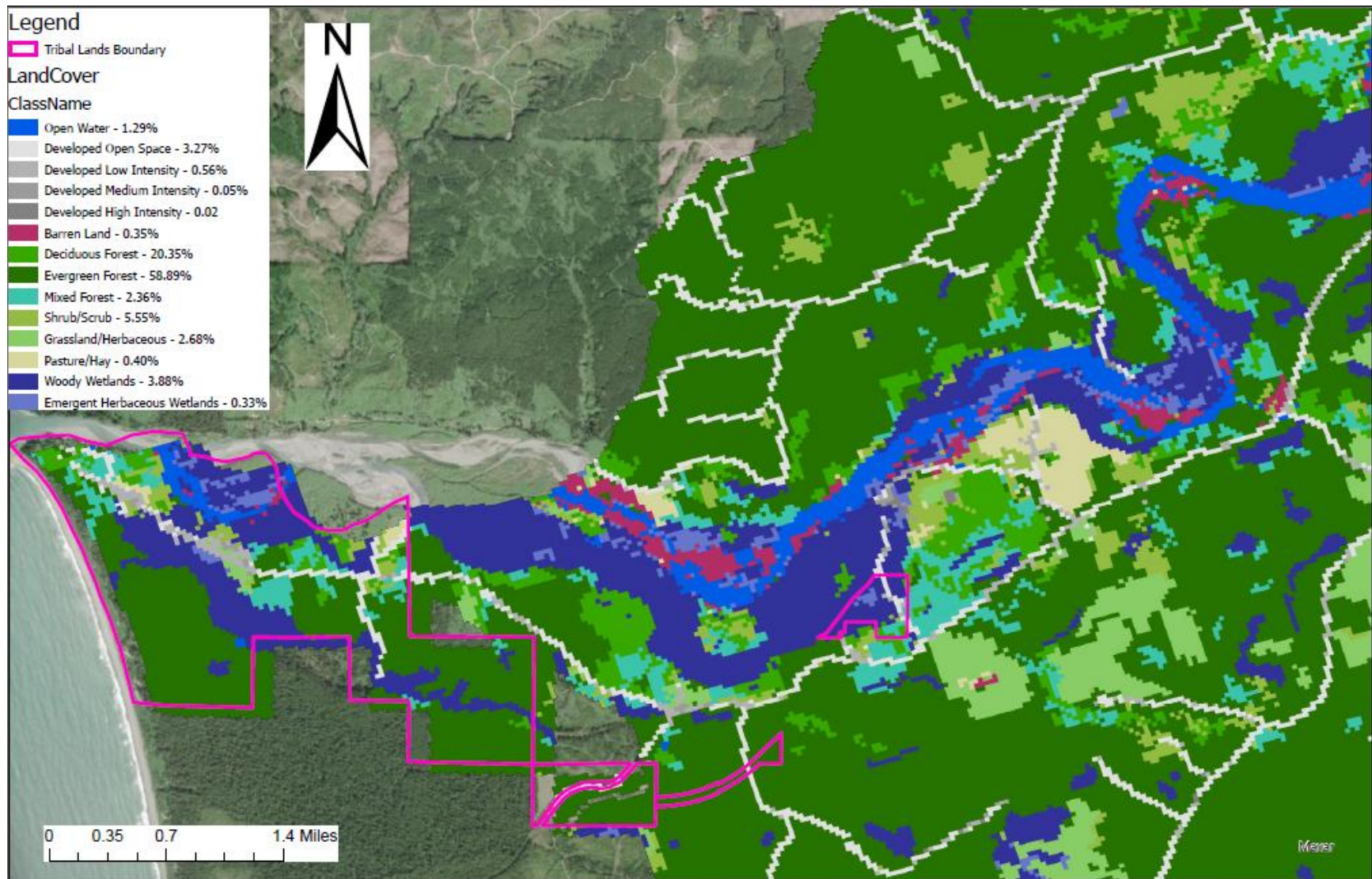


Figure 4. Land Coverage surrounding the Hoh Indian Reservation.

SURFACE AND GROUND WATER QUALITY

Hoh Indian Reservation

The 1.5-square mile (960-acre) Hoh Indian Reservation is located on the Olympic Peninsula in Jefferson County, Washington (Figure 1). The reservation, which sits by the mouth of the Hoh River on the Pacific Coast, contains a variety of freshwater and saltwater sources, including 5.30 miles of rivers and streams, 1.76 miles of coastline, 2.97 acres of lakes and ponds, 19.6 acres of estuary, and 17.1 acres of swamps and marshes. Tribal residents receive potable water from one major aquifer system. Wastewater is treated at a plant on the reservation that was installed in 2018.

The Hoh River originates at glacial terminuses on Mount Olympus in the Olympic National Park, flowing 56 miles from its headwaters to the Pacific Ocean. Due to the glacially-fed nature of the Hoh River and several of its headwater tributaries, glacial till gives the river high background total suspended sediment concentrations. Numerous tributaries enter the river as it flows towards the coast; in total, there are 1,299 miles of creeks and rivers within the HRW comprised of seven different hydrologic units (Table 3). The South Fork of the Hoh River, the river's largest tributary, joins the mainstem near river mile 31, approximately 0.5 miles upstream from the ONP boundary. Waterways within the Hoh Tribal trust and fees land include Chalaat, Braden, and Fletcher Creek.

Table 3. Hoh River Watershed hydrologic unit components and descriptions.

Name	HUC12	Area (SqKm)
Headwaters Hoh River	171001010701	120.59
Hoh Creek-Hoh River	171001010702	79.78
South Fork Hoh River	171001010703	139.04
Mount Tom Creek-Hoh River	171001010704	125.78
Maple Creek-Hoh River	171001010705	67.2
Hell Roaring Creek-Hoh River	171001010706	123.7
Nolan Creek-Hoh River	171001010707	115.38

Open water features, including the Hoh River mainstem, creeks, ponds, and small lakes, represent 2,469 acres (1.29% of the watershed) according to GIS analysis. The extensive stream network totals 1,299 miles of mapped channels, creating an intricate drainage system that connects upland areas to the Pacific Ocean. This network includes the Hoh River mainstem extending 56 miles from its glacial origins to the ocean, plus numerous tributaries that support critical salmonid spawning and rearing habitat.

Historical Monitoring Program

The Hoh Tribe has conducted systematic water quality monitoring throughout the Hoh River Basin since the early 1990s, establishing the longest continuous water quality datasets for the watershed. This multi-decade monitoring effort provides critical baseline data for assessing long-term trends, documenting persistent impairments, and evaluating watershed responses to land management changes and climatic variations.

The Hoh Water Quality Program (HWQP) began comprehensive monitoring in 1991 with deployment of continuous temperature loggers in the Hoh River mainstem and major tributaries (Hoh Tribe FY25 CWA 106 Report, 2025). This initial focus on temperature responded to observed impacts from timber harvest activities, which had intensified throughout the watershed during the 1980s timber boom. Temperature was selected as the primary indicator based on its critical importance to salmonid survival and its responsiveness to riparian canopy removal. The strategic placement of loggers in creeks providing year-round flow, major tributaries, and the Hoh River mainstem at multiple points established the foundation for understanding thermal dynamics across the watershed's diverse habitats.

The Tribe has maintained continuous temperature monitoring at 22 year-round stations and up to 28 additional summer stations within the Hoh River Watershed monitoring network (Hoh Tribe FY25 CWA 106 Report, 2025). Strategic placement of loggers captures longitudinal temperature profiles through multiple mainstem sites documenting temperatures from headwaters to mouth, tributary contributions via stations above and below major confluences to quantify thermal inputs, thermal refugia, and hyporheic exchange zones identified through FLIR surveys, and land use gradients through paired sites above and below harvest units and road crossings.

The program underwent significant expansion in 2000-2001 with a basin-wide Forward Looking Infra-Red (FLIR) study conducted through ground-truth and helicopter surveys (Aerial Surveys in the Hoh River Basin, 2001). FLIR technology detects thermal radiation emitted from water surfaces, identifying cool water refugia critical for salmonid survival during summer months. This thermal imaging assessment mapped groundwater inputs, documented thermal pollution sources, and established priority monitoring locations that continue to be sampled today. The FLIR analysis revealed previously unknown cold-water springs, identified reaches where riparian loss created thermal loading.

Monthly instantaneous monitoring for multiple parameters commenced in 2005, adding dissolved oxygen, pH, and turbidity measurements to the temperature monitoring network to 20 new or existing sites in 2021 (Hoh Tribe FY25 CWA 106 Report, 2025). This expansion coincided with increasing recognition that temperature alone could not fully characterize water quality impacts from land use activities. The multi-parameter approach enabled detection of cumulative effects from forest practices, road networks, and development, revealing complex interactions between thermal pollution, oxygen depletion, and pH depression that single-parameter monitoring would miss.

The channel of the Hoh River is highly complex and dynamic, with large migration zones. As steep, glacially-carved valley walls near its headwaters transition to a wide alluvial floodplain downstream, glacial sediments in the river are distributed across wide braided channels. The watershed is especially rainy, with the annual mean precipitation in the watershed ranging between 94 and 125 inches (England, 2003). As a result, major flood events are frequent, especially in winter months. During floods, the Hoh River often avulses into old, abandoned channels or carves

new ones into low terraces and gravel bars. According to the United States Geological Survey (USGS) gauging station on the Hoh River at Highway 101, peak runoff occurs in the winter from October to March due to large rainfall events, while low flow is recorded in the summer. The maximum discharge recorded since 1960 was 62,100 cfs (gage height = 20.2 ft) on October 17, 2003; minimum discharge recorded since 1960 was 196 cfs (gage height = 1.89 ft) on September 21, 2024, (U.S. Geological Survey, 2025).

Fish distribution data from the Washington Department of Fish and Wildlife confirms the watershed supports populations of chinook (*Oncorhynchus tshawytscha*), coho salmon (*Oncorhynchus kisutch*), steelhead (*O. mykiss*), coastal cutthroat trout (*O. clarkii*), and bull trout (*Salvelinus confluentus*). The presence of these sensitive species throughout the stream network underscores the importance of maintaining water quality across all land cover types.

As most sites monitored by the Tribe are not located on Tribal Reservation, trust, or fee lands, the Hoh Tribe applies Washington State's water quality standards (Chapter 173-201A WAC) to assess attainment of designated uses within the Hoh Watershed. These criteria establish numeric standards for protecting aquatic life uses, with particular emphasis on salmonid habitat given the watershed's critical importance for salmon and steelhead populations.

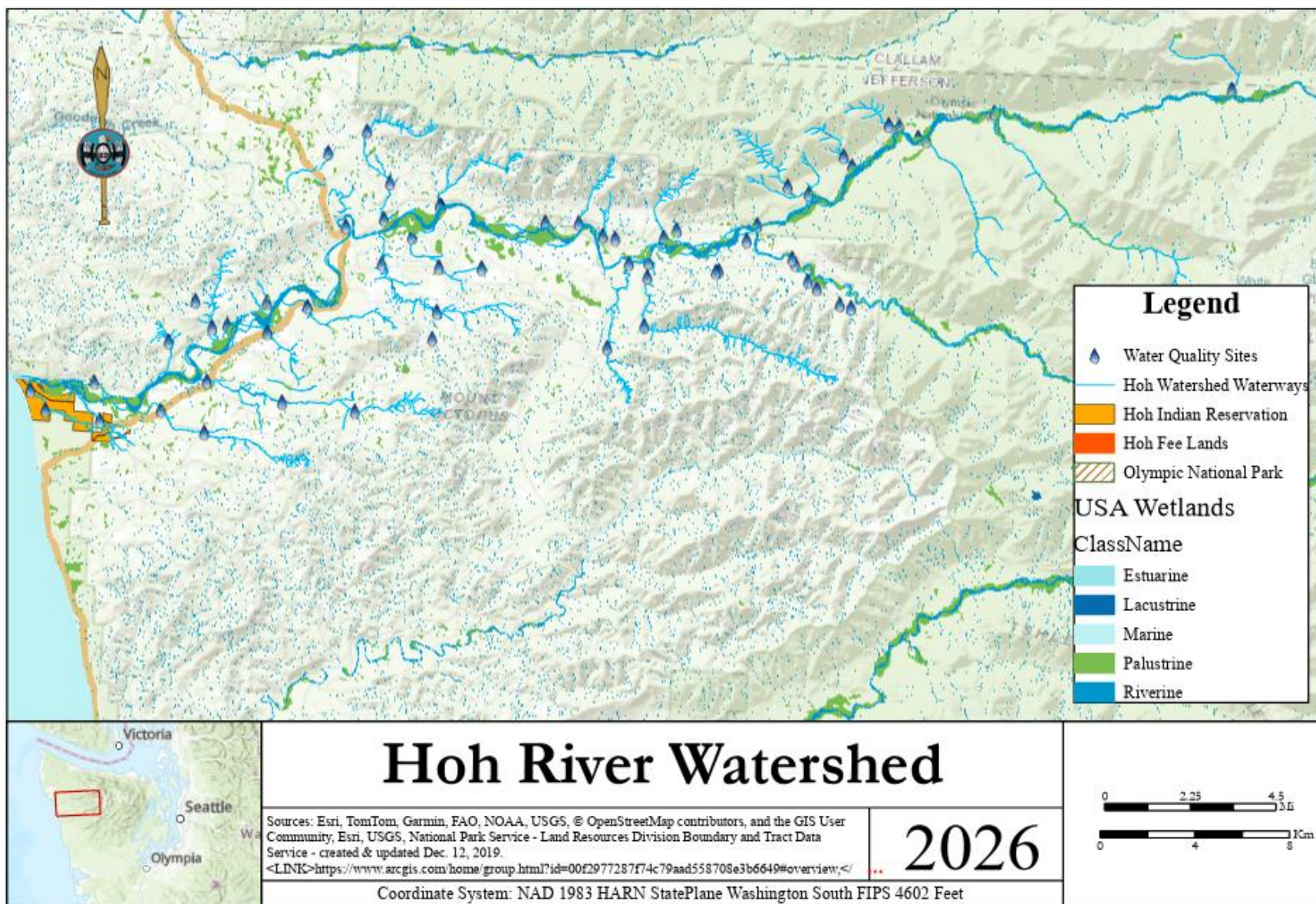


Figure 5. Water quality monitoring sites in the Hoh River Watershed. Site numbers correspond to those found in Table 4.

Table 4. List of monitoring sites conducted by the Hoh Tribe's water quality monitoring program and their frequency and parameters.

Site Name	Map #	Temp.	Turb.	DO	pH	Flow	Benthic macroin.	Latitude (N)	Longitude (W)
Alder, Lower	1	C ^S						47.815885	124.229225
Alder, Middle	2					BF		47.829815	124.226756
Alder, Upper	3	M	M, SE	M	M			47.848982	124.241098
Anderson, Lower	4	M, C ^Y	M, SE	M	M	BF	BF	47.771694	124.323045
Anderson, Upper	5	C ^Y						47.781444	124.333260
Braden, Lower	6	M, C ^S	M, SE	M, C ^S	M			47.739340	124.349698
Braden, Upper	7	C ^S						47.731540	124.324708
Canyon Springs	8	C ^S						47.817024	124.063933
Canyon downstream of Upper Hoh Road	9	M	M, SE	M	M			47.812813	124.070669
Canyon upstream of Upper Hoh Road	10	M	M, SE	M	M			47.813726	124.070907
Chalaat, Lower	11	M, C ^Y	M, SE	M, C ^S	M			47.744523	124.423781
Chalaat, Upper	12	C ^Y						47.737172	124.414742
Cottonwood	13	C ^S						47.781977	124.293126
Crippen Springs	14	C ^S						47.814196	124.024150
East Pole	15	C ^S						47.812624	124.098379
E. F. Iron Maiden	16	C ^S						47.802086	124.039139
Elk, Lower	17	C ^Y						47.809659	124.212923
Elk, Middle	18	M	M, SE	M	M	BF	BF	47.798611	124.196944
Elk, Upper	19	C ^Y						47.798958	124.172857
Fletcher	20	C ^S						47.734321	124.383816
Hell Roaring	21	M, C ^S	M, SE	M, C ^S	M			47.840109	124.262493
Hoh above Anderson	22	C ^Y		C ^S				47.772739	124.314575
Hoh above Barlows	23	C ^Y		C ^S				47.748662	124.388057
Hoh above Campground	24	C ^Y						47.856069	123.929961
Hoh above Willoughby	25	C ^Y						47.821942	124.197176
Hoh at ONP Boundary	26	C ^Y		C ^S				47.820204	124.018508

Table 4 (cont.): List of monitoring sites conducted by the Hoh Tribe's water quality monitoring program and their frequency and parameter.

Site Name	Map #	Temp.	Turb.	DO	pH	Flow	Benthic macroin.	Latitude (N)	Longitude (W)
Hoh Creek	27	C ^S						47.879339	123.754112
Hoh Oxbow	28	M	M, SE	M	M			47.812511	124.250506
Hoot	29	C ^S						47.790253	123.963615
Jackson	30	C ^Y						47.855163	123.925163
Line	31	C ^S						47.791398	123.970043
Lost	32	C ^S						47.781337	124.269993
Maple, Lower	33	C ^S						47.803377	124.089971
Maple, Upper	34	C ^S						47.770946	124.100010
McQuarry-Fisher	35	C ^S						47.799704	123.988497
Mount Tom	36	C ^S						47.866800	123.887510
N.F. Winfield	37	C ^Y						47.781535	124.196996
Nolan, Lower	38	M, C ^Y	M, SE	M, C ^S	M	BF	BF	47.751175	124.324632
Nolan, Middle	39	C ^Y						47.744451	124.281750
Nolan, Upper	40	C ^Y						47.742364	124.240451
Owl, Lower	41	C ^Y						47.804241	124.079039
Owl, Middle	42					BF	BF	47.798555	124.079222
Owl, Upper	43	M, C ^Y	M, SE	M	M			47.779911	124.079742
Pins	44	C ^S						47.770711	124.291886
Rock	45	M, C ^S	M, SE	M	M			47.817483	124.138163
S.F. Hoh at Campground	46	M	M, SE	M	M			47.806054	123.996233
S.F. Hoh	47	C ^Y						47.807991	123.998023
Six Mile	48	C ^S						47.765486	124.347220
Snider	49	C ^S						47.847710	123.971624
Snider at Upper Hoh Road	50	M	M, SE	M	M			47.844104	123.966624
Split	51	C ^S						47.797040	123.983418
Taft	52	C ^S						47.860354	123.946815
Taft at Upper Hoh Road	53	M	M, SE	M	M			47.860084	123.940811

Table 4 (cont.): List of monitoring sites conducted by the Hoh Tribe's water quality monitoring program and their frequency and parameters.

Site Name	Map #	Temp.	Turb.	DO	pH	Flow	Benthic macroin.	Latitude (N)	Longitude (W)
Tower	54	M, C ^S	M, SE	M	M			47.817857	124.119303
Twin, Lower	55	M, C ^S	M, SE	M	M			47.832780	123.990266
Twin, Upper	56	C ^S						47.835370	124.002435
West Pole	57	C ^S						47.813405	124.105330
W.F. Iron Maiden	58	M, C ^S	M, SE	M	M			47.801612	124.040714
Willoughby	59	M, C ^Y	M, SE	M	M	BF		47.822138	124.198055
Winfield, Lower	60	M, C ^Y	M, SE	M	M	BF	BF	47.798882	124.229283
Winfield, Upper	61	C ^Y						47.771304	124.198823

Table 5. List of monitored rivers and creeks in the Hoh River Watershed as outlined in the Hoh River monitoring program. Sites highlighted green represent creeks within Hoh Tribal Trust and Fees lands. Sites with * have additional salmonid spawning protections.

Site	Water Type	Waterbody length (mi)	Usage Information
Alder, Lower; Middle; Upper	Creek	3.57	Core Summer Salmonid Habitat*
Anderson, Lower	Creek	2.99	Core Summer Salmonid Habitat
Anderson, Upper	Creek	0.47	Core Summer Salmonid Habitat
Braden, Lower; Upper	Creek	5.51	Core Summer Salmonid Habitat
Canyon Springs	Creek	0.51	Core Summer Salmonid Habitat
Canyon upstream & downstream of Upper Hoh Rd	Creek	2.91	Core Summer Salmonid Habitat
Chalaat, Lower; Upper	Creek	1.22	Core Summer Salmonid Habitat
Cottonwood	Creek	0.04	Core Summer Salmonid Habitat
Crippen Springs	Creek	unknown	Core Summer Salmonid Habitat
East Pole	Creek	0.42	Core Summer Salmonid Habitat
E. F. Iron Maiden	Creek	1.04	Core Summer Salmonid Habitat
Elk, Lower; Middle; Upper	Creek	2.15	Core Summer Salmonid Habitat*
Fletcher	Creek	0.70	Core Summer Salmonid Habitat
Hell Roaring	Creek	1.38	Core Summer Salmonid Habitat
Hoh above Anderson	River	1.11	Core Summer Salmonid Habitat*
Hoh above Barlows	River	1.68	Core Summer Salmonid Habitat*
Hoh above Campground	River	1.05	Char Spawning and Rearing
Hoh above Willoughby	River	0.85	Core Summer Salmonid Habitat*
Hoh at ONP Boundary	River	1.74	Char Spawning and Rearing
Hoh Oxbow	River	1.45	Core Summer Salmonid Habitat*
Hoot	Creek	1.51	Char Spawning and Rearing
Jackson	Creek	4.36	Char Spawning and Rearing
Line	Creek	1.96	Char Spawning and Rearing
Lost	Creek	0.97	Core Summer Salmonid Habitat
Maple, Lower	Creek	1.82	Core Summer Salmonid Habitat
Maple, Upper	Creek	1.55	Core Summer Salmonid Habitat
McQuarry-Fisher	Creek	1.25	Char Spawning and Rearing
Mount Tom	Creek	2.43	Char Spawning and Rearing
N.F. Winfield	Creek	0.82	Core Summer Salmonid Habitat
Nolan, Lower	Creek	2.73	Core Summer Salmonid Habitat*
Nolan, Middle	Creek	1.65	Core Summer Salmonid Habitat*
Nolan, Upper	Creek	2.86	Core Summer Salmonid Habitat
Owl, Lower & Middle	Creek	0.83	Core Summer Salmonid Habitat*
Owl, Upper	Creek	2.58	Core Summer Salmonid Habitat
Pins	Creek	2.73	Core Summer Salmonid Habitat
Rock	Creek	2.00	Core Summer Salmonid Habitat
S.F Hoh	River	1.32	Char Spawning and Rearing
Six Mile	Creek	1.97	Core Summer Salmonid Habitat
Snider & Snider at Upper Hoh Rd	Creek	1.84	Char Spawning and Rearing
Split	Creek	0.36	Char Spawning and Rearing
Taft	Creek	1.72	Char Spawning and Rearing
Taft at Upper Hoh Rd	Creek	0.15	Char Spawning and Rearing
Tower	Creek	0.44	Core Summer Salmonid Habitat*
Twin, Lower	Creek	0.53	Char Spawning and Rearing
Twin, Upper	Creek	2.79	Char Spawning and Rearing
West Pole	Creek	0.26	Core Summer Salmonid Habitat
W.F. Iron Maiden	Creek	0.66	Core Summer Salmonid Habitat

Site	Water Type	Waterbody length (mi)	Usage Information
Willoughby	Creek	0.44	Core Summer Salmonid Habitat*
Winfield, Lower	Creek	3.59	Core Summer Salmonid Habitat*
Winfield, Upper	Creek	1.16	Core Summer Salmonid Habitat*

Wetlands and Aquatic Features

Wetland complexes throughout the watershed provide critical water quality functions. GIS analysis identifies 8,056 acres (4.21% of the total area) of wetlands, including 7,425 acres of woody wetlands and 631 acres of emergent herbaceous wetlands (Figure 5). The National Wetlands Inventory (NWI) database maintained by US Fish and Wildlife Service (USFWS) likely underrepresents actual wetland extent due to the challenges of mapping wetlands beneath dense forest canopy. Recent LiDAR research by Stewart et al. (2024) reveals that traditional satellite mapping significantly underestimates forest complexity within the watershed. Their discovery of extensive "cryptic" wetlands hidden beneath the forest canopy indicates that forested areas provide greater ecological functions than previously understood. Using Wetland Intrinsic Potential (WIP) mapping tools, researchers found that including these hidden forested wetlands increases watershed carbon-storage capacity estimates by fivefold, suggesting the watershed's forests play an even more critical role in landscape regulation and water quality protection than recognized in earlier assessments.

The Tribe is actively developing a wetland inventory in cooperation with University of Washington using a new wetland mapping tool by Monika Moskal's lab. The WIP Tool creates a map of probabilities of wetland location. With traditional methods of mapping analysis, it is difficult to locate wetlands that exist under forest canopies. The WIP is not meant to be regulatory and is not a replacement for, but a supplement to, the NWI, which will be beneficial for addressing gaps in the watersheds nonpoint pollutant sources.

Ground Water Standards

Washington's groundwater quality standards under Chapter 173-200 WAC establish protection criteria for subsurface waters that influence surface water quality through baseflow contributions. While groundwater provides baseflow critical for maintaining summer stream temperatures and dissolved oxygen, the interaction between groundwater and surface water in the Hoh watershed remains poorly characterized. Groundwater quality monitoring is not currently conducted as part of the Tribe's water quality program, though individual domestic wells exist within the reservation boundaries.

The HWQP was temporarily suspended from February 2020 through June 2021 due to COVID-19 pandemic restrictions (Hoh Tribe FY23 CWA 106 Report). This unprecedented disruption created a data gap during critical seasonal transitions but also demonstrated the program's resilience and importance to tribal resource management. Monitoring resumed in July 2021 with addition of dissolved oxygen saturation and specific conductivity parameters, providing more complete water quality characterization. Specific conductivity serves as a surrogate for total dissolved solids,

indicating groundwater inputs, road salt applications, or other ionic pollution sources, while DO saturation helps distinguish temperature-driven oxygen loss from biochemical oxygen demand.

Pollutants

The Tribe's water quality monitoring program, cultural accounts, and historical landscape records provide insight into existing and potential pollutants. The greatest threats to the watershed are temperature, dissolved oxygen, pH, and sedimentation delivery. Pollutants stem from various categories of sources like forestry, hydromodification, roads, invasives, atmospheric deposition, and gravel mining.

Table 6. Existing or potential pollutants throughout the Hoh River Watershed.

Pollutants
Temperature
Dissolved Oxygen
pH
Stormwater Runoff
Turbidity/Suspended Solids
Toxic Chemicals
Undersized Culverts
Invasives
Large woody debris

RESULTS

The Hoh River and its tributaries are often described as a relatively pristine, intact habitat for salmonids and other native fish species. Nevertheless, our monitoring efforts point to persistent and long-standing forms of water quality impairments in the Hoh River and tributaries. Warm water temperatures in the summer are the most apparent threat to salmon and char. From long-term monitoring efforts by the Hoh Tribe and others, it has been shown that warm waters which threaten salmonids and char have been present in the Hoh River and many tributaries for more than a decade, with additional tributaries being listed since then. From our efforts, we identified that more than half of the waterways that we monitor in the HRW were not achieving tribal goals or the State of Washington's water quality standards.

In the face of environmental fluctuations and impending loss of the glaciers that feed the watershed, existing cold water refugia will likely be further diminished in the future. Moreover, we have found low dissolved oxygen concentrations in the Hoh River and some creeks, which may be linked to warm temperatures and/or dissolved organic carbons in some sites. Finally, our monitoring program has identified tributaries of the Hoh River that have very low pH, although it is yet to be determined if this is from anthropogenic influences or natural conditions. Given the Hoh Tribe's dependence on salmon and steelhead, the identified water quality issues are of tribal concern. Efforts should be made to protect waterways that we identified as fully supporting designated aquatic life uses and restore those with poor water quality.

The Hoh Tribe's water quality monitoring program is responsible for assessing approximately 60 sites each year for a specific set of parameters including:

- Temperature
- DO
- pH
- Turbidity
- Specific conductivity
- Flow
- Benthic macroinvertebrates

The frequency of monitoring these parameters varies by site but includes continuous and discrete records (Table 4). Because the Tribe's monitoring network is so expansive, data shows that sites are located and exposed to various pollutants covering the watershed lands. The Tribe assesses water quality data on a yearly basis, which is useful for establishing most recent water quality conditions. However, the water quality program hasn't yet established baselines or long term parameter "normals". The following section provides insight into 2025's monitoring results. Although the program has not established numerical normals, the program tracks narrative conclusions like creek impairments by year and pollutant.

Instantaneous monthly monitoring showed four creeks/ivers were impaired due to temperatures outside of their respective criteria. The impaired sites included Lower Nolan, Lower Winfield, and Middle Elk Creek, and the SF Hoh River. Nolan Creek claimed the highest average site temperature, 10.92°C, and maximum temperature overall, 19.15°C (Hoh FY25 CWA 106 Assessment Report, 2025).

Continuous temperature monitoring in FY 2025 yielded twenty-one impairments throughout the watershed. Impairments were observed at four sites within the Hoh River mainstem, twelve of the Hoh River's tributaries, the SF Hoh River, and three of the SF Hoh River's tributaries (Hoh FY25 CWA 106 Assessment Report, 2025). The Hoh River and nine tributaries did not fully support core summer salmonid habitat based on our continuous temperature monitoring. Additionally, the Hoh River, the SF Hoh River, and seven tributaries did not fully support char spawning and rearing either.

Hoh River above Barlows had the highest monthly 7-DADM average temperature, 20.02°C, in June; the maximum 7-DADM calculated for a single day, 22.01°C in August; and the maximum temperature occurrence, 23.97°C in August. Upper Nolan Creek held the lowest monthly 7-DADM average temperature. Middle Nolan Creek recorded the lowest daily 7-DADM temperature, 2.02°C, and the lowest recorded temperature, 0.4°C, in February (Hoh FY25 CWA 106 Assessment Report, 2025).

Of the 48 sites monitored over the summer, 30 sites experienced their hottest monthly 7-DADM average in August and 12 sites in July. This is likely due to warmer than usual temperatures in

August across the state. Temperatures recorded at Quillayute’s weather station were 2.0°F above normal (Genuise, 2025).

Waters designated for general salmonid use showed extensive impairments affecting spawning and rearing success. Fifteen tributaries consistently exceeded the 16°C criterion during summer months, including Alder, Anderson, Elk, Line, Lost, McQuarry-Fisher, Mount Tom, Owl (lower), Split, Snider, Tower, Twin, Willoughby, and Winfield Creeks. Many of these streams have remained on the 303(d) list since 1996, indicating chronic impairment persisting nearly three decades.

Low pH in Lower Braden and Hell Roaring is longstanding. Monthly instantaneous pH measurements have shown pH impairment since 2018 in Lower Braden Creek and since 2005 in Hell Roaring Creek. HWQP historical instantaneous data from 2005-2025 shows pH impairments at Lower Braden Creek for 16 out of 21 years, at Lower Chalaat Creek for 10 out of 20 years, at Hell Roaring Creek for 21 years, and at Lower Nolan Creek for 6 out of 21 years. Historical monthly data from Hell Roaring Creek dating back to 2005 indicates that the site hasn't recorded a pH above 6.5 since 2018. Lower Chalaat Creek has had pH issues since 2020.

Three of the four sites with pH impairments also had accompanied DO impairments. Lower Braden, Hell Roaring, and Lower Nolan Creek failed to maintain DO concentrations above 9.5 mg/L for less than the 5% of allowable exceedance days. Braden and Nolan Creek were below the criterion from June to August and Hell Roaring in October 2024 and from June to September 2025 (no measurement in July). Hell Roaring led in lowest average DO concentration this year, 9.83 mg/L, and lowest single event occurrence, 7.74 mg/L. The maximum average DO concentration, 11.84 mg/L, occurred at Snider Creek. The maximum DO concentration, 12.9 mg/L, occurred at Lower Willoughby Creek (Hoh FY25 CWA 106 Assessment Report).

Table 7. Historical DO and pH impairments at high-risk creeks.

	Total Years Impaired	Total Years Monitored
DO	Chalaat Creek	
	16	19
	Braden Creek	
	17	21
	Hell Roaring Creek	
	18	21
	Nolan Creek	
pH	16	21
	Chalaat Creek	
	10	20
	Braden Creek	
	16	21
	Hell Roaring Creek	
	21	21
	Nolan Creek	
	4	21

Analysis of HWQP historical instantaneous data (2007-2025) points to persistent DO impairment in Lower Chalaat Creek for 16 of the past 19 years of monthly monitoring (Table 7). This year marks the first year since 2022 that Chalaat Creek will not be listed for DO impairment. Braden Creek DO impairment has returned after three years without measured impairments (not including continuous data). Similarly, Nolan Creek was not listed for DO impairment based on monthly monitoring last year; however, this year the DO issues have returned. Hell Roaring continues to have persistent DO issues marking the 18th out of 21st year of impairment based on historical monthly monitoring data (Table 7). Furthermore, analysis of HWQP instantaneous data measured from 2005 through 2025 shows

that water quality, whether pH or DO, has been impaired in Braden Creek and at Hell Roaring for the past 21 years (Table 7).

According to the FY23 CWA 106 Report, Hell Roaring Creek contained disconnected pools from June through September, while Braden Creek experienced complete cessation of flow from July through September, creating stagnant conditions where dissolved oxygen depletion becomes inevitable regardless of temperature. This reality has occurred at various creeks in the past and is not partial to just 2023. The FY25 CWA 106 Report also documented impairments in the Hoh River at multiple sites exemplifying low oxygenation in larger channels where stagnation and disconnection would not be an issue.

According to the U.S. Fish and Wildlife Service National Wetland Inventory, the sites with DO impairments (Lower Braden Creek, Hell Roaring Creek, Hoh River above Anderson, and Lower Nolan Creek) are located downstream of freshwater forested/shrub wetlands (U.S. Fish and Wildlife Service, 2022). Data involving nearby wetland analysis would be useful to gather baselines and a greater understanding of how these relationships cooperate with each other. We continue to recognize, however, that elevated water temperatures could still be a cause of reduced DO concentrations through decreased solubility.

The Hoh Tribe does not have benchmark goals for ambient turbidity, specific conductivity, or instream flow because Washington State does not have aquatic life criteria for these water quality parameters. Furthermore, setting criteria for ambient turbidity requires site-specific information (i.e., baseline conditions for turbidity and conductivity, local geology and soils types) that is currently not available for the Hoh River and its tributaries. However, baseline conditions can be established by continuing to collect turbidity and conductivity data, which can then be used to set tribal goals in the future.

Turbidity standards protect aquatic life from suspended sediment impacts including gill abrasion, reduced feeding efficiency, and substrate embeddedness that eliminates spawning habitat. Washington's criteria prohibit turbidity increases exceeding 5 NTU over background when background is 50 NTU or less, or more than a 10% increase when background exceeds 50 NTU during in-water work. These incremental standards recognize natural background variability while preventing human-caused degradation that would impair designated uses. However, Washington State does not have turbidity criteria for ambient conditions.

Field observations at Canyon Creek documented the physical sources of the watershed's most severe turbidity impairment, with steep banks requiring riprap and netting installations from ongoing instability due to clay deposits. The direct discharge of stormwater from Upper Hoh Road observed flowing quickly into the creek without any treatment or velocity dissipation provides a chronic clay sedimentation to be activated during every precipitation event. Similarly, at the Oil City Road unnamed stream crossing, field crews documented failed erosion control infrastructure where old riprap had fallen into the channel, creating both a sediment source and partial barrier to flow.

Integration of USGS flow data with water quality monitoring reveals important relationships where temperature exceedances correlate with low flow periods, DO sags coincide with reduced velocities and reaeration, turbidity spikes follow rain-on-snow events, and seasonal patterns show earlier spring runoff and extended summer baseflow periods. The August 2023 base flows averaging 40-60% below long-term means demonstrate an accelerating trend toward summer flow depletion that exacerbates all other water quality impairments.

