

NONPOINT SOURCE MANAGEMENT PROGRAM PLAN HOH RIVER WATERSHED

JEFFERSON COUNTY, WASHINGTON WRIA 20



Submitted to:

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

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OVERVIEW

The Hoh Indian Tribe has developed this Nonpoint Source Management Program Plan (MP) to establish the framework for addressing significant water quality impairments throughout the 299-square mile Hoh River Watershed. This plan, with the companion Nonpoint Source Assessment Report (AR), fulfills requirements under Section 319 of the Clean Water Act, qualifying the Tribe for federal nonpoint source implementation funding. The MP translates assessment findings, documenting river miles of impaired waters into actionable strategies for restoration while protecting remaining high-quality resources essential to treaty-protected fishing rights and cultural practices.

The assessment report and the management plan comprehensively address four conditions through synthesis of water quality monitoring data (FY2021-2025), field reconnaissance, and geospatial analysis. The AR documented that 43.8 river miles (57.7%) of assessed waters fail to meet applicable standards, with temperature impairments affecting 35.8 river miles (47.15%) throughout the watershed in 2025 (Assessment Report 2025). The AR provides the technical foundation upon which the MP builds its implementation framework.

The AR establishes eleven tributaries maintaining continuous 303(d) listings for temperature since 1996: Alder, Anderson, Elk, Line, Maple, McQuarry-Fisher, Nolan, Owl, Split, Willoughby, and Winfield Creeks. This demonstrates that nearly three decades of current forest practices have proven insufficient for achieving recovery (Ecology 2025; Assessment Report 2025).

Dissolved oxygen violations in Lower Chalaat Creek, with a 64.6% failure rate over 19 years of monitoring, indicate ecosystem dysfunction requiring immediate intervention to protect the Tribe's steelhead hatchery operations (Hoh Tribe FY25 CWA 106 Report). Severe acidification in Hell Roaring and Lower Braden Creeks, with pH consistently below 5.5, has effectively eliminated these waters from the functional habitat network (Assessment Report 2025).

SUMMARY OF ASSESSMENT FINDINGS

Key findings from the comprehensive AR provided the technical foundation for this MP. Documented widespread water quality degradation throughout the Hoh River Watershed, identified the primary pollution sources contributing to impairments and established the scientific basis for selecting appropriate management interventions.

The following summary highlights the most critical impairments requiring immediate attention, the dominant nonpoint sources driving degradation, and the high-quality waters requiring protection from future impacts. This synthesis ensures that management strategies directly address documented problems while building on existing watershed strengths.

Summary of Waters

The Hoh River Watershed exhibits widespread and persistent water quality degradation throughout its 298.5-square mile drainage area, with the AR documenting that 43.8 river miles (57.7%) of the 76 river miles assessed fail to meet water quality standards for at least one parameter (Assessment Report 2025). This comprehensive impairment affects fish-bearing waters from headwater tributaries to the mainstem river, threatening the ecological integrity necessary to support treaty-reserved fishing rights and cultural practices. Certification of tribal authority can be found in the appendix of this report. The severity and extent of these impairments, documented through five years of intensive monitoring and field reconnaissance, demonstrate that nonpoint source pollution control is essential for achieving water quality standards throughout the watershed.

Waters Facing Imminent Threats

Temperature represents the most pervasive water quality impairment, affecting 35.8 river miles (47.15%) of monitored stream length with violations documented at 26 monitoring sites during FY2025 (Hoh Tribe FY25 CWA 106 Report).

The AR identified eleven tributaries maintaining continuous 303(d) listings for temperature since 1996: Alder, Anderson, Elk, Line, Maple, McQuarry-Fisher, Nolan, Owl, Split, Willoughby, and Winfield Creeks. This demonstrates that nearly three decades of current forest practices have proven insufficient for achieving recovery (Ecology 2025; Assessment Report 2025). The Hoh River mainstem joined this list of persistently impaired waters in 2012, indicating that cumulative thermal loads from degraded tributaries now overwhelm the dilution capacity of the main river. Maximum temperatures reached 19.7°C in Lower Nolan Creek in 2023, approaching lethal limits for salmonids and exceeding the 16°C core summer salmonid habitat criterion by 3.7°C (Assessment Report 2025).

Dissolved oxygen violations compound temperature stress in critical spawning and rearing habitats, with monitoring documenting chronic failures at multiple sites throughout the watershed. Lower Chalaat Creek exhibits the most severe impairment with a 64.6% failure rate over 19 years of monitoring, where DO concentrations routinely drop below the 9.0 mg/L standard necessary to support the Tribe's steelhead hatchery operations (Hoh Tribe FY25 CWA 106 Report). DO violations frequently coincide with temperature impairments at sites including the Hoh River mainstem and Lower Nolan Creek. This creates synergistic stress where elevated temperatures reduce oxygen solubility while simultaneously increasing metabolic oxygen demand (Assessment Report 2025). Field reconnaissance confirmed visual indicators of oxygen depletion through extensive algal growth and stagnant conditions during summer low-flow periods.

Severe acidification has effectively eliminated Hell Roaring and Lower Braden Creeks from the functional habitat network, with pH values consistently below 5.5 since monitoring began in 2005 (Assessment Report 2025). Lower Braden Creek exhibits both pH and dissolved oxygen violations, creating particularly hostile conditions where acidification increases metabolic costs while oxygen depletion limits available energy for aquatic organisms (Hoh Tribe FY23 CWA 106

Report).

The spatial distribution of impairments reveals clear patterns linking water quality degradation to land management activities. Temperature impairments concentrate at actively managed state and private forestlands, with streams showing marked deterioration (Assessment Report 2025). This pattern indicates that current forest practices, particularly inadequate riparian buffers and extensive clear-cutting documented during field reconnaissance, continue to drive thermal loading despite regulatory requirements.

Conversely, dissolved oxygen and pH impairments concentrate in lower gradient reaches where channel morphology and longer residence times create conditions for biochemical oxygen depletion and acid accumulation.

Turbidity violations, while less pervasive than other parameters, create episodic impacts during storm events that mobilize sediment from roads, harvest units, and unstable banks. Canyon Creek experiences severe turbidity problems requiring further investigation, while monitoring at other sites indicates general compliance except during high-flow events (Assessment Report 2025). The limited turbidity monitoring conducted to date likely underestimates the extent of sediment-related impairments, particularly given the 246 documented stream crossings and extensive unpaved road network identified in the watershed assessment.

Multiple parameter violations create cumulative stress at six critically impaired locations where temperature, dissolved oxygen, pH, or turbidity problems overlap. Lower Nolan Creek experiences both severe temperature violations (maximum 19.7°C) and chronic dissolved oxygen depletion, while Lower Chalaat Creek combines the watershed's worst dissolved oxygen conditions with periodic pH depression (Assessment Report 2025). These multiply-impaired waters represent priority restoration sites where addressing single parameters in isolation will prove insufficient for achieving designated uses.

The persistence of these impairments despite decades of restoration efforts and regulatory compliance demonstrates that current management approaches have failed to protect or restore water quality. The eleven tributaries maintaining continuous 303(d) listings since 1996 show no improving trends after 27 years, with several streams showing continued degradation (Ecology 2025).

Regionally documented impacts, including earlier snowmelt, extended summer drought, and extreme heat events, will intensify existing impairments and make current degraded conditions tomorrow's best-case scenarios without comprehensive intervention (Assessment Report 2025).

Several currently unimpaired or marginally impaired waters face immediate threats requiring proactive protection measures before degradation occurs. Highway 101 corridor streams face ongoing threats from transportation-related pollutants, with direct discharge of untreated road runoff documented at multiple bridge crossings including sites where traffic and stormwater flow directly into rivers without any treatment (Assessment Report 2025). Winter road maintenance

introduces sand, salt, and deicing compounds, while year-round vehicle traffic contributes petroleum hydrocarbons, brake dust, and tire particles like 6PPDQ. These streams currently maintaining marginal water quality could rapidly deteriorate without installation of stormwater mitigation systems and regular maintenance of existing infrastructure.