Benthic macroinvertebrate sampling has occurred at Anderson, Elk, Nolan, Owl, and Winfield Creeks during summer low flow conditions since 2021. All creeks monitored have held excellent to excellent/good standards according to the Benthic Index of Biotic Integrity scoring system. Although water quality impairments are present in these creeks, macroinvertebrate species still show up in diverse populations compared to other Western Washington areas.

Table 8. Monitoring sites in rivers and creeks of the Hoh River Watershed with impaired water quality from FY 2021-2025 that did not fully support designated uses.

Monitoring Site	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Alder, Lower	Temp	Temp	Temp	Temp	Not monitored
Anderson, Lower	Temp	None	Temp	None	None
Braden, Lower	DO, pH	DO, pH	DO, pH	pH	DO, pH
Chalaat, Lower	None	DO, pH	DO, pH	DO, pH	pH
Chalaat, Upper	Temp	Temp	Temp	Temp	Temp
Elk, Middle	None	None	Temp	None	Temp
Elk, Upper	Temp	None	None	None	Temp
Hell Roaring	DO, pH, Temp	DO, pH	DO, pH	DO, pH	DO, pH
Hoh River above Anderson	DO, Temp	DO, Temp	DO, Temp	Temp	DO
Hoh River above Barlows	Temp	Temp	Temp	DO, Temp	Temp
Hoh River above Campground	Temp	Temp	Temp	None	Temp
Hoh River above Willoughby	Temp	Temp	Temp	None	Temp
Hoh at ONP Boundary	Temp	Temp	Temp	Temp	Temp, DO
Hoh Creek	Not monitored	Temp	Not monitored	Not monitored	Not monitored
Hoot	Temp	Temp	Temp	Temp	None
Jackson	Temp	Temp	Temp	Temp	Temp
Line	Temp	None	Temp	Temp	Temp
Lost	Temp	None	None	None	None
Maple, Lower	None	None	Temp	None	None
McQuarry-Fisher	Temp	Temp	Temp	Temp	Temp
Mount Tom	Not monitored	Temp	Temp	Temp	Temp
N.F. Winfield	Temp	None	Temp	None	None
Nolan, Lower	DO, Temp	DO, pH, Temp	DO, Temp	DO, Temp	DO, pH, Temp
Nolan, Middle	Temp	Temp	Temp	Temp	Temp
Owl, Lower	Temp	Temp	Temp	Temp	Temp
S.F. Hoh	Temp	Temp	Temp	Temp	Temp
Snider	Temp	Temp	Temp	None	Temp
Split	None	Temp	Temp	Temp	Temp
Taft	DO	None	None	DO	None
Tower	None	Temp	Temp	Temp	Temp
Twin, Upper	Temp	Temp	Temp	Temp	Temp
Willoughby	Temp	Temp	Temp	Temp	Temp
Winfield, Lower	Temp	Temp	Temp	Temp	Temp
Winfield, Upper	Temp	None	Temp	Temp	Temp

Since expanding and maintaining our monitoring efforts in 2021, the Hoh Tribe’s water quality data has determined that 34 locations have shown impairment for at least one parameter (Table 8). Removing redundancies like “upper”, “lower” creeks and Hoh River sites at different mile markers

still leaves 26 total creeks/ivers with impairments. This list encompasses the Tribe's assessment of all monitoring including continuous and discrete temperature, pH, DO data.

The Wahington Department of Ecology recently updated their listings of the impaired waterways (303(d)) in releasing their 2022 Assessment cycle data. This cycle added 8 new creeks to the list of impairments and now includes impairments for parameters like dissolved oxygen and pH as compared to the 2018 data cycle (Table 9).

Table 9. Impaired waterbodies within the HRW according to the Washington Department of Ecology's 2022 Waterbody Assessment Cycle.

WATERBODY	PARAMETER	DESIGNATED USE	ASSESSMENT UNIT ID
ALDER CREEK	Temperature	Aquatic Life - Core Summer Salmonid Habitat	17100101000708_001_001
ALDER CREEK	Temperature	Aquatic Life - Core Summer Salmonid Habitat	17100101000701_001_002
ANDERSON CREEK	Temperature	Aquatic Life - Core Summer Salmonid Habitat	17100101012795_001_001
BRADEN CREEK	Dissolved Oxygen	Aquatic Life - Core Summer Salmonid Habitat	17100101000359_001_001
ELK CREEK	Temperature	Aquatic Life - Core Summer Salmonid Habitat	17100101023220_001_002
ELK CREEK	Temperature	Aquatic Life - Core Summer Salmonid Habitat	17100101023224_001_001
FISHER CREEK (MCQUARRY CREEK)	Temperature	Aquatic Life - Char Spawning and Rearing	17100101013878_001_001
HOH RIVER	Temperature	Aquatic Life - Core Summer Salmonid Habitat	17100101013703_001_001
HOH RIVER	Temperature	Aquatic Life - Core Summer Salmonid Habitat	17100101000044_001_001
HOH RIVER	Dissolved Oxygen	Aquatic Life - Core Summer Salmonid Habitat	17100101000033_001_001
HOH RIVER	Temperature	Aquatic Life - Core Summer Salmonid Habitat	17100101013742_001_001
HOH RIVER	Temperature	Aquatic Life - Core Summer Salmonid Habitat	17100101023769_001_001
HOH RIVER	Temperature	Aquatic Life - Core Summer Salmonid Habitat	17100101000033_001_001
HOH RIVER	Temperature	Aquatic Life - Char Spawning and Rearing	17100101000091_001_001
HOH RIVER	Temperature	Aquatic Life - Char Spawning and Rearing	17100101000077_001_001
HOOT CREEK	Temperature	Aquatic Life - Char Spawning and Rearing	17100101000770_001_001
JACKSON CREEK	Temperature	Aquatic Life - Char Spawning and Rearing	17100101000380_002_002
LINE CREEK	Temperature	Aquatic Life - Char Spawning and Rearing	17100101046753_001_001
LOST CREEK	Temperature	Aquatic Life - Core Summer Salmonid Habitat	17100101013209_001_001
MAPLE CREEK	Temperature	Aquatic Life - Core Summer Salmonid Habitat	17100101000383_001_001

Table 9 (cont.): Impaired waterbodies within the HRW according to the Washington Department of Ecology's 2022 Waterbody Assessment Cycle.

WATERBODY	PARAMETER	DESIGNATED USE	ASSESSMENT UNIT ID
NOLAN CREEK	Temperature	Aquatic Life - Core Summer Salmonid Habitat	17100101000766_001_001
NOLAN CREEK	Dissolved Oxygen	Aquatic Life - Core Summer Salmonid Habitat	17100101000766_001_001
NOLAN CREEK	Temperature	Aquatic Life - Core Summer Salmonid Habitat	17100101000769_001_001
OWL CREEK	Temperature	Aquatic Life - Core Summer Salmonid Habitat	17100101000394_001_001
POLE CREEK	Temperature	Aquatic Life - Core Summer Salmonid Habitat	17100101000719_001_002
SNIDER CREEK	Temperature	Aquatic Life - Char Spawning and Rearing	17100101000698_002_002
SOUTH FORK HOH RIVER	Temperature	Aquatic Life - Char Spawning and Rearing	17100101013869_001_001
SPLIT CREEK	Temperature	Aquatic Life - Char Spawning and Rearing	17100101020036_001_001
TOWER CREEK	Temperature	Aquatic Life - Core Summer Salmonid Habitat	17100101000718_001_002
TWIN CREEK	Temperature	Aquatic Life - Char Spawning and Rearing	17100101000704_001_001
UNNAMED CREEK (TRIB TO EAST FORK HELL ROARING CREEK)	pH	Aquatic Life - Core Summer Salmonid Habitat	17100101012968_001_001
UNNAMED CREEK (TRIB TO EAST FORK HELL ROARING CREEK)	Dissolved Oxygen	Aquatic Life - Core Summer Salmonid Habitat	17100101012968_001_001
UNNAMED CREEK (TRIB TO WINFIELD CREEK)	Temperature	Aquatic Life - Core Summer Salmonid Habitat	17100101000767_001_002
WILLOUGHBY CREEK	Temperature	Aquatic Life - Core Summer Salmonid Habitat	17100101000699_001_001
WINFIELD CREEK	Temperature	Aquatic Life - Core Summer Salmonid Habitat	17100101000744_001_001
WINFIELD CREEK	Temperature	Aquatic Life - Core Summer Salmonid Habitat	17100101000746_001_001

Nonpoint Source Assessment

Nonpoint Source categories were chosen based on factors affecting our waterways. Temperature, DO, pH, and turbidity were prioritized given our extensive data and cultural priorities.

Assessment findings derive from synthesis of five years of monitoring data (FY2021-2025), and review of existing documentation. Seven major NPS categories were identified.

Forestry & Logging Roads

Forest management activities and associated road networks represent the most widespread nonpoint source pollution category affecting water quality in the Hoh River Watershed. The combination of timber harvest, road construction and maintenance, and log transport creates multiple pathways for sediment delivery, thermal pollution, and hydrologic alteration. The spatial distribution of these forestry impacts, which overlays active harvest areas and road networks with documented water quality impairments.

Hydromodification & Bank Erosion

Hydromodification, the alteration of natural stream channels and floodplains, combines with accelerated bank erosion to deliver substantial sediment loads while fundamentally disrupting aquatic habitat. The Hoh River's dynamic channel migration, exacerbated by land use impacts, creates both natural and anthropogenic sources of water quality degradation. Extensive erosion control infrastructure exists throughout the watershed, including massive concrete dolosse structures placed between the river and Upper Hoh Road, indicating the severity of bank erosion challenges.

Invasive Species

Extensive invasive species have been identified by various organizations throughout Washington like Washington Native Plant Society, Washington State Department of Agriculture (WSDA), Washington Department of Natural Resources (DNR), 10K Years Institute (10K), and more. Their presence contributes to species monoculture, limited nutrient and soil profiles, and replacement of stabilizing vegetation. Mapping of invasives in the Hoh River Watershed is extensive because of publicly available noxious weed reporting. However, mapping fails to represent noxious weeds within Olympic National Park and at higher elevations (Figure 6).

Roads, Highways, and Bridges

Roads, highways, bridges, and associated infrastructure create concentrated sources of nonpoint source pollution through increased impervious surfaces, altered drainage patterns, and introduction of vehicle pollutants. While the Hoh watershed remains predominantly rural, extensive transportation corridors generate measurable water quality impacts. Near development, there are multiple pathways for untreated stormwater to reach surface waters, with no stormwater treatment infrastructure observed at major discharge points.

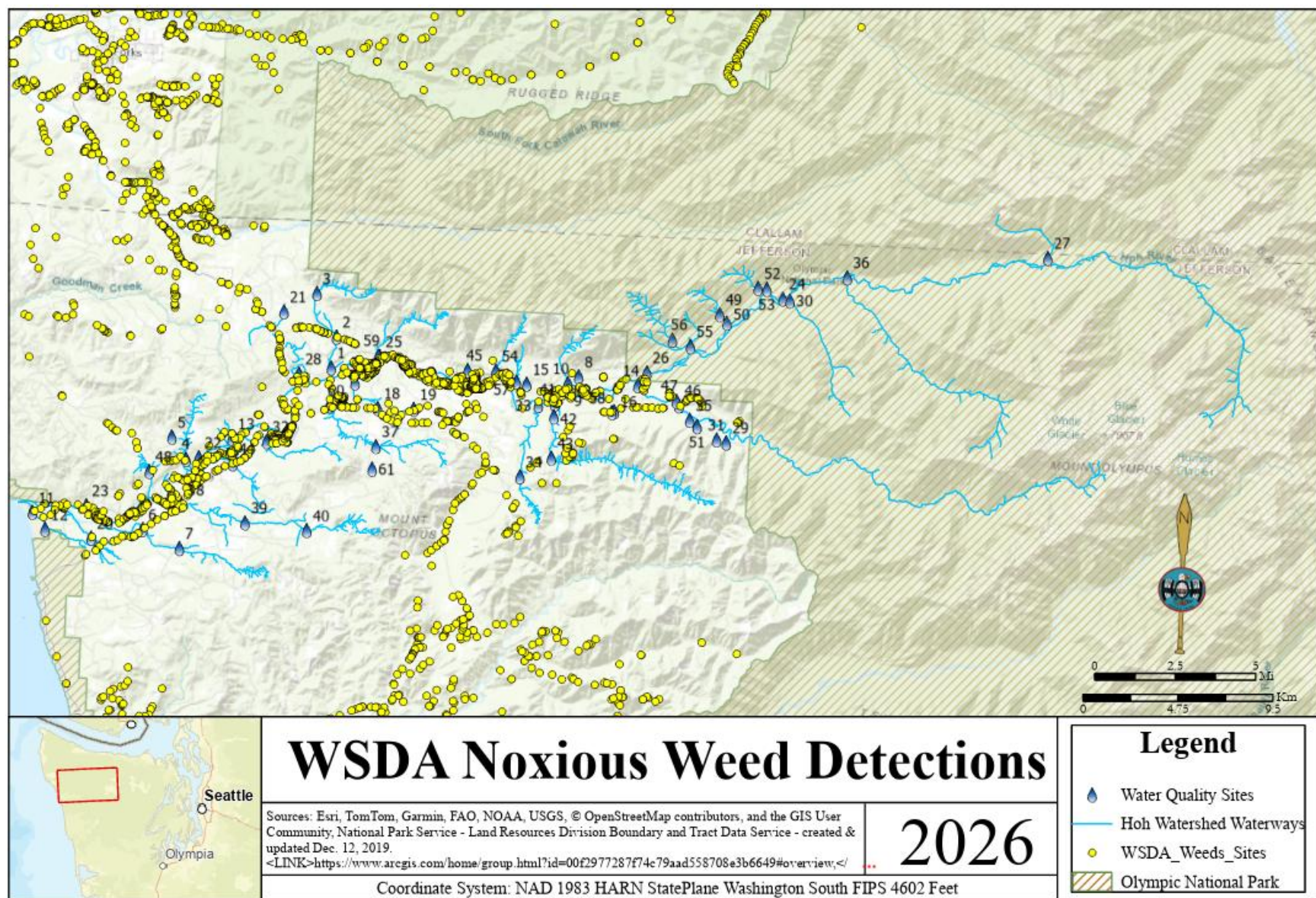


Figure 6. Noxious Weed Detections throughout the HRW with monitoring sites waterways labeled.

Natural Resource Extraction

Historical gravel extraction has created disturbed areas throughout the watershed vulnerable to erosion and potentially vehicle-related emissions. Unreclaimed pits contribute pollutants through sediment mobilization at 100-1,000 tons/acre/year from exposed surfaces, hydrocarbon contamination at 100-1,000 mg/kg TPH from equipment operations, pH impacts from exposed minerals creating pH 4-5 or 9-11 extremes, temperature effects with shallow ponds reaching 25-35°C in summer, and heavy metals including iron at 1,000-10,000 mg/L in acidic conditions (Newton and Drenten, 2015). There are currently three gravel mining operations active within the watershed, the Seton Construction Canyon Creek Quarry located by Canyon Creek, Winfield Surface Mine DNR located near Elk and Winfield Creeks, and the St. Regis Gravel Pit located near an unnamed creek and wetland.

Atmospheric Deposition

Chronic deposition from vehicle traffic creates distributed contamination along Highway 101 and forest roads. Annual deposition rates include 0.1-1.0 kg/hectare/year of PAHs, 10- 100 g/hectare/year of heavy metals including copper, zinc, and lead, 1-10 kg/hectare/year of petroleum hydrocarbons, and 0.01-0.1 kg/hectare/year of platinum group elements from catalytic converters (Hwang et al., 2016). The Highway 101 bridge crossing, with its documented lack of stormwater treatment, delivers these contaminants directly to the Hoh River.

Data Gaps in Historical Record

Temporal gaps include limited winter monitoring due to access and safety constraints, the COVID-19 suspension from February 2020 through June 2021, and intermittent equipment failures during extreme events. These gaps, while unavoidable, create uncertainty in annual assessments and may underestimate impairment frequency.

Spatial gaps affect headwater areas above 3,000 feet elevation where snow and access limit monitoring, non-fish bearing tributaries that receive minimal monitoring despite contributing flow and pollutants, and wetland systems that require different sampling protocols than stream monitoring. Private industrial forest lands often restrict access, creating gaps in understanding of active harvest impacts.

Results Assessment

The consistency of degradation trends across parameters, sites, and years indicates that current management approaches have failed to arrest, much less reverse, water quality decline. Despite three decades of forest practice rules, salmon recovery efforts, and restoration investments, no monitored parameter shows statistically significant improvement. Several sites show accelerating degradation, suggesting threshold effects where initial impacts trigger cascading ecosystem changes.

The persistence of temperature impairments since 1996 despite riparian replanting indicates that passive recovery through vegetation regrowth cannot overcome landscape-scale changes and

landscape forcing. The emergence of new impairments in previously unaffected waters suggests degradation is spreading rather than contracting. Most concerning is that reference sites within Olympic National Park also show warming trends, eliminating upstream sources for recolonization even if downstream conditions improved.

Recovery planning must acknowledge these trajectories and design interventions scaled to observed degradation rates. The field observations of extreme conditions like streams drying completely, pH below 5.0, temperatures exceeding 20°C indicate some waters have crossed deadly thresholds where restoration may take years to show promise.

DISCUSSION

While many waterways have long-term water quality degradation, some stream reaches maintain conditions meeting water quality standards or possess exceptional ecological and cultural significance warranting protection from future degradation. These waters, though increasingly rare within the watershed, provide critical refugia for sensitive species, serve as reference conditions demonstrating potential recovery, and support treaty-reserved resources fundamental to Hoh Tribal identity and subsistence. Protection of these high-quality waters represents an equally important management priority as restoration of impaired reaches, particularly given projected landscape change impacts that will intensify pressure on remaining functional habitat.

Temperature Impairments

The geographic distribution of water quality impairments reveals clear patterns corresponding to land use intensity and channel position within the watershed. Temperature impairments concentrate in tributaries draining actively managed forestlands, particularly those accessed by the Hoh Mainline Road where DNR and private timber company lands undergo regular harvest rotation. These streams—including Owl, Winfield, Elk, and Maple Creeks—show persistent temperature violations dating to 1996, indicating that current forest practices rules have not successfully restored thermal regimes.

Water temperature was the primary water quality parameter of concern. Twenty-two sites, four within the Hoh River mainstem, fourteen of its tributaries, the SF Hoh River mainstem, and three of its tributaries were impaired due to warm temperatures. In total, we found that 35.8 river miles, or 47% of the total length monitored for water temperature, had temperatures that exceeded criteria. In comparison, FY 2024 temperature impairments spanned 46.1 river miles or 47.8% of total waters assessed for temperature (Hoh Tribe FY2025 Water Quality Assessment, 2025). Of the total 76 river miles we assessed in the watershed in FY 2025, 43.8 river miles (57.68%) were impaired because at least one water quality parameter did not meet water quality standards criteria. This is an increase in impairments from last year's total extent of waters assessment.

Reports have linked canopy cover loss from logging with elevated water temperatures in Hoh River tributaries. In the 1990s, large-scale timber harvests in the HRW were associated with significant changes in water temperature. Hatten (1992) showed that daily maximum water

temperatures were two to three times greater for Hoh River tributaries in logged sub-basins (> 65% timber removed) than in forested streams. Daily maximum temperatures also exceeded Washington state's water quality standards, creating unsuitable warm environments for salmon. Additionally, the study found that logged streams had more variable day-to-day and diurnal water temperatures than those in unharvested areas. Fluctuating temperatures hinder salmon's ability to adjust to warming temperatures (Coutant, 1977; Hokanson et al., 1977; Torgersen et al., 1999). Hatten & Conrad (1995), Murray et al. (2000), and Pollock et al. (2004) supported Hatten's (1992) findings. In all three studies, daily average and/or maximum temperatures were significantly greater in logged Hoh River tributaries.

Following the adoption of Washington State's *Forest Practices Habitat Conservation Plan* in 2006, protections for aquatic species were greatly improved on state forest lands. The goal of the plan is to protect endangered aquatic and riparian species under the Endangered Species Act. Prior to the adoption of the plan, forests could be logged up to creek banks. Leaving a forested riparian buffer along fish-bearing streams became a requirement when the plan was adopted. Although logging practices are more protective of riparian zones and waterways now than they were in the 1990s, many waterways in the HRW have legacy effects from historical logging practices. The Hoh River and many of its tributaries downstream of the South Fork Hoh River (ie., outside of ONP) lack sufficient canopy cover and instream large wood debris because old-growth riparian zones have yet to re-established (Smith, 2000). Loss of old-growth trees along waterways results in widening of the channel and a loss of cold-water pools, which contribute to warm water. Of the 26 sites with impairments, 18 were located on designated forest land owned by a private entity (9 sites) or the State of Washington (9 sites).

Forest management and road networks fundamentally alter watershed hydrology. Road networks intercept subsurface flow, concentrate surface runoff, and extend the drainage network, leading to flashier hydrographs with higher peak flows and reduced base flows (Montgomery, 1994; Wemple et al., 1996). These alterations manifest as increased peak flows during storms, with 10-30% increases documented in similar Pacific Northwest watersheds. Runoff response times decrease by 50-70% in heavily roaded watersheds, concentrating flow in destructive pulses. Conversely, summer base flows decline by 20-50% as intercepted subsurface flow and reduced infiltration diminish groundwater recharge.

Field observations of log jams at Winfield Creek and debris accumulations at Nolan Creek following flood events demonstrate how altered hydrology interacts with woody debris to create complex channel blockages that exacerbate both flooding and low-flow conditions.

Dissolved Oxygen Patterns

Dissolved oxygen and pH impairments cluster in lower gradient reaches where reduced velocity, accumulated organic matter, and extended residence time create conditions for biochemical oxygen depletion and acid accumulation. The severe impairments in Hell Roaring and Lower

Braden Creeks occur where extensive upstream disturbance combines with channel modifications that concentrate pollutants.

Lower Chalaat Creek has shown chronic DO impairment throughout the monitoring period, failing to meet the 9.5 mg/L criterion in 19 years (Table 7). This persistent impairment suggests complex interactions between biochemical oxygen demand from organic inputs, reduced reaeration due to low gradient and velocity, potential groundwater inputs with naturally low DO, and cumulative effects from upstream land uses. The consistency of this impairment across diverse weather patterns indicates systemic rather than episodic causation.

Low dissolved oxygen concentrations in the Hoh River and Lower Nolan Creek are potentially produced by warm water temperatures. Dissolved oxygen becomes less soluble in warmer water, resulting in a loss of DO from the waterway. In addition to low DO concentrations, we measured warm water temperatures that exceeded the applicable designated uses criterion in both Lower Nolan Creek and Hoh River above Anderson, Barlows, ONP, and Willoughby.

Prior to 2024, we hypothesized that Lower Braden, Lower Chalaat, and Hell Roaring Creek DO complications were influenced by nutrient pollution since these creeks did not have paired temperature impairments. After receiving results from our yearlong assessment of nutrients derived from nitrogen and phosphorus in FY 2024, we did not see relationships that would indicate there was eutrophication occurring.

The next alternative reasoning we addressed was dissolved organic carbon influences originating from nearby wetlands. Freshwater wetlands are known for having high dissolved organic carbon concentrations which promote aerobic respiration, thereby reducing DO concentrations. According to the U.S. Fish and Wildlife Service National Wetland Inventory, the sites with DO impairments (Lower Braden Creek, Hell Roaring Creek, Hoh River above Anderson, and Lower Nolan Creek) are located downstream of freshwater forested/shrub wetlands (U.S. Fish and Wildlife Service, 2022). Our 2024 DOC analysis of all creeks suggested an inverse relationship between dissolved organic carbon concentrations and dissolved oxygen concentrations ($R^2 = 0.62$ $p = <0.001$) (Hernandez, 2025). This relationship corroborates our hypothesis that DOC from nearby wetlands is affecting DO concentrations. More data involving nearby wetland analysis would be useful to gather baselines and a greater understanding of how these relationships cooperate with each other. We continue to recognize, however, that elevated water temperatures could still be a cause of reduced DO concentrations through decreased solubility.

pH Depression

Hell Roaring Creek has exhibited consistently acidic conditions since monitoring began, with pH values frequently below 5.5 (Hoh Tribe FY25 CWA 106 Report). Lower Braden Creek shows similar chronic pH depression. These patterns reflect both natural factors including organic acids from wetland drainage and coniferous forest leachates high in fulvic and humic acids, and

anthropogenic influences such as potential acid deposition from atmospheric sources and altered hydrology concentrating natural acids.

First, cedar spaults, or waste cedar pieces left over from timber harvesting, may be leaching water-soluble tannins, which are natural acids, into the creeks. When cedar spaults are in the wetted channel, the water can become acidified from the tannins. Cedar spaults are pervasive in certain parts of the watershed due to unrestricted logging during the 1970s and 1980s (Jill Silver, personal communication). In 1999 and 2000, the Hoh Tribe's Natural Resources Department removed cedar spaults from Hoh River tributaries in order to improve fish passage and water quality (Silver, 2000; Jill Silver, personal communication). During the project, Hell Roaring Creek was identified as one of the Hoh River tributaries most impacted by cedar spaults. In some stretches of the creek, spaults were so tightly packed that flow was reduced to a trickle. After five months of work, the crew cleared spaults from ten miles of Hell Roaring Creek. Braden Creek was also identified as a tributary in need of spault removal during the project. Despite the work completed in 1999 and 2000, cedar spaults likely remain within the riparian zone and channel of many creeks in the watershed (Jill Silver, personal communication, Smith, 2000). During 2023, the water quality field crew identified a log jam, which may have been created by cedar spaults, in Hell Roaring Creek roughly 50 feet downstream of the sampling site (Kimberly Bray, Bernard Afterbuffalo, personnel communication). Additionally, white foam in pools and backwater areas of the creek was noted, which can result from high concentrations of tannins or organic matter (Kimberly Bray, Bernard Afterbuffalo, personal communication). However, qualitative evidence of cedar spaults and tannin leaching was not observed in Lower Braden, Lower Chalaat, or Lower Nolan Creeks in 2023.

Alternatively, we believed the acidic pH observed in these three creeks could be due to natural decomposition processes. According to the U.S. Fish and Wildlife Service National Wetland Inventory, Lower Braden, Lower Chalaat, and Hell Roaring Creeks are located downstream of freshwater forested/shrub wetlands (U.S. Fish and Wildlife Service, 2023). Freshwater wetlands can have extremely acidic water due to humic acids produced during the decomposition of organic matter. When a creek becomes hydrologically connected to such freshwater wetlands, acidic water from the wetland may enter the creek.

Sediment Sources

Forest management generates sediment through three primary mechanisms, each confirmed through field observations:

Harvest Unit Erosion

Clearcut and regeneration harvest areas create exposed soil surfaces vulnerable to erosion. Recently harvested areas ranging from fresh cuts to 15+ year-old regeneration stands along major forest roads, including a recently harvested area adjacent to Anderson Creek and a 5-year-old clearcut near Elk Creek. Steep slopes characteristic of many tributary watersheds amplify erosion potential.

Surface erosion from harvest units delivers fine sediment to streams through multiple pathways. Concentrated runoff in skid trails and cable corridors creates chronic sediment sources. Sheet and rill erosion on exposed mineral soil contributes background sediment loading. Gully formation where drainage is concentrated can deliver pulses of coarse sediment. Delayed revegetation on difficult sites extends the erosion window. Research in similar Olympic Peninsula watersheds indicates sediment delivery rates from recently harvested areas can exceed 1,000 kg/ha/year in the first year post-harvest, declining to background rates of 10-50 kg/ha/year within 3-5 years as vegetation establishes (Reid and Dunne, 1984; Swanson et al., 1989).

Forest Road Networks

Industrial forestlands in Western Washington typically maintain road densities ranging from 2.5 to 5.0 miles per square mile, well above the 2 miles per square mile threshold for properly functioning watershed conditions established by NOAA Fisheries (1996). Watersheds with road densities exceeding 3 miles per square mile are considered "not properly functioning," while sensitive species like bull trout are often absent in watersheds with more than 1.5 miles of road per square mile (Rieman et al., 2002).

The watershed's extensive forest road system creates chronic sediment sources. Road surface erosion generates 50-300 tons/mile/year of fine sediment from unpaved surfaces (Luce and Black, 1999). Cutslope and fillslope failures at unstable locations deliver episodic sediment pulses. Ditch line transport efficiently routes sediment-laden runoff directly to streams. Stream crossing failures occur when undersized or poorly maintained culverts cause erosion during high flows. Forest road crossings, such as the single-lane wooden bridges at Maple Creek and Owl Creek Upper stations, act as nonpoint sources of sediment when runoff enters streams during precipitation events.

Stormwater treatment infrastructure is lacking at critical discharge points throughout the watershed. These deficiencies create direct pollutant pathways from transportation corridors to receiving waters already stressed by other nonpoint sources.

The Highway 101 bridge crossing of the Hoh River consists of a narrow trestle bridge lacking any stormwater control measures. Traffic-generated pollutants and road surface runoff flow directly into the river without treatment. This direct discharge delivers untreated runoff from the watershed's busiest transportation corridor to waters already listed on the 303(d) list for temperature.

Similar conditions exist at the Highway 101 crossing of Braden Creek, where the 20-25 foot wide bridge lacks stormwater management infrastructure. Road runoff flows directly off the bridge deck and adjacent banks into the stream without treatment, entering the waterway approximately 40 feet upstream of water quality monitoring equipment. This untreated discharge directly influences documented water quality impairments at this long-term monitoring site.

The Oil City Road corridor presents additional concerns from unpaved surfaces generating chronic sediment. At the unnamed stream crossing, field observations documented substantial quantities

of dust and debris originating from the gravel road surface on both sides of the culvert, indicating continuous fine sediment delivery during both dry weather dust generation and wet weather erosion events.

Data gathered from land use ownership, road maps, Washington Department of Fish and Wildlife (WDFW) fish passage database, WSDA invasive species detection mapping, Jefferson County permits, and staff technical expertise to determine river/creek specific impairment threats. Based on spatial proximity, river/creek pollutants were linked to the available mapping and staff ecological knowledge to assess their contributions. Severity of each waterbody was determined by known documented impairments, historical data, and technical knowledge. Highest severity was placed on creeks on the 303(d) list. Intermediate severity was placed on creeks that have not yet been placed on the 303(d) list yet have years of historical data monitoring or technical knowledge. Low priority sites have minimal category sources and land use violations but still have concerns that need to be addressed. Summary of our assessment of individual creeks or rivers can be found in Table 10.

Table 10. Summary of NPS category assessment for water quality monitoring sites.

Monitoring Site	Waterbody length (mi)	Impairment	Severity	Source Category
Alder, Lower; Middle; Upper	3.57	Temp	High	Forestry, Roads, Hydromodification, Invasives
Anderson, Lower	2.99	Temp, Sediment	High	Forestry, Roads,
Anderson, Upper	0.47	N/A	Medium	Forestry, Roads, Invasives
Braden, Lower; Upper	5.51	DO, pH	High	Forestry, Roads, Hydromodification, Invasives
Canyon Springs	0.51	N/A	Low	Forestry, Roads, Hydromodification, Invasives
Canyon upstream & downstream of Upper Hoh Rd	2.91	Sediment	High	Forestry, Hydromodification, Invasives, Extraction
Chalaat, Lower; Upper	1.22	DO, pH, Sediment, Temp	High	Forestry, Roads, Hydromodification, Invasives
Cottonwood	0.04	N/A	Medium	Forestry, Roads, Hydromodification, Invasives
Crippen Springs	unknown	N/A	N/A	N/A
East Pole	0.42	N/A	N/A	N/A
E. F. Iron Maiden	1.04	N/A	Low	Forestry, Roads, Invasives
Elk, Lower; Middle; Upper	2.15	Temp	High	Forestry, Roads, Invasives, Extraction
Fletcher	0.70	N/A	Medium	Forestry, Roads, Hydromodification, Invasives
Hell Roaring	1.38	DO, pH, Temp	High	Forestry, Hydromodification, Roads, Invasives
Hoh above Anderson	1.11	DO, Temp, Sediment	High	Forestry, Hydromodification, Roads, Invasives
Hoh above Barlows	1.68	DO, Temp, Sediment	High	Forestry, Hydromodification, Roads, Invasives
Hoh above Campground	1.05	Temp, Sediment	High	Hydromodification, Roads, Invasives
Hoh above Willoughby	0.85	Temp, Sediment	High	Forestry, Hydromodification, Roads, Invasives
Hoh at ONP Boundary	1.74	Temp, DO, Sediment	High	Hydromodification, Roads, Invasives, Atmospheric Deposition
Hoh Oxbow	1.45	N/A	High	Forestry, Hydromodification, Roads, Invasives
Hoot	1.51	Temp	High	Forestry
Jackson	4.36	Temp	High	Unknown
Line	1.96	Temp	High	Forestry
Lost	0.97	Temp	High	Hydromodification, Roads, Invasives
Maple, Lower	1.82	Temp	High	Forestry
Maple, Upper	1.55	Temp	High	Forestry, Hydromodification, Roads, Invasives
McQuarry-Fisher	1.25	Temp	High	Forestry, Roads
Mount Tom	2.43	Temp	High	Unknown
N.F. Winfield	0.82	Temp	High	Forestry
Nolan, Lower	2.73	DO, pH, Temp, sediment	High	Forestry, Hydromodification, Roads, Invasives
Nolan, Middle	1.65	Temp	High	Forestry
Nolan, Upper	2.86	Temp	High	Forestry, Roads
Owl, Lower; Middle	0.83	N/A	High	Forestry, Roads, Invasives
Owl, Upper	2.58	N/A	N/A	N/A
Pins	2.73	N/A	Low	Hydromodification, Roads, Invasives
Rock	2.00	N/A	Medium	Forestry, Roads
S.F Hoh	1.32	Temp	High	Forestry, Hydromodification, Roads, Invasives
Six Mile	1.97	N/A	Medium	Forestry, Hydromodification, Roads, Invasives
Snider	1.84	Temp	High	Hydromodification, Roads
Split	0.36	Temp	High	Forestry, Roads
Taft	1.72	N/A	N/A	N/A
Taft at Upper Hoh Rd	0.15	DO	Medium	Roads, Unknown
Tower	0.44	Temp	High	Forestry, Roads, Invasives
Twin, Lower	0.53	N/A	N/A	N/A
Twin, Upper	2.79	Temp	High	Unknown
West Pole	0.26	N/A	Medium	Roads
W.F. Iron Maiden	0.66	N/A	Medium	Forestry, Roads, Invasives
Willoughby	0.44	Temp	High	Forestry, Roads, Invasives
Winfield, Lower	3.59	Temp, Sediment	High	Forestry, Roads, Extraction, Invasives
Winfield, Upper	1.16	Temp, Sediment	High	Forestry, Roads

SELECTION OF BMPS

Multiple federal and state programs provide technical assistance, funding, and regulatory frameworks supporting tribal nonpoint source management. These programs, administered through EPA Region 10, Bureau of Indian Affairs, USDA, NOAA, and Washington State agencies, offer various funding opportunities and technical resources for watershed management (Table 11). Consultation with regulatory and funding agencies would ensure proposed BMPs align with permit requirements and grant program priorities, maximizing implementation feasibility.

Table 11. Summary of potential contributors of NPS program implementation.