Upper watershed areas currently protected by mature second-growth forests face potential degradation as these stands reach commercial maturity and enter harvest rotations. Private industrial forestlands typically operate on 35-45-year rotations, meaning forests regenerating from 1980s-1990s harvests will soon face cutting (Assessment Report 2025)

Proactive engagement with landowners to establish extended rotations, expanded buffers, or conservation easements in key watersheds could prevent future temperature impairments before they occur.

High-Quality Waters Requiring Protection

While the Tribe has documented extensive water quality degradation throughout the Hoh River Watershed, it also identifies critical high-quality waters that maintain ecological integrity and require protection from future impairment. These waters provide essential ecological functions including cold-water refugia, source populations for downstream recovery, reference conditions demonstrating achievable restoration endpoints, and sustained support for treaty-reserved fishing rights (Assessment Report 2025). Protection of these remaining high-quality waters proves more cost-effective than restoration and ensures preservation of the ecological foundation necessary for watershed-wide recovery.

Olympic National Park Headwaters

The most extensive high-quality waters originate within Olympic National Park boundaries, where 109,888 acres (57.4% of the watershed) receive comprehensive protection under National Park Service management that prohibits commercial resource extraction (Assessment Report 2025). The glacially fed nature of the upper Hoh River and several headwater tributaries contributes year-round flow and naturally elevated turbidity from glacial flour, maintaining base flows even during extended summer drought periods (Assessment Report 2025). Although most of the rivers and creeks monitored by the Tribe in the ONP do not achieve water quality standards, waterways in the park are cooler and better oxygenated compared to those outside of its boundaries on state and private forestlands. These protected headwaters serve as the ecological backbone of the watershed, providing water that moderates downstream impacts. The transition zones where streams exit park protection warrant special management attention, representing the last opportunity to maintain higher quality conditions before entering areas of active forest management.

Culturally Significant Waters

Waters holding special cultural importance to the Hoh Tribe require protection beyond their ecological value, representing irreplaceable connections to traditional practices and spiritual beliefs. These include traditional fishing sites at specific river bends and tributary confluences

where families have harvested salmon for generations, ceremonial bathing pools used for spiritual cleansing and cultural practices, and medicinal plant gathering areas along riparian zones where specific species grow. While specific locations remain confidential to protect cultural resources, these waters often coincide with high ecological quality due to traditional management practices and limited development.

The Tribe's steelhead hatchery on Chalaat Creek represents a modern expression of traditional fisheries management, requiring high-quality water for successful operations that support both subsistence and ceremonial needs. Continued degradation threatens long-term viability in Chalaat Creek (Hoh Tribe FY23 CWA 106 Report). Protection of hatchery water supplies through upstream buffer enhancement and sediment reduction becomes essential for maintaining tribal fisheries programs.