Organization	Type	Primary Focus	Services/Support Provided
Jefferson County Conservation District	Local Government	Technical assistance	Conservation planning, cost-share access, plant sales
North Pacific Coast Lead Entity	Regional Coordinator	Salmon recovery	Project prioritization, funding coordination
The Nature Conservancy	NGO	Land conservation	Scientific expertise, funding networks
Trout Unlimited	NGO	Coldwater fisheries	Engineering support, project design
Wild Salmon Center	NGO	Salmon conservation	Coldwater refugia, landscape planning
Pacific Coast Salmon Coalition	NGO	Salmon advocacy	Policy support, coordination
10,000 Years Institute	NGO	Indigenous conservation	Invasives removal
Bullitt Foundation	Foundation	Ecosystem restoration	\$25,000-100,000 grants
Russell Family Foundation	Foundation	Environmental sustainability	Indigenous-led conservation
UW Olympic Natural Resources Center	Academic	Research	Scientific studies, landscape projections

Selection Process

Once NPS categories are established the Tribe will choose available BMP's through expert consultation and research. Factors such as funding, priority, infrastructure, landscape, season, collaboration, cultural assessments, risks, outcome success, and salmon health will weigh into the decision-making process. The Tribe will consult with other agencies and landowners to choose appropriate BMPs and make formal agreements for implementation projects. The Hoh Tribal Business Committee will be consulted before project implementation and for final project approval. Collaboration with local agencies, the Hoh Tribe, and landowners will be an important factor in implementation, so public and stakeholder participation will be necessary. Informational sessions in technical committees and for landowners will be held, and feedback will be incorporated as the Tribe sees fit. The Hoh Tribal Business Committee has final authority on implementation practices with cultural and aquatic species protection to guide their priorities. The Tribe will provide updates regarding plans, outputs, or issues to stakeholders when necessary. Once BMPs have been selected and implementation is underway, the Tribe will use resources necessary to ensure successful results, which may include continued long-term monitoring efforts or maintenance measures.

Current and previous BMP's have been coordinated and implemented by the Tribe through multiple gateways, coordinated partnering efforts, and various funding opportunities. The selection process addressed above was used to accomplish restoration efforts throughout the watershed. The Tribe has mainly focused on hydromodification and bank erosion mitigation in recent years (Table 12) to address risks to aquatic life and cultural resources.

Table 12. Summary of previous or active BMPs addressing NPS pollution sources in the Hoh River Watershed.

Category	NPS	Site	Management Activity	Partners	Funding
Hydromodification and Bank Erosion	Temperature	Owl Creek	Large Woody Debris Placement	Trout Unlimited/NOAA/10K	NOAA/WCRRI
			Channel Vegetation		
			Restore habitats and riparian buffer zones		
Hydromodification/ Invasives	Temperature	Owl Creek	Channel Vegetation	TU/ 10K	WCRRI
			Riparian Zone Treatments		
Hydromodification and Bank Erosion	Sediment	Hell Roaring	Culvert restoration/replacement	TU	NOAA
			Restoration of natural hydrology		
			Channel and flow modifications		
Hydromodification and Bank Erosion	Sediment	Six Mile	Culvert restoration/replacement	TU	NOAA
			Restoration of natural hydrology		
			Channel and flow modifications		
Hydromodification/ Invasives	Sediment, temperature	SSHEAR Sites	Support research that aids in reducing impairments	Wild salmon Center, Pacific Coast Salmon Coalition, 10K	SRFB
			Restore habitats and riparian buffer zones		
			Remove invasive species		
Forestry, Hydromodification, Roads, Invasives	DO, pH, Temp, sediment	Nolan	Preserve natural streambank and water quality Collaborate with experts to impose strategies for prevention and removal Commit to research opportunities that support sediment reductions	TNC	WCRRI
	Temp, Sediment	Anderson			
	DO, pH	Braden			
Hydromodification and Roads	Sediment	Ruby	Improve access roads	TU	SRFB
			Cross drain installation		
			Tree and shrub establishment to reduce sediment		
			Culvert restoration/replacement		
Hydromodification and Bank Erosion	Temp	Elk	Large Woody Debris Placement	Trout Unlimited/NOAA/10K	WCRRI
			Channel Vegetation		
			Restore habitats and riparian buffer zones		
Hydromodification and Bank Erosion	Temp, Sediment	Winfield	Large Woody Debris Placement	Trout Unlimited/NOAA/10K	WCRRI
			Channel Vegetation		
			Restore habitats and riparian buffer zones		
Hydromodification and Roads	DO, pH, Sediment, Temp	Chalaat	Stream crossing improvements	TU	NOAA
			Culvert restoration/replacement		
			Bridge modifications		

NPS CONTROL PROGRAMS

EPA Programs

The Section 319 Nonpoint Source Management Program provides the primary federal funding mechanism for implementing nonpoint source management. Base grant funding ranges from \$30,000 to \$50,000 annually depending on reservation size. The Hoh Tribe qualifies for \$30,000 in annual base funding given its 720+ acres of trust lands. Eligible activities include program coordinator salaries, watershed assessments and water quality monitoring, developing watershed-based plans meeting EPA's nine key elements, implementing best management practice demonstration projects, and conducting education and outreach programs (EPA 2013). Competitive grants offer up to \$125,000 per application, with EPA reserving funding for tribes that haven't received competitive grants in the previous five years (EPA 2023).

Section 106 Water Pollution Control Grants support the Hoh Tribe's water quality monitoring program operational since 2021. This grant supports ambient water quality monitoring, water quality standards development, TMDL participation, and water quality assessment reporting. The monitoring data presented earlier resulted from Section 106-funded activities. The General Assistance Program (GAP) provides core capacity funding for tribal environmental programs. The Hoh Tribe receives GAP funding which support staff salaries, training, equipment purchases, and program development activities.

Bureau of Indian Affairs Programs

The Water Management, Planning, and Pre-Development Program offers competitive grants ranging from \$50,000 to \$400,000 for comprehensive water resource management. Priority categories include Water Resources Technician training programs, surface and ground water assessments, comprehensive water management plans, and drought contingency planning. Annual funding solicitations are administered through the BIA Northwest Regional Office (BIA 2023). BIA Forestry Programs support tribal forest management through various initiatives. Forest Development provides funding for reforestation and stand improvement, while Forest Management Inventory and Planning offers technical assistance for sustainable harvest planning. The Woodland Management Program assists tribes with less than 5,000 forested acres (BIA 2023). The Northwest Regional Forestry Office coordinates technical assistance and funding distribution.

The Tribal Resilience Annual Awards Program combine Bipartisan Infrastructure Law, Inflation Reduction Act, and annual appropriations (BIA 2024). Three funding categories address adaptation planning (\$50,000-\$300,000), implementation projects (\$100,000-\$1 million+), and capacity building (\$75,000-\$150,000).

USDA Natural Resources Conservation Service Programs

The Environmental Quality Incentives Program (EQIP) provides technical and financial assistance for conservation practices on tribal lands. Eligible conservation practices addressing nonpoint

source pollution include Stream Habitat Improvement and Management, Riparian Forest Buffers , Streambank and Shoreline Protection, Stream Crossing, Forest Stand Improvement, Critical Area Planting, and Heavy Use Area Protection (NRCS 2016).

The Washington Tribal Conservation Advisory Council provides coordination for 29 tribes statewide, with dedicated tribal liaison positions coordinating assistance.

Additional USDA programs include the Conservation Stewardship Program offering five-year contracts for maintaining conservation systems, Regional Conservation Partnership Program leveraging partner contributions for landscape projects, and Emergency Watershed Protection responding to natural disasters.

NOAA Fisheries Restoration Programs

The Pacific Coastal Salmon Recovery Fund (PCSRF) represents the largest federal investment in salmon habitat restoration, providing significant annual funding nationally. Washington State receives substantial allocations distributed through the Recreation and Conservation Office and regional lead entities (NOAA 2024). The North Pacific Coast Lead Entity, which includes the Hoh Tribe as a voting member, develops prioritized project lists for WRIA 20.

Transformational Habitat Restoration and Coastal Resilience Grants offer \$750,000 to \$10 million for large-scale habitat restoration (NOAA 2024). Applications require demonstrating measurable ecological outcomes at ecosystem scales. These grants address the extensive temperature impairments.

Coastal Habitat Restoration and Resilience Grants for Tribes provide substantial funding with 15% reserved specifically for tribes (NOAA 2024). Annual funding cycles support projects addressing temperature impairments and habitat degradation. NOAA's regional restoration coordinators provide Pacific Northwest technical assistance.

U.S. Fish and Wildlife Service Programs

The Tribal Wildlife Grants Program provides \$6.1 million nationally for conservation of culturally significant species, with applications due June 2026. Awards typically range from \$25,000 to \$200,000 for projects incorporating traditional ecological knowledge, habitat restoration, population monitoring, and capacity building (USFWS 2024).

The National Coastal Wetlands Conservation Grant Program provides 50-75% federal cost- share for coastal wetland protection and restoration, with substantial annual funding available. Applications follow annual cycles. The Partners for Fish and Wildlife Program provides technical and financial assistance for habitat restoration, with tribal lands eligible for assistance (. Regional coordinators facilitate project development.

Washington Department of Ecology Programs

The Water Quality Combined Funding Program consolidates seven funding sources into a single application. The SFY 2027 cycle opens July 2026, with applications due September 2026. Recent awards totaled \$386 million in SFY 2025 (Ecology 2024).

Component programs include the Centennial Clean Water Program providing water quality infrastructure grants, Clean Water State Revolving Fund offering low-interest loans with principal forgiveness options, Section 319 Implementation pass-through for nonpoint source projects, Stormwater Financial Assistance Program for retrofit projects, and Terry Husseman Account providing grants up to \$50,000. Regional grant coordinators provide assistance for Southwest Region applicants.

Washington State Salmon Recovery Funding

The Salmon Recovery Funding Board awarded \$50.3 million statewide in 2024, eliminating match requirements for most projects. Priority project types include fish passage barrier removal addressing documented barriers (Field Reconnaissance, August 2025), riparian buffer restoration, large woody debris placement following WDFW protocols (Roni et al. 2015), side channel reconnection restoring off-channel habitat, and land acquisition protecting critical habitat.

The Washington Coast Restoration and Resiliency Initiative targets coastal watersheds from Cape Flattery to Cape Disappointment with grants up to \$2 million requiring no match. Priority for combined ecological restoration and economic development aligns with tribal sovereignty and self-determination goals.

The Family Forest Fish Passage Program provides 75-100% cost-share for barrier removal on small forest lands. While targeting private ownership, the program's technical standards and cost estimates inform project planning. Local & NGO Initiatives

Local conservation organizations and non-governmental initiatives provide technical expertise, partnership opportunities, and supplemental funding for nonpoint source management in the Hoh River Watershed. These organizations, many with decades of Olympic Peninsula experience, offer specialized knowledge and established relationships that complement federal and state programs.

Jefferson County Conservation District

The Jefferson County Conservation District, established under Washington State RCW 89.08, provides free technical assistance and conservation planning services throughout Jefferson County, including the lower Hoh River Watershed. The district operates as a non-regulatory entity, emphasizing voluntary approaches to resource protections.

Technical assistance programs available to watershed residents include conservation planning services developing farm and forest management plans, on-site assessments identifying resource concerns, best management practice recommendations, and connections to cost-share programs (WSCC 2023). Water quality monitoring programs operate throughout eastern Jefferson County

watersheds, following Washington Department of Ecology Quality Assurance Project Plans (Ecology 2002). The district has maintained continuous monitoring networks since 1993, generating long-term datasets for trend analysis (JCCD 2023).

Streamside restoration assistance includes annual native plant sales offering locally-sourced species adapted to Olympic Peninsula conditions. Sales typically occur in February-March, with species selected for riparian buffer establishment, bank stabilization, and wildlife habitat enhancement (JCCD 2024). Technical guidance ensures appropriate species selection and spacing for restoration success following NRCS Conservation Practice Standards (NRCS 2016).

The district's Small Farm Planning Program serves operations under 20 acres through workshops covering manure management, pasture rotation, and water quality protection (WSCC 2023). Individual site visits provide customized recommendations addressing specific resource concerns. Connection to NRCS cost-share programs enables implementation of recommended practices through EQIP funding at 90% cost-share rates for tribal producers. Educational materials developed specifically for Western Washington conditions support informed management decisions.

Financial assistance programs administered by the district include pass-through funding from Washington State Conservation Commission grants supporting riparian fencing, livestock watering systems, and heavy use area protection. The district processes Livestock Nutrient Management Program applications providing up to 75% cost-share for manure storage facilities and composting systems. Riparian restoration grants offer plant materials and technical assistance for buffer establishment projects. Emergency assistance following flood events helps stabilize eroded areas and restore damaged conservation practices (WSCC 2023).

North Pacific Coast Lead Entity

The North Pacific Coast Lead Entity coordinates salmon recovery efforts across WRIA 20, including the entire Hoh River Watershed. The Hoh Tribe maintains voting membership in this organization, ensuring tribal priorities influence project selection and funding allocation (Hoh Tribe 2024).

The Lead Entity develops annual project lists for Salmon Recovery Funding Board consideration, facilitates technical review of proposed restoration projects, coordinates between project sponsors and funding agencies, and maintains the regional salmon recovery strategy (RCO 2023). Recent funding cycles have demonstrated strong support for Hoh watershed projects, with multiple barrier removal and riparian restoration efforts receiving funding (NPCLC 2024).

The Lead Entity's technical review committee includes fisheries biologists, engineers, and restoration practitioners providing expert evaluation of project proposals. This collaborative framework ensures projects address limiting factors identified through scientific assessment while incorporating local knowledge and priorities (Bottom et al. 2011).

Olympic Peninsula Conservation Organizations

Multiple conservation organizations operate across the Olympic Peninsula, providing technical expertise and funding opportunities relevant to Hoh watershed restoration. These organizations bring specialized capabilities addressing specific aspects of nonpoint source management. The Hoh Tribe actively partners with several of these organizations, including The Nature Conservancy, Trout Unlimited Western Washington program, Wild Salmon Center, Pacific Coast Salmon Coalition, Clallam County Conservation District, and 10,000 Years Institute (Hoh Tribe 2024).

Wild Salmon Center focuses on coldwater refugia protection critical for landscape resilience (Isaak et al. 2015). Their scientific assessments identify priority conservation areas while their fundraising capacity leverages private philanthropy for habitat protection. Technical expertise in watershed-scale conservation planning supports comprehensive approaches addressing multiple limiting factors simultaneously (Wild Salmon Center 2023). The Tribe's partnership with Wild Salmon Center enhances capacity for landscape-scale conservation planning (Hoh Tribe 2024).

Pacific Rivers Council emphasizes source water protection linking forest management to downstream water quality (Beschta et al. 2004). Their advocacy for protective forest practices influences state and federal policy affecting watershed conditions. Science-based analysis of cumulative effects provides evidence supporting stronger riparian protections and road management standards (Pacific Rivers 2023).

Olympic Forest Coalition monitors timber harvest activities on state and federal lands, documenting compliance with environmental regulations (OFC 2023). Their watershed monitoring programs provide independent assessment of forest practice impacts. Legal expertise ensures proper implementation of environmental protections through administrative and judicial processes when necessary.

Washington Environmental Council coordinates statewide environmental advocacy including water quality protection initiatives (WEC 2023). Their legislative engagement influences state funding programs and regulatory standards affecting nonpoint source management. Coalition building connects local watershed groups with statewide networks amplifying conservation voices.

The Nature Conservancy maintains significant land holdings across the Olympic Peninsula, demonstrating landscape-scale conservation approaches (TNC 2023). Their scientific expertise in ecological assessment guides strategic conservation investments (Groves et al. 2012). Collaborative relationships with timber companies explore sustainable forestry practices balancing economic and ecological objectives. The Tribe's active partnership with The Nature Conservancy provides access to additional scientific expertise and funding networks (Hoh Tribe 2024).

Trout Unlimited's Western Washington program brings specialized expertise in coldwater fisheries restoration (Trout Unlimited 2023). Their technical staff provide engineering support for fish

passage projects and riparian restoration design. The organization's partnership with the Hoh Tribe leverages both local knowledge and regional restoration experience (Hoh Tribe 2024).

Regional Foundations and Funding Organizations

Several foundations specifically support Olympic Peninsula watershed restoration, providing alternatives to government funding sources. These organizations often offer more flexible funding criteria and simplified application processes compared to federal programs.

The Bullitt Foundation emphasizes ecosystem restoration in the Pacific Northwest, with particular interest in salmon recovery and water quality improvement (Bullitt Foundation 2023). Grants typically range from \$25,000 to \$100,000 for projects demonstrating measurable ecological outcomes. Their support for capacity building helps organizations develop sustainable funding strategies beyond single project implementation.

Wilburforce Foundation focuses on landscape-scale conservation across Western North America (Wilburforce 2023). Their support for collaborative conservation initiatives aligns with multi-jurisdictional watershed management needs. Funding for planning and assessment activities addresses critical data gaps limiting restoration effectiveness.

The Russell Family Foundation supports environmental sustainability in Puget Sound and Washington's outer coast (Russell Family Foundation 2023). Their integrated approach recognizes connections between environmental health and community resilience. Support for Indigenous-led conservation acknowledges tribal sovereignty and traditional ecological knowledge (Whyte 2013).

Resources Legacy Fund supports dam removal and river restoration through proactive outreach (RLF 2023). Their involvement in major Pacific Northwest dam removals demonstrates capacity for transformational project support. Corporate partnerships with outdoor recreation companies provide unrestricted funding. Patagonia's environmental grant program, REI's conservation support, and similar corporate programs prioritize Indigenous-led conservation in the Pacific Northwest (Patagonia 2023; REI 2023).

Academic and Research Partnerships

Regional academic institutions provide scientific expertise supporting evidence-based management decisions. The University of Washington's Olympic Natural Resources Center in Forks offers research capabilities directly relevant to westside watershed issues (ONRC 2023). Peninsula College's natural resources programs develop local workforce capacity for restoration implementation (Peninsula College 2023). The Hoh River Research Station, when operational, has provided long-term datasets informing management decisions (Naiman et al. 1992).

These partnerships offer student internship programs providing cost-effective monitoring and assessment capacity, faculty expertise for specialized studies addressing specific management questions, laboratory facilities for water quality analysis beyond field parameters, and data management systems ensuring long-term accessibility of monitoring results (Toth et al. 2011).

Volunteer and Community Organizations

Local volunteer organizations contribute substantial value through donated labor and community engagement. Stream stewards programs coordinate volunteer monitoring supplementing professional assessment efforts (EPA 2023). Adopt-a-stream initiatives engage community members in restoration activities building long-term conservation commitment (Conrad and Hilchey 2011). School partnerships develop environmental education programs fostering future conservation leadership (Ballantyne and Packer 2002). Service organizations provide volunteer labor for restoration project implementation.

Coordination Mechanisms

Effective collaboration among these diverse organizations occurs through various coordination mechanisms. The North Pacific Coast Lead Entity provides formal structure for salmon recovery coordination. Regional conservation roundtables facilitate information sharing among organizations (Imperial 2005). Joint funding proposals leverage complementary organizational strengths. Memoranda of understanding establishes clear roles avoiding duplication while ensuring comprehensive coverage (Margerum 2008).

The density of conservation organizations working in the Olympic Peninsula provides extensive technical and financial resources for watershed restoration. These existing partnerships and networks offer established mechanisms for collaboration and support, with many organizations having specific expertise relevant to the nonpoint source issues documented in this assessment. The Hoh Tribe's established partnerships with organizations including The Nature Conservancy, Trout Unlimited, Wild Salmon Center, Pacific Coast Salmon Coalition, Clallam County Conservation District, and 10,000 Years Institute demonstrate existing collaborative capacity for implementing comprehensive nonpoint source management (Hoh Tribe 2024).

Table 13. Summary of potential NPS funding sources.

Program	Agency	Annual/Award Amount	Match Required	Primary Use
Federal Programs				
Section 319 Base	EPA	\$30,000-50,000/yr	No	NPS management, planning
Section 319 Competitive	EPA	Up to \$125,000	40% non-federal	BMP implementation
Section 106	EPA	Formula-based	(waivable)	Water quality monitoring
GAP	EPA	\$75,000- 180,000/yr	No	Program capacity
EQIP	USDA NRCS	\$450,000 max/5 yrs	10% (Tribal)	Conservation practices
PCSRF	NOAA	Project-based	Varies	Salmon habitat
Tribal Wildlife Grants	USFWS	\$25,000-200,000	No	Species conservation
Landscape Resilience	BIA	\$50,000- 1,000,000	No	Landscape adaptation
State Programs				
SRFB	RCO	No limit	No (Tribes)	Salmon restoration
Water Quality Combined	Ecology	Varies	Varies by program	Water quality projects
Coast Restoration	RCO	Up to \$2,000,000	No (Tribes)	Coastal restoration

CONCLUSION

The assessment identifies temperature as the most pervasive water quality problem, with 35.8 river miles (47%) exceeding criteria and eleven tributaries maintaining continuous 303(d) listings since 1996. The persistence of these impairments despite nearly three decades under current forest practices rules demonstrates that regulatory compliance alone cannot achieve recovery. Field observations of recent clearcuts adjacent to impaired streams in headwater areas confirm ongoing impacts requiring enhanced management measures.

Dissolved oxygen violations in critical habitats, particularly Lower Chalaat Creek's failure rate over 19 years (Hoh Tribe FY25 CWA 106 Report, 2025), indicate ecosystem dysfunction requiring comprehensive intervention. The chronic nature of these impairments suggests multiple contributing sources requiring coordinated management approaches.

Severe acidification in Hell Roaring and Lower Braden Creeks, with pH consistently below 5.5, has eliminated these waters from the functional habitat network. The 21-year persistence of these impairments demonstrates that passive recovery cannot restore acid- neutralizing capacity within ecologically relevant timeframes.

The dominant role of forestry and logging roads affecting approximately 70% of the watershed, combined with road networks, invasive species, hydromodifications, and natural resource extraction requires further sediment delivery assessment. The absence of sediment delivery mitigation at major crossings represents addressable sources with established treatment technologies.

Meeting EPA Section 319 Requirements

This assessment fulfills the first two of four legislative conditions required for tribal eligibility under Section 319(h) grants:

Condition 1 - Identification of waters that cannot attain or maintain water quality standards without NPS controls has been comprehensively addressed through monitoring data analysis and field verification documenting river miles of temperature impairment, chronic DO violations, severe acidification, and episodic turbidity exceedances.

Condition 2 - Identification of NPS categories and subcategories contributing to impairment has been systematically documented with forestry/roads as the primary source, alterations continuing to affect water quality.

Condition 3 - Description of the process for selecting BMPs has been established through the technical committee framework incorporating standards, effectiveness criteria, and stakeholder input processes.

Condition 4 - Identification of existing programs for controlling NPS pollution has been documented, including tribal programs, federal/state initiatives, and potential funding streams.

The severity and extent of water quality impairments documented in this assessment demand immediate transition from documentation to restoration. The persistence of temperature impairments for nearly three decades, chronic oxygen depletion threatening treaty resources, and severe acidification eliminating entire stream reaches establish an urgency that cannot be deferred. The Hoh Indian Tribe, through development and implementation of the Nonpoint Source Management Program Plan, will lead watershed restoration efforts that protect treaty rights, restore ecological integrity, and demonstrate effective approaches for addressing nonpoint source pollution in Pacific Northwest watersheds. The technical foundation established in this assessment, combined with tribal commitment to water quality protection demonstrated through past investments and ongoing monitoring, provides the basis for securing EPA 319 funding and partner support necessary for comprehensive watershed restoration.

The path forward requires translating this assessment's findings into concrete actions that address identified sources, restore impaired waters, and protect remaining high-quality habitats. Through systematic implementation guided by the priorities and framework established in this document, the Hoh River Watershed can recover sufficient water quality to support treaty-protected resources for current and future generations. The Management Program Plan will provide the roadmap for this essential journey from assessment to restoration.

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APPENDICES

ACRONYMS AND ABBREVIATIONS

10K	10,000 Years Institute
7-DADMax	7-Day Average Daily Maximum
BIA	Bureau of Indian Affairs
BMP	Best Management Practice
DO	Dissolved oxygen
EPA	United States Environmental Protection Agency
FY	Funding Year
GAP	General Assistance Program
GIS	Geographic Information System
HRW	Hoh River Watershed
HUC	Hydrologic Unit Code
HWQP	Hoh Tribal Water Quality Program
NOAA	National Oceanic and Atmospheric Administration
NPCLE	North Pacific Coast Lead Entity
NPS	Nonpoint Source
NTU	Nephelometric Turbidity Units
NWI	National Wetland Inventory
NWIFC	Northwest Indian Fisheries Commission
ONP	Olympic National Park
QA	Quality Assurance
QAPP	Quality Assurance Program Plan
QC	Quality Control
TWQD	Tribal Water Quality Database
U&A	Usual & Accustomed Lands
USFS	United States Forest Service
USFWS	United States Fish and Wildlife Service
USGS	United States Geologic Surveys
WDNR	Washington Department of Natural Resources
WDOE	Washington Department of Ecology
WIP	Wetland Intrinsic Potent
WQTS	Water Quality Time Series
WQX	Water Quality Exchange
WRIA	Water Resources Inventory Area
WSDA	Washington State Department of Agriculture



HOH INDIAN TRIBE

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Darlene Hollum CHAIRWOMAN
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Walter Ward-Bos V MEMBER
Cynthia Sheriff MEMBER

Employee Agenda Request Form

ALL SECTIONS OF THIS FORM MUST BE COMPLETED OR HTBC WILL DENY REQUEST.

Due: 5pm on Friday before HTBC meeting

The purpose of the Employee Agenda Request Form is to ensure the Hoh Tribal Business Committee has adequate time to review documentation in preparation for the meeting. All Gaming Support **must** have supported documentation or will be tabled!

Name:

Date Requesting with HTBC:

Department:

Phone:

Director:

In person

Virtual

* Please attach supporting documents to be reviewed with compliance and completion of required signatures.

Budget

Discussion

Contract

FYI

Resolution

Travel Advance

Addition- backup details required by Tuesday at 2pm or will be denied.

Purpose:

Action desired of HTBC:

Gaming Support (if applicable): \$ _____ *Supporting Documents

Required Staff Attendance: Yes No - Comments:

FOR HTBC USE ONLY

Meeting Date: ____/____/20____

Received by (initials): _____

☐ Approved ☐ Rejected

Date: _____

Justifications: _____

Director Signature _____

Application of the Hoh Indian Tribe for Treatment as a State

Exhibit 1

**Resolution of the Hoh Tribal Business Committee approving of the
application of the Hoh Indian Tribe to the US Environmental
Protection Agency for Treatment as a State**



HOH INDIAN TRIBE

P.O. Box 2196, Forks, WA 98331
(360) 374-6582 • hohtribe-nsn.org

Darlene Hollum CHAIRWOMAN
Maria Lopez VICE CHAIRWOMAN
Tahnee Hudson SECRETARY
Josephine Ward TREASURER
Rosetta Leitka MEMBER
Walter Ward-Bos V MEMBER
Cynthia Sheriff MEMBER

Hoh Indian Tribe

Tribal Business Committee Resolution No. _____

WHEREAS, the Hoh Indian Tribe is a federally recognized Indian Tribe organized under its governing Constitution; and

WHEREAS, the Hoh Tribal Business Committee is the duly elected governing body of the Hoh Tribe by the authority of the Tribe's Constitution; and

WHEREAS, the Constitution of the Hoh Tribe, Article IV, Section 1(a), empowers the Hoh Tribal Business Committee to consult, negotiate, contract, or conclude agreements with Federal, State, and local governments, and others, on behalf of the tribe and to advise and consult with their representatives on all activities that may affect the tribe; and

WHEREAS, the Clean Water act, 33 U.S.C. § 1251 et seq., as amended by the Water Quality Act of 1987, authorizes the United States Environmental Protection Agency (EPA) to treat eligible tribes in a similar manner to states for a variety of purposes, including administering each of the principal Clean Water Act regulatory programs and receiving grants under several Clean Water Act authorities; and

WHEREAS, the Hoh Tribe has in past years applied for and obtained treat as a state (TAS) status pursuant to section 518 of the Clean Water Act and desires to apply again in order to maintain its TAS status; and

WHEREAS, the Tribal attorney has worked with Tribal Natural Resources Department staff to prepare the attached Application of the Hoh Indian Tribe for Treatment as a State Pursuant to 33 U.S.C. § 1251 et seq. and the Water Quality Act of 1987, which the Hoh Tribal Business Council has reviewed and finds is in the best interest of the Tribe to submit to the EPA.

NOW, THEREFORE, BE IT RESOLVED that the Hoh Tribal Business Committee hereby approves the attached Application of the Hoh Indian Tribe for Treatment as a State Pursuant to 33 U.S.C. § 1251 et seq. and the Water Quality Act of 1987; and

BE IT FURTHER RESOLVED that the Hoh Tribal Chairwoman, Vice Chairwoman or Executive Director are hereby authorized to sign the Application on behalf of the Hoh Tribe; and

BE IT FURTHER RESOLVED that the Hoh Tribal attorney is hereby authorized to finalize the Application for submission to the EPA; and



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Cynthia Sheriff MEMBER

BE IT FURTHER RESOLVED that the Hoh Tribal staff are hereby authorized to take all other necessary actions to effectuate this Resolution and carry out the Hoh Tribe's obligations under the Application.

Certification

The above Resolution was adopted at a regular meeting of the Hoh Tribal Business Committee on _____ on the Hoh Indian Reservation, at which time a quorum was present and voting

_____ For, _____ Against, and _____ Abstention.

Darlene Hollum, Chairwoman

Tahnee Hudson, Secretary

Application of the Hoh Indian Tribe for Treatment as a State

Exhibit 2

**91 Federal Register 4102, 4103 (January 30, 2026) INDIAN TRIBAL ENTITIES WITHIN
THE CONTIGUOUS 48 STATES RECOGNIZED AND ELIGIBLE TO RECEIVE
SERVICES FROM THE UNITED STATES BUREAU OF INDIAN AFFAIRS
documenting Federal recognition of the Hoh Indian Tribe**

We collect information on . . .	So that we can . . .
Reason for requesting port exception (3-200-2)	Determine if there is a bona fide scientific purpose, potential deterioration or loss, or potential economic hardship that would occur from the issuance of the permit.
General description of wildlife or wildlife products	Determine workload burden.
Whether the applicant is applying for a registration under the Marine Mammal Protection Act (MMPA) as agent, tannery, or both (3-200-44).	Determine whether the business qualifies for a registration under the MMPA.
The species that the agent or tannery wishes to use in the transfer of marine mammal parts and products from Native Alaskans to Native Alaskans (3-200-44).	Determine that the species requested are eligible under the MMPA.
The procedure that the agent or tannery will use to receive, store, process, and ship marine mammal parts and products from Native Alaskans to Native Alaskans (3-200-44).	Determine that these procedures are sufficient to ensure the legitimate transfer of mammal parts and products from Native Alaskans to Native Alaskans.
The system of bookkeeping and inventory used to receive, store, process, and ship marine mammal parts and products from Native Alaskans to Native Alaskans (3-200-44).	Determine that the system of bookkeeping and inventory are sufficient to ensure the legitimate transfer of mammal parts and products from Native Alaskans to Native Alaskans.
A certification by the applicant that they will responsibly receive, store, process, and ship marine mammal parts and products from Native Alaskans to Native Alaskans to receive an exemption under the MMPA (3-200-44).	Confirm that the applicant is aware of the requirements in order to receive an exemption under the MMPA.
A description of the activities of the registered agent or registered tannery regarding the receipt and transfer of marine mammal parts and products from Native Alaskans to Native Alaskans (3-200-44a).	Confirm that the applicant is receiving, storing, processing, and shipping marine mammal parts and products from Native Alaskans to Native Alaskans.

Permittees and licensees must maintain records that accurately describe each importation or exportation of wildlife or wildlife products under the permit/license, and any subsequent sale or transfer of the wildlife or wildlife products. In addition, licensees must make these records and the corresponding inventory of wildlife or wildlife products available for our inspection at reasonable times, subject to applicable limitations of law. Any live wildlife possessed under a Service permit/license must be maintained under humane and healthful conditions. We believe the burden associated with these recordkeeping requirements is minimal because the records already exist.

Importers and exporters must complete Form 3-177 (Declaration for Importation or Exportation of Fish or Wildlife) for all imports or exports of wildlife or wildlife products. This form provides an accurate description of the imports and exports. OMB has approved the information collection for Form 3-177 and assigned OMB Control Number 1018-0012. Normal business practices should produce records (e.g., invoices or bills of sale) needed to document additional sales or transfers of the wildlife or wildlife products.

Generally, we do not require individuals and government entities to submit a report on activities conducted under the authority of a designated port exception permit. On an occasional basis, we may require entities to provide a report on activities conducted under a designated port exception permit or an import/export license.

The public may request a copy of any form contained in this information collection by sending a request to the Service Information Collection Clearance Officer (see ADDRESSES).

Title of Collection: Federal Fish and Wildlife Applications and Reports—Law Enforcement; 50 CFR parts 13 and 14.

OMB Control Number: 1018-0092.
Form Number: Forms 3-200-2, 3-200-3a, 3-200-3b, 3-200-44, and 3-200-44a.

Type of Review: Extension without change of a currently approved collection.

Respondents/Affected Public: Individuals, private sector, and State/local/Tribal entities.

Total Estimated Number of Annual Respondents: 11,933.

Total Estimated Number of Annual Responses: 11,953.

Estimated Completion Time per Response: Varies from 15 minutes to 1 hour 15 minutes, depending on activity.

Total Estimated Number of Annual Burden Hours: 13,431.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion for Forms 3-200-2, 3-200-3a, 3-200-3b, 3-200-44, and reporting requirements. Biannually for Form 3-200-44a.

Total Estimated Annual Nonhour Burden Cost: \$1,188,700. There is a \$100 fee associated with applications (Forms 3-200-2, 3-200-3a, and 3-200-3b) and a \$150 fee associated with applications (Form 3-200-44) received from individuals and the private sector. There is no fee for applications from government agencies or for processing reports.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Madonna Baucum,
Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2026-01910 Filed 1-29-26; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[267A2100DD/AAKC001030/
A0A501010.000000]

Indian Entities Recognized by and Eligible To Receive Services From the United States Bureau of Indian Affairs

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the current list of 575 Tribal entities recognized by and eligible for funding and services from the Bureau of Indian Affairs (BIA) by virtue of their status as Indian Tribes.

DATES: The list is updated from the notice published on December 11, 2024 (89 FR 99899).

FOR FURTHER INFORMATION CONTACT: Ms. Shyla Joe, Bureau of Indian Affairs, Deputy Director, Office of Indian Services, Mail Stop 3645-MIB, 1849 C Street NW, Washington, DC 20240. Telephone number: (202) 513-0783.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to section 104 of the Federally Recognized Indian Tribe List Act of November 2, 1994 (Pub. L. 103-454; 108 Stat. 4791, 4792), in accordance with section 83.6(a) of part 83 of Title 25 of the Code of Federal Regulations, and in exercise of authority delegated to the Assistant Secretary—Indian Affairs under 25 U.S.C. 2 and 9 and 209 DM 8. Published below is an updated list of federally recognized Indian Tribes within the contiguous 48 states and Alaska. This list includes the addition of the Lumbee Tribe of North Carolina following the enactment of the National Defense Authorization Act for Fiscal Year 2026 on December 18, 2025. The legislation recognized the Lumbee

Tribe of North Carolina, while setting forth certain conditions on the Tribe's eligibility for services and benefits provided by the Federal government to federally recognized Indian Tribes. See Public Law 119–60, section 8803. Conditions include the Secretary of the Interior's verification of the Tribe's roll, the development of a determination of needs for services, and a general delay in the delivery of services until the third fiscal year following the date of enactment of Public Law 119–60. The enactment of legislation recognizing the Lumbee Tribe of North Carolina is consistent with the directive set forth in the Presidential Memorandum entitled "Federal Recognition of the Lumbee Tribe of North Carolina," signed by President Trump on January 23, 2025.

Other amendments to the list include formatting edits and name changes. To aid in identifying Tribal name changes, Tribes previously listed, former names, or also known as (aka) names are included in parentheses after the correct current Tribal name. The BIA will continue to list the Tribe's former or previously listed name for several years before dropping the former or previously listed name from the list.

The listed Indian entities are recognized to have the immunities and privileges available to federally recognized Indian Tribes by virtue of their Government-to-Government relationship with the United States as well as the responsibilities, powers, limitations, and obligations of such Indian Tribes. The BIA has continued the practice of listing the Alaska Native entities separately for the purpose of facilitating their identification.

William Henry Kirkland III,
Assistant Secretary—Indian Affairs.

Indian Tribal Entities Within the Contiguous 48 States Recognized by and Eligible To Receive Services From the United States Bureau of Indian Affairs

Absentee-Shawnee Tribe of Indians of Oklahoma
 Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California
 Ak-Chin Indian Community
 Alabama-Coushatta Tribe of Texas
 Alabama-Quassarte Tribal Town
 Alturas Indian Rancheria, California
 Apache Tribe of Oklahoma
 Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana
 Augustine Band of Cahuilla Indians, California
 Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin
 Bay Mills Indian Community, Michigan

Bear River Band of the Rohnerville Rancheria, California
 Berry Creek Rancheria of Maidu Indians of California
 Big Lagoon Rancheria, California
 Big Pine Paiute Tribe of the Owens Valley
 Big Sandy Rancheria of Western Mono Indians of California
 Big Valley Band of Pomo Indians of the Big Valley Rancheria, California
 Bishop Paiute Tribe
 Blackfeet Tribe of the Blackfeet Indian Reservation of Montana
 Blue Lake Rancheria, California
 Bridgeport Indian Colony
 Buena Vista Rancheria of Me-Wuk Indians of California
 Burns Paiute Tribe
 Cabazon Band of Cahuilla Indians (previously listed as Cabazon Band of Mission Indians, California)
 Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California
 Caddo Nation of Oklahoma
 Cahto Tribe of the Laytonville Rancheria
 Cahuilla Band of Indians
 California Valley Miwok Tribe, California
 Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California
 Capitan Grande Band of Diegueno Mission Indians of California (Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California; Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California)
 Catawba Indian Nation
 Cayuga Nation
 Cedarville Rancheria, California
 Chemehuevi Indian Tribe of the Chemehuevi Reservation, California
 Cher-Ae Heights Indian Community of the Trinidad Rancheria, California
 Cherokee Nation
 Cheyenne and Arapaho Tribes, Oklahoma
 Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota
 Chickahominy Indian Tribe
 Chickahominy Indian Tribe—Eastern Division
 Chicken Ranch Rancheria of Me-Wuk Indians of California
 Chippewa Cree Indians of the Rocky Boy's Reservation, Montana
 Chitimacha Tribe of Louisiana
 Citizen Potawatomi Nation, Oklahoma
 Cloverdale Rancheria of Pomo Indians of California
 Cocopah Tribe of Arizona
 Coeur D'Alene Tribe
 Cold Springs Rancheria of Mono Indians of California
 Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California
 Comanche Nation, Oklahoma
 Confederated Salish and Kootenai Tribes of the Flathead Reservation
 Confederated Tribes and Bands of the Yakama Nation
 Confederated Tribes of Siletz Indians of Oregon
 Confederated Tribes of the Chehalis Reservation
 Confederated Tribes of the Colville Reservation

Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians
 Confederated Tribes of the Goshute Reservation, Nevada and Utah
 Confederated Tribes of the Grand Ronde Community of Oregon
 Confederated Tribes of the Umatilla Indian Reservation
 Confederated Tribes of the Warm Springs Reservation of Oregon
 Coquille Indian Tribe
 Coushatta Tribe of Louisiana
 Cow Creek Band of Umpqua Tribe of Indians
 Cowlitz Indian Tribe
 Coyote Valley Band of Pomo Indians of California
 Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
 Crow Tribe of Montana
 Delaware Nation, Oklahoma
 Delaware Tribe of Indians
 Dry Creek Rancheria Band of Pomo Indians, California
 Duckwater Shoshone Tribe (previously listed as Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada)
 Eastern Band of Cherokee Indians
 Eastern Shawnee Tribe of Oklahoma
 Eastern Shoshone Tribe of the Wind River Reservation, Wyoming
 Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, California
 Elk Valley Rancheria, California
 Ely Shoshone Tribe of Nevada
 Enterprise Rancheria of Maidu Indians of California
 Ewiiapaayp Band of Kumeyaay Indians (previously listed as Ewiiapaayp Band of Kumeyaay Indians, California)
 Federated Indians of Graton Rancheria, California
 Flandreau Santee Sioux Tribe of South Dakota
 Forest County Potawatomi Community, Wisconsin
 Fort Belknap Indian Community of the Fort Belknap Reservation of Montana
 Fort Bidwell Indian Community of the Fort Bidwell Reservation of California
 Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California
 Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon
 Fort McDowell Yavapai Nation, Arizona
 Fort Mojave Indian Tribe of Arizona, California & Nevada
 Fort Sill—Chiricahua—Warm Springs—Apache Tribe (previously listed as Fort Sill Apache Tribe of Oklahoma)
 Gila River Indian Community of the Gila River Indian Reservation, Arizona
 Grand Traverse Band of Ottawa and Chippewa Indians, Michigan
 Greenville Rancheria
 Grindstone Indian Rancheria of Wintun-Wailaki Indians of California
 Guidiville Rancheria of California
 Habematolel Pomo of Upper Lake, California
 Hannahville Indian Community, Michigan
 Havasupai Tribe of the Havasupai Reservation, Arizona
 Ho-Chunk Nation of Wisconsin
 Hoh Indian Tribe
 Hoopa Valley Tribe, California

- Hopi Tribe of Arizona
 Hopland Band of Pomo Indians, California
 Houlton Band of Maliseet Indians
 Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona
 Iipay Nation of Santa Ysabel, California
 Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California
 Ione Band of Miwok Indians of California
 Iowa Tribe of Kansas and Nebraska
 Iowa Tribe of Oklahoma
 Jackson Band of Miwok Indians
 Jamestown S'Klallam Tribe
 Jamul Indian Village of California
 Jena Band of Choctaw Indians
 Jicarilla Apache Nation, New Mexico
 Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona
 Kalispel Indian Community of the Kalispel Reservation
 Karuk Tribe
 Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California
 Kaw Nation, Oklahoma
 Keweenaw Bay Indian Community, Michigan
 Kialegee Tribal Town
 Kickapoo Traditional Tribe of Texas
 Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas
 Kickapoo Tribe of Oklahoma
 Kiowa Tribe (previously listed as Kiowa Indian Tribe of Oklahoma)
 Klamath Tribes
 Kletsel Dehe Wintun Nation of the Cortina Rancheria (previously listed as Kletsel Dehe Band of Wintun Indians)
 Koi Nation of Northern California
 Kootenai Tribe of Idaho
 La Jolla Band of Luiseno Indians, California
 La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California
 Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin
 Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin
 Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan
 Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada
 Little River Band of Ottawa Indians, Michigan
 Little Shell Tribe of Chippewa Indians of Montana
 Little Traverse Bay Bands of Odawa Indians, Michigan
 Lone Pine Paiute-Shoshone Tribe
 Los Coyotes Band of Cahuilla and Cupeno Indians, California
 Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada
 Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota
 Lower Elwha Tribal Community
 Lower Sioux Indian Community in the State of Minnesota
 Lumbee Tribe of North Carolina (See SUPPLEMENTARY INFORMATION *supra*, noting conditions on the Tribe's eligibility for Federal services)
 Lummi Tribe of the Lummi Reservation
 Lytton Rancheria of California
 Makah Indian Tribe of the Makah Indian Reservation
 Manchester Band of Pomo Indians of the Manchester Rancheria, California
 Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California
 Mashantucket Pequot Indian Tribe
 Mashpee Wampanoag Tribe
 Match-E-Be-Nash-She-Wish Band of Pottawatomi (previously listed as Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan)
 Mechoopda Indian Tribe of Chico Rancheria, California
 Menominee Indian Tribe of Wisconsin
 Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California
 Mescalero Apache Tribe of the Mescalero Reservation, New Mexico
 Miami Tribe of Oklahoma
 Miccosukee Tribe of Indians
 Middletown Rancheria of Pomo Indians of California
 Mi'kmaq Nation (previously listed as Aroostook Band of Micmacs)
 Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band)
 Mississippi Band of Choctaw Indians
 Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada
 Modoc Nation
 Mohegan Tribe of Indians of Connecticut
 Monacan Indian Nation
 Mooretown Rancheria of Maidu Indians of California
 Morongo Band of Mission Indians, California
 Muckleshoot Indian Tribe
 Nansemond Indian Nation
 Narragansett Indian Tribe
 Navajo Nation, Arizona, New Mexico, & Utah
 Nez Perce Tribe
 Nisqually Indian Tribe
 Nooksack Indian Tribe
 Northern Arapaho Tribe of the Wind River Reservation, Wyoming
 Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana
 Northfork Rancheria of Mono Indians of California
 Northwestern Band of the Shoshone Nation
 Nottawaseppi Huron Band of the Pottawatomi, Michigan
 Oglala Sioux Tribe
 Ohkay Owingeh, New Mexico
 Omaha Tribe of Nebraska
 Oneida Indian Nation
 Oneida Nation
 Onondaga Nation
 Otoe-Missouria Tribe of Indians, Oklahoma
 Ottawa Tribe of Oklahoma
 Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes)
 Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada
 Pala Band of Mission Indians
 Pamunkey Indian Tribe
 Pascua Yaqui Tribe of Arizona
 Paskenta Band of Nomlaki Indians of California
 Passamaquoddy Tribe
 Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California
 Pawnee Nation of Oklahoma
 Pechanga Band of Indians (previously listed as Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California)
 Penobscot Nation
 Peoria Tribe of Indians of Oklahoma
 Picayune Rancheria of Chukchansi Indians of California
 Pinoleville Pomo Nation, California
 Pit River Tribe, California (includes XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek, and Roaring Creek Rancheries)
 Poarch Band of Creek Indians
 Pokagon Band of Potawatomi Indians, Michigan and Indiana
 Ponca Tribe of Indians of Oklahoma
 Ponca Tribe of Nebraska
 Port Gamble S'Klallam Tribe
 Potter Valley Tribe, California
 Prairie Band Potawatomi Nation
 Prairie Island Indian Community in the State of Minnesota
 Pueblo of Acoma, New Mexico
 Pueblo of Cochiti, New Mexico
 Pueblo of Isleta, New Mexico
 Pueblo of Jemez, New Mexico
 Pueblo of Laguna, New Mexico
 Pueblo of Nambe, New Mexico
 Pueblo of Picuris, New Mexico
 Pueblo of Pojoaque, New Mexico
 Pueblo of San Felipe, New Mexico
 Pueblo of San Ildefonso, New Mexico
 Pueblo of Sandia, New Mexico
 Pueblo of Santa Ana, New Mexico
 Pueblo of Santa Clara, New Mexico
 Pueblo of Taos, New Mexico
 Pueblo of Tesuque, New Mexico
 Pueblo of Zia, New Mexico
 PuliklaTribe of Yurok People (previously listed as Resighini Rancheria, California)
 Puyallup Tribe of the Puyallup Reservation
 Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada
 Quapaw Nation
 Quartz Valley Indian Community of the Quartz Valley Reservation of California
 Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona
 Quileute Tribe of the Quileute Reservation
 Quinault Indian Nation
 Ramona Band of Cahuilla, California
 Rappahannock Tribe, Inc.
 Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin
 Red Lake Band of Chippewa Indians, Minnesota
 Redding Rancheria, California
 Redwood Valley or Little River Band of Pomo Indians of the Redwood Valley Rancheria California
 Reno-Sparks Indian Colony, Nevada
 Rincon Band of Luiseno Indians (previously listed as Rincon Band of Luiseno Mission Indians of Rincon Reservation, California)
 Robinson Rancheria
 Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota
 Round Valley Indian Tribes, Round Valley Reservation, California
 Sac & Fox Nation of Missouri in Kansas and Nebraska
 Sac & Fox Nation, Oklahoma
 Sac & Fox Tribe of the Mississippi in Iowa
 Saginaw Chippewa Indian Tribe of Michigan

Saint Regis Mohawk Tribe
 Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona
 Samish Indian Nation
 San Carlos Apache Tribe of the San Carlos Reservation, Arizona
 San Juan Southern Paiute Tribe of Arizona
 San Pasqual Band of Diegueno Mission Indians of California
 Santa Rosa Band of Cahuilla Indians, California
 Santa Rosa Indian Community of the Santa Rosa Rancheria, California
 Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California
 Santee Sioux Nation, Nebraska
 Santo Domingo Pueblo
 Sauk-Suiattle Indian Tribe
 Sault Ste. Marie Tribe of Chippewa Indians, Michigan
 Scotts Valley Band of Pomo Indians of California
 Seminole Tribe of Florida
 Seneca Nation of Indians
 Seneca-Cayuga Nation
 Shakopee Mdewakanton Sioux Community of Minnesota
 Shawnee Tribe
 Sherwood Valley Rancheria of Pomo Indians of California
 Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California
 Shinnecock Indian Nation
 Shoalwater Bay Indian Tribe of the Shoalwater Bay Indian Reservation
 Shoshone-Bannock Tribes of the Fort Hall Reservation
 Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada
 Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota
 Skokomish Indian Tribe
 Skull Valley Band of Goshute Indians of Utah
 Snoqualmie Indian Tribe
 Soboba Band of Luiseno Indians, California
 Sokaogon Chippewa Community, Wisconsin
 Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado
 Spirit Lake Tribe, North Dakota
 Spokane Tribe of the Spokane Reservation
 Squaxin Island Tribe of the Squaxin Island Reservation
 St. Croix Chippewa Indians of Wisconsin
 Standing Rock Sioux Tribe of North & South Dakota
 Stillaguamish Tribe of Indians of Washington
 Stockbridge Munsee Community, Wisconsin
 Summit Lake Paiute Tribe of Nevada
 Suquamish Indian Tribe of the Port Madison Reservation
 Susanville Indian Rancheria, California
 Swinomish Indian Tribal Community
 Sycuan Band of the Kumeyaay Nation
 Table Mountain Rancheria
 Tejon Indian Tribe
 Te-Moak Tribe of Western Shoshone Indians of Nevada (Four constituent bands: Battle Mountain Band; Elko Band; South Fork Band; and Wells Band)
 The Chickasaw Nation
 The Choctaw Nation of Oklahoma
 The Muscogee (Creek) Nation
 The Osage Nation
 The Seminole Nation of Oklahoma

Thlopthlocco Tribal Town
 Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota
 Timbisha Shoshone Tribe
 Tohono O'odham Nation of Arizona
 Tolowa Dee-ni' Nation
 Tonawanda Band of Seneca
 Tonkawa Tribe of Indians of Oklahoma
 Tonto Apache Tribe of Arizona
 Torres Martinez Desert Cahuilla Indians, California
 Tulalip Tribes of Washington
 Tule River Indian Tribe of the Tule River Reservation, California
 Tunica-Biloxi Indian Tribe
 Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California
 Turtle Mountain Band of Chippewa Indians of North Dakota
 Tuscarora Nation
 Twenty-Nine Palms Band of Mission Indians of California
 United Auburn Indian Community of the Auburn Rancheria of California
 United Keetoowah Band of Cherokee Indians in Oklahoma
 Upper Mattaponi Tribe
 Upper Sioux Community, Minnesota
 Upper Skagit Indian Tribe
 Ute Indian Tribe of the Uintah & Ouray Reservation, Utah
 Ute Mountain Ute Tribe
 Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation, California
 Walker River Paiute Tribe of the Walker River Reservation, Nevada
 Wampanoag Tribe of Gay Head (Aquinnah)
 Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches)
 White Mountain Apache Tribe of the Fort Apache Reservation, Arizona
 Wichita and Affiliated Tribes (Wichita, Keechi, Waco, & Tawakonie), Oklahoma
 Wilton Rancheria, California
 Winnebago Tribe of Nebraska
 Winnemucca Indian Colony of Nevada
 Wiyot Tribe, California
 Wyandotte Nation
 Yankton Sioux Tribe of South Dakota
 Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona
 Yavapai-Prescott Indian Tribe
 Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada
 Yocha Dehe Wintun Nation, California
 Yomba Shoshone Tribe of the Yomba Reservation, Nevada
 Ysleta del Sur Pueblo
 Yuhaaviatam of San Manuel Nation (previously listed as San Manuel Band of Mission Indians, California)
 Yurok Tribe of the Yurok Reservation, California
 Zuni Tribe of the Zuni Reservation, New Mexico

Native Entities Within the State of Alaska Recognized by and Eligible To Receive Services From the United States Bureau of Indian Affairs

Agdaagux Tribe of King Cove
 Akiachak Native Community
 Akiak Native Community
 Alatna Village

Algaaciq Native Village (St. Mary's)
 Allakaket Village
 Aleut Community of St. Paul Island (See Pribilof Islands Aleut Communities of St. Paul & St. George Islands) (previously listed as Saint Paul Island (See Pribilof Islands Aleut Communities of St. Paul & St. George Islands))
 Alutiiq Tribe of Old Harbor
 Angoon Community Association
 Anvik Village
 Arctic Village (See Native Village of Venetie Tribal Government)
 Asa'carsarmiut Tribe
 Beaver Village
 Birch Creek Tribe
 Central Council of the Tlingit & Haida Indian Tribes
 Chalkyitsik Village
 Cheesh-Na Tribe
 Chevak Native Village
 Chickaloon Native Village
 Chignik Bay Tribal Council
 Chignik Lake Village
 Chilkat Indian Village (Klukwan)
 Chilkoot Indian Association (Haines)
 Chinik Eskimo Community (Golovin)
 Chuloonawick Native Village
 Circle Native Community
 Craig Tribal Association
 Curyung Tribal Council
 Douglas Indian Association
 Egegik Village
 Eklutna Native Village
 Emmonak Village
 Evansville Village (aka Bettles Field)
 Gulkana Village Council
 Healy Lake Village
 Holy Cross Tribe
 Hoonah Indian Association
 Hughes Village
 Huslia Village
 Hydaburg Cooperative Association
 Igiugig Village
 Inupiat Community of the Arctic Slope
 Iqummiut Traditional Council
 Ivanof Bay Tribe
 Kaguyak Village
 Kaktovik Village (aka Barter Island)
 Kasigluk Traditional Elders Council
 Kenaitze Indian Tribe
 Ketchikan Indian Community
 King Island Native Community
 King Salmon Tribe
 Klawock Cooperative Association
 Knik Tribe
 Kokhanok Village
 Koyukuk Native Village
 Levelock Village
 Lime Village
 Loudon Tribe (previously listed as Galena Village (aka Loudon Village))
 Manley Hot Springs Village
 Manokotak Village
 McGrath Native Village
 Mentasta Traditional Council
 Metlakatla Indian Community, Annette Island Reserve
 Naknek Native Village
 Native Village of Afognak
 Native Village of Akhiok
 Native Village of Akutan
 Native Village of Aleknagik
 Native Village of Ambler
 Native Village of Atka
 Native Village of Atkasuk

Native Village of Barrow Inupiat Traditional Government
 Native Village of Belkofski
 Native Village of Brevig Mission
 Native Village of Buckland
 Native Village of Cantwell
 Native Village of Chenega
 Native Village of Chignik Lagoon
 Native Village of Chitina
 Native Village of Chuathbaluk (Russian Mission, Kuskokwim)
 Native Village of Council
 Native Village of Deering
 Native Village of Diomedea (aka Inalik)
 Native Village of Eagle
 Native Village of Eek
 Native Village of Ekwok
 Native Village of Elim
 Native Village of Eyak (Cordova)
 Native Village of False Pass
 Native Village of Fort Yukon
 Native Village of Gakona
 Native Village of Gambell
 Native Village of Georgetown
 Native Village of Goodnews Bay
 Native Village of Hamilton
 Native Village of Hooper Bay
 Native Village of Kanatak
 Native Village of Karluk
 Native Village of Kiana
 Native Village of Kipnuk
 Native Village of Kivalina
 Native Village of Kluti Kaah (aka Copper Center)
 Native Village of Kobuk
 Native Village of Kongiganak
 Native Village of Kotzebue
 Native Village of Koyuk
 Native Village of Kwigillingok
 Native Village of Kwinhagak (aka Quinhagak)
 Native Village of Larson Bay
 Native Village of Marshall (aka Fortuna Ledge)
 Native Village of Mary's Igloo
 Native Village of Mekoryuk
 Native Village of Minto
 Native Village of Nanwalek (aka English Bay)
 Native Village of Napaimute
 Native Village of Napakiak
 Native Village of Napaskiak
 Native Village of Nelson Lagoon
 Native Village of Nightmute
 Native Village of Nikolski
 Native Village of Noatak
 Native Village of Nuiqsut (aka Nooiksut)
 Native Village of Nunam Iqua
 Native Village of Nunapitchuk
 Native Village of Ouzinkie
 Native Village of Paimiut
 Native Village of Perryville
 Native Village of Pilot Point
 Native Village of Point Hope
 Native Village of Point Lay
 Native Village of Port Graham
 Native Village of Port Heiden
 Native Village of Port Lions
 Native Village of Ruby
 Native Village of Saint Michael
 Native Village of Savoonga
 Native Village of Scammon Bay
 Native Village of Selawik
 Native Village of Shaktoolik
 Native Village of Shishmaref
 Native Village of Shungnak
 Native Village of South Naknek (previously listed as South Naknek Village)

Native Village of Stevens
 Native Village of Tanacross
 Native Village of Tanana
 Native Village of Tatitlek
 Native Village of Tazlina
 Native Village of Teller
 Native Village of Tetlin
 Native Village of Tuntutuliak
 Native Village of Tununak
 Native Village of Tyonek
 Native Village of Unalakleet
 Native Village of Unga
 Native Village of Venetie Tribal Government (Arctic Village and Village of Venetie)
 Native Village of Wales
 Native Village of White Mountain
 Nenana Native Association
 New Koliganek Village Council
 New Stuyahok Village
 Newhalen Village
 Newtok Village
 Nikolai Village
 Ninilchik Village
 Nome Eskimo Community
 Nondalton Tribe (previously listed as Nondalton Village)
 Noorvik Native Community
 Northway Village
 Nulato Village
 Nunakauyarmiut Tribe
 Organized Village of Grayling (aka Holikachuk)
 Organized Village of Kake
 Organized Village of Kasaan
 Organized Village of Kwethluk
 Organized Village of Saxman
 Orutsarmiut Traditional Native Council
 Oscarville Traditional Village
 Pauloff Harbor Village
 Pedro Bay Village
 Petersburg Indian Association
 Pilot Station Traditional Village
 Pitka's Point Traditional Council
 Platinum Traditional Village
 Portage Creek Village (aka Ohgsenakale)
 Pribilof Islands Aleut Communities of St. Paul & St. George Islands (St. George Island and Saint Paul Island)
 Qagan Tayagungin Tribe of Sand Point
 Qawalangin Tribe of Unalaska
 Rampart Village
 St. George Island (See Pribilof Islands Aleut Communities of St. Paul & St. George Islands)
 Salamatof Tribe
 Seldovia Village Tribe
 Shageluk Native Village
 Sitka Tribe of Alaska
 Skagway Village
 Stebbins Community Association
 Sun'aq Tribe of Kodiak
 Takotna Village
 Tangirnaq Native Village
 Telida Village
 Traditional Village of Togiak
 Tuluksak Native Community
 Twin Hills Village
 Ugashik Village
 Umkumiut Native Village
 Village of Alakanuk
 Village of Anaktuvuk Pass
 Village of Aniuk
 Village of Atmautluak
 Village of Bill Moore's Slough
 Village of Chefornek
 Village of Clarks Point

Village of Crooked Creek
 Village of Dot Lake
 Village of Iliamna
 Village of Kalskag
 Village of Kaltag
 Village of Kotlik
 Village of Lower Kalskag
 Village of Ohogamiut
 Village of Red Devil
 Village of Sleetmute
 Village of Solomon
 Village of Stony River
 Village of Venetie (See Native Village of Venetie Tribal Government)
 Village of Wainwright
 Wrangell Cooperative Association
 Yakutat Tlingit Tribe
 Yupiit of Andreafski

[FR Doc. 2026-01899 Filed 1-29-26; 8:45 am]

BILLING CODE 4337-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[OMB Control Number 1076-0164;
 267A2100DD/AAKP300000/
 A0A501010.000000]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Homeliving Programs and School Closure and Consolidation

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Education (BIE), are proposing to renew an information collection without change.

DATES: Interested persons are invited to submit comments. To be considered, your comments must be received on or before March 2, 2026.

ADDRESSES: Send your written comments and recommendations for the proposed information collection request (ICR) to the Office of Information and Regulatory Affairs (OIRA) through https://www.reginfo.gov/public/do/PRA/ICRPublicCommentRequest?ref_nbr=202508-1076-001 or by visiting <https://www.reginfo.gov/public/do/PRAMain> and selecting "Currently under Review—Open for Public Comments" and then scrolling down to the "Department of the Interior."

FOR FURTHER INFORMATION CONTACT: Steven Mullen, Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs, U.S. Department of the Interior, 1001 Indian School Road NW, Suite 229, Albuquerque, New Mexico 87104; comments@bia.gov; (202) 924-

Application of the Hoh Indian Tribe for Treatment as a State

Exhibit 3

Hoh Indian Tribe Constitution

CONSTITUTION
OF THE
HOH INDIAN TRIBE

PREAMBLE

We, the members of the Hoh Tribe, in order to establish a tribal organization and secure certain privileges and powers offered to us by the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), do ordain and establish this constitution for the Hoh Indian Tribe.

ARTICLE I - TERRITORY

The territory of the Hoh Indian Reservation shall include all lands set aside for Hoh Indians by Executive Order dated September 11, 1893, and any other lands which may be acquired for or by, and held in trust in the name of the Hoh Indian Tribe. The jurisdiction of the Hoh Indian Tribe over its lands shall not be inconsistent with applicable Federal and State laws. However, nothing in this article shall be construed as restricting the treaty hunting and fishing rights of members, including the right to fish in usual and accustomed places.

ARTICLE II - MEMBERSHIP

Section 1. Citizenship of the Hoh Indian Tribe shall consist of:

- (a) All persons whose names appear on the October 14, 1966, approved base roll of the Hoh Tribe, prepared in accordance with Public Law 89-655 (80 Stat. 905).
- (b) All persons who are descended from a member of the Hoh Indian Tribe, who are born to any member of the Hoh Tribe, who have complied with the requirements of Section 2 of this Article and who have been accepted as members in accordance with the Hoh Enrollment Ordinance. For purposes of this section, descent from a member of the Hoh Indian Tribe means lineal descent from any person who was named on the base roll of the Hoh Tribe described Section 1(a) of this Article.

Section 2. The Hoh Tribe shall have the power to pass ordinances governing relinquishment of membership and the adoption of members.

Section 3. No person shall be a member of the Hoh Tribe if he or she is enrolled as a member in any other Indian Nation, Tribe, Band, Pueblo, Village, Corporation or Rancheria.

ARTICLE III - GOVERNING BODY

Section 1. The tribe shall elect the following officers by secret ballot: (1) a chairperson, (2) a vice chairperson, (3) a secretary, (4) a treasurer and (5) 3 council members. The tribal council shall consist of seven (7) members duly elected to serve two (2) year terms whose terms shall be staggered. The chairperson and secretary shall be

elected in odd-numbered years and the vice-chairperson, treasurer and councilperson shall be elected in even-numbered years. All members of the tribal council at the time this constitution becomes effective, shall continue to serve until the end of their terms. Thereafter, officers shall be elected pursuant to an appropriate election ordinance, and shall serve until their successors are duly installed. The officers shall be adult members who have physically resided with the State of Washington for at least one year preceding the date of the election in which he or she seeks office.

Section 2. The governing body of the Hoh Indian Tribe shall consist of the officers of the Hoh Tribe and shall be known as the Hoh Tribal Business Committee. The tribal business committee may also appoint or employ such other officers or committees which are considered necessary. Duties of such officers shall be outlined in an ordinance approved by the Hoh Tribal Business Committee.

Section 3. (a) The Hoh Tribe shall hold regular annual meetings, the date to be set by the Hoh Tribal Business Committee.

(b) Special meetings of the tribe may be called by the Chairperson, or by ten percent (10%) of the qualified voters.

(c) Written notices of regular and special meetings of the tribe shall be sent to each qualified voter 10 days in advance of any regular or special meeting.

(d) Twenty-five percent of the adult members shall constitute a quorum of the tribe. No business shall be conducted unless a quorum is present.

(e) Any member of the tribe eighteen (18) years of age or older shall be entitled to vote and participate in all meetings of the tribe.

Section 4. The Hoh Tribal Business Committee shall hold meetings as called either in writing or verbally by the Chairperson or five (5) members of the Hoh Tribal Business Committee at any time when tribal business is to be transacted. No business shall be transacted unless a quorum of five (5) members is present.

ARTICLE IV - POWERS OF THE GOVERNING BODY

Section 1. The Hoh Tribal Business Committee shall have the following powers to the extent that it can legally exercise them, to administer the affairs of the Hoh Reservation subject to any limitations imposed by applicable State laws, statutes of the United States, or published regulations of the Secretary of the Interior.

- (a) To consult, negotiate, contract, or conclude agreements with Federal, State, and local governments, and others, on behalf of the tribe and to advise and consult with their representatives on all activities which may affect the tribe.
- (b) To acquire, lease, permit, sell, assign, manage, or provide for the management of tribal lands, interests in lands or interests in land acquired within or without the reservation.
- (c) To veto the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets.
- (d) To manage tribal funds in accordance with approved resolutions, including the power to borrow money from any source, subject to the approval of the Secretary of the Interior or his authorized representative.
- (e) To receive advice from, and make recommendations to, the Secretary of the Interior or his authorized representative with regard to all appropriation estimates or Federal projects for the benefit of the tribe, before such estimates are submitted to the Bureau of the Budget and Congress.
- (f) To pass ordinances authorizing the levy and collection of taxes from members of the tribe; and to pass ordinances authorizing the levy and collection of taxes or license fees from nonmembers doing business on the reservation; and otherwise regulate the conduct of business activities on the reservation; provided, that any ordinance affecting nonmembers of the Hoh Reservation shall be subject to review by the Secretary of the Interior.
- (g) To pass and enforce ordinances governing the conduct of members, subject to review by the Secretary of Interior.
- (h) To pass ordinances authorizing the tribe to remove or exclude from the reservation persons not legally entitled to reside there, or trespassers, or undesirable persons, such ordinances to be subject to review by the Secretary of the Interior.
- (i) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior or his authorized representative, so long as such approval is required by law.
- (j) To enact an election ordinance setting forth procedures for conducting tribal elections.

ARTICLE V - DUTIES OF THE OFFICERS

- Section 1. The Chairperson of the Hoh Tribe shall preside over all meetings of the Hoh Tribal Business Committee and the Tribe, and shall carry out all orders of the Hoh Tribal Business Committee. He shall be allowed to vote only in case of a tie.
- Section 2. The Vice Chairperson of the Hoh Tribe shall assist the Chairperson when called upon to do so. In the absence of the Chairperson he shall preside over all meetings of the Hoh Tribal Business Committee and the Tribe. When so presiding he shall have all the rights, privileges, and duties, as well as the responsibilities of the chairperson.
- Section 3. The secretary shall prepare and maintain a complete record of all matters transacted at all meetings. It shall be the duty of the secretary to transmit copies of minutes of all meetings to the Superintendent or officer in charge of the reservation.
- Section 4. The treasurer shall have custody of and be responsible for all funds in the custody of the Hoh Tribal Business Committee. The treasurer shall deposit all tribal funds in a federally insured bank or elsewhere, as directed by the Hoh Tribal Business Committee, and shall keep proper records of such funds. The treasurer shall not pay out any funds except when authorized to do so by a properly executed resolution of the Hoh Tribal Business Committee. It shall be the duty of the treasurer to report on all receipts and expenditures and the amount and nature of all funds on hand at all regular meetings and at any other time when requested by the Hoh Tribal Business Committee. The treasurer will be required to have a surety bond satisfactory to the Hoh Tribal Business Committee and the Superintendent or officer in charge of the reservation. The surety bond will be obtained at the expense of the tribe.
- Section 5. The council members of the Hoh Tribal Business Committee shall perform such duties as the tribal council may direct.

ARTICLE VI - VACANCIES AND REMOVAL FROM OFFICE

- Section 1. If any officer of the Hoh tribe shall resign, die, permanently leave the State of Washington, or shall be found guilty of a felony, or misdemeanor involving dishonesty, in any Indian, State, or Federal Court, the Hoh Tribal Business Committee shall declare the position vacant and shall appoint a new member to serve until the next regular election when a successor shall be elected.

Section 2. The Tribal Business Committee may, by five affirmative votes, remove from office any tribal council member convicted of a misdemeanor, or for gross neglect of duty, malfeasance in office, misconduct reflecting on the dignity and integrity of the tribal government, or failure to attend any three (3) consecutive tribal council meetings without the permission of the tribal business committee, except for illness, or disqualification to serve as a Tribal Business Committee Member. Before any vote for removal from office is taken, the member shall be given a written statement of charges against his/her at least fifteen (15) days before the meeting of the tribal council, at which he/she is to appear, and he/she shall be given an opportunity to answer any and all charges at the tribal council meeting. If the member refuses to appear before the Tribal Business Committee, the Business Committee shall proceed with the vote as scheduled. The Chairperson shall have the right to vote in all removal proceedings except his/her own.

ARTICLE VII - REFERENDUM

Upon receipt of a petition signed by at least twenty-five percent of the eligible voters of the Hoh Tribe, or upon written request of the majority of the Hoh Tribal Business Committee, the Chairperson shall call a meeting of the tribe with 15 days from the date the petition or request is received; to vote on any enacted or proposed ordinance or resolution. A majority of the qualified voters who vote in such a meeting shall decide whether the ordinance or resolution shall be in effect, provided at least twenty-five percent of the eligible voters shall vote.

ARTICLE VIII - CIVIL RIGHTS

Section 1. All members of the Hoh Tribe shall have equal rights, equal protection, and equal opportunity to participate in the economic resources, tribal assets, and activities of the tribe.

Section 2. Rights of Tribal Members - The tribe, in exercising power of self-government, shall not:

- (a) Make or enforce any law prohibiting the free exercise of religion or abridging the freedom of speech, or of the press, or of the people peaceably to assemble and to petition for a redress of grievances;
- (b) violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizure, nor issue warrants but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;

- (c) subject any person for the same offense to be twice put in jeopardy;
- (d) compel any person in any criminal case to be a witness against himself/herself;
- (e) take any private property for public use without just compensation;
- (f) deny to any person in a criminal proceeding the right to a speedy public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him/her, to have compulsory process for obtaining witnesses in his/her favor, and at his/her expense, to have the assistance of counsel for his/her defense;
- (g) require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for a conviction of (1) offense any penalty of punishment greater than imprisonment for a term of 6 months or a fine of \$500, or both;
- (h) deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;
- (i) pass any bill or attainder or ex post facto law; or
- (j) deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six (6) persons. (Indian Civil Rights Act, 1968)

ARTICLE IX - AMENDMENTS

Amendments to this constitution may be proposed by a majority vote of the members of the Hoh Tribe attending a regular or special tribal meeting and shall be adopted and approved in the same manner as this constitution.

ARTICLE X - ADOPTION

This constitution shall be voted on at an election authorized for that purpose by the Secretary of the Interior under regulations prescribed for such elections. If passed by a majority at an election in which at least thirty percent of those entitled to vote cast a ballot, and if approved by the Secretary of the Interior, this constitution shall be effective on the date of such approval.