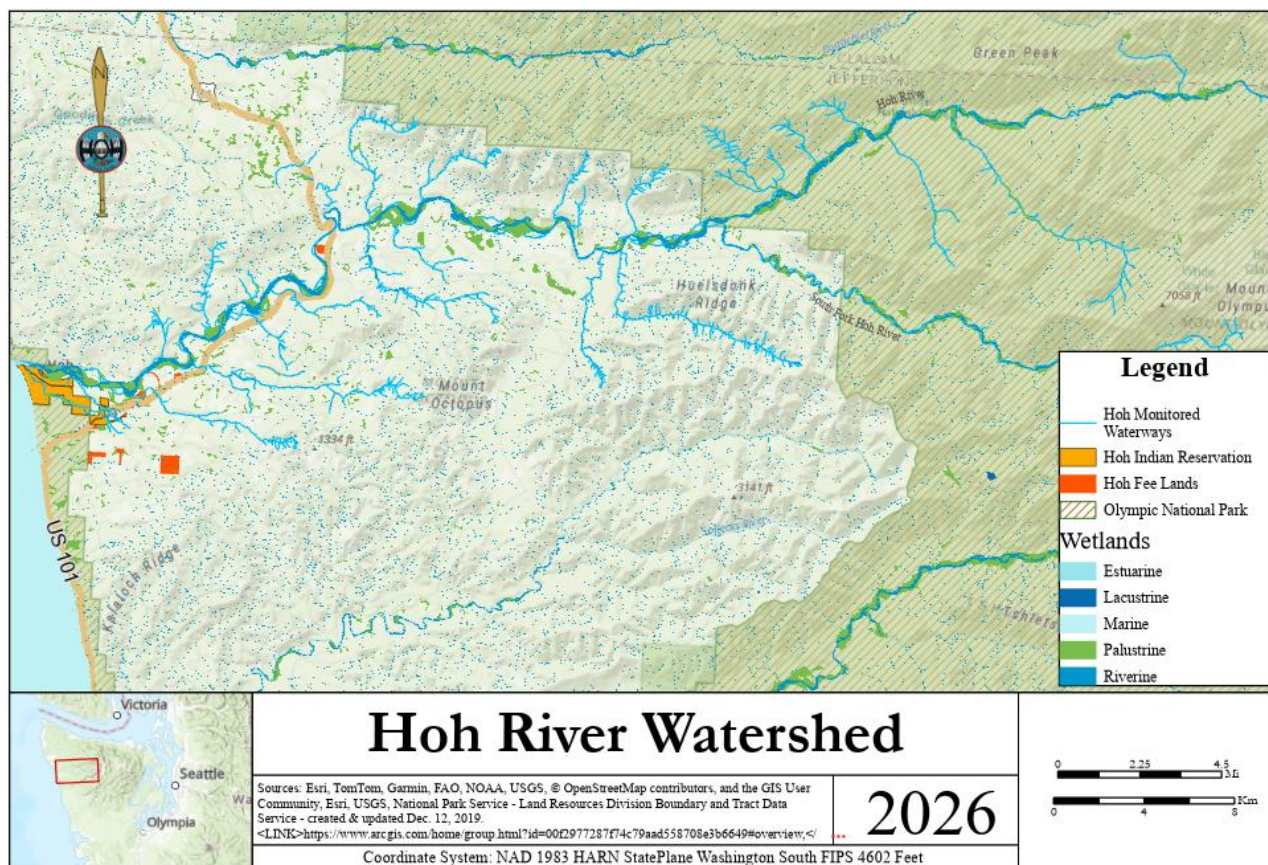


Figure 1. Hoh Tribe’s water quality monitoring program’s assessed waterways and wetlands in the Hoh River Watershed.

INTRODUCTION

This plan translates documented water quality impairments into actionable restoration strategies. The plan presents the programmatic structure through which the Tribe will coordinate voluntary implementation of best management practices, leverage partnerships across mixed ownership landscapes, and adaptively manage restoration efforts based on monitoring feedback. Through this framework, the Tribe seeks to restore decades of

cumulative impacts that have impaired waters while protecting remaining high-quality waters essential for treaty-reserved fishing rights and cultural practices.

The overarching goal of the Hoh Indian Tribe's NPS management plan is to restore and protect water quality effected by NPS throughout the Hoh River Watershed to support treaty-reserved fishing rights, cultural practices, and the ecological integrity necessary for sustaining salmon and steelhead populations. This goal recognizes that water quality degradation directly threatens the Tribe's ability to exercise treaty rights guaranteed under the Treaty of Olympia (1855-1856) and affirmed through subsequent federal court decisions (United States v. Washington 1974).

The management plan seeks to reverse decades of cumulative impacts from NPS pollution while protecting remaining high-quality waters from future degradation. It establishes five primary objectives that address known critical water quality impairments that are caused by nonpoint source pollutants:

Objective 1: Manage Temperature Impairments in Persistently Degraded Tributaries

Prioritize restoration of the eleven tributaries maintaining continuous 303(d) listings for temperature since 1996. These streams include Alder, Anderson, Elk, Line, Maple, McQuarry-Fisher, Nolan, Owl, Split, Willoughby, and Winfield Creeks. These streams collectively represent 25 river miles of impaired habitat, requiring comprehensive riparian restoration, enhanced shade retention requirements, and modified forest practices to achieve compliance with salmonid habitat criterion (WAC 173-201A-200; Assessment Report 2025).

Objective 2: Reduce Chronic Dissolved Oxygen Violations in Critical Spawning and Rearing Habitat

Implement targeted interventions to address dissolved oxygen violations, particularly in Lower Chalaat Creek where the 64.6% failure rate over 19 years threatens the Tribe's steelhead hatchery operations (Hoh Tribe FY25 CWA 106 Report). Management actions will focus on improving riparian function to moderate stream temperatures that influence oxygen solubility and restoring natural channel complexity to enhance reaeration.

Objective 3: Develop Framework for Addressing Severe Acidification in Headwater Streams

Establish specialized approaches for Hell Roaring and Lower Braden Creeks, where pH values consistently below 5.5 have eliminated these waters from the functional habitat network (Assessment Report 2025). Given the complex interaction between natural geology, atmospheric deposition, and forest management practices contributing to acidification, the program will implement restoration techniques. These include cedar spaul removal, enhanced wetland delineation, invasive removal, and modified harvest prescriptions in contributing watersheds.

Objective 4: Address Streambank and Riparian Buffer Zone Vulnerabilities throughout the Watershed

Streambank vulnerabilities like bank erosion, sediment delivery pathways, roadway runoff, and riparian buffer degradation can benefit from sediment control practices or bank stabilization. Sediment delivery from the extensive road network and associated stream crossings creates chronic turbidity impairments throughout the Hoh River Watershed, with Canyon Creek exemplifying the severity of erosion impacts through maximum turbidity readings of 190.80 NTU upstream of Upper Hoh Road in FY2022, far exceeding the 5 NTU over background standard for salmonid streams (Assessment Report 2025). The watershed's forest road system, developed primarily during the timber harvest expansion of the 1960s-1980s, continues generating sediment decades after construction through surface erosion, crossing failures, and chronic maintenance deficits. The following sediment control practices address both active erosion sources and legacy infrastructure contributing to water quality degradation. Protection streambanks through buffer enhancement and conservation easements could create stepping stones for watershed recovery.

Objective 5: Protect High-Quality Waters Within and Adjacent to Olympic National Park

Implement protection strategies for parts of the watershed maintaining water quality standards, particularly pristine headwater streams within Olympic National Park boundaries that serve as critical refugia for cold-water species (Assessment Report 2025). Protection measures will include enhanced riparian buffers on adjacent lands, strategic conservation easements in key connectivity corridors, and proactive monitoring to detect emerging threats before degradation occurs. The program recognizes that protecting functional habitat is more cost-effective than restoration and essential for maintaining source populations for watershed recovery.

MANAGEMENT PROGRAM SUMMARY

The Hoh Tribe's Natural Resources Department has demonstrated substantial governmental duties and powers through decades of environmental management under the authority of the Hoh Tribal Business Committee. This includes operation of EPA-approved water quality monitoring programs under Section 106 using EPA General Assistance Program (GAP) since the early 2000s, development of comprehensive forest management plans (Hoh Tribe 2015), and co-management of fisheries resources throughout treaty areas. While the Tribe is currently pursuing Treatment as State (TAS) status under Section 518(e) of the Clean Water Act for the Section 319 program, the completion of these NPS Assessment Report and NPS Management Program Plan establishes the foundation for TAS approval and subsequent eligibility for Section 319(h) base and competitive grant funding.