Exhibit 4

Hoh Indian Tribe Organizational Chart



HOH INDIAN TRIBE ORGANIZATIONAL CHART

Council Secretary
Angie Ruiz

HOH TRIBAL BUSINESS COMMITTEE

CFO
Contracted KOSO

Climate Change Spec.
Contracted- Hannah Tennent

GIS Consultant
Wendy Largent

Executive Director
Keith MacGeagh

Government Affairs Advisors
Policy Consultants

Natural Resources Director
Kim Bray

Attorneys **Contracted**
Dorsay, Easton, Kanji and Katzen

TFW Biologist
Wren Varga

Director of Health & Family Services
Britni Duncan

Project Manager
Cynthia Toop

Transportation **Contracted**
Red Plains

Admin Assistant
Rosetta Leitka

Wetland Specialist
David Rivera

Clinic Reception
LaToya Hudson

Janitor
Zentkalla Olebar-Thomas

Water Quality Specialist
Cynthia Hernandez

Habitat Restoration
Walter Ward-Bos

ICW Caseworker
Vacant

Court Clerk
(Interim Tahnee Hudson)

Human Resources Manager
Tracy Gillett

Habitat Restoration Biologist
Maggie Bockart

Opioid
Abatement Coor.
Kelsey Garcia
Rosander

Water Operator
Joel Ward

Accounting Manager
Melissa Hoban

Fisheries Enforcement Officer
Philip Riebe

Housing Director
Britni Duncan

Payroll & Accounts Payable
Tahnee Hudson

Tribal Historic Preservation Officer
Kelly Rosales

Assistant Librarian (2)
Starlett Jackson
Katherine Jackson

Executive Assistant
(On Hold)

Accounting & Purchasing
Darlene Hollum

Fisheries Management Biologist
Brian Hoffman

Cultural Resources
Interns
Deborah Sheriff
Sebastian Gibbs

Crime Victims Adv.
Maria Hernandez

Receptionist
Angie Ruiz

Grants and Budget Specialist
Barbara Manuel

Fisheries Technician (5)
Mario Reyes- II
Monty Arthur- II
Francisco Farias- I
Miguel Ramirez- I
William Hatch- I

Natural Resources Tech (2)
Bernard Afterbuffalo
Ruby Sheriff

TOR Coordinator
Tracy Gillett

Enrollment
LaToya Hudson

Accountant
Kali Martinez

Hatchery Manager
Lukus West

Hatchery Technician (2)
Trevor Ward- I
Jeremy Ward- I

Health Home Care Coord.
Vacant

Maintenance Technician (2)
Lester Fisher
Joel Ward

Chemical Dependency Professional
Vacant

Emergency Management
Suzanne Settle

Work Force Coordinator (2)
Lisa Rosander-Hatch
Vacant

Exhibit 5

**Hoh Tribal Law Codes which describe the authority of the Hoh Tribal Court in regulating littering on the reservation, and polluting tribal lands and waters:
3.01 Law and Order Code and 3.03 Exclusion and Removal Code**

Hoh Tribal Code Title 3 Law and Order

Chapter 3.01 Law and Order

APPLICATION, JURISDICTION

§ 3.01.010 Title

This title shall be known as the Hoh Tribal Criminal Code.

§ 3.01.020 Application

The provisions of this title shall apply to any offense committed after the passage of a resolution by the Hoh Tribal Business Committee authorizing its enactment.

§ 3.01.030 Severability

If any part of this title shall be held invalid, the remainder shall remain in effect.

§ 3.01.040 Jurisdiction

The Hoh Tribal Courts shall have jurisdiction, pursuant to the Tribal Court Ordinance, Hoh Tribal Code 2.01 et seq., over all actions arising under this title.

§ 3.01.050 Definitions

In this title, unless a different meaning is plainly required:

- (1) “Acted” includes, where relevant, omitted to act;
- (2) “Actor” includes, where relevant, a person failing to act;
- (3) “Benefit” is any gain or advantage to the beneficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary;
- (4) “Bodily injury” or “physical injury” means physical pain, illness, or an impairment of physical condition;
- (5) “Building,” in addition to its ordinary meaning, includes any dwelling, fenced area, vehicle, railway car, cargo container, or any other structure used for lodging of persons or for

carrying on business therein, or for the use, sale or deposit of goods; each unit of a building consisting of two or more units separately secured or occupied is a separate building, or any structure over 12 feet by 12 feet in size;

- (6) “Deadly weapon” means any explosive or loaded or unloaded firearm, and shall include any other weapon, device, instrument, article, or substance, including a "vehicle" as defined in this section, which, under the circumstances in which it could be used, is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious bodily injury;
- (7) “Dwelling” means any building or structure, permanent, movable or temporary, or a portion thereof, which is used or ordinarily used by a person for lodging;
- (8) “Government” includes any branch, subdivision, or agency of the Hoh Tribal Government, or the United States Government;
- (9) “Government function” includes any activity which a public servant is legally authorized or permitted to undertake on behalf of a government;
- (10) “Indicted” and “indictment” include “informed against” and “information”, and “informed against” and “information” include “indicted” and “indictment”.
- (11) “Judge” includes every judicial officer or court officer authorized alone or with others, to hold or preside over a court;
- (12) “Malice” and “maliciously” shall import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty;
- (13) “Officer” and “public officer” means a person holding office under tribal government, or the federal government, who performs a public function and in so doing is vested with the exercise of some sovereign power of government, and includes all assistants, deputies, clerks and employees of any public officer and all persons lawfully exercising or assuming to exercise any of the powers or functions of a public officer;
- (14) “Omission” means a failure to act;
- (15) “Peace officer” means a duly appointed or authorized tribal or federal law enforcement officer;
- (16) “Pecuniary benefit” means any gain or advantage in the form of money, property, commercial interest, or anything else the primary significance of which is economic gain;
- (17) “Person,” “he,” “she,” or “actor,” include any natural person and, where relevant, a corporation, joint stock association, or an unincorporated association;
- (18) “Place of work” includes but is not limited to all the lands and other real property in the case of an actor who owns, operates, or is employed to work on such real property;

- (19) “Prison” means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including but not limited to any state correctional institution or any county or city jail;
- (20) “Prisoner” includes any person held in custody under process of law, or under lawful arrest;
- (21) “Property” means anything of value, whether tangible or intangible, real or personal;
- (22) “Public servant” means any person other than a witness who presently occupies the position of or has been elected, appointed, or designated to become any officer or employee of government, including a legislator, judge, judicial officer, juror, and any person participating as an advisor, consultant, or otherwise in performing a governmental function;
- (23) “Signature” includes any memorandum, mark, or sign made with intent to authenticate any instrument or writing, or the subscription of any person thereto;
- (24) “Statute” means the Tribal Constitution, or any act, ordinance, or code adopted by the Hoh Tribal Business Committee;
- (25) “Threat” means to communicate, directly or indirectly the intent:
 - (a) To cause bodily injury in the future to the person threatened or to any other person; or
 - (b) To cause physical damage to the property of a person other than the actor; or
 - (c) To subject the person threatened or any other person to physical confinement or restraint; or
 - (d) To accuse any person of a crime or cause criminal charges to be instituted against any person; or
 - (e) To expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule; or
 - (f) To reveal any information sought to be concealed by the person threatened; or
 - (g) To testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
 - (h) To take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding; or
 - (i) To bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or
 - (j) To do any other act which is intended to harm substantially the person threatened or another with respect to his or her health, safety, business, financial condition, or personal relationships.

- (26) “Vehicle” means a “motor vehicle” as defined in the vehicle and traffic laws, any aircraft, or any vessel equipped for propulsion by mechanical means or by sail;

Words in the present tense shall include the future tense; and in the masculine shall include the feminine and neuter genders; and in the singular shall include the plural; and in the plural shall include the singular.

§ 3.01.060 Proof Beyond a Reasonable Doubt

- (1) Every person charged with the commission of a crime is presumed innocent unless proven guilty. No person may be convicted of a crime unless each element of such crime is proven by competent evidence beyond a reasonable doubt.
- (2) When a crime has been proven against a person, and there exists a reasonable doubt as to which of two or more degrees he or she is guilty, he or she shall be convicted only of the lowest degree.

§ 3.01.070 Peace Officers – Immunity

No peace officer may be held criminally or civilly liable for actions under this title, if the peace officer acts in good faith and without malice.

LIABILITY

§ 3.01.080 Culpability – Who is Guilty

- (1) Kinds of Culpability Defined.
- (a) Intent. A person acts with intent or intentionally when he or she acts with the objective or purpose to accomplish a result which constitutes a crime.
- (b) Knowledge. A person knows or acts knowingly or with knowledge when:
- (i) He or she is aware of a fact, facts, or circumstances or result described by a statute defining an offense; or
- (ii) He or she has information which would lead a reasonable person in the same situation to believe that facts exist which are described by a statute defining an offense.
- (c) Recklessness. A person is reckless or acts recklessly when he or she knows of and disregards a substantial risk that a wrongful act may occur and his or her disregard of such substantial risk is a gross deviation from conduct that a reasonable person would exercise in the same situation.
- (d) Criminal negligence. A person is criminally negligent or acts with criminal negligence when he or she fails to be aware of a substantial risk that a wrongful act may occur and his or her failure to be aware of such substantial risk constitutes a

gross deviation from the standard of care that a reasonable person would exercise in the same situation.

- (2) Substitutes for Criminal Negligence, Recklessness, and Knowledge. When a statute provides that criminal negligence suffices to establish an element of an offense, such element also is established if a person acts intentionally, knowingly, or recklessly. When recklessness suffices to establish an element of an offense, such element also is established if a person acts intentionally or knowingly. When acting knowingly suffices to establish an element, such element also is established if a person acts intentionally.
- (3) Culpability as Determinant of Grade of Offense. When the grade or degree of an offense depends on whether the offense is committed intentionally, knowingly, recklessly, or with criminal negligence, its grade or degree shall be the lowest for which the determinative kind of culpability is established with respect to any material element of the offense.
- (4) Requirement of Willfulness Satisfied by Acting Knowingly. A requirement that an offense be committed willfully is satisfied if a person acts knowingly with respect to the material elements of the offense, unless a purpose to impose further requirements plainly appears.

§ 3.01.090 Complicity – Who is Guilty for the Actions of Another

- (1) A person is guilty of a crime if it is committed by the conduct of another person for which he or she is legally accountable.
- (2) A person is legally accountable for the conduct of another person when:
 - (a) Acting with the kind of culpability that is sufficient for the commission of the crime, he or she causes an innocent or irresponsible person to engage in such conduct; or
 - (b) He or she is made accountable for the conduct of such other person by this title or by the law defining the crime; or
 - (c) He or she is an accomplice of such other person in the commission of the crime.
- (3) A person is an accomplice of another person in the commission of a crime if:
 - (a) With knowledge that it will promote or facilitate the commission of the crime, he or she:
 - (i) solicits, commands, encourages, or requests such other person to commit it; or
 - (ii) aids or agrees to aid such other person in planning or committing it; or
 - (b) His or her conduct is expressly declared by law to establish his or her complicity.
- (4) A person who is legally incapable of committing a particular crime himself may be guilty thereof if it is committed by the conduct of another person for which he or she is legally

accountable, unless such liability is inconsistent with the purpose of the provision establishing his or her incapacity.

- (5) Unless otherwise provided by this title or by the law defining the crime, a person is not an accomplice in a crime committed by another person if:
 - (a) He or she is a victim of that crime; or
 - (b) He or she terminates his or her complicity prior to the commission of the crime, and either gives timely warning to the law enforcement authorities or otherwise makes a good faith effort to prevent the commission of the crime.
- (6) A person legally accountable for the conduct of another person may be convicted on proof of the commission of the crime and of his or her complicity therein, though the person claimed to have committed the crime has not been prosecuted or convicted or has been convicted of a different crime or degree of crime or has an immunity to prosecution or conviction or has been acquitted.

§ 3.01.100 Insanity

To establish the defense of insanity, it must be shown that:

- (1) At the time of the commission of the offense, as a result of mental disease or defect, the mind of the actor was affected to such an extent that:
 - (a) He or she was unable to perceive the nature and quality of the act with which he or she is charged; or
 - (b) He or she was unable to tell right from wrong with reference to the particular act charged.
- (2) The defense of insanity must be established by a preponderance of the evidence.

§ 3.01.110 Defenses

- (1) “Necessary” Defined. “Necessary” means that no reasonable alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended.
- (2) Use of Force – When Lawful. The use, attempt, or offer to use force upon or toward the person of another shall not be unlawful in the following cases:
 - (a) Whenever necessarily used by a public officer in the performance of a legal duty, or a person assisting him or her and acting under his or her direction;
 - (b) Whenever necessarily used by a person arresting one who has committed a felony and delivering him or her to a public officer competent to receive him or her into custody;

- (c) Whenever used by a party about to be injured, or by another lawfully aiding him or her, in preventing or attempting to prevent an offense against his or her person, or a malicious trespass, or other malicious interference with real or personal property lawfully in his or her possession, in case the force is not more than shall be necessary;
 - (d) Whenever used in a reasonable and moderate manner by a parent or his or her authorized agent, a guardian, master, or teacher in the

exercise of lawful authority, to restrain or correct his or her child, ward, apprentice, or scholar;
 - (e) Whenever used by a carrier of passengers of his or her authorized agent or servant, or other person assisting them at their request in expelling from a carriage, railway car, vessel, or other vehicle, a passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers, if such vehicle has first been stopped and the force used is not more than shall be necessary to expel the offender with reasonable regard to his or her personal safety;
 - (f) Whenever used by any person to prevent a mentally ill, mentally incompetent or mentally disabled person from committing an act dangerous to himself or another, or in enforcing necessary restraint for the protection of his or her person, or his or her restoration to health, during such period only as shall be necessary to obtain legal authority for the restraint or custody of his or her person.
- (3) Homicide – When Excusable. Homicide is excusable when committed by accident or misfortune in doing any lawful act by lawful means, with ordinary caution and without any lawful intent.
- (4) Justifiable Homicide by Public Officer. Homicide is justifiable when committed by a public officer, or person acting under his or her command and in his or her aid, in the following case:
- (a) When there is reasonable cause to believe that it is necessary to prevent serious bodily injury or death to himself or herself or to another.
- (5) Homicide by Other Person – When Justifiable. Homicide is also justifiable when committed either:
- (a) In the lawful defense of the slayer, or his or her husband, wife, parent, child, brother, or sister, or of any other person in his or her presence or company, when there is reasonable ground to apprehend a design on the part of the person slain to commit a violent felony or to do some great personal injury to the slayer or to any such person, and there is imminent danger of such design being accomplished; or
 - (b) In the actual resistance of an attempt to commit a felony upon the slayer, in his or her presence, or upon or in a dwelling, or other place of abode, in which he or she is.

- (6) Duress.
- (a) In any prosecution for a crime, it is a defense that:
 - (i) The actor participated in the crime under compulsion by another who by threat or use of force created an apprehension in the mind of the actor that in case of refusal he or she or another would be liable to immediate death or immediate grievous injury.
 - (ii) That such apprehension was reasonable upon the part of the actor;
 - (iii) That the actor would not have participated in the crime except for the duress involved.
 - (b) The defense of duress is not available if the crime charged is murder or manslaughter.
 - (c) The defense of duress is not available if the actor intentionally or recklessly places himself in a situation in which it is probable that he or she will be subject to duress.
 - (d) That defense of duress is not established solely by a showing that a married person acted on the command of his or her spouse.
- (7) Intoxication. No act committed by a person while in a state of voluntary intoxication shall be deemed less criminal by reason of his or her condition, but whenever the actual existence of any particular species or degree of crime, the fact of his or her intoxication may be taken into consideration in determining such mental state.

ANTICIPATORY OFFENSES

§ 3.01.120 Criminal Attempt

- (1) A person is guilty of an attempt to commit a crime if, with intent to commit a specific crime, he or she does any act which is a substantial step toward the commission of that crime.
- (2) If the conduct in which the person engages otherwise constitutes an attempt to commit a crime, it is no defense to a prosecution of such attempt that the crime charged to have been attempted was under the attendant circumstances, factually or legally impossible of commission.
- (3) An attempt to commit a crime is a felony if the crime attempted is a felony, gross misdemeanor if the crime is a gross misdemeanor, and misdemeanor if the crime is a misdemeanor.

§ 3.01.130 Criminal Solicitation

- (1) A person is guilty of criminal solicitation when, with intent to promote or facilitate the commission of a crime, he or she offers to give or gives money or other things of value to

another to engage in specific conduct which would constitute such crime, or which would establish complicity of such other person in its commission if attempted or committed.

- (2) Criminal solicitation shall be punished in the same manner as criminal attempt under § 3.01.120(3).

§ 3.01.140 Criminal Conspiracy

- (1) A person is guilty of criminal conspiracy when, with intent that conduct constituting a crime be performed, he or she agrees with one or more persons to engage in or cause the performance of such conduct, and any one of them takes a substantial step in pursuance of such agreement.
- (2) It shall not be a defense to criminal conspiracy that the person or persons with whom the accused is alleged to have conspired:
 - (a) Has not been prosecuted or convicted; or
 - (b) Has been convicted of a different offense; or
 - (c) Is not amenable to justice; or
 - (d) Has been acquitted; or
 - (e) Lacked the capacity to commit an offense.
- (3) Criminal conspiracy is a felony if the object of the conspiracy is a felony, a gross misdemeanor if the object is a gross misdemeanor, and a misdemeanor if it is a misdemeanor.

HOMICIDE

§ 3.01.150 Homicide Defined

Homicide is the killing of a human being by the act, procurement or omission of another and is either:

- (1) murder,
- (2) manslaughter,
- (3) excusable homicide, or
- (4) justifiable homicide.

§ 3.01.160 Murder in the First Degree

- (1) A person is guilty of murder in the first degree when:

- (a) With a premeditated intent to cause the death of another person, he or she causes the death of such person or of a third person; or
- (b) Under circumstances manifesting an extreme indifference to human life, he or she engages in conduct which creates a grave risk of death to any person, and thereby causes the death of a person; or
- (c) He or she commits or attempts to commit the crime of either:
 - (i) robbery, in the first or second degree,
 - (ii) rape in the first or second degree,
 - (iii) burglary in the first degree,
 - (iv) arson in the first degree, or
 - (v) kidnapping, in the first or second degree, and; in the course of and in furtherance of such crime or in immediate flight therefrom, he or she, or another participant, causes the death of a person other than one of the participants; except that in any prosecution under this subdivision (1)(c) in which the defendant was not the only participant in the underlying crime, if established by the defendant by a preponderance of the evidence, it is a defense that the defendant:
 - (A) Did not commit the homicidal act or in any way solicit, request, command, importune, cause, or aid the commission thereof; and
 - (B) Was not armed with a deadly weapon, or any instrument, article, or substance readily capable of causing death; or
 - (C) Had no reasonable grounds to believe that any other participant was armed with such a weapon, instrument, article, or substance; and
 - (D) Had no reasonable grounds to believe that any other participant intended to engage in conduct likely to result in death or physical injury.

(2) Murder in the first degree is a felony.

§ 3.01.170 Murder in the Second Degree

- (1) A person is guilty of murder in the second degree when:
- (a) With intent to cause the death of another person but without premeditation, he or she causes the death of such person or of a third person; or
 - (b) He or she commits or attempts to commit any felony other than those enumerated in § 3.01.160(1)(c), and, in the course of and in furtherance of such crime or in immediate flight therefrom, he or she, or another participant, causes the death of a

person other than one of the participants; except than in any prosecution under this participant in the underlying crime, if established by the defendant by a preponderance of the evidence, it is a defense that the defendant:

- (i) Did not commit the homicidal act or in any way solicit, request, command, importune, cause, or aid the commission thereof; and
- (ii) Was not armed with a deadly weapon, or any instrument, article, or substance readily capable of causing death or serious physical injury; and
- (iii) Had no reasonable grounds to believe that any other participant intended to engage in conduct likely to result in death or serious physical injury.

(2) Murder in the second degree is a felony.

§ 3.01.180 Manslaughter in the First Degree

(1) A person is guilty of manslaughter in the first degree when:

- (a) He or she recklessly causes the death of another person; or
- (b) He or she intentionally and unlawfully kills an unborn quick child by inflicting any injury upon the mother of such child.

(2) Manslaughter in the first degree is a felony.

§ 3.01.190 Manslaughter in the Second Degree

(1) A person is guilty of manslaughter in the second degree when, with criminal negligence, he or she causes the death of another person.

(2) Manslaughter in the second degree is a felony.

§ 3.01.200 Negligent Homicide

(1) What constitutes. A person is guilty of negligent homicide within the Reservation when: the death of any person shall ensue within three years as a proximate result of injury received by the driving of any vehicle by any person while under the influence of or affected by intoxicating liquor or drugs or glue, or by the operation of any vehicle in a reckless manner or with disregard for the safety of others.

(2) Negligent Homicide is a felony.

§ 3.01.210 Homicide by Abuse

(1) A person is guilty of homicide by abuse if, under circumstances manifesting an extreme indifference to human life, the person causes the death of a child, a developmentally disabled person, or a dependent adult, and the person has previously engaged in a pattern or practice of assault or torture of said child, developmentally disabled person, or

dependent adult. “Dependent adult” means a person who because of physical or mental disability or because of advanced age is dependent upon another person to provide the basic necessities of life.

- (2) Homicide by abuse is a felony.

PHYSICAL HARM

§ 3.01.220 Assault in the First Degree

- (1) Every person, who with intent to kill a human being, or to commit a felony upon the person or property of the one assaulted, or of another, shall be guilty of assault in the first degree when he or she:
- (a) Shall assault another with a firearm or any deadly weapon or by any force or means likely to produce death; or
 - (b) Shall administer to or cause to be taken by another, poison or any other destructive or noxious thing so as to endanger the life of another person.
- (2) Assault in the first degree is a felony.

§ 3.01.230 Assault in the Second Degree

- (1) Every person who, under circumstances not amounting to assault in the first degree, shall be guilty of assault in the second degree when he or she:
- (a) With intent to injure, shall unlawfully administer to or cause to be taken by another, poison or any other destructive or noxious thing, or any drug or medicine the use of which is dangerous to life or health; or
 - (b) Shall knowingly inflict grievous bodily harm upon another with or without a weapon; or
 - (c) Shall knowingly assault another with a weapon or other instrument or thing likely to produce bodily harm; or
 - (d) Shall knowingly assault another with intent to commit a felony; or
 - (e) With criminal negligence, shall cause physical injury to another person by means of a weapon or other instrument or thing likely to produce bodily harm.
- (2) Assault in the second degree is a felony.

§ 3.01.240 Assault in the Third Degree

- (1) Every person who, under circumstances not amounting to assault in either the first or second degree, shall assault another with intent to prevent or resist the execution of any

lawful process or mandate of any court officer, or the lawful apprehension or detention of himself or another person shall be guilty of assault in the third degree.

- (2) Assault in the third degree is a felony.

§ 3.01.250 Assault in the Fourth Degree

- (1) Every person who shall commit an assault or an assault and battery not amounting to assault in either the first, second, or third degree shall be guilty of assault in the fourth degree.
- (2) Assault in the fourth degree is a gross misdemeanor.

§ 3.01.260 Reckless Endangerment

- (1) A person is guilty of reckless endangerment when he or she recklessly engages in conduct which creates a substantial risk of death or serious physical injury to another person.
- (2) Reckless endangerment is a felony if a person under the age of eighteen years or a dependent adult is endangered, in other cases reckless endangerment is a gross misdemeanor. Dependent adult is defined under § 3.01.210(1).

§ 3.01.270 Attempted Suicide

Any person who willfully attempts to cause his or her own death, by any means, shall be guilty of an offense and upon conviction shall be sentenced to mandatory counseling for a period not to exceed one year. The nature, form and duration of the counseling shall be determined in accordance with the circumstances of each case.

§ 3.01.280 Promoting a Suicide Attempt

- (1) A person is guilty of promoting a suicide attempt when he or she knowingly causes or aids another person to attempt suicide.
- (2) Promoting a suicide attempt is a felony.

§ 3.01.290 Coercion

- (1) A person is guilty of coercion if by use of a threat he or she compels or induces a person to engage in conduct which the latter has a legal right to abstain from, or to abstain from conduct which he or she has a legal right to engage in.
- (2) “Threat” as used in this section means:
 - (a) To communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or
 - (b) Threats as defined in §§ 3.01.050(25)(a)-(j).
- (3) Coercion is a gross misdemeanor.

§ 3.01.300 Child Abuse or Neglect

- (1) A person is guilty of child abuse or neglect if he or she commits an act of violence, abuse or neglect on a child under the age of eighteen years causing more than transient pain or injury to that child.
- (2) Child abuse or neglect is a gross misdemeanor and upon conviction thereof, the offender may be required by the court to undergo medical evaluation and treatment, in addition to or instead of any other sentence imposed by the court.

§ 3.01.310 Malicious Harassment

- (1) A person is guilty of malicious harassment if he or she, with intent to intimidate or harass another person because of that person's race, sexual preference, color, religion, ancestry, national origin, or mental, physical, or sensory handicap:
 - (a) Causes physical injury to another person; or
 - (b) By words or conduct threatens harm to another person or another's property or harm to the person or property of a third person; or
 - (c) Causes physical damage to or destruction of the property of another person.
- (2) Malicious harassment is a gross misdemeanor. A person who commits malicious harassment may be required by the court to compensate the victim(s) for actual and punitive damages.

§ 3.01.320 Criminal Harassment

- (1) A person commits the offense of harassment if:
 - (a) Without lawful authority, the person knowingly threatens:
 - (i) To cause bodily injury immediately or in the future to the person threatened or to any other person; or
 - (ii) To cause physical damage to the property of a person other than the actor; or
 - (iii) To subject the person threatened or any other person to physical confinement or restraint; or
 - (iv) Maliciously to do any other act which is intended to substantially harm the person threatened or another with respect to his or her physical or mental health or safety; and
 - (b) The person by words or conduct places the person threatened in reasonable fear that the threat will be carried out. "Words or conduct" includes, in addition to any other form of communication or conduct, the sending of an electronic communication.

- (2) Harassment is misdemeanor.

KIDNAPPING, UNLAWFUL IMPRISONMENT, AND CUSTODIAL INTERFERENCE

§ 3.01.330 Definitions

The following definitions apply in this title:

- (1) “Restrain” means to restrict a person's movements without consent and without legal authority in a manner which interferes substantially with his or her liberty. Restraint is without "consent" if it is accomplished by:
- (a) Physical force, intimidation, or deception; or
 - (b) Any means including acquiescence of the victim, if he or she is a child less than sixteen years old or an incompetent person and if the parent, guardian, or other person or institution having lawful control of custody of him or her has not acquiesced.
- (2) “Abduct” means to restrain a person by either;
- (a) Secreting or holding him or her in a place where he or she is not likely to be found, or
 - (b) Using or threatening to use deadly force;
- (3) “Relative” means an ancestor, descendant, or sibling, including a relative of the same degree through marriage or adoption, or a spouse.

§ 3.01.340 Kidnapping in the First Degree

- (1) A person is guilty of kidnapping in the first degree if he or she intentionally abducts another person with intent:
- (a) To hold him or her for ransom or reward, or as a shield or hostage; or
 - (b) To facilitate commission of any felony or flight thereafter; or
 - (c) To inflict bodily injury on him or her; or
 - (d) To inflict extreme mental distress on him or her or a third person; or
 - (e) To interfere with the performance of any governmental function.
- (2) Kidnapping in the first degree is a felony.

§ 3.01.350 Kidnapping in the Second Degree

- (1) A person is guilty of kidnapping in the second degree if he or she intentionally abducts another person under circumstances not amounting to kidnapping in the first degree.

- (2) In any prosecution for kidnapping in the second degree, it is a defense if established by the defendant by a preponderance of the evidence that:
 - (a) The abduction does not include the use of or intent to use or threat to use deadly force, and
 - (b) The actor is a relative of the person abducted who has the legal right to custody or visitation with the person abducted, and
 - (c) The actor's sole intent is to assume custody of that person. Nothing contained in this paragraph shall constitute a defense to a prosecution for, or preclude a conviction of, any other crime.
- (3) Kidnapping in the second degree is a felony.

§ 3.01.360 False Arrest

Any person who shall willfully and knowingly make or cause to be made the unlawful arrest, detention, or imprisonment of another person shall be guilty of an offense and upon conviction thereof shall a misdemeanor.

§ 3.01.370 Unlawful Imprisonment

- (1) A person is guilty of unlawful imprisonment if he or she knowingly restrains another person without lawful authority.
- (2) Unlawful imprisonment is a felony.

§ 3.01.380 Custodial Interference

- (1) A person is guilty of custodial interference if, knowing that he or she has no legal right to do so, he or she takes or entices from lawful custody an incompetent person or other person entrusted by authority of law to the custody of another person or institution.
- (2) Custodial interference is a gross misdemeanor.

§ 3.01.390 Defense to Action for Being Detained on Mercantile Establishment Premises

In any criminal action brought by reason of any person having been detained on or in the immediate vicinity of the premises of a mercantile establishment for the purpose of investigating or questioning as to the ownership of any merchandise, it shall be a defense to the action that:

- (1) The person was detained in a reasonable manner and for not more than a reasonable time to permit the investigation or questioning by a law enforcement officer, by the owner's authorized employee or agent; and

- (2) The person conducting the investigation or questioning had reasonable grounds to believe that the person detained committed or attempted to commit theft or shoplifting of the merchandise on the premises.

ARSON, RECKLESS BURNING, MALICIOUS MISCHIEF AND DAMAGE TO PROPERTY

§ 3.01.400 Definitions

- (1) For the purpose of this title, as now or hereinafter amended, unless the context indicates otherwise:
 - (a) “Building” has the definition in § 3.01.050(5) and where a building consists of two or more units separately secured or occupied, each unit shall not be treated as a separate building;
 - (b) “Damages,” in addition to its ordinary meaning, includes any charring, scorching, burning, or breaking, or agricultural or industrial sabotage, and shall include any diminution in the value of any property as a consequence of an act.
- (2) To constitute arson, it shall not be necessary that a person other than the actor should have had ownership in the building or structure damaged or set on fire.

§ 3.01.410 Arson in the First Degree

- (1) A person is guilty of arson in the first degree if he or she knowingly and maliciously:
 - (a) Causes a fire or explosion which is manifestly dangerous to any human life including firemen; or
 - (b) Causes a fire or explosion which damages a dwelling; or
 - (c) Causes a fire or explosion in any building in which there shall be at the time a human being who is not a participant in the crime.
- (2) Arson in the first degree is felony.

§ 3.01.420 Arson in the Second Degree

- (1) A person is guilty of arson in the second degree if he or she knowingly and maliciously causes a fire or explosion which damages a building, or any structure or erection appurtenant to or joining any building, or any wharf, dock, machine, engine, automobile, or other motor vehicle, watercraft, aircraft, bridge, or trestle, or hay, grain, crop, or timber, whether cut or standing or any range land, or pasture land, or any fence, or any lumber, shingle, or other timber products, or any property.
- (2) Arson in the second degree is a felony.

§ 3.01.430 Reckless Burning in the First Degree

- (1) A person is guilty of reckless burning in the first degree if he or she recklessly damages a building or other structure or any vehicle, railway car, aircraft, or watercraft or any hay, grain, crop, or timber whether cut or standing, by knowingly causing a fire or explosion.
- (2) Reckless burning in the first degree is a felony.

§ 3.01.440 Reckless Burning in the Second Degree

- (1) A person is guilty of reckless burning in the second degree if he or she knowingly causes a fire or explosion, whether on his or her own property or that of another, and thereby recklessly places a building or other structure, or any vehicle, railway car, aircraft, or watercraft, or any hay, grain, crop or timber, whether cut or standing, in danger of destruction or damage.
- (2) Reckless burning in the second degree is a gross misdemeanor.

§ 3.01.450 Reckless Burning – Defense

In any prosecution for the crime of reckless burning in the first or second degrees, it shall be a defense if the defendant establishes by a preponderance of the evidence that:

- (1) No person other than the defendant had a possessory, or pecuniary interest in the damage or endangered property, or if other persons had such an interest, all of them consented to the defendant's conduct; and
- (2) The defendant's sole intent was to destroy or damage the property for a lawful purpose.

§ 3.01.460 Malicious Mischief in the First Degree

- (1) A person is guilty of malicious mischief in the first degree if he or she knowingly and maliciously:
 - (a) Causes physical damage to public property or to the property of another in an amount exceeding one thousand five hundred dollars (\$1500);
 - (b) Causes an interruption or impairment of service rendered to the public by physically damaging or tampering with an emergency vehicle or property of the Hoh Tribe, the federal government, the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication.
- (2) Malicious mischief in the first degree is a felony.

§ 3.01.470 Malicious Mischief in the Second Degree

- (1) A person is guilty of malicious mischief in the second degree if he or she knowingly and maliciously:

- (a) Causes physical damage to public property or to the property of another in an amount exceeding two hundred and fifty dollars (\$250); or
 - (b) Creates a substantial risk of interruption or impairment of service rendered to the public, by physically damaging or tampering with an emergency vehicle or property of the Hoh Tribe, the federal government, the state, a political subdivision thereof, or a public utility or mode of public transportation, power or communication.
- (2) Malicious mischief in the second degree is a felony.

§ 3.01.480 Malicious Mischief in the Third Degree

- (1) A person is guilty of malicious mischief in the third degree if he or she knowingly and maliciously causes physical damage to public property or the property of another, under circumstances not amounting to malicious mischief in the first or second degree.
- (2) Malicious mischief in the third degree is a gross misdemeanor if the damage to the property is in an amount exceeding fifty dollars (\$50); otherwise, it is a misdemeanor.

§ 3.01.490 Desecration of Religious Sites

- (1) A person is guilty of desecration of religious sites if he or she removes artifacts or other items from any burial grounds or from any traditional, sacred or religious area of the Hoh Tribe, or otherwise desecrates in any fashion such grounds or areas.
- (2) Desecration of religious sites is a gross misdemeanor.

§ 3.01.500 Cutting Timber Without a Permit

- (1) A person is guilty of cutting timber without a permit if he or she cuts timber, standing or fallen, on tribal property without first obtaining a permit or written permission from the Hoh Tribal Natural Resources Department or if he or she cuts timber, standing or fallen, on the property of another person without first obtaining the owner's permission.
- (2) Cutting timber without a permit is a gross misdemeanor.

§ 3.01.510 Defacing Official Signs Landmarks or Navigation Markers

- (1) A person is guilty of defacing official signs if he or she removes, alters or defaces any official sign, landmark or navigation marker of the Hoh Tribe, the State of Washington or the federal government.
- (2) Defacing official signs is a misdemeanor.

§ 3.01.520 Flag Desecration

- (1) A person is guilty of flag desecration if he or she publicly mutilates, defaces or defiles an official flag, color or design of the Hoh Tribe or of the United States.

- (2) Flag desecration is a misdemeanor.

§ 3.01.530 Failure to Control or Report a Fire

- (1) A person is guilty of failure to control or report a fire if he or she knows that a fire is endangering a human life or property and he or she:
- (a) Fails to give a prompt fire alarm; or
 - (b) Fails to take a reasonable measure to control the fire without danger to himself/herself when he or she knows he or she has an official duty to combat or prevent the fire.
- (2) Failure to control or report fire is a misdemeanor.

§ 3.01.540 Interference with Fishing Boats, Gear, or Fish

- (1) A person is guilty of interference with fishing boats, gear, or fish if he or she uses or tampers with another's boat, fishing gear, or fish, without authorization from the Hoh Tribe including but not limited to possession of a valid fishing permit.
- (2) Interference with fishing boats, gear, or fish is a gross misdemeanor.

§ 3.01.550 Cutting Fence

Any person who shall willfully cut the wire of a fence belonging to another person or the Hoh Tribe shall be guilty of an offense and upon conviction thereof shall be guilty of a misdemeanor.

§ 3.01.560 Removal of Landmarks, Navigation Markers, Etc.

Any person who shall willfully remove, alter, or destroy any boundary marker, navigation marker, or other water or landmark erected by the Hoh Tribe or the United States Government within the limits of the Hoh Indian Reservation shall be guilty of an offense and upon conviction thereof shall be a misdemeanor.

§ 3.01.570 Firing Timber

Any person who shall willfully and without lawful authority set on fire any timber, woods, meadow, marsh, field, or prairie shall be guilty of an offense and upon conviction thereof shall be a gross misdemeanor.

BURGLARY AND TRESPASS

§ 3.01.580 Definitions

The following definitions apply in this title:

- (1) “Premises” includes any building, dwelling, or any real property;

- (2) “Enter.” The word “enter,” when constituting an element or part of a crime, shall include the entrance of the person or the insertion of any part of his or her body, or any instrument or weapon held in his or her hand and used or intended to be used to threaten or intimidate a person or to detach or remove property;
- (3) “Enters or remains unlawfully.” A person “enters or remains unlawfully” in or upon premises when he or she is not licensed, invited, or otherwise privileged to so enter or remain. A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of a building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so with license and privilege unless notice against trespass is personally communicated to him or her by the owner of the land or some other authorized person, or unless notice is given by posting in a conspicuous manner.

§ 3.01.590 Burglary in the First Degree

- (1) A person is guilty of burglary in the first degree, if, with intent to commit a crime against a person or property therein, he or she enters or remains unlawfully in a building or dwelling and if, in entering or while in the building or dwelling or in immediate flight therefrom, the actor or another participant in the crime:
 - (a) Is armed with a deadly weapon, or
 - (b) Assaults any person therein.
- (2) Burglary in the first degree is a felony.

§ 3.01.600 Burglary in the Second Degree

- (1) A person is guilty of burglary in the second degree if, with intent to commit a crime against a person or property therein, he or she enters or remains unlawfully in a building or dwelling, other than a vehicle.
- (2) Burglary in the second degree is a felony.

§ 3.01.610 Inference of Intent

In any prosecution for burglary, any person who enters or remains unlawfully in a building may be inferred to have acted with intent to commit a crime against a person or property therein, unless such entering or remaining shall be explained by evidence satisfactory to the trier of fact to have been made without such criminal intent.

§ 3.01.620 Other Crime in Committing Burglary Punishable

Every person who, in the commission of a burglary shall commit any other crime, may be punished therefore as well as for the burglary, and may be prosecuted for each crime separately.

§ 3.01.630 Making or Having Burglar Tools

- (1) Every person who shall make or mend or cause to be made or mended, or have in his or her possession, any engine, machine, tool, false key, pick lock, bit, nippers, or implement adapted, designed, or commonly used for the commission of burglary under circumstances evincing an intent to use or employ, or allow the same to be used or employed in the commission of a burglary, or knowing that the same is intended to be so used, shall be guilty of making or having burglar tools.
- (2) Making or having burglar tools is a gross misdemeanor.

§ 3.01.640 Criminal Trespass in the First Degree

- (1) A person is guilty of criminal trespass in the first degree if he or she knowingly enters or unlawfully remains in lands or buildings or dwellings of another which are posted, fenced, or otherwise enclosed in a manner designed to exclude intruders.
- (2) A person is guilty of criminal trespass in the first degree if he or she knowingly enters or unlawfully remains in lands or buildings or dwellings of another after being put on notice by the owner, occupant, or caretaker of the property that the person's presence is not allowed.
- (3) A person is guilty of criminal trespass in the first degree if he or she enters the Hoh Indian Reservation in violation of the terms of an exclusion order issued pursuant to Hoh Tribal Code Chapter 3.03 Exclusions and Removal Code.
- (4) A person is guilty of criminal trespass in the first degree if he or she enters or remains unlawfully in a building or dwelling or on lands owned by the Hoh Tribe, in fee or as the holder of a beneficial interest in land held in trust by the federal government, without the express or implied permission of the Hoh Tribal Business Committee; provided that Hoh Tribal members, their spouses and their children may enter any tribal building dwelling or real property not posted, locked, fenced or otherwise enclosed in a manner designed to exclude intruders unless they are put on notice by a duly authorized agent of the Hoh Tribe that their presence is not allowed.
- (5) Criminal trespass in the first degree is a gross misdemeanor.

§ 3.01.650 Criminal Trespass in the Second Degree

- (1) A person is guilty of criminal trespass in the second degree if he or she knowingly enters or unlawfully remains in or upon building, dwelling or premises of another under circumstances not constituting criminal trespass in the first degree.
- (2) Criminal trespass in the second degree is a misdemeanor.

§ 3.01.660 Vehicle Prowling

- (1) A person is guilty of vehicle prowling if, with intent to commit a crime against a person or property therein, he or she enters or remains unlawfully in a vehicle.
- (2) Vehicle prowling is a gross misdemeanor.

THEFT AND ROBBERY

§ 3.01.670 Definitions

The following definitions are applicable in this title unless the context otherwise requires:

- (1) “Appropriate lost or mis-delivered property or services” means obtaining or exerting control over the property of services of another which the actor knows to have been lost or mislaid, or to have been delivered under a mistake as to identity of the recipient or as to the nature or amount of the property;
- (2) “By color or aid of deception” means that the deception operated to bring about the obtaining of the property or services; it is not necessary that deception be the sole means of obtaining the property or services;
- (3) “Credit card” means any instrument or device, whether incomplete, revoked, or expired, whether known as a credit card, credit plate, courtesy card, or by any other name, issued with or without fee for the use of the cardholder in obtaining money, goods, services, or anything else of value, including satisfaction of a debt or the payment of a check drawn by a cardholder, either on credit or in consideration of an undertaking or guarantee by the issuer;
- (4) “Deception” occurs when an actor knowingly:
 - (a) Creates or confirms another's false impression which the actor knows to be false; or
 - (b) Fails to correct another's impression which the actor previously has created or confirmed; or
 - (c) Prevents another from acquiring information material to the disposition of the property involved; or
 - (d) Transfers or encumbers property without disclosing a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether that impediment is or is not valid, or is or is not a matter of official record; or
 - (e) Promises performance which the actor does not intend to perform or knows will not be performed.
- (5) “Deprive” in addition to its common meaning means to make unauthorized use or an unauthorized copy of records, information, data, trade secrets, or computer programs, provided that the aforementioned are of a private proprietary nature;

- (6) “Obtain control over,” in addition to its common meaning, means:
- (a) In relation to property, to bring about a transfer or purported transfer to the obtainer or another of a legally recognized interest in the property; or
 - (b) In relation to labor or service, to secure performance thereof for the benefits of the obtainer or another;
- (7) “Wrongfully obtains” or “exerts unauthorized control” means:
- (a) To take the property or services of another; or
 - (b) Having any property or services in one's possession, custody or control as bailee, factor, pledgee, servant, attorney, agent, employee, trustee, executor, administrator, guardian, or officer of any person, estate, association, or corporation, or as a public officer, or person authorized by agreement or competent authority to take or hold such possession, custody, or control, to secrete, withhold, or appropriate the same to his or her own use or to the use of any person other than the true owner or person entitled thereto;
- (8) “Owner” means a person, other than the actor, who has possession of or any other interest in the property or services involved, and without whose consent the actor has no authority to exert control over the property or services;
- (9) “Receive” includes, but is not limited to, acquiring title, possession, control, or a security interest, or any other interest in the property.
- (10) “Services” includes, but is not limited to, labor, professional services, transportation services, electronic computer services, the supplying of hotel accommodations, restaurant services, entertainment, the supplying of equipment for use, and the supplying of commodities of a public utility nature such as gas, electricity, steam, and water;
- (11) “Stolen” means obtained by theft, robbery, burglary, or extortion.
- (12) “Value.”
- (a) “Value” means the market value of the property or services at the time and in the approximate area of the criminal act.
 - (b) Whether or not they have been issued or delivered, written instruments, except those having a readily ascertained market value, shall be evaluated as follows:
 - (i) The value of an instrument constituting an evidence of debt, such as a check, draft, or promissory note, shall be deemed the amount due or collectible thereon or thereby, that figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied;
 - (ii) The value of a ticket or equivalent instrument which evidences a right to receive transportation, entertainment, or other service shall be deemed the

price stated thereon, if any; and if no price is stated thereon, the value shall be deemed the price of such ticket or equivalent instrument which the issuer charged the general public;

- (iii) The value of any other instrument that creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.
- (c) Whenever any series of transactions which constitute theft, would, when considered separately, constitute theft in the third degree because of value, and said series of transactions are a part of a common scheme or plan, then the transactions may be aggregated in one count and the sum of the value of all said transactions shall be the value considered in determining the degree of theft involved.
- (d) Whenever any person is charged with possessing stolen property and such person has unlawfully in his or her possession at the same time the stolen property of more than one person, then the stolen property possessed may be aggregated in one count and the sum of the value of all said stolen property shall be the value considered in determining the degree of theft involved.
- (e) Property or services having value that cannot be ascertained pursuant to the standards set forth above shall be deemed to be of a value not exceeding two hundred and fifty dollars.

§ 3.01.680 Theft - Definition; Defense

- (1) “Theft” means:
 - (a) To wrongfully obtain or exert unauthorized control over the value or property or services of another or the value thereof, with intent to deprive him or her of such property or services; or
 - (b) By color or aid of deception to obtain control over the property or services of another or the value thereof, with intent to deprive him or her of such property or services; or
 - (c) To appropriate lost or mis-delivered property or services of another, or the value thereof, with intent to deprive him or her of such property or services.
- (2) In any prosecution for theft, it shall be sufficient defense that the property or service was appropriated openly and avowedly under a claim of title made in good faith, even if the claim is untenable.

§ 3.01.690 Theft in the First Degree

- (1) A person is guilty of theft in the first degree if he or she commits theft of:

- (a) Property or services which exceed(s) one thousand five hundred dollars (\$1500) in value; or
 - (b) Property of any value taken from the person of another.
- (2) Theft in the first degree is a felony.

§ 3.01.700 Theft in the Second Degree

- (1) A person is guilty of theft in the second degree if he or she commits theft of:
 - (a) Property of services which exceed(s) two hundred and fifty dollars (\$250) in value, but does not exceed one thousand five hundred dollars (\$1500) in value; or
 - (b) A public record, writing, or instrument kept, filed, or deposited according to law with or in the keeping of any public office or public servant; or
 - (c) A credit card; or
 - (d) A motor vehicle, of a value less than one thousand five hundred dollars (\$1500).
- (2) Theft in the second degree is a gross misdemeanor.

§ 3.01.710 Theft in the Third Degree

- (1) A person is guilty of theft in the third degree if he or she commits theft of property or services which does not exceed two hundred and fifty dollars (\$250) in value.
- (2) Theft in the third degree is a misdemeanor.

§ 3.01.720 Unlawful Issuance of Checks or Drafts

- (1) Any person who shall with intent to defraud, make, or draw, or utter, or deliver to another person any check, or draft, on a bank or other depository for the payment of money, knowing at the time of such drawing, or delivery, that he or she has not sufficient funds in, or credit with said bank or other depository, to meet said check or draft, in full upon its presentation, shall be guilty of unlawful issuance of bank check. The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank or other depository for the payment of such check or draft, and the uttering or delivering of such a check or draft to another person without such fund or credit to meet the same shall be prima facie evidence of an intent to defraud.
- (2) Unlawful issuance of a bank check in an amount greater than two hundred and fifty dollars (\$250) is a felony.
- (3) Unlawful issuance of a bank check in an amount of two hundred and fifty dollars (\$250) or less is a gross misdemeanor.

§ 3.01.730 Taking Motor Vehicle Without Permission

- (1) Every person who shall without the permission of the owner or person entitled to the possession thereof intentionally take or drive away any automobile or motor vehicle, whether propelled by steam, electricity, or internal combustion engine, the property of another, shall be deemed guilty of a gross misdemeanor, and every person voluntarily riding in or upon said automobile or motor vehicle with knowledge of the fact that the same was unlawfully taken shall be equally guilty with the person taking or driving said automobile or motor vehicle and shall be deemed guilty of taking a motor vehicle without permission.
- (2) Taking a motor vehicle without permission is a gross misdemeanor.

§ 3.01.740 Extortion – Definition

“Extortion” means to knowingly obtain or attempt to obtain by threat property or services of the owner.

§ 3.01.750 Extortion in the First Degree

- (1) A person is guilty of extortion in the first degree if he or she commits extortion by means of a threat as defined in §§ 3.01.050(25)(a), (b), and (c).
- (2) Extortion in first degree is a felony.

§ 3.01.760 Extortion in the Second Degree

- (1) A person is guilty of extortion in the second degree if he or she commits extortion by means of a threat as defined in §§ 3.01.050(25)(d)-(j).
- (2) In any prosecution under this section based on a threat to accuse any person of a crime or cause criminal charges to be instituted against any person, it is a defense that the actor reasonably believed the threatened criminal charge to be true and that his or her sole purpose was to compel or induce the person threatened to take reasonable action to make good the wrong which was the subject of such threatened criminal charge.
- (3) Extortion in the second degree is a gross misdemeanor.

§ 3.01.770 Possession Stolen Property – Definition – Credit Cards, Presumption

- (1) “To possess stolen property” means knowingly to receive, retain, possess, conceal, or dispose of stolen property knowing that it has been stolen and to withhold or appropriate the same to the use of any person other than the true owner or person entitled thereto.
- (2) The fact that the person who stole the property has not been convicted, apprehended, or identified is not a defense to a charge of possessing stolen property.
- (3) When a person not an issuer or agent thereof has in his or her possession or under his or her control stolen credit cards issued in the names of two or more persons, he or she shall

be presumed to know that they are stolen. This presumption may be rebutted by evidence raising a reasonable inference that the possession of such stolen credit cards was without knowledge that they were stolen.

§ 3.01.780 Possessing Stolen Property in the First Degree

- (1) A person is guilty of possessing stolen property in the first degree if he or she possesses stolen property which exceeds one thousand five hundred dollars (\$1500) in value.
- (2) Possessing stolen property in the first degree is a felony.

§ 3.01.790 Possessing Stolen Property in the Second Degree

- (1) A person is guilty of possessing stolen property in the second degree if:
 - (a) He or she possesses stolen property which exceeds two hundred fifty dollars (\$250) in value but does not exceed one thousand five hundred dollars (\$1500) in value;
 - (b) He or she possesses a stolen public record, writing or instrument kept, filed, or deposited according to law; or
 - (c) He or she possesses a stolen credit card; or
 - (d) He or she possesses a stolen motor vehicle of a value less than one thousand five hundred dollars (\$1500); or
 - (e) He or she possesses a stolen firearm.
- (2) Possessing stolen property in the second degree is a gross misdemeanor.

§ 3.01.800 Possessing Stolen Property in the Third Degree

- (1) A person is guilty of possessing stolen property in the third degree if he or she possesses stolen property which does not exceed two hundred fifty dollars (\$250) in value.
- (2) Possessing stolen property in the third degree is a misdemeanor.

§ 3.01.810 Obscuring Identity of a Machine

- (1) A person is guilty of obscuring the identity of a machine if he or she knowingly:
 - (a) Obscures the manufacturer's serial number or any other distinguishing identification number or mark upon any vehicle, machine, engine, apparatus, appliance, or other device with intent to render it unidentifiable; or
 - (b) Possesses a vehicle, machine, engine, apparatus, appliance, or other device held for sale knowing that the serial number or other identification number or mark has been obscured.

- (2) “Obscure” means to remove, deface, cover, alter, destroy, or otherwise render unidentifiable.
- (3) Obscuring the identity of a machine is a gross misdemeanor.

§ 3.01.820 Robbery – Definition

A person commits robbery when he or she unlawfully takes personal property from the person of another or in his or her presence against his or her will by the use or threatened use of immediate force, violence, or fear of injury to that person or his or her property or the person or property of anyone. Such force or fear must be used to obtain or retain possession of the property, or to prevent or overcome resistance to the taking; in either of which cases the degree of force is immaterial. Such taking constitutes robbery whenever it appears that, although the taking was fully completed without the knowledge of the person from whom taken, such knowledge was prevented by the use of force or fear.

§ 3.01.830 Robbery in the First Degree.

- (1) A person is guilty of robbery in the first degree if in the commission of a robbery or of immediate flight there from, he or she:
 - (a) Is armed with a deadly weapon; or
 - (b) Displays what appears to be a firearm or other deadly weapon; or
 - (c) Inflicts bodily injury.
- (2) Robbery in the first degree is a felony.

§ 3.01.840 Robbery in the Second Degree

- (1) A person is guilty of robbery in the second degree if he or she commits robbery.
- (2) Robbery in the second degree is a gross misdemeanor.

§ 3.01.850 Embezzlement First Degree

- (1) A person is guilty of embezzlement in the first degree if he or she has lawful custody of property valued over fifteen hundred dollars (\$1500), not his or her own, and he or she appropriates that property to his or her own use or for the use of another person not the owner with intent to deprive the owner thereof.
- (2) Embezzlement in the First Degree is a Felony.

§ 3.01.860 Embezzlement Second Degree

- (1) A person is guilty of embezzlement in the second degree if he or she has lawful custody of property valued over two hundred fifty dollars (\$250) but under fifteen hundred dollars

(\$1500), not his or her own, and he or she appropriates that property to his or her own use or for the use of another person not the owner with intent to deprive the owner thereof.

- (2) Embezzlement in the Second Degree is a gross misdemeanor.

§ 3.01.870 Disposing of Property of an Estate

Any person who, without proper authority, sells, trades, or otherwise disposes of any property of any estate before the determination of the heirs shall be guilty of an offense and upon conviction thereof shall be a gross misdemeanor.

FRAUD

§ 3.01.880 Definitions

The following definitions and the definitions of this section are applicable in this title unless the context otherwise requires:

- (1) “Written instrument” means:
- (a) Any paper, document, or other instrument containing written or printed matter or its equivalent; or
 - (b) Any credit cards, as defined in § 3.01.670(3), token, stamp, seal, badge, trademark, or other evidence or symbol of value, right, privilege, or identification;
- (2) “Complete written instrument” means one which is fully drawn with respect to every essential feature thereof;
- (3) “Incomplete written instrument” means one which contains some matter by way of content or authentication, but which requires additional matter in order to render it a complete written instrument;
- (4) To “falsely make” a written instrument means to make or draw a complete or incomplete written instrument which purports to be authentic, but which is not authentic either because the ostensible maker is fictitious or because, if real, he or she did not authorize the making or drawing thereof;
- (5) To “falsely complete” a written instrument means to transform an incomplete written instrument into a complete one by adding or inserting matter, without the authority of anyone entitled to grant it;
- (6) To “falsely alter” a written instrument means to change, without authorization by anyone entitled to grant it, a written instrument, whether complete or incomplete by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or in any other manner;
- (7) “Forged instrument” means a written instrument which has been falsely made, completed or altered.

§ 3.01.890 Fraud

- (1) A person is guilty of fraud if he or she obtains something of value by willful misrepresentation or deceit or by the intentional use of false weights or measures.
- (2) Fraud is a gross misdemeanor.

§ 3.01.900 Forgery

- (1) A person is guilty of forgery if, with intent to injure or defraud:
 - (a) He or she falsely makes, completes, or alters a written instrument; or
 - (b) He or she possesses, utters, offers, disposes of, or puts off as true a written instrument which he or she knows to be forged.
- (2) Forgery is a felony.

§ 3.01.910 Obtaining a Signature by Deception or Duress

- (1) A person is guilty of obtaining a signature by deception or duress if by deception or duress and with intent to defraud or deprive he or she causes another person to sign or execute a written instrument.
- (2) Obtaining a signature by deception or duress is a gross misdemeanor.

§ 3.01.920 Criminal Impersonation

- (1) A person is guilty of criminal impersonation if he or she:
 - (a) Assumes a false identity and does an act in his or her assumed character with intent to defraud another or for any other unlawful purpose; or
 - (b) Pretends to be a representative of some person or organization or a public servant and does an act in his or her pretended capacity with intent to defraud another or for any other unlawful purpose.
- (2) Criminal impersonation is a gross misdemeanor.

§ 3.01.930 Unauthorized Use of Tribal Identification Card

- (1) A person is guilty of unauthorized use of tribal ID card if:
 - (a) He or she is an enrolled member of the Hoh Tribe and he or she loans his or her tribal ID card to another person not legally entitled to the benefits of Hoh tribal membership; or
 - (b) He or she is not legally entitled to the benefits of Hoh Tribal membership and he or she uses the ID card of a member of the Hoh Tribe.

- (2) Unauthorized use of tribal ID card is a gross misdemeanor.

FAMILY OFFENSES

§ 3.01.940 Bigamy

- (1) A person is guilty of bigamy if he or she intentionally marries or purports to marry another person when either person has a living spouse.
- (2) In any prosecution under this section, it is a defense that at the time of the subsequent marriage or purported marriage:
- (a) The actor reasonably believed that the prior spouse was dead; or
 - (b) A court had entered a judgment purporting to terminate or annul any prior disqualifying marriage and the actor did not know that such judgment was invalid; or
 - (c) The actor reasonably believed that he or she was legally eligible to marry.
- (3) Bigamy is a felony.

§ 3.01.950 Incest

- (1) A person is guilty of incest if he or she engages in sexual intercourse with a person whom he or she knows to be related to him or her, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either the whole or the half blood.
- (2) As used in this section, “descendant” includes stepchildren and adopted children under eighteen years of age.
- (3) Incest is a felony and upon conviction thereof, the offender may be required by the court to undergo medical evaluation and treatment in addition to or instead of any other sentence imposed by the court.

§ 3.01.960 Desertion and Non-Support of Children

- (1) A person is guilty of desertion and non-support of children if he or she deserts or willfully neglects or refuses to provide for the support or maintenance of his or her child, or of a child in his or her custody, when he or she is financially able to provide therefore.
- (2) Desertion and non-support of children is a gross misdemeanor and upon conviction thereof, the offender may be required by the court to provide for support and maintenance in addition to or instead of any other sentence imposed by the court.

§ 3.01.970 Failure to Support Dependent Persons

- (1) A person is guilty of failure to support dependent persons if he or she, without reasonable excuse, refuses or neglects to furnish food, shelter or care to those dependent upon him or

her under the laws or customs and usages of the Hoh Tribe, or if he or she fails to make proper use of funds or property of a dependent person for the benefit of the dependent.

- (2) Failure to support dependent persons is a misdemeanor and upon conviction thereof, the offender may be required by the court to provide adequate and proper support, in addition to or instead of any other sentence imposed by the court.

§ 3.01.980 Failure to Send Children to School

Any person who shall, without good cause, neglect or refuse to send his or her children or any children under his or her care to school, who have not reached their sixteenth birthday or have not completed their eighth grade, whichever is first, shall be guilty of an offense and upon conviction thereof, in the Hoh Tribal Court, shall be a misdemeanor.

BRIBERY AND CORRUPT INFLUENCE

§ 3.01.990 Bribery

- (1) A person is guilty of bribery if:
 - (a) With the intent to secure a particular result in a particular matter involving the exercise of the public servant's vote, opinion, judgment, exercise of discretion, or other action in his or her official capacity, he or she offers, confers, or agrees to confer any pecuniary benefit upon such public servant; or
 - (b) Being a public servant, he or she requests, accepts, or agrees to accept any pecuniary benefit pursuant to an agreement or understanding that his or her vote, opinion, judgment, exercise of discretion, or other action as a public servant will be used to secure or attempt to secure a particular result in a particular matter.
- (2) It is no defense to a prosecution under this section that the public servant sought to be influenced was not qualified to act in the desired way, whether because he or she had not yet assumed office, lacked jurisdiction, or for any other reason.
- (3) Bribery is a felony.

§ 3.01.1000 Requesting Unlawful Compensation

- (1) A public servant or employee is guilty of requesting unlawful compensation if he or she requests a pecuniary benefit for the performance of an official action knowing that he or she is required to perform that action without compensation or at a level of compensation lower than that requested.
- (2) Requesting unlawful compensation is a gross misdemeanor.

§ 3.10.1010 Receiving or Granting Unlawful Compensation

- (1) A person is guilty of receiving or granting unlawful compensation if:

- (a) Being a public servant, he or she requests, accepts, or agrees to accept compensation for advice or other assistance in preparing a bill, contract, claim, or transaction regarding which he or she knows he or she is likely to have an official discretion to exercise; or
 - (b) He or she knowingly offers, pays, or agrees to pay compensation to a public servant for advice or other assistance in preparing or promoting a bill, contract, claim, or other transaction regarding which the public servant is likely to have an official discretion to exercise.
- (2) Receiving or granting unlawful compensation is a felony.

§ 3.10.1020 Trading in Public Office

- (1) A person is guilty of trading in public office if:
 - (a) He or she offers, confers, or agrees to confer any pecuniary benefit upon a public servant pursuant to an agreement or understanding that such actor will or may be appointed or elected to a public office; or
 - (b) Being a public servant, he or she requests, accepts, or agrees to accept any pecuniary benefit from another person pursuant to an agreement or understanding that such person will or may be appointed or elected to a public office.
- (2) Trading in public office is a felony.

§ 3.10.1030 Trading in Special Influence

- (1) A person is guilty of trading in special influence if:
 - (a) He or she offers, confers, or agrees to confer any pecuniary benefit upon another person pursuant to an agreement or understanding that such other person will offer or confer a benefit upon a public servant or procure another to do so with intent thereby to secure or attempt to secure a particular result in a particular matter; or
 - (b) He or she requests, accepts, or agrees to accept any pecuniary benefit pursuant to an agreement or understanding that he or she will offer or confer a benefit upon a public servant or procure another to do so with intent thereby to secure or attempt to secure a particular result in a particular matter.
- (2) Trading in special influence is a felony.

PERJURY

§ 3.10.1040 Definitions

The following definitions are applicable in this section unless the context otherwise requires:

- (1) “Materially false statement” means any false statement oral or written, regardless of its admissibility under the rules of evidence, which could have affected the course or outcome of the proceeding; whether a false statement is material shall be determined by the court as a matter of law;
- (2) “Oath” includes an affirmation and every other mode authorized by law of attesting to the truth of that which is stated; in this code, written statements shall be treated as if made under oath if:
 - (a) The statement was made on or pursuant to instructions on an official form bearing notice, authorized by law, to the effect that false statements made therein are punishable; or
 - (b) The statement recites that it was made under oath, the declarant was aware of such recitation at the time he or she made the statement, intended that the statement should be represented as a sworn statement, and the statement was in fact so represented by its delivery or utterance with the signed jurat of an officer authorized to administer oaths appended thereto;
- (3) “Official proceeding” means a proceeding heard before any legislative, judicial, administrative, or other government agency or official authorized to hear evidence under oath, including any referee, hearing examiner, commissioner, notary, or other person taking testimony or depositions;
- (4) “Juror” means any person who is a member of any jury, including a grand jury, impaneled by any court of this Tribe or by any public servant authorized by law to impanel a jury; the term juror also includes any person who has been drawn or summoned to attend as a prospective juror;
- (5) “Testimony” includes oral or written statements, documents, or any other material that may be offered by a witness in an official proceeding.

§ 3.10.1050 Perjury in the First Degree

- (1) A person is guilty of perjury in the first degree if in any official proceeding he or she makes a materially false statement which he or she knows to be false under an oath required or authorized by law.
- (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor's mistaken belief that his or her statement was not material is not a defense to a prosecution under this section.
- (3) Perjury in the first degree is a felony.

§ 3.10.1060 Perjury in the Second Degree

- (1) A person is guilty of perjury in the second degree if, with intent to mislead a public servant in the performance of his or her duty, he or she makes a materially false statement, which he or she knows to be false under an oath required or authorized by law.

- (2) Perjury in the second degree is a felony.

§ 3.10.1070 False Swearing

- (1) A person is guilty of false swearing if he or she makes a false statement, which he or she knows to be false, under an oath required or authorized by law.
- (2) False swearing is a gross misdemeanor.

§ 3.10.1080 Perjury and False Swearing – Inconsistent Statements – Degree of Crime

- (1) Where, in the course of one or more official proceedings, a person makes inconsistent material statements under oath, the prosecution may proceed by setting forth the inconsistent statements in a single count alleging in the alternative that one or the other was false and known by the defendant to be false. In such case it shall not be necessary for the prosecution to prove which material statement was false but only that one or the other was false and known by the defendant to be false.
- (2) The highest offense of which a person may be convicted in such an instance as set forth in subsection (1) of this section shall be determined by hypothetically assuming each statement to be false. If perjury of different degrees would be established by the making of the two statements, the person may only be convicted of the lesser degree. If perjury or false swearing would be established by the making of the two statements, the person may only be convicted of false swearing. For purposes of this section, no corroboration shall be required of either inconsistent statement.

§ 3.10.1090 Perjury and False Swearing – Retraction

No person shall be convicted of perjury or false swearing if he or she retracts his or her false statement in the course of the same proceeding in which it was made, if in fact he or she does so before it becomes manifest that the falsification is or will be exposed and before the falsification substantially affects the proceeding. Statements made in separate hearings at separate stages of the same trial, administrative, or other official proceeding shall be treated as if made in the course of the same proceeding.

§ 3.10.1100 Perjury and False Swearing – Irregularities No Defense

It is no defense to a prosecution for perjury or false swearing:

- (1) That the oath was administered or taken in an irregular manner; or
- (2) That the person administering the oath lacked authority to do so, if the taking of the oath was required or authorized by law.

§ 3.10.1110 Statement of What One Does Not Know to be True

Every unqualified statement of that which one does not know to be true is equivalent to a statement of that which he or she knows to be false.

§ 3.10.1120 Bribing a Witness

- (1) A person is guilty of bribing a witness if he or she offers, confers, or agrees to confer any benefit upon a witness or a person he or she has reason to believe is about to be called as a witness in any official proceeding with intent to:
 - (a) Influence the testimony of that person; or
 - (b) Induce that person on to avoid legal process summoning him or her to testify; or
 - (c) Induce that person to absent himself from an official proceeding to which he or she has been legally summoned.
- (2) Bribing a witness is a felony.

§ 3.10.1130 Bribe Receiving by a Witness

- (1) A witness or a person who has reason to believe he or she is about to be called as a witness in any official proceeding is guilty of bribe receiving by a witness if he or she requests, accepts, or agrees to accept any benefit pursuant to an agreement or understanding that:
 - (a) His or her testimony will thereby be influenced; or
 - (b) He or she will attempt to avoid legal process summoning him or her to testify; or
 - (c) He or she will attempt to absent himself from an official proceeding to which he or she has been legally summoned.
- (2) Bribe receiving by a witness is a felony.

§ 3.10.1140 Intimidating a Witness

- (1) A person is guilty of intimidating a witness if, by use of a threat directed to a witness or a person he or she has reason to believe is about to be called as a witness in any official proceeding, he or she attempts to:
 - (a) Influence the testimony of that person; or
 - (b) Induce that person to elude legal process summoning him or her to testify; or
 - (c) Induce that person to absent himself from such proceeding.
- (2) “Threat” as used in this section means:
 - (a) To communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or

- (b) Threats as defined in § 3.01.050(25).
- (3) Intimidating a witness is a felony.

§ 3.10.1150 Tampering with a Witness

- (1) A person is guilty of tampering with a witness if he or she attempts to induce a witness or person he or she has reason to believe is about to be called as a witness in any official proceeding to:
 - (a) Testify falsely or, without right or privilege to do so, to withhold any testimony; or
 - (b) Absent himself from such proceedings.
- (2) Tampering with a witness is a felony.

§ 3.10.1160 Intimidating a Juror

- (1) A person is guilty of intimidating a juror if, by use of a threat, he or she attempts to influence a juror's vote, opinion, decision, or other official action as a Juror.
- (2) "Threat" as used in this section means:
 - (a) To communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or
 - (b) Threats as defined in § 3.01.050(25).
- (3) Intimidating a juror is a felony.

§ 3.10.1170 Jury Tampering

- (1) A person is guilty of jury tampering if with intent to influence a juror's vote, opinion, decision, or other official action in a case, he or she attempts to communicate directly or indirectly with a juror other than as part of the proceedings in the trial of the case.
- (2) Jury tampering is a gross misdemeanor.

§ 3.10.1180 Tampering with Physical Evidence

- (1) A person is guilty of tampering with physical evidence if, having reason to believe that an official proceeding is pending or about to be instituted and acting without legal right or authority, he or she:
 - (a) Destroys, mutilates, conceals, removes, or alters physical evidence with intent to impair its appearance, character, or availability in such pending or prospective official proceeding; or
 - (b) Knowingly presents or offers any false physical evidence.

- (2) “Physical evidence” as used in this section includes any article, object, document, record, or other thing of physical substance.
- (3) Tampering with physical evidence is a gross misdemeanor.

OBSTRUCTING GOVERNMENT OPERATION

§ 3.10.1190 Definitions

The following definitions are applicable in this title unless the context otherwise requires:

- (1) “Custody” means restraint pursuant to a lawful arrest or an order of a court;
- (2) “Detention facility” means any place used for the confinement, of a person
 - (a) Arrested for, charged with or convicted of an offense, or
 - (b) Charged with being or adjudicated to be a dependent or delinquent child as now or hereafter amended, or
 - (c) Held for extradition or as a material witness, or
 - (d) Otherwise confined pursuant to an order of a court, or
 - (e) In any work release, furlough, or other such facility or program;
- (3) “Contraband” means any article or thing which a person confined in a detention facility is prohibited from obtaining or possessing by statute, rule, regulation, or order of a court.

§ 3.10.1200 Obstructing. Every Person Who:

- (1) Without lawful excuse shall refuse or knowingly fail to make or furnish any statement, report, or information lawfully required of him or her by a law enforcement officer or public servant, or
- (2) In any such statement or report shall make any knowingly untrue statement or report to a public servant or law enforcement officer, or
- (3) Shall knowingly hinder, delay, obstruct or interfere in any way with a public servant or law enforcement officer in the discharge of his or her official powers or duties; shall be guilty of a misdemeanor.

§ 3.10.1210 Refusing to Summon Aid for a Peace Officer

- (1) A person is guilty of refusing to summon aid for a peace officer if, upon request by a person he or she knows to be a peace officer, he or she unreasonably refuses or fails to summon aid for such peace officer.
- (2) Refusing to summon aid for a peace officer is a misdemeanor.

§ 3.10.1220 Refusing to Aid an Officer

- (1) A person is guilty of refusing to aid an officer if he or she neglects or refuses, when called upon by a law enforcement officer of the Hoh Tribe, to assist that officer or any other law enforcement officer in the lawful arrest of any person charged or convicted of any offense or to assist in conveying the offender to the nearest place of confinement. It shall be a defense to this offense that the person refused to aid an officer because he or she had a reasonable belief that he or she would be physically endangered by assisting the officer.
- (2) Refusing to aid an officer is a gross misdemeanor.

§ 3.10.1230 Resisting Arrest

- (1) A person is guilty of resisting arrest if he or she intentionally prevents or attempts to prevent a peace officer from lawfully arresting him or her.
- (2) Resisting arrest is a misdemeanor.

§ 3.10.1240 Rendering Criminal Assistance: Definition of Term

A person “renders criminal assistance” if, with intent to prevent, hinder, or delay the apprehension or prosecution of another person who he or she knows has committed a crime or is being sought by law enforcement officials for the commission of a crime or has escaped from a detention facility, he or she:

- (1) Harbors or conceals such person; or
- (2) Warns such person of impending discovery or apprehension; or
- (3) Provides such person with money, transportation, disguise, or other means of avoiding discovery or apprehension; or
- (4) Prevents or obstructs, by use of force, deception, or threat, anyone from performing an act that might aid in the discovery or apprehension of such person; or
- (5) Conceals, alters, or destroys any physical evidence that might aid in the discovery or apprehension of such person; or
- (6) Provides such person with a weapon.

§ 3.10.1250 Relative Defined

As used in § 3.10.1260 and § 3.10.1270, “relative” means a person:

- (1) Who is related as husband or wife, brother or sister, parent or grandparent, child or grandchild, step-child or step-parent to the person to whom criminal assistance is rendered; and

- (2) Who does not render criminal assistance to another person in one or more of the means defined in subsection (4), (5), or (6) of § 3.10.1240.

§ 3.10.1260 Rendering Criminal Assistance in the First Degree

- (1) A person is guilty of rendering criminal assistance in the first degree if he or she renders criminal assistance to a person who has committed or is being sought for murder in the first degree or any felony.
- (2) Rendering criminal assistance in the first degree is a felony.