The Hoh Tribe's Water Quality Specialist manages a Partnership Performance Grant (PPG) which bundles the General Assistance Program (GAP), Clean Water Act 106, and a Wetland Program.

The nonpoint source pollution management program will join the list of grants included in the PPG. The Water Quality Specialist, along with other specialists in the Natural Resources Department, will aid in establishing a framework for the program. Specialists include the Timber, Forest, & Wildlife Biologist, Restoration Biologist, Wetland Specialist, Natural Resources Director, Fisheries Manager and technicians. The Hoh Tribal Business Committee is presented with details of the non-point source pollution program through bi-monthly council meetings with the Natural Resources Director. Hoh Tribal Business Committee members have final oversight into any nonpoint source program decisions. The program requires input from all staff to ensure success of a comprehensive watershed-based approach of the Hoh River Watershed. The Tribe's existing PPG and diverse portfolio of natural resource grants from NOAA, BIA, and other state agencies, provides the institutional foundation necessary for successful implementation of comprehensive NPS management throughout the Hoh River watershed.

The Tribe's authority to develop and implement this management program derives from its inherent sovereignty as a federally recognized tribe, treaty-reserved rights under the Treaty of Olympia (1855-1856), and status under the Clean Water Act. The Hoh Tribe is regarded on the Department of Interior's list of Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs, confirming federal recognition and government-to-government relationship with the United States (Federal Register 2025). The federal trust responsibility and treaty obligations provide additional authority for tribal water quality protection that transcends specific Clean Water Act provisions. As affirmed through the Boldt Decision (United States v. Washington, 384 F. Supp. 312, 1974) and subsequent federal court rulings, the Tribe's treaty-reserved fishing rights implicitly include the right to protect habitat and water quality necessary to sustain cultural resources. This plan aims to advance the Tribe's sovereign responsibility to protect waters that have sustained the Hoh people since time immemorial.

Identification of pollution sources and BMP's decisions will coincide with Tribal goals outlined in the EPA-Tribal Environmental Plan. The Tribe's goals focus on restoration and protection of the watershed based on historical data, cultural knowledge, and landowner participation.

Since the Hoh River Watershed (HRW) has various land ownerships and land usages it will be important to establish strong relationships with local partners and stakeholders. With the guidance of the Hoh Tribal Business Committee, expert consultation, and extensive research, the Tribe will implement best management practices (BMP) while leveraging funding, waterway priorities, infrastructure, landscape, cultural assessments, outcome success, and aquatic life health. Public participation will be available to gain landowner input and cooperation. The Tribe will establish communications with stakeholders to ensure cooperative management decisions.

MANAGEMENT PROGRAM DESCRIPTION

BMPs were addressed by categories to form an outline of how to respond to site specific NPS pollution. Each monitoring site has a unique set of pollutants and conditions that may be

contributing to impairment(s). The Hoh Tribe's water quality monitoring program first determined impairments through historical monitoring. Next, pollutant sources were attributed to NPS categories that could potentially be influencing waterways (Table 2). This determination aided in addressing severity and source category impacts of our monitoring locations (Table 3). To assign severity and category applications at each monitoring location was assessed for:

1. Impairments (historical water quality data)
2. Frequency of impairment
3. Land use
4. Road/highway proximity
5. Fish passage barriers presence
6. Invasive species mapping
7. Gravel mining activity

Since the water quality monitoring data can only provide input on impairment status (pollutants), other knowledge regarding land use is a major factor in determining sources categories.

Based on our assessment of category impacts on specific monitoring sites, management activities were selected to alleviate pollutant issues in each category. The following management activities are considerations the Tribe could implement to resolve NPS pollutants.

Nonpoint Source Pollution Categories

There are six major categories of nonpoint source pollution contributing to water quality degradation throughout the Hoh River Watershed, with forestry and logging roads representing the dominant source. These pollution categories, characterized through synthesis of monitoring data, field reconnaissance, and geospatial analysis, create multiple pathways for pollutant delivery that vary in magnitude, timing, and spatial distribution. Understanding the specific mechanisms by which each category degrades water quality provides the foundation for selecting appropriate best management practices targeted to address identified sources.