§ 3.10.1270 Rendering Criminal Assistance in the Second Degree

- (1) A person is guilty of rendering criminal assistance in the second degree if he or she renders criminal assistance to a person who has committed or is being sought for a gross misdemeanor.
- (2) Rendering criminal assistance in the second degree is a gross misdemeanor.

§ 3.10.1280 Rendering Criminal Assistance in the Third Degree

- (1) A person is guilty of rendering criminal assistance in the third degree if he or she renders criminal assistance to a person who has committed a misdemeanor.
- (2) Rendering criminal assistance in the third degree is a misdemeanor.

§ 3.10.1290 Compounding

- (1) A person is guilty of compounding if:
 - (a) He or she requests, accepts, or agrees to accept any pecuniary benefit pursuant to an agreement or understanding that he or she will refrain from initiating a prosecution for a crime; or
 - (b) He or she confers, or offers or agrees to confer, any pecuniary benefit upon another pursuant to an agreement or understanding that such other person will refrain from initiating a prosecution for a crime.
- (2) In any prosecution under this section, it is a defense if established by a preponderance of the evidence that the pecuniary benefit did not exceed an amount which the defendant reasonably believed to be due as restitution or indemnification for harm caused by the crime.
- (3) Compounding is a gross misdemeanor.

§ 3.01.1300 Escape in the First Degree

- (1) A person is guilty of escape in the first degree if, being detained pursuant to a conviction of a felony, he or she escapes from custody or a detention facility.

- (2) Escape in the first degree is a felony.

§ 3.01.1310 Escape in the Second Degree

- (1) A person is guilty of escape in the second degree if:
- (a) He or she escapes from a detention facility; or
 - (b) Having been charged with a felony, he or she escapes from custody.
- (2) Escape in the second degree is a gross misdemeanor.

§ 3.01.1320 Escape in the Third Degree

- (1) A person is guilty of escape in the third degree if he or she escapes from custody.
- (2) Escape in the third degree is a misdemeanor.

§ 3.01.1330 Bail Jumping

- (1) Any person having been released by court order or admitted to bail with the requirement of a subsequent personal appearance before the Hoh Tribal Court, and knowingly fails without lawful excuse to appear as required is guilty of bail jumping. Unless otherwise established, the failure to appear when required shall be inferred to have been without lawful excuse.
- (2) Bail jumping is a felony if the person was held for, charged with, or convicted of a felony, a gross misdemeanor if a gross misdemeanor, and a misdemeanor if a misdemeanor.

§ 3.01.1340 Flight to Avoid Prosecution

- (1) A person is guilty of flight to avoid prosecution if he or she willfully and knowingly flees from the jurisdiction of the Hoh Tribe or the Hoh Tribal Court to avoid prosecution in any case pending before the Tribal Court.
- (2) Flight to avoid prosecution is a gross misdemeanor.

§ 3.01.1350 Intimidation

- (1) A person is guilty of intimidating a public servant or a law enforcement officer if, by use of a threat, he or she attempts to influence the vote, opinion, decision, or other official action of a public servant or a law enforcement officer.
- (2) For purposes of this section “public servant” shall not include jurors.
- (3) “Threat” as used in this section means
- (a) To communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or

- (b) Threats as defined in § 3.01.050(25).
- (4) Intimidation is a felony.

§ 3.01.1360 Disobedience of Lawful Order of the Court

Any person who shall willfully disobey any order, subpoena, warrant, or command duly issued, made, or given by any court of the Hoh Tribe of the Hoh Indian Reservation or any judge thereof shall be guilty of an offense and upon conviction thereof shall be guilty of a misdemeanor.

ABUSE OF OFFICE

§ 3.01.1370 Official Misconduct

- (1) A public servant is guilty of official misconduct if, with intent to obtain a benefit or to deprive another person of a lawful right or privilege:
 - (a) He or she intentionally commits an unauthorized act under color of law; or
 - (b) He or she intentionally refrains from performing a duty imposed upon him or her by law.
- (2) Official misconduct is a gross misdemeanor.

PUBLIC DISTURBANCE

§ 3.01.1380 Failure to Disperse

- (1) A person is guilty of failure to disperse if:
 - (a) He or she congregates with a group of three or more other persons and there are acts of conduct within that group which create a substantial risk of causing injury to any person, or substantial harm to property; and
 - (b) He or she refuses or fails to disperse when ordered to do so by a peace officer, law enforcement, or other public servant engaged in enforcing or executing the law.
- (2) Failure to disperse is a misdemeanor.

§ 3.01.1390 Disorderly Conduct

- (1) A person is guilty of disorderly conduct if he or she:
 - (a) Uses abusive language and thereby intentionally creates a risk of assault; or
 - (b) Intentionally disrupts any lawful assembly or meeting of persons without lawful authority; or
 - (c) Intentionally obstructs vehicular or pedestrian traffic without lawful authority.

- (2) Disorderly conduct is a misdemeanor.

§ 3.01.1400 False Reporting

- (1) A person is guilty of false reporting if with knowledge that the information reported, conveyed or circulated is false, he or she initiates or circulates a false report or warning of an alleged occurrence or impending occurrence of a fire, explosion, crime, catastrophe, or emergency knowing that such false report is likely to cause evacuation of a building, place of assembly or transportation facility, or to cause public inconvenience or alarm.
- (2) A person is guilty of false reporting if he or she knowingly makes any false report to a law enforcement officer, peace officer or other authorized officer (including any mandatory reporter).
- (3) False reporting is a gross misdemeanor.

§ 3.01.1410 Disturbing the Peace

- (1) A person is guilty of disturbing the peace if he or she, by means of a loud noise or disruptive act, endangers or disrupts the peace, tranquility, health, or welfare of any person or natural wildlife community.
- (2) Disturbing the peace is a misdemeanor.

§ 3.01.1420 Public Drunkenness; Drug Incapacitation

Any person who shall appear in any public place under the influence of alcohol or any other drug or narcotic to the degree that he may endanger himself or another human or property or annoy any persons in his vicinity shall be guilty of a misdemeanor. The court may in its judgment order the person upon conviction to participate in any available alcoholic or drug abuse program in lieu of the foregoing penalties, which may be imposed upon failure of the person to follow the orders of the court. Drunkenness in the absence of the other elements of this section shall not be an offense.

RAPE – PUBLIC INDECENCY – PROSTITUTION – SEX CRIMES

§ 3.01.1430 Definitions

As used in this title:

- (1) “Sexual intercourse”
- (a) Has its ordinary meaning and occurs upon any penetration, however slight, and
- (b) Also means any penetration of the vagina or anus however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes, and

- (c) Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex.
- (2) “Married” means one who is legally married to another.
- (3) “Mental incapacity” is that condition existing at the time of the offense which prevents a person from understanding the nature or consequences of the act of sexual intercourse whether that condition is produced by illness, defect, the influence of a substance or from some other cause;
- (4) “Physically helpless” means a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act;
- (5) “Forcible compulsion” means physical force which overcomes resistance, or a threat, express or implied, that places a person in fear of death or physical injury to herself or himself or another person, or in fear that she or he or another person will be kidnapped;
- (6) “Consent” means that at the time of the act of sexual intercourse there are actual words or conduct indicating freely given agreement to have sexual intercourse.

§ 3.01.1440 Testimony – Evidence – Written Motion – Admissibility

- (1) In order to convict a person of any crime defined in this code it shall not be necessary that the testimony of the alleged victim be corroborated.
- (2) Evidence of the victim's past sexual behavior including but not limited to the victim's marital history, divorce history, or general reputation for promiscuity, non-chastity, or sexual mores contrary to community standards is inadmissible on the issue of credibility and is inadmissible to prove the victim's consent except as provided in subsection (3) of this section, but when the perpetrator and the victim have engaged in sexual intercourse with each other in the past, and when the past behavior is material to the issue of consent, evidence concerning the past behavior between the perpetrator and the victim may be admissible on the issue of consent to the offense.
- (3) In any prosecution for the crime of rape or for an attempt to commit rape, or an assault with an intent to commit rape, evidence of the victim's past sexual behavior including but not limited to the victim's marital behavior, divorce history, or general reputation for promiscuity, non-chastity, or sexual mores contrary to community standards is not admissible if offered to attack the credibility of the victim and admissible on the issue of consent only pursuant to the following procedure:
 - (a) A written pretrial motion shall be made by the defendant to the court and prosecutor stating that the defense has an offer of proof of the relevancy of evidence of the past sexual behavior of the victim proposed to be presented and its relevancy on the issue of the consent of the victim.
 - (b) The written motion shall be accompanied by an affidavit or affidavits in which the offer of proof shall be stated.

- (c) If the court finds that the offer of proof is sufficient, the court shall order a hearing out of the presence of the jury, if any, and the hearing shall be closed except to the necessary witnesses, the defendant, counsel, and those who have a direct interest in the case or in the work of the court.
 - (d) At the conclusion of the hearing, if the court finds that the evidence proposed to be offered by the defendant regarding the past sexual behavior of the victim is relevant to the issue of the victim's consent; is not inadmissible because its probative value is substantially outweighed by the probability that its admission will create a substantial danger of undue prejudice; and that its exclusion would result in denial of substantial justice to the defendant; the court shall make an order stating what evidence may be introduced by the defendant, which order may include the nature of the questions to be permitted. The defendant may then offer evidence pursuant to the order of the court.
- (4) Nothing in this section shall be construed to prohibit cross-examination of the victim on the issue of past sexual behavior when the prosecution presents evidence in its case in chief tending to prove the nature of the victim's past sexual behavior, but the court may require a hearing pursuant to subsection (3) of this section concerning such evidence.

§ 3.01.1450 Defense to Prosecution Under This Title

- (1) In any prosecution under this title in which lack of consent is based solely upon the victim's mental incapacity or upon the victim's being physically helpless, it is a defense which the defendant must prove by a preponderance of the evidence that at the time of the offense the defendant reasonably believed that the victim was not mentally incapacitated and/or physically helpless.
- (2) In any prosecution under this title in which the offense or degree of the offense depends on the victim's age, it is no defense that the perpetrator did not know the victim's age, or that the perpetrator believed the victim to be older, as the case may be; provided, that it is a defense which the defendant must prove by a preponderance of the evidence that at the time of the offense the defendant reasonably believed the alleged victim to be older based upon declaration as to age by the alleged victim.

§ 3.01.1460 Rape in the First Degree

- (1) A person is guilty of rape in the first degree when such person engages in sexual intercourse with another person, where the perpetrator or an accessory:
 - (a) Uses forcible compulsion;
 - (b) Uses or threatens to use a deadly weapon; or
 - (c) Kidnaps the victim; or
 - (d) Inflicts serious physical injury; or
 - (e) Feloniously enters into the building or vehicle where the victim is situated.

- (2) Rape in the first degree is a felony. No person convicted of rape in the first degree shall be granted a deferred or suspended sentence except for the purpose of commitment to an inpatient treatment facility.

§ 3.01.1470 Rape in the Second Degree

- (1) A person is guilty of rape in the second degree when, under circumstances not constituting rape in the first degree, the person engages in sexual intercourse with another person not married to the perpetrator when the victim is incapable of consent by reason of being physically helpless or mentally impaired.
- (2) Rape in the second degree is a felony.

§ 3.01.1480 Rape in the Third Degree

- (1) A person is guilty of rape in the third degree when under circumstances not constituting rape in the first or second degrees, such person engages in sexual intercourse with another person:
 - (a) Where the victim did not consent as defined in § 3.01.1430(6) to sexual intercourse with the perpetrator and such lack of consent was clearly expressed by the victim's words or conduct, or
 - (b) Where there is threat of substantial unlawful harm to property rights of the victim.
- (2) Rape in the third degree is a felony.

§ 3.01.1490 Statutory Rape in the First Degree

- (1) A person over thirteen years of age is guilty of statutory rape in the first degree when the person engages in sexual intercourse with another person who is less than eleven years old.
- (2) Statutory rape in the first degree is a felony.

§ 3.01.1500 Statutory Rape in the Second Degree

- (1) A person over sixteen years of age is guilty of statutory rape in the second degree when such person engages in sexual intercourse with another person, not married to the perpetrator, who is eleven years of age or older but less than fourteen years old.
- (2) Statutory rape in the second degree is a felony.

§ 3.01.1510 Statutory Rape in the Third Degree

- (1) A person over eighteen years of age is guilty of statutory rape in the third degree when such person engages in sexual intercourse with another person, not married to the perpetrator, who is fourteen years of age or older but less than sixteen years old.
- (2) Statutory rape in the third degree is a felony.

§ 3.01.1520 (Reserved)

§ 3.01.1530 Public Indecency

- (1) A person is guilty of public indecency if he or she makes any open and obscene exposure of his or her person or the person of another knowing that such conduct is likely to cause reasonable affront or alarm.
- (2) Public indecency is a misdemeanor unless such person exposes himself to a person under the age of fourteen years in which case indecency is a gross misdemeanor.

§ 3.01.1540 Child Molestation

- (1) A person is guilty of child molestation if he or she:
 - (a) Entices or persuades a child under the age of 18 years to enter a building, vehicle, room, boat, or any other place with intent to commit sexual intercourse, as defined in § 3.01.1430(1) or sexual touching as defined in § 3.01.1610(3); or
 - (b) Has possession of a child under the age of 18 years in any such place with intent to commit sexual intercourse or sexual contact.
- (2) Child molestation is a felony.

§ 3.01.1550 Prostitution

- (1) A person is guilty of prostitution if such person engages or agrees or offers to engage in sexual conduct with another person in return for a fee.
- (2) Prostitution is a misdemeanor.

§ 3.01.1560 Prostitution – Sex of Parties Immaterial – No Defense

In any prosecution for prostitution, the sex of the two parties or prospective parties to the sexual conduct engaged in, contemplated, or solicited is immaterial, and it is not a defense that:

- (1) Such persons were of the same sex; or
- (2) The person who received, agreed to receive, or solicited a fee was a male and the person who paid or agreed or offered to pay such fee was female.

§ 3.01.1570 Promoting Prostitution – Definitions

The following definitions are applicable in § 3.01.1570 through § 3.01.1600:

- (1) “Advances prostitution.” A person “advances prostitution” if, acting other than as a prostitute or as a customer thereof, he or she -causes or aids a person to commit or engage in prostitution, procures or solicits customers for prostitution, provides persons or premises for prostitution purposes, operates or assists in the operation of a house of prostitution or a

prostitution enterprise, or engages in any other conduct designed to institute, aid, or facilitate an act or enterprise of prostitution.

- (2) “Profits from prostitution.” A person “profits from prostitution” if, acting other than as a prostitute receiving compensation for personally rendered prostitution services, he or she accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in the proceeds of prostitution activity.

§ 3.01.1580 Promoting Prostitution in the First Degree

- (1) A person is guilty of promoting prostitution in the first degree if he or she knowingly:
 - (a) Advances prostitution by compelling a person by threat or force to engage in prostitution or profits from prostitution which results from such threat or force; or
 - (b) Advances or profits from prostitution of a person less than eighteen years old.
- (2) Promoting prostitution in the first degree is a felony.

§ 3.01.1590 Promoting Prostitution in the Second Degree

- (1) A person is guilty of promoting prostitution in the second degree if he or she knowingly:
 - (a) Profits from prostitution; or
 - (b) Advances prostitution.
- (2) Promoting prostitution in the second degree is a felony.

§ 3.01.1600 Permitting Prostitution

- (1) A person is guilty of permitting prostitution if, having possession or control of premises which he or she knows are being used for prostitution purposes, he or she fails without lawful excuse to make reasonable effort to halt or abate such use.
- (2) Permitting prostitution is a misdemeanor.

§ 3.01.1610 Abusive Sexual Touching

- (1) Any person who knowingly engages in or causes or attempts sexual touching, as defined in this section, with or by another person in any one of the following circumstances commits the crime of abusive sexual touching:
 - (a) By using force against the other person;
 - (b) By in any way threatening or placing the other person in fear;
 - (c) When the other person is a child under the age of 14;

- (d) When the other person is unconscious or physically or mentally incapable of declining participation or communicating unwillingness to engage in sexual activity for any reason including physical handicap, mental disease, mental disability, alcohol or drug intoxication;
 - (e) When the defendant is in a position of trust or authority with respect to the other person, and takes advantage of that position to cause sexual touching; or
 - (f) When the defendant is related to the victim as an ancestor, descendant, or sibling, aunt, uncle, niece, nephew, or first cousin.
- (2) Abusive sexual touching is a felony.
 - (3) “Sexual touching” means any touching of the sexual or other intimate parts of a person done for the purpose of arousing or gratifying the sexual desire of any person, or for the purpose of abusing, humiliating, harassing, or degrading another person.
 - (4) “Position of trust or authority” means, but is not limited to, the special authoritative or confidential relationships relating to the provision of education, health care, any kind of counseling, coaching, religious advice, public safety services or other professional services.

ANIMALS

§ 3.01.1620 Allowing Vicious Animals at Large

Every person having the care or custody of any animal known to possess any vicious or dangerous tendencies, who shall allow the same to escape or run at large in any place or manner liable to endanger the safety of any person, shall be guilty of a misdemeanor; and any person may lawfully kill such animal when reasonably necessary to protect his or her own or the public safety. The court may order the animal surrendered to the appropriate animal control agency.

§ 3.01.1630 Domestic Animals – Taking, Concealing, Injuring, Killing, etc.

Any person who, with intent to deprive or defraud the owner thereof:

- (1) Takes, leads away or confines any domestic animals; or
- (2) Conceals the identity of any domestic animal or its owner by obscuring or removing from the animal any collar, tag, license, tattoo or other identifying device or mark; or
- (3) Willfully kills or injures any domestic animal, unless excused by law, custom or usage of the Hoh Tribe, shall be guilty of a gross misdemeanor.

§ 3.01.1640 Cruelty to Animals

- (1) A person is guilty of cruelty to animals if he or she tortures, mistreats, mutilates, abandons, or unreasonably deprives of food, drink and care an animal which he or she owns or which is in his or her custody or if he or she causes or procures the same.

- (2) Cruelty to animals is a gross misdemeanor.

§ 3.01.1650 Neglecting Dogs and Other Animals

Any person who shall allow a dog or other animal owned by such person or in his lawful custody to roam at large or wander through populated areas shall be guilty of an offense and upon conviction thereof shall be guilty of a misdemeanor. Such dogs or animals not claimed by anyone may be disposed of by order of the court. Where such an animal causes injury to person or property, the person shall be guilty of a gross misdemeanor.

FIREARMS/WEAPONS

§ 3.01.1660 Definitions

- (1) “Dangerous weapon” means any nunchucks, sand club, metal knuckles, karate stars, spring blade knife, or any knife the blade of which is automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens, or falls, or is ejected into position by the force of gravity or by an outward, downward or centrifugal movement.
- (2) “Machine gun” shall be defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired there from at the rate of five or more shots per second.
- (3) “Firearm” shall be defined as a weapon or device from which a projectile may be fired by an explosive such as gunpowder. Air guns and other guns fired by the release of compressed gas are firearms. Firearm shall also include any explosive, incendiary, or poison gas (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, or (vi) similar device.
- (4) “Short firearm or pistol” as used in this chapter means any firearm with a barrel less than twelve inches in length.

§ 3.01.1670 Committing Crime When Armed-Penalties

Any person who shall commit or attempt to commit any offense under this title, while armed with, or in the possession of any firearm, shall upon conviction, in addition to the penalty provided by statute for the crime committed without use or possession of a firearm shall be guilty of a felony. This section shall not apply to offenses committed while in possession of an unloaded hunting rifle secured in a vehicle if the rifle is in no way connected to the commission of the offense.

§ 3.01.1680 Being Armed – Prima Facie Evidence of Intent

In the trial of a person for committing or attempting to commit a crime of violence, the fact that he or she was armed with a pistol and had no license to carry the same shall be prima facie evidence of his or her intention to commit said crime of violence.

§ 3.01.1690 Certain Persons Forbidden to Possess Firearms

No person who has been convicted under this code or elsewhere of a crime of violence or of a felony, shall own any firearm or have one in his or her possession or under his or her control. Such person upon being convicted of a violation of this section shall be guilty of a felony.

§ 3.01.1700 Sale, Possession or Use of Certain Weapons

- (1) No person shall:
 - (a) Sell, dispose of, manufacture, or have in possession a dangerous weapon;
 - (b) Use a device for suppressing the noise of any firearm;
 - (c) Carry with intent to conceal a dagger or dangerous weapon, or;
 - (d) Carry a concealed pistol without a license from the Hoh Tribe, if required, or the State of Washington.
- (2) Any violation of this section shall be a gross misdemeanor.

§ 3.01.1710 Sale or Possession of Machine Guns, Other Guns

- (1) No person shall sell, furnish, manufacture, or have in possession any:
 - (a) Machine gun or any part thereof capable of use or assembling or repairing any machine gun;
 - (b) Shotgun having a barrel(s) of less than 18 inches in length;
 - (c) A weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel(s) of less than 18 inches in length;
 - (d) A rifle having a barrel(s) of less than 16 inches in length; or
 - (e) A weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel(s) of less than 16 inches in length.
- (2) No person shall set a spring gun.
- (3) Any violation of this section shall be a felony.

§ 3.01.1720 Aiming or Discharging Firearms

- (1) No person shall willfully discharge any firearm or airgun or throw any destructive device within a settled community or any other place where any person might be endangered by it, although no injury results.
- (2) No person shall aim a firearm, whether loaded or not, at or toward any person.
- (3) Any violation of this section shall be a misdemeanor.

§ 3.01.1730 Intimidation by Use of Certain Weapons

- (1) No person shall carry, exhibit, display or draw any firearm, dagger, sword, knife, or club, or any other weapon apparently capable of producing bodily harm in a manner, under circumstances and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of another.
- (2) Violation of this section shall be a gross misdemeanor.

§ 3.01.1740 Exceptions to Sections 3.01.1720(2), 3.01.1730 and 3.01.1780

Sections 3.01.1720(2), 3.01.1730 and 3.01.1780 shall not apply to the following:

- (1) Any person vested by law with a duty to preserve public safety, maintain public order, or make arrests for offenses, while performing such duty;
- (2) Any person acting to protect himself against the use of presently threatened unlawful force by another, or for the purpose of protecting another against the use of such unlawful force by a third person;
- (3) Any person making or assisting in making a lawful arrest of a felony; or
- (4) Any person engaged in military activities sponsored by the federal government.

§ 3.01.1750 Possession of Firearms by a Minor

- (1) No minor under fourteen years shall have in possession any firearm for target practice or any other purpose except:
 - (a) While accompanied by or under the immediate charge of his or her parent or guardian or other adult approved for the purpose of this section by the parent or guardian; or
 - (b) While under the supervision of a certified safety instructor at an established gun range or firearm training class.
- (2) Violation of this section shall be a misdemeanor.

§ 3.01.1760 Delivery of Pistol to Certain Persons

(1) No person shall deliver a pistol to any person under the age of 21 years, or to one who he or she has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

(2) Any violation of this section is a misdemeanor.

§ 3.01.1770 Alteration of Identifying Marks

(1) No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark has been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor changed, altered, removed, or obliterated the same.

(2) Any violation of this section is a misdemeanor.

§ 3.01.1780 Forfeiture of Weapons by the Court

The court may order forfeiture of any weapon possessed or used in violation of this chapter. The court in its discretion may order the weapon to be sold, used or otherwise disposed of for the benefit of the Hoh Indian Tribe or may order the weapon be destroyed.

GAMBLING

§ 3.01.1790 Gambling Prohibited Unless Authorized

Any organized gambling (i.e. casino gambling) on the Hoh Reservation is and shall be controlled pursuant to the Hoh Gaming Ordinance, if and when one exists.

LIQUOR

§ 3.01.1800 Reference

In addition to the offenses set forth in this section, activities related to liquor within the jurisdiction of the Hoh Tribe shall be controlled pursuant to the Hoh Liquor Ordinance, should one exist.

§ 3.01.1810 Illegal Sale, Purchase, Possession of Liquor; Illegal Transfer or Use of I.D.

(1) No person shall:

- (a) Sell or offer for sale by the drink or bottle, or keep or possess with intent to sell any liquor, except as authorized by the Hoh Liquor Ordinance;
- (b) Transfer an identification of age to a minor for the purpose of permitting such minor to obtain liquor; provided that corroborative testimony of a witness other than a minor shall be a requirement of conviction; or

- (c) Attempt to purchase liquor through the use of a false or altered identification which falsely purports to show the individual to be over the age of 21 years.
- (2) Any violation of this section shall be a gross misdemeanor.

§ 3.01.1820 Minor in Possession of Liquor

- (1) No person under twenty-one years of age shall purchase, possess, obtain, or sell any liquor.
- (2) Any violation of this section is a misdemeanor.

§ 3.01.1830 Minor Consuming Liquor

- (1) No person under twenty-one years of age shall consume any liquor.
- (2) “Consume” means the act of consuming liquor, the condition of having consumed liquor, and the condition of being under the influence of liquor.
- (3) Any violation of this section is a misdemeanor.

§ 3.01.1840 Social Host Liability.

Gross misdemeanor unless death or serious bodily injury then felony.

§ 3.01.1850 Furnishing alcohol to a Minor

Gross misdemeanor.

FISHING AND HUNTING

§ 3.01.1860 Reference

In addition to the offenses set forth in this title, activities related to fishing or hunting within the jurisdiction of the Hoh Tribe shall be controlled pursuant to the Fishing Ordinance, Hoh Tribal Code Chapter 10.01, and Hunting Ordinance, Hoh Tribal Code Chapter 10.02.

LIBEL AND SLANDER

§ 3.01.1870 Libel, What Constitutes; Penalty

- (1) Every malicious publication by writing, printing, picture, effigy, sign, radio broadcasting or which shall in any other manner transmit the human voice or reproduce the same from records or the appliances or means, which shall tend:
 - (a) To expose any living person to hatred, contempt, ridicule or obloquy, or to deprive him or her of the benefit of public confidence or social intercourse; or
 - (b) To expose the memory of one deceased to hatred, contempt, ridicule or obloquy; or

- (c) To injure any person, corporation or association of persons in his or her or their business or occupation, shall be libel.
- (2) A person who commits libel shall be guilty of a gross misdemeanor.

§ 3.01.1880 How Justified or Excused

Every publication having the tendency or effect mentioned shall be deemed malicious unless justified or excused. Such publication is justified whenever the matter charged as libelous charges the commission of a crime, is a true and fair statement, and was published with good motives and for justifiable ends. It is excused when honestly made in belief of its truth and fairness and upon reasonable grounds for such belief, and consists of fair comments upon the conduct of any person in respect of public affairs, made after a fair and impartial investigation.

§ 3.01.1890 Publication Defined

Any method by which matter charged as libelous may be communicated to another shall be deemed a publication thereof.

§ 3.01.1900 Slander

MISCELLANEOUS OFFENSES

§ 3.01.1910 Littering

- (1) What constitutes. Any person who throws, dumps, places or deposits upon the lands of another or upon any public road, highway, street, or any other area within the reservation, without the consent of the owner, any garbage, debris, junk, carcasses, trash, refuse, or any other substance of nature whatsoever shall be deemed guilty of an offense of littering.
- (2) Littering is a misdemeanor.

§ 3.01.1920 Maintaining a Public Nuisance

- (1) A person is guilty of maintaining a public nuisance if he or she maintains or allows his or her personal or real property to be in a state which poses a substantial threat to the health or safety of others.
- (2) Maintaining a public nuisance is a misdemeanor.

§ 3.01.1920 Abandoning Refrigeration Equipment

- (1) A person is guilty of abandoning refrigeration equipment if he or she discards, abandons or leaves in any place accessible to children any refrigerator, icebox, or deep-freeze locker having a capacity of one and one-half cubic feet or more, which is no longer in use and which has not had the door removed or secured to prevent opening or a portion of the latch mechanism removed to prevent latching or locking of the door.
- (2) Abandoning refrigeration equipment is a gross misdemeanor.

§ 3.01.1930 Telephone Abuse

- (1) A person is guilty of telephone abuse if he or she makes a telephone call with intent to harass, annoy, alarm, insult, intimidate, torment, embarrass, or taunt another person:
 - (a) Without purpose of legitimate communication;
 - (b) Using any lewd, lascivious, profane, indecent, or obscene words or language, or suggesting the commission of any lewd or lascivious act;
 - (c) Anonymously or repeatedly or at an extremely inconvenient hour, whether or not conversation ensues;
 - (d) Threatening to inflict injury on the person or property of the person called or any member of his or her family or household; or
 - (e) If he or she refuses to surrender the use of a party line when the telephone is needed for an emergency.
- (2) Telephone abuse is a gross misdemeanor.

§ 3.01.1940 Adulteration

- (1) A person is guilty of adulteration if he or she manufactures, knowingly sells, or offers for sale, or intentionally keeps any food, drug, or drink which is adulterated with a harmful substance, or which, because of a defect in its manufacturing process, is harmful when ingested.
- (2) Adulteration is a gross misdemeanor.

§ 3.01.1950 Purchasing, Possessing, or Obtaining Cigarettes or Tobacco by or for Persons Under the Age of Eighteen

- (1) A person under the age of eighteen who purchases or attempts to purchase, possesses, or obtains or attempts to obtain cigarettes or tobacco products, commits a civil infraction punishable by a fine not to exceed fifty dollars (\$50), or performance of up to four hours of community service, or both. The court may also require participation in a smoking cessation program.
- (2) It shall be a complete defense to a charge under this subsection if the tobacco has been acquired or used for tribal ceremonial purposes.

DRIVING A MOTOR VEHICLE

§ 3.01.1960 Driving While Under the Influence of Intoxicating Liquor or Drugs or Glue or Other Intoxicating Inhalants

- (1) What Constitutes. A person is guilty of driving while under the influence of intoxicating liquor or any drug or glue if he or she drives a vehicle within the reservation while:

- (a) He or she has 0.08 grams or more of alcohol per two hundred ten liters of breath as shown by analysis of the person's breath;
 - (b) He or she has 0.08 percent or more by weight of alcohol in the person's blood as shown by analysis of the person's blood;
 - (c) He or she is under the influence of or affected by intoxicating liquor or any drug or glue or other mind-altering substance; or
 - (d) He or she is under the combined influence of or affected by intoxicating liquor and any drug or glue or other mind-altering substance; or
 - (e) He or she refuses to submit to a portable breath test upon reasonable suspicion by law enforcement.
- (2) The fact that any person charged with a violation of this section is or has been entitled to use of such drug under the laws of this tribe shall not constitute a defense against any charge of violating this section.
 - (3) Driving while under the influence is a gross misdemeanor for the first two convictions, and is a felony upon the third conviction.

§ 3.01.1970 Reckless Driving

- (1) What constitutes. Any person who shall drive or operate any motor vehicle in any manner dangerous to the public safety or properties of the people of the Hoh Indian Reservation shall be deemed guilty of reckless driving.
- (2) Reckless driving is a gross misdemeanor.

§ 3.01.1980 Hit and Run of Unattended Car or Other Property

- (1) What Constitutes. A person is guilty of hit and run of unattended car or other property within the reservation when as operator of any vehicle which collides with any other vehicle or other property, which is unattended, he or she fails to immediately stop and either locate and notify the owner or operator of said vehicle or other property, of his or her name and address or leave in a conspicuous place in or on the vehicle or other property, a written notice, giving the name and address of the operator and owner of the vehicle striking such vehicle or other property.
- (2) Hit and run of unattended car or other property is a gross misdemeanor.

§ 3.01.1990 Hit and Run of an Attended Vehicle or Other Property

- (1) What Constitutes. A person is guilty of hit and run of an attended vehicle or other property within the reservation when:
 - (a) As driver of any vehicle involved in an accident resulting in the injury to or death of any person, he or she fails to immediately stop such vehicle at the scene of such

accident or as close thereto as possible, without obstructing traffic more than necessary, forthwith return to, and in every event remain at the scene of such accident until he or she has fulfilled requirements of this section.

- (b) As driver of any vehicle involved in an accident resulting only in damage to a vehicle which driven or attended by any person or damage to other property, who fails to immediately stop such vehicle at the scene of such accident or as close thereto as possible, without obstructing traffic more than necessary, and forthwith return to and in any event remain at the scene of such accident until he or she has fulfilled the requirements of this section.
- (2) Duty: The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person or damage to other property shall give his or her name, address and vehicle license number and shall exhibit his or her vehicle driver's license to any person struck or injured or the driver or any occupant of, or any person attending, any such vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying of such person to a physician or hospital for medical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person or on his or her behalf. In the event that none of the persons specified are in a condition to receive the information to which they otherwise would be entitled under this section, and no police officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of this section insofar as possible on his or her part to be performed, shall forthwith report such accident to the police authority and submit thereto the information specified in this section.
- (3) Hit and run of an attended vehicle or other property is a gross misdemeanor.

§ 3.01.2000 Operating a Motor Vehicle While Privilege is Suspended or Revoked

- (1) A person is guilty of operating a motor vehicle while privilege suspended or revoked if he or she operates a motor vehicle within the Hoh Indian Reservation while the privilege to do so has been suspended or revoked by any jurisdiction as part of a penalty imposed for any civil or criminal traffic violation or because the person failed to respond to a notice of civil traffic violation.
- (2) Operating a motor vehicle while privilege suspended is a misdemeanor.

§ 3.01.2010 Eluding a Law Enforcement Officer

- (1) Eluding in the first degree.
 - (a) Any driver of a motor vehicle who willfully fails or refused to immediately bring his or her vehicle to a stop once the driver knows that a law enforcement officer has given him or her a visible or audible signal to bring his or her vehicle to a stop, and who drives his or her vehicle in a manner indicating a wanton or willful disregard

for the lives and property of others while attempting to elude a pursuing police vehicle, is guilty of eluding a law enforcement officer in the first degree.

- (b) “Immediately,” as used in this section, shall mean stopping as soon as it is reasonably possible.
 - (c) Eluding a law enforcement officer in the first degree shall be guilty of a gross misdemeanor.
- (2) Eluding in the second degree.
- (a) Any driver of a motor vehicle who willfully fails or refuses to immediately bring his or her vehicle to a stop once the driver knows that a law enforcement officer has given him or her a visible or audible signal to bring his or her vehicle to a stop is guilty of eluding a law enforcement officer in the second degree.
 - (b) “Immediately” as used in this section, shall mean stopping as soon as it is reasonably possible.
 - (c) Eluding a law enforcement officer in the second degree shall be guilty of a gross misdemeanor.

§ 3.01.2020 Prohibited Use of Alcoholic Beverages in Vehicle

- (1) A driver is guilty of prohibited use of alcoholic beverages in a vehicle if:
- (a) He or she drinks any alcoholic beverage in a motor vehicle when the vehicle is upon a roadway;
 - (b) He or she has an open or unsealed receptacle containing an alcoholic beverage in his or her possession while in a motor vehicle or while the vehicle is upon a roadway; or
 - (c) He or she is on a roadway in a motor vehicle in which an open or unsealed receptacle containing an alcoholic beverage is present, unless the receptacle is kept in the trunk or other area of the vehicle which is not normally accessible to the occupants.
- (2) Prohibited use of alcoholic beverages in a vehicle is a misdemeanor.

§ 3.01.2030 Negligent Driving see RCW 46.61.5249&50

CONTROLLED SUBSTANCES

§ 3.01.2040 Definitions

All terms used in this chapter shall be given their commonly accepted meaning. If there is doubt as to the meaning of a term, the court shall be guided by Article I, Definitions, found in the Washington Uniform Controlled Substances Act, RCW 69.50.101 and 102, or most recent

amendments thereto. The attached version of the Washington Uniform Controlled Substances Act is hereby incorporated by reference as are all future amendments to said Act, to be referred to as indicated in this chapter.

§ 3.01.2050 Substances Which Are Illegal Without a Valid Prescription

Any substance that contains any quantity of a chemical that falls within the following categories is illegal to possess without a valid prescription. The full list of chemicals contained within these categories can be found in Article II of the Washington Uniform Controlled Substances Act, RCW 69.50.201 et seq., or most recent amendments thereto. If there is any doubt as to whether a substance is illegal or not, the court shall be guided by Article II of the Washington Uniform Controlled Substances Act, RCW 69.50 et seq., or most recent amendments thereto. Illegal Substances:

- (1) Opiates including but not limited to substances commonly known as opium, heroin, morphine, methadone, and codeine;
- (2) Hallucinogenic substances including but not limited to substances commonly known as OMA, LSD, PCP, mescaline, peyote, and psilocybin;
- (3) Cocaine in any form including but not limited to the powder and the rock or "crack" form;
- (4) Depressants including but not limited to methaqualone, diazepam (Valium), secobarbital, and pentobarbital; and
- (5) Stimulants including but not limited to any form of amphetamine. The chemical composition of a substance may be proved by any acceptable method of identification, including but not limited to identification by a trained law enforcement officer, by field tests, or by laboratory tests.

§ 3.01.2060 Illegal Drugs

- (1) Any person who possesses for personal use or grows for personal use any of the substances listed in § 3.01.2050 is guilty of a gross misdemeanor, except as provided in § 3.01.2060.
- (2) Any person who grows, manufactures, delivers, or possesses with intent to sell, deliver, or manufacture, any of the substances listed in § 3.01.2050 shall be guilty of a felony, except as provided in § 3.01.2060. The term "manufacture" shall not apply to growing for personal use.
- (3) Any person who creates, delivers, or possesses a counterfeit illegal drug shall be guilty of a felony. A counterfeit illegal drug is a substance which, although not in fact containing any illegal drug, or not in fact containing the drug it purports to contain, was intended to be understood by others to be a substance listed in § 3.01.2050.
- (4) Any person who offers, arranges, or negotiates for the delivery of an illegal drug listed in § 3.01.2050 and then delivers any other substance in lieu of an illegal drug listed in § 3.01.2050 shall be guilty of a felony.

§ 3.01.2070 Marijuana

- (1) Simple possession of no more than one ounce of marijuana, two grams of hashish, or three growing marijuana plants, or delivery without remuneration to a person eighteen or more years of age of less than one- fourth ounce of marijuana, one marijuana plant, or one gram of hashish, shall be a civil infraction, punishable by a fine not to exceed one hundred dollars.
- (2) Possession of Moderate Amounts of Marijuana. Any person convicted of simple possession of more than one but no more than four ounces of marijuana, more than three but no more than ten growing marijuana plants, or more than two but no more than seven grams of hashish, shall be sentenced to no more than thirty days in jail, a fine of no more than three hundred dollars, or both, with costs.
- (3) Possession of Marijuana. Any person convicted of simple possession of any quantity of marijuana, hashish or marijuana plants greater than those quantities in subsections (1) and (2) of this section, shall be guilty of a gross misdemeanor.
- (4) Sale of Small Quantities of Marijuana. Except as otherwise provided in this section, any person convicted of planting, growing, cultivating, manufacturing, delivery, keeping for sale, or barter of no more than one- quarter ounce of marijuana, one gram of hashish, or two growing marijuana plants, shall be misdemeanor.
- (5) Sale and Cultivation of Marijuana. Except as otherwise provided in this section, any person convicted of planting, growing, cultivating, manufacturing, keeping for sale, delivery or barter of a quantity of marijuana, hashish, or marijuana plants greater than those quantities subsection (4), shall be gross misdemeanor.
- (6) Distribution to Minors. Any person convicted of the sale, distribution, gift, delivery or barter of marijuana to a person under the age of eighteen shall be guilty of a gross misdemeanor.
- (7) Rehabilitation and Community Service. In addition to any other penalty provided for in this section or other law, a person convicted of a criminal offense under this section may be ordered to obtain a professional evaluation for controlled substance addiction or abuse potential, to comply for a period of two years or less with any reasonable program of controlled substance abuse or addiction rehabilitation or treatment, to perform reasonable community service not to exceed seven hundred fifty hours, or any combination of such evaluation, treatment, or community service.

§ 3.01.2080 Minor in Possession of Marijuana

No person under the age of eighteen shall possess marijuana in any amount. A violation of this section is punishable by incarceration in a juvenile detention facility for up to one months or a \$250 fine, or both.

§ 3.01.2090 Practice of Sniffing

- (1) A person is guilty of the practice of sniffing if he or she sniffs or inhales gasoline, glue or other like substance determined by the Court to be harmful to the physical and mental health of a user.
- (2) Practice of sniffing is a misdemeanor.

§ 3.01.2100 Distribution of Alcohol or Drugs to Children

- (1) A person is guilty of distribution of alcohol or drugs to children if he or she sells, barter or gives to a child under the age of twenty-one years any alcoholic beverage, narcotic drugs, or any controlled substance, or if he or she allows a child under the age of twenty-one years to use such substance on his or her property.
- (2) Distribution of alcohol or drugs to children is a gross misdemeanor.

§ 3.01.2110 Possession of Drug Paraphernalia

- (1) "Possession of drug paraphernalia" means to knowingly receive, retain, possess, conceal, or dispose of drug paraphernalia.
- (2) Possession of drug paraphernalia shall be a misdemeanor.
 - (a) As used in this title, "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance. It includes, but is not limited to:
 - (i) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
 - (ii) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
 - (iii) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
 - (iv) Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances;

- (v) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
- (vi) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances;
- (vii) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
- (viii) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances;
- (ix) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
- (x) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;
- (xi) Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;
- (xii) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - (A) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls,
 - (B) Water pipes,
 - (C) Carburetion tubes and devices,
 - (D) Smoking and carburetion masks,
 - (E) Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand,
 - (F) Miniature cocaine spoons, and cocaine vials,
 - (G) Chamber pipes,
 - (H) Carburetor pipes,
 - (I) Electric pipes,

- (J) Air-driven pipes,
 - (K) Chillums,
 - (L) Bongs, and
 - (M) Ice pipes or chillers.
- (b) In determining whether an object is drug paraphernalia under this section, a court or other authority should consider, in addition to all other logically relevant factors, the following:
- (i) Statements by an owner or by anyone in control of the object concerning its use;
 - (ii) Prior convictions, if any, of an owner, or of anyone in control of the object, under any tribal, state or federal law related to any controlled substance;
 - (iii) The proximity of the object, in time and space, to a direct violation of this chapter;
 - (iv) The proximity of the object to controlled substances;
 - (v) The existence of any residue of controlled substances on the object;
 - (vi) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he knows, or should reasonably know, intend to use the object to facilitate a violation of this chapter; the innocence of the owner, or of anyone in control of the object, as to a direct violation of this chapter shall not prevent a finding that the object is intended or designed for use as drug paraphernalia;
 - (vii) Instructions, oral or written, provided with the object concerning its use;
 - (viii) Descriptive materials accompanying the object which explain or depict its use;
 - (ix) National and local advertising concerning its use;
 - (x) The manner in which the object is displayed for sale;
 - (xi) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
 - (xii) Direct or circumstantial evidence of the ratio of sales of the objects(s) to the total sales of the business enterprise;
 - (xiii) The existence and scope of legitimate uses for the object in the community; and

- (xiv) Expert testimony concerning its use.

CONTRIBUTING TO THE CRIMINAL ACT OF A MINOR

§ 3.01.2120 Contributing to the Criminal Act of a Minor

- (1) Any person, who by act or omission, knowingly encourages, causes, or contributes to the criminal act of a person under eighteen years of age shall be guilty of contributing to the criminal act of a minor.
- (2) Contributing to the criminal act of a minor is a gross misdemeanor.

§ 3.01.2130 Contributing to the Delinquency of a Child

Any person who shall, by an action or omission, willfully encourage or contribute to the delinquency of any child under eighteen years of age shall be guilty of an offense and upon conviction thereof shall be guilty of a gross misdemeanor.

DOMESTIC VIOLENCE PROTECTION SEE CHAPTER 4.02

§ 3.01.2140 Deferred Prosecution: Certain First Offenses

- (1) The tribal prosecutor may enter a deferred prosecution agreement with a person charged for the first time with a misdemeanor, gross misdemeanor or fishing violation where no violence occurred in connection with the offense.
- (2) The agreement shall be signed by the tribal court judge and it shall set forth the following conditions:
 - (a) The defendant shall refrain from engaging in any unlawful activity for a specified period of time up to one year;
 - (b) Delay in bringing the case to trial shall not be grounds for dismissal;
 - (c) The prosecutor shall defer prosecution of the defendant during the specified period of time if the defendant is not charged with any criminal or fisheries offenses during that time; and
 - (d) The court shall dismiss with prejudice the charges against the defendant at the end of the specified period of time if the defendant has not been charged with any criminal or fisheries offense during that time.
- (3) If the defendant is charged with any criminal or fisheries offense during the specified period of time, the prosecutor may terminate the deferred prosecution agreement and the defendant shall be arraigned on the original charges.

§ 3.01.2150 Deferred Prosecution: Offenses Caused by Alcohol or Drug Abuse

- (1) A person charged with a misdemeanor or gross misdemeanor may request the tribal court to be considered for a deferred prosecution program under this subsection. The request shall be made at arraignment or before trial.
- (2) The person's request must state the following:
 - (a) The offense charged is the result of or caused by alcohol problems or drug problems for which the person is in need of treatment;
 - (b) Without treatment, there is a great probability of future reoccurrence of similar misconduct; and
 - (c) A case history of the person's alcohol or drug problems.
- (3) Upon consideration of the request, the court may continue the arraignment and refer the person to the tribe's alcoholism or drug abuse counselor for a diagnostic investigation and evaluation. The counselor shall conduct an investigation and examination and shall make a written report to the court with a copy to the defendant including the following findings:
 - (a) Whether the person suffers from the problem alleged;
 - (b) Whether there is a probability that similar misconduct will reoccur in the future if the problem is not treated;
 - (c) Whether extensive treatment is required;
 - (d) Whether effective treatment for the person's problem is available; and
 - (e) If treatment is recommended, a treatment plan specifying the location, nature, length, treatment time schedule and cost of the plan.
- (4) If the report recommends treatment, the court shall examine the plan. If it approves the plan and the defendant agrees to comply with the terms and conditions of the plan and agrees to pay the cost thereof or arrange for the treatment, the court shall order that the defendant be accepted for deferred prosecution. If treatment is not recommended or not approved or the defendant declines to accept the treatment plan, the defendant shall be arraigned on the charges.
- (5) Evidence pertaining to or resulting from the defendant's request and/or the investigation or report is inadmissible in any trial on the charges but may be used after conviction in determining a sentence.
- (6) If a defendant in a deferred prosecution program fails or neglects to fulfill any term or condition of the treatment plan, the facility or agency administering the treatment shall immediately report the breach to the court. Upon receiving such a report, the court shall hold a hearing to determine whether the defendant should be removed from the deferred prosecution program. If removed from deferred prosecution, the defendant shall be arraigned on the original charge.

- (7) If a defendant is convicted in any court of an offense similar to and committed after the one for which he or she is in a deferred prosecution program, the tribal court shall remove the defendant from deferred prosecution and he or she shall be arraigned on the original charge.
- (8) Two years from the date of the court's approval of deferred prosecution or an individual defendant, the charges against the defendant shall be dismissed with prejudice and the records relating to the defendant shall be destroyed.
- (9) Delay in bringing a case to trial caused by a defendant requesting deferred prosecution shall not be grounds for dismissal.

SENTENCING

§ 3.01.2160 Authorized Sentences of Offenders

Unless otherwise provided in specific sections of this Title, offenses under the Law & Order Code shall be subject to the following penalties:

- (1) Felony: Every person convicted of a felony shall be punished by imprisonment for a maximum term fixed by the court of not more than 180 days (6 months), or by a fine in an amount fixed by the court of not more than five hundred dollars (\$500), or by both such imprisonment and fine.
- (2) Gross Misdemeanor: Every person convicted of a gross misdemeanor shall be punished by imprisonment for a maximum term fixed by the court of not more than 120 days (four months), or by a fine in an amount fixed by the court of not more than four hundred dollars (\$400), or by both such imprisonment and fine.
- (3) Misdemeanor: Every person convicted of a misdemeanor shall be punished by imprisonment for a maximum term fixed by the court of not more than 90 days (three months), or by a fine in an amount fixed by the court of not more than three hundred dollars (\$300), or by both such imprisonment and fine.

§ 3.01.2170 Restitution

If a person has gained money, or property, or caused a victim to lose money or property through the commission of a crime, upon conviction thereof the court may, in addition to imposing the fine authorized for the offense, order the defendant to pay an amount, fixed by the court, not to exceed double the amount of the defendant's gain or victim's loss to provide restitution to the victim. In the event that restitution is ordered, a separate hearing must be held to determine the amount of the defendant's gain or victim's loss.

CONSTRUCTION, EFFECTIVE DATE, AMENDMENTS

§ 3.01.2180 Construction

In interpreting the provisions of this title, the court shall first look for guidance to the written laws of the Hoh Tribe, the decisions of the tribal court, and the customs and traditions of the Hoh people.

The court may then consider the laws and customs of other jurisdictions but shall not be bound by them.

§ 3.01.2190 Effective Date

The effective date of this code shall be _____, 2010. This code shall continue in effect until the Tribal Business Committee of the Hoh Tribe supersedes it.

§ 3.01.2200 Amendments

Amendments to this title may be made by resolution of the Hoh Tribal Business Committee.

Hoh Tribal Code Title 3

Law and Order

Chapter 3.03 Exclusion and Removal Code

§ 3.03.010 Purpose

The Hoh Tribe shall be authorized to exclude non-members from the Reservation and to determine conditions upon which they may remain. It is the purpose of this Chapter to provide for exclusion and expulsion of non-members from the Reservation who act in disregard of tribal law, destroying tribal fish and game, trespassing upon tribal trust property, polluting tribal lands and waters, destroying real and personal property of the Tribe or its members, or endangering the lives of members on the Reservation, to the harm of the natural social and psychological well-being of members or other persons on the Reservation.

§ 3.03.020 Definitions

- (1) "Exclusion and removal" means the temporary or permanent expulsion of an individual from within the boundaries of the Hoh Reservation.
- (2) "Fraud" means a false representation of a matter of material fact by words, conduct, false or misleading allegations, or by concealment of a fact which should have been disclosed which is intended to and does in fact deceive another to his legal injury or detriment.

§ 3.03.030 Persons Subject to Exclusion and Removal

Except as provided by this section, all persons, except those authorized by federal law to be present on tribal land, may be excluded or removed from the Hoh Reservation or parts thereof.

§ 3.03.040 Grounds for Exclusion and Removal

- (1) In addition to any remedy or penalty provided by this Code, a person subject to removal and exclusion under this Chapter may be subject to a civil proceeding for exclusion or removal from the Hoh Reservation if his conduct substantially threatens or has some direct effect on the political integrity, institutional process, economic security or health or welfare of the Hoh Reservation, its members or reservation residents. In determining whether to issue an order of exclusion, the Court shall consider the number and pattern of acts committed and the history, circumstances and/or significance of each act. Acts for which an individual may be excluded from the reservation may include but are not limited to the following:
 - (a) Doing or attempting to do any act upon the reservation which unlawfully threatens

the peace, health, safety, morals or general welfare of the Tribe, its members, or other persons;

- (b) Any act causing serious physical loss or damage of any nature to the property of the Tribe or any reservation resident;
- (c) Entering an area in violation of any order of the Business Committee designating such area as closed;
- (d) Failing or refusing to pay any taxes, rents or other charges justly due the Hoh Tribe or any entity of the Tribe, after reasonable notice and an opportunity to pay, unless such charges or fees are related to an interest in real property;
- (e) Mining, prospecting, cutting timber or vegetation or other use, abuse, taking of or damage to tribal property without authorization;
- (f) Committing a fraud;
- (g) Trading or conducting business within the reservation in violation of tribal law;
- (h) Hunting, fishing or trapping without lawful authority or permission or in violation of tribal or federal law;
- (i) Disturbing or excavating items, sites or locations of religious, historic or scientific significance without the authority of the Tribe or in violation of tribal or federal law;
- (j) Failing to obey an order of the Tribal Court; or
- (k) Committing any criminal offense defined as a felony by state, federal or tribal law.

§ 3.03.050 Proceedings for Exclusion

Subject to this section, the Tribal Prosecutor may bring an exclusion action pursuant to this Chapter on behalf of the Tribe by filing a complaint in Tribal Court. Before filing such complaint, the prosecutor shall cause any proposed exclusion and removal to be investigated sufficiently to determine whether an action under this Chapter shall be filed on behalf of the Tribe and shall obtain the approval of the Business Committee. The filing of a complaint under this Chapter shall constitute a civil cause of action.

§ 3.03.060 Hearing on Exclusion and Removal

- (1) Unless otherwise provided by this Chapter and upon the filing of a complaint for exclusion and removal, the procedures for civil actions under this Code shall apply. If the Tribal Court shall have reasonable cause to believe that an emergency exists, and the notice so states, an exclusion and removal hearing under may be held after twenty- four (24) hours from the time of service or mailing whichever is later.

- (2) The burden of proof shall be upon the Tribal Prosecutor to prove by a preponderance of the evidence that the respondent committed one or more of the acts set forth in this Chapter. If the respondent is found to have committed such act(s), the Court shall issue an order of exclusion and removal which shall include the duration of the exclusion. If an order of exclusion and removal is issued, the court may defer or suspend the order and permit the respondent to remain upon the reservation on such conditions as the court may prescribe. If the respondent is not present at such hearing or if a decision is not rendered until after the hearing, appropriate notice shall be served on the respondent in the manner provided above informing him of the action of the Tribal Court and such notice shall include a copy of any order issued under this section. An order issued under this section shall remain in force for the duration provided in the order or, unless the order specifically provides otherwise, until revoked by the court.

§ 3.03.070 Appeals

Any person upon whom an order is issued as provided in this Chapter may appeal such order to the Hoh Court of Appeals as provided by this Chapter and Hoh Tribal Code Chapter 2.01 (Tribal Court), Chapter 2.02 (Civil Procedure) and Chapter 2.03 (Criminal Procedure).

§ 3.03.080 Enforcement of Orders of Exclusion and Removal

- (1) Any person who does not obey an order of exclusion or assists another person in violating an order of exclusion issued by the Tribal Court pursuant to this Chapter shall be in violation of this Code for which the court may issue one or more of the following orders:
 - (a) Direct any tribal police officer to remove the respondent from the reservation or portions of the reservation covered by the exclusion order at the respondent's expense;
 - (b) Direct any tribal police officer to prevent the respondent from reentry onto any reservation lands covered by the exclusion order for so long as the order remains in effect;
 - (c) Refer the matter to the Superintendent of the Olympic Peninsula Agency (Taholah) and/or the United States Attorney for appropriate action; or
 - (d) Prosecute the respondent and/or take any other action authorized under any applicable Tribal, Federal or State law.

Application of the Hoh Indian Tribe for Treatment as a State

Exhibit 6

Executive Order establishing the Hoh Indian Reservation

Hoh River Reserve.

[In Neah Bay Agency; area, 1 square mile.]

EXECUTIVE MANSION, *September 11, 1893.*

It is hereby ordered that the following-described lands situated and lying in the State of Washington, viz: Commencing at a point in the

middle of the mouth of the Hoh River, Jefferson County, Washington, and running thence up said river in the middle of the channel thereof one mile; thence due south to the south bank of said river; thence due south from said south bank one mile; thence due west to the Pacific Ocean, and thence with the Pacific coast line to the place of beginning, be, and the same are hereby, withdrawn from sale and settlement and set apart as a reservation for the Hoh Indians not now residing upon any Indian reservation: *Provided, however,* That any tract or tracts, if any, the title to which has passed out of the United States, or to which valid legal rights have attached under existing laws of the United States providing for the disposition of the public domain, are hereby excepted and excluded from the reservation hereby created.

GROVER CLEVELAND.

Lummi Reserve.

[In Tulalip Agency; occupied by Dwamish, Etakmur, Lummi, Snohomish, Sukwamish, and Swiwa-mish; treaty of January 22, 1855.]

EXECUTIVE MANSION, *November 22, 1873.*

It is hereby ordered that the following tract of country in Washington Territory be withdrawn from sale and set apart for the use and occupation of the Dwamish and other allied tribes of Indians, viz: Commencing at the eastern mouth of Lummi River; thence up said river to the point where it is intersected by the line between sections 7 and 8 of township 38 north, range 2 east of the Willamette meridian; thence due north on said section line to the township line between townships 38 and 39; thence west along said township line to the low-water mark on the shore of the Gulf of Georgia; then southerly and easterly along the said shore, with the meanders thereof, across the western mouth of Lummi River, and around Point Francis; thence northeasterly to the place of beginning; so much thereof as lies south of the west fork of the Lummi River being a part of the island already set apart by the second article of the treaty with the Dwamish and other allied tribes of Indians, made and concluded January 22, 1857. (Stats. at Large, vol. 12, p. 928.)

U. S. GRANT.

Makah Reserve.

[In Neah Bay Agency; occupied by Makah and Quileute; area, 36 square miles; treaty January 31, 1855.]

EXECUTIVE MANSION, *October 26, 1872.*

In addition to the reservation provided for by the second article of the treaty concluded January 31, 1855, with the Makah Indians of Washington Territory, it is hereby ordered that there be withdrawn from sale and set apart for the use of the said Makah and other Indians a tract of country in the said Territory of Washington, described and bounded as follows, viz.: Commencing on the beach at the mouth of a small brook running into Neah Bay next to the site of the old Spanish fort; thence along the shore of said bay in a northeasterly direction to Baadah Point (being a point about 4 miles from the beginning); thence in a direct line south 6 miles; thence in a direct line west to the Pacific shore; thence northwardly along the shore of the Pacific to the mouth of a small stream running into the bay on the south side of Cape Flattery, a little above the Waatch Village; thence following said brook to its source; thence in a straight line to the place of beginning; the boundary line from the mouth of the brook last

mentioned to the place of beginning being identical with the southeastern boundary of the reservation set apart for the Makah tribe of Indians by the treaty concluded with said Indians January 31, 1855, before referred to.

U. S. GRANT.

EXECUTIVE MANSION, *January 2, 1873.*

In lieu of the addition made by Executive order dated October 26, 1872, to the reservation provided for by the second article of the treaty concluded January 31, 1855, with the Makah Indians of Washington Territory, it is hereby ordered that there be withdrawn from sale and set apart as such addition, for the use of the said Makah and other Indians, the tract of country in said Territory of Washington bounded as follows, viz: Commencing on the beach at the mouth of a small brook running into Neah Bay next to the site of the old Spanish fort; thence along the shore of said bay in a northeasterly direction four miles; thence in a direct line south 6 miles; thence in a direct line west to the Pacific shore; thence northwardly along the shore of the Pacific to the mouth of a small stream running into the bay on the south side of Cape Flattery a little above the Waatch Village; thence following said brook to its source; thence in a straight line to the place of beginning; the boundary line from the mouth of the brook last mentioned to the place of beginning being identical with the southeastern boundary of the reservation set apart for the Makah and other Indians by the treaty above referred to.

U. S. GRANT.

EXECUTIVE MANSION, *October 21, 1873.*

In lieu of the addition made by Executive order dated October 26, 1872, and amended by Executive order of January 2, 1873, to the reservation provided for by the second article of the treaty concluded January 31, 1855, with the Makah tribe of Indians of Washington Territory (Statutes at Large, vol. 12, p. 939), which orders are hereby revoked, it is hereby ordered that there be withdrawn from sale and set apart as such addition for the use of said Makah and other tribes of Indians the tract of country in said Territory bounded as follows, viz: Commencing on the beach at the mouth of a small brook running into Neah Bay next to the site of the old Spanish fort; thence along the shore of said bay in a northeasterly direction 4 miles; thence in a direct line south 6 miles; thence in a direct line west to the Pacific shore; thence northwardly along the shore of the Pacific to the mouth of another small stream running into the bay on the south side of Cape Flattery, a little above the Waatch Village; thence following said brook to its source; thence in a straight line to the source of the first-mentioned brook, and thence following the same down to the place of beginning.

U. S. GRANT.

Osette Reserve.

[Area, 1 square mile.]

EXECUTIVE MANSION, *April 12, 1893.*

It is hereby ordered that the following described lands, situated and lying in the State of Washington, viz: Commencing at Point Apot-Sloes (Indian name), on the ocean beach about one-half a mile north of the Indian village Osette in Clallam County, said State; thence due east one mile; thence due south to the point of intersection with the southern boundary line of the said Indian village extended eastward, and the northern boundary line of Charley Weberhard's claim; thence due west to the Pacific Ocean; thence with the Pacific Ocean to the point of beginning, be, and the same are hereby, withdrawn from sale and settlement and set apart as a reservation for the Osette Indians not now residing upon any Indian reservation: *Provided, however,* That any tract or tracts, if any, the title to which has passed out of the United States, or to which valid legal rights have attached under existing laws of the United States providing for the disposition of the public domain, are hereby excepted and excluded from the reservation hereby created.

GROVER CLEVELAND.

Quileute Reserve.

[In Neah Bay Agency; area, 1½ square miles; occupied by Quileute tribe.]

EXECUTIVE MANSION, *February 19, 1889.*

It is hereby ordered that the following-described tracts of land situate in Washington Territory, viz: Lots 3, 4, 5, and 6, section 21; lots 10, 11, and 12, and the southwest quarter of the southwest quarter, section 22; fractional section 27, and lots 1, 2, and 3, section 28; all in township 28 north, of range 15 west, be, and the same are hereby, withdrawn from sale and settlement and set apart for the permanent use and occupation of the Quillehute Indians: *Provided*, That this withdrawal shall not affect any existing valid rights of any party.

GROVER CLEVELAND.

Quinaielt Reserve.

[In Puyallup Agency; occupied by Hoh, Quaitso, and Quinaielt tribes; area, 350 square miles; treaties July 1, 1855, and January 25, 1856.]

EXECUTIVE MANSION, *November 4, 1873.*

In accordance with the provisions of the treaty with the Quinaielt and Quillehute Indians, concluded July 1, 1855, and January 25, 1856 (Stats. at Large, vol. 12, p. 971), and to provide for other Indians in that locality, it is hereby ordered that the following tract of country in Washington Territory (which tract includes the reserve selected by W. W. Miller, superintendent of Indian affairs for Washington Territory, and surveyed by A. C. Smith, under contract of September 16, 1861) be withdrawn from sale and set apart for the use of the Quinaielt, Quillehute, Hoh, Quit, and other tribes of fish-eating Indians on the Pacific coast, viz: Commencing on the Pacific coast at the southwest corner of the present reservation, as established by Mr. Smith in his survey under contract with Superintendent Miller, dated September 16, 1861; thence due east, and with the line of said survey, 5 miles to

the southeast corner of said reserve thus established; thence in a direct line to the most southerly end of Quinaielt Lake; thence northerly around the east shore of said lake to the northwest point thereof; thence in a direct line to a point a half mile north of the Queetshee River and 3 miles above its mouth; thence with the course of said river to a point on the Pacific coast, at low-water mark, a half mile above the mouth of said river; thence southerly, at low-water mark, along the Pacific to the place of beginning.

U. S. GRANT.

Exhibit 7

Map of the Hoh Indian Reservation

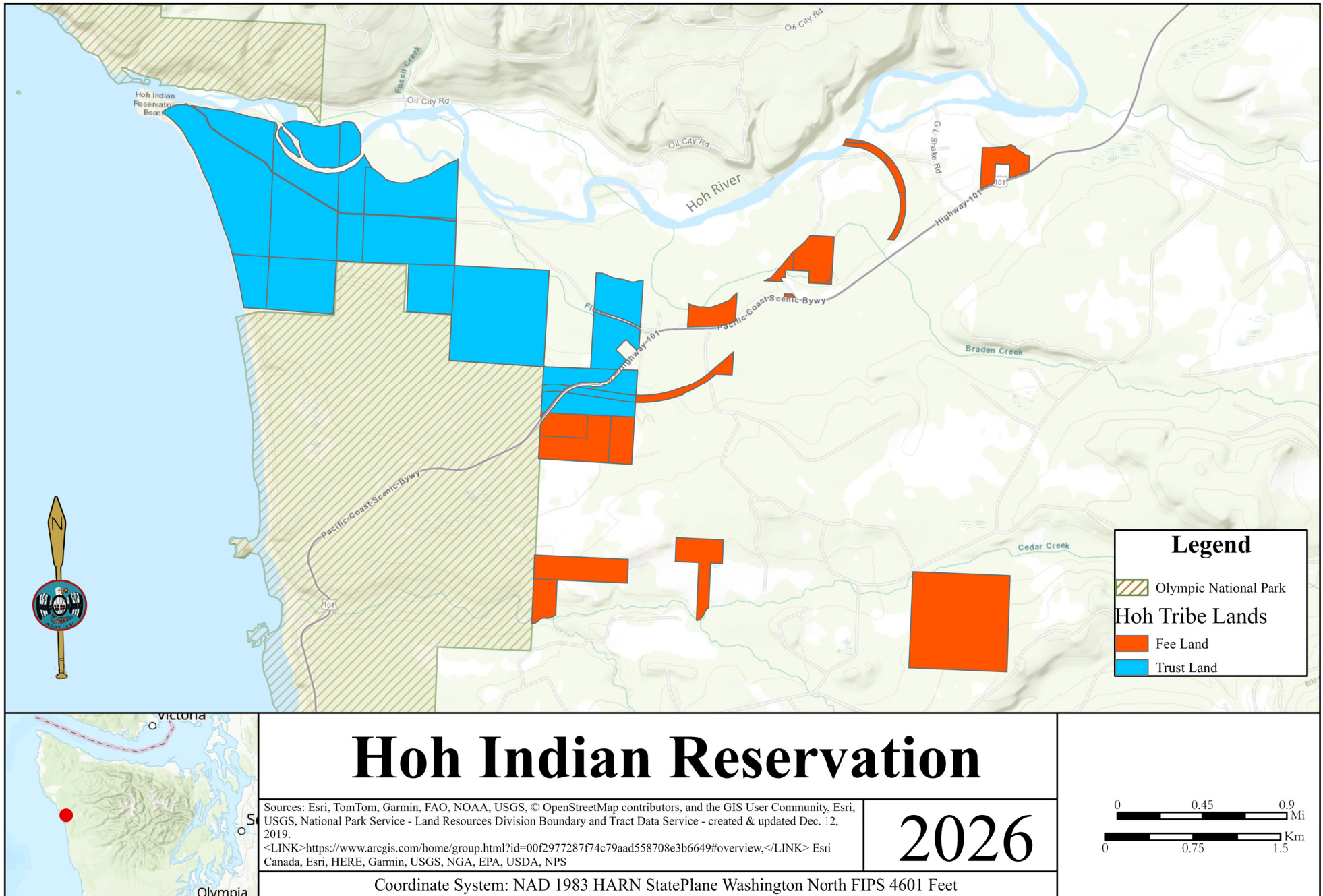


Exhibit 8

Resume of Cynthia Hernandez, who would be managing the CWA § 319 Grant-Funded Project that this TAS Application supports. Ms. Hernandez serves as Water Quality Specialist for the Hoh Indian Tribe.

CYNTHIA HERNANDEZ

Forks, WA • cynthiaher44@gmail.com • 773-573-7166

Education

LOYOLA UNIVERSITY NEW ORLEANS

Bachelor of Science in biochemistry- minors in sociology and biology

New Orleans, LA
05/2020

Experience

HOH INDIAN TRIBE

Water Quality Specialist

Forks, WA
04/2025 – Current

- Maintain the Hoh Tribe's water quality program by monitoring up to 60 sites within the Hoh River Watershed for various surface water parameters (temperature, dissolved oxygen, pH, conductivity, turbidity, and flow)
- Calibrate and service instruments (HOBO temp & DO loggers, YSI Pro DSS, & OTT flow meter) on a routine basis
- Collect, analyze, and manage all data and submit through various databases (WQX & Tribal water quality database)
- Generate annual reports of water quality results to summarize salmonid habitat conditions
- Manage administrative, financial, and programmatic needs of environmental grants under EPA's performance partnership grant
- Collaborate with staff from Tribal/state/federal agencies to improve program protocols and discuss environmental issues relating to water quality, watershed restoration, or salmonid protection

STERLING LABS

Volatile Organics Analyst

Des Plaines, IL
03/2024 – 04/2025

- Conducted analysis for various environmental samples such as water, soil, waste, oils, etc. using purge and trap GC-MS and related analytical methods
- Worked within established quality control parameters and consistently met specified turnaround times for analysis
- Strictly adhered to published methodologies and established laboratory procedures for VOC analysis
- Organized workflow for the VOC team to ensure proper recordkeeping and status updates of sample testing during a transition into new LIMS software
- Remediated the VOC department's increased workload during a company merger that led to immediate acquisition of new client testing.

MARK ANTHONY BREWING

QA/Production Lab Technician

Waddell, AZ
05/2022 – 08/2023

- Evaluated finished goods, quality, and audit processes throughout production to ensure all specs were met and plant was operating within desired parameters
- Operated, calibrated, and troubleshooted lab equipment such as alcolyzers, HPLC, auto-titrators, and pH meters
- Performed microbial testing on finished product using aseptic techniques to support HACCP Food Safety Programs
- Completed sensory evaluations on finished product (taste & aroma testing analysis)

PRINOVA

Quality Control Lab Technician

Carol Stream, IL
09/2021 – 4/2022

- Coordinated and performed qualitative and quantitative analyses of raw materials, in-process and finished products utilizing various instruments such as UPLC, HPLC, & FTIR
- Tested and analyzed levels of vitamins, sucralose, and preservatives within finished products
- Created and optimized SOPs for FTIR sample collection and system maintenance
- Ensured compliant standards with food safety, food defense, and food quality (FDA, cGMP, FSMA)

AMERICORPS NCCC

Corps Member

Aurora, CO
07/2020 – 4/2021

- Completed 1700 hours of hands-on volunteer service work throughout the Southwest, U.S.
- Projects included: facilitated historical and environmental restoration in New Mexico, assisted in building affordable housing for over 10 families in Wyoming and Colorado, and harvested over 2 million tree species as a conservation effort for the Oklahoma Forestry Services

Certifications

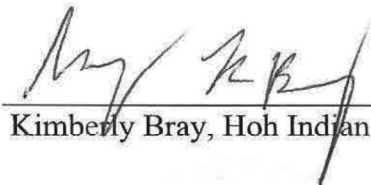
- 8-hour HAZWOPER
- Oiled Wildlife Response
- Electrofishing
- ArcGIS Pro Basics
- Swiftwater Rescue Foundation
- CPR/Wilderness First Aid

Exhibit 9

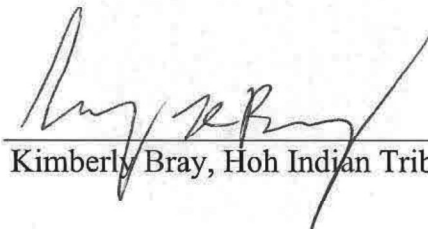
**Hoh Indian Tribe Water Quality Monitoring Program Quality
Assurance Project Plan Approval**

Project Approvals**Hoh Indian Tribe Water Quality Monitoring Program
Quality Assurance Project Plan**

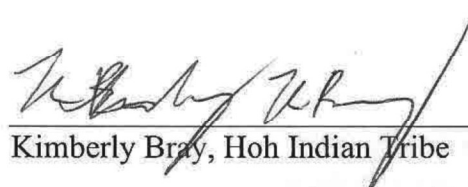
Hoh Tribe Project Leader:


Kimberly Bray, Hoh Indian Tribe8/12/23
date

Hoh Tribe Project Manager:


Kimberly Bray, Hoh Indian Tribe8/12/23
date

Hoh Tribe QA Coordinator:


Kimberly Bray, Hoh Indian Tribe8/12/23
date

EPA Project Officer:



9/7/2023

date

EPA QA Manager:

Raymond WuDigitally signed by Raymond Wu
Date: 2023.09.07 08:30:46 -07'00'

date

Web Links to Notable Documents

Hoh Tribe Water Quality data is publicly available at www.waterqualitydata.us