1. Forestry and Logging Roads

Forest management activities and associated road networks constitute the most widespread and impactful nonpoint source pollution category in the watershed, with commercial timber harvest occurring throughout state and private lands that comprise approximately 45% of the total watershed area (Assessment Report 2025). The combination of timber harvest, road construction and maintenance, and log transport creates multiple pathways for sediment delivery, thermal pollution, and hydrologic alteration that directly contribute to the temperature impairments and increased turbidity affecting fish habitats.

Approximately 70% of the watershed area represents designated forest land available for timber harvesting. These extensive timber harvest operations can be observed with clearcuts of varying

ages along the Hoh Mainline Road and Oil City Road that create a moving mosaic of thermal source areas as harvest units progress through rotation cycles. The watershed's extensive forest road network, with documented stream crossings requiring assessment for fish passage and sediment delivery, generates an estimated 50-300 tons/mile/year of sediment from unpaved surfaces (Assessment Report 2025).

Industrial private forestlands typically operate on 35-45 year rotations compared to 60-80 year rotations on state lands, creating temporal and spatial variability in disturbance patterns. Current Washington Forest Practices Rules require riparian buffers ranging from 90 to 200 feet, yet field reconnaissance documenting numerous locations where harvest units approach or violate standard buffer requirements, particularly from pre-1999 harvests when only 25-foot buffers were required. These historical buffer violations continue affecting stream temperature decades after harvest, as regenerating vegetation has not yet achieved the height and density necessary to provide adequate shade (Assessment Report 2025). Even in areas that abide by more stringent buffer practices, clearcuts and landscape alterations can disturb streams through cascading impairment effects, influencing dissolved oxygen or pH in the process.

The comprehensive assessment of water quality conditions and pollution sources throughout the Hoh River Watershed reveals a system under severe stress, with 52.4 river miles (65.4%) failing to meet standards while forestry and logging roads affect approximately 70% of the watershed area (Assessment Report 2025). The convergence of persistent temperature impairments on eleven tributaries since 1996, chronic dissolved oxygen violations, and severe acidification eliminating entire stream reaches from the habitat network demonstrates that current management approaches have proven insufficient for achieving recovery.

The following chapter establishes the framework for selecting and prioritizing best management practices that address identified pollution sources while building on existing high-quality waters, recognizing that strategic investment in protection and restoration must be scaled to available resources and focused where the Tribe maintains greatest management authority.

a. Riparian Forest Buffer Restoration (NRCS Practice Standard 391)

Riparian forest buffers represent the primary mechanism for reducing stream temperatures through direct shade provision, with effectiveness dependent on buffer width, vegetation height, channel orientation, and topographic shading. Riparian Forest Buffer Restoration provides technical specifications for establishing woody vegetation adjacent to waterbodies, though site-specific design must account for the unique characteristics of Olympic Peninsula streams. Recent peer-reviewed research demonstrates that riparian buffers can achieve temperature reductions of 1-3°C under current conditions, with effectiveness varying by stream size, aspect, and existing canopy gaps (Fuller et al. 2022, Journal of Water and Change).

The Washington Forest Practices Board Manual establishes baseline requirements through WAC 222-30-021, mandating 90-foot no-harvest buffers on Type F (fish-bearing) waters for sites within

the timber harvest land base. However, research by Yonce et al. (2021) indicates that while 54-meter (177-foot) buffers effectively mitigate timber harvest impacts through the 2050s, projections suggest wider buffers will be necessary to maintain temperature standards into the 2080s. This temporal dimension requires adaptive management approaches that anticipate future conditions rather than simply addressing current impairments.

Field reconnaissance documented variable riparian conditions throughout the watershed, from completely denuded reaches to areas with intact but inadequate buffers. At Winfield Creek, despite existing riparian vegetation, extensive orange and green algae growth indicated severe temperature stress correlating with the stream's 303(d) listing (Field Reconnaissance, August 2025). Anderson Creek presented a more complex scenario, with thorough shading from large trees and shrubs providing minimal direct sunlight penetration to the 3-5 foot wide flow, yet temperature impairment persists due to a large clearcut immediately uphill to the west, suggesting subsurface thermal loading and reduced humidity affecting stream temperature (Field Reconnaissance, August 2025).

Buffer restoration effectiveness depends critically on vegetation composition and structure. Native coniferous species including *Thuja plicata* (Western Red Cedar), *Pseudotsuga menziesii* (Douglas Fir), and *Tsuga heterophylla* (Western Hemlock) provide superior shade density compared to deciduous species, though *Alnus rubra* (Red Alder) offers rapid early growth and nitrogen fixation benefits. Mixed species plantings that mimic natural succession patterns demonstrate greater resilience to disturbance and disease while providing diverse ecological functions beyond temperature regulation.

Temperature reduction through riparian shade restoration provides the primary mechanism for DO improvement, as cooler water holds more dissolved oxygen while reducing metabolic oxygen demand. Research by Ghimire & Johnston (2021) documented that urban riparian buffer zones raised DO concentrations by 4-10% across three watersheds, with effectiveness correlating directly with temperature reduction achieved. The temperature management practices described earlier therefore serve dual purposes, addressing both thermal stress and oxygen depletion simultaneously.

Watershed management addressing acid sources provides longer-term solutions though with extended response times. Forest harvest prescriptions that retain canopy cover reduce acid leaching from exposed soils, particularly in areas with naturally acidic parent material. Selective harvest maintaining 50-70% canopy retention demonstrates reduced acidification compared to clearcuts. Extended rotations allowing soil recovery between entries reduce cumulative acidification. Protection of headwater areas with high acid-neutralizing capacity preserves watershed buffering.

b. Tree and Shrub Establishment (NRCS Practice Standard 612)

Complementing riparian buffer restoration, Practice Standard 612 addresses temperature impacts from upland harvest units and degraded areas beyond the immediate riparian zone.

This practice proves particularly relevant given field observations of extensive clearcuts at various successional stages throughout the watershed, ranging from fresh cuts less than one year old to maturing second growth exceeding fifteen years (Field Reconnaissance, August 2025). Strategic reforestation of critical areas can reduce landscape-level heating that contributes to stream temperature through advective heat transfer and reduced humidity.

The effectiveness of tree and shrub establishment varies significantly with site conditions and implementation methods. Survival rates in the challenging Olympic Peninsula environment with extreme winter precipitation, summer drought stress, and intensive herbivory from Roosevelt elk require careful species selection and establishment techniques. Protection measures including browse barriers, competition control, and strategic placement within protective microsites improve establishment success.

Native plant distribution programs expand the Jefferson County Conservation District's successful annual sales to include comprehensive restoration support services. Species selection emphasizes locally-sourced materials adapted to Olympic Peninsula conditions including high rainfall, acidic soils, and browsing pressure from Roosevelt elk.

c. Wetland Development or Restoration (NRCS Practice Standard 657)

Wetland restoration offers natural treatment capacity for organic matter processing that reduces biochemical oxygen demand. Properly functioning wetlands provide extended residence time for organic matter decomposition, nutrient uptake by wetland vegetation, and natural reaeration through plant oxygen transport. Logging and timber harvesting practices disrupt soil, water, and vegetation development. Wetland development or preservation is key to the protection of waterways from nutrient pollution and restoring natural mechanisms. Wetland restoration requires careful design to avoid creating additional oxygen demand through excessive organic accumulation. Site selection favoring degraded wetlands with restoration potential rather than new construction minimizes disturbance while maximizing treatment benefits.

Wetlands mapping within the Hoh River watershed is underway but approaches to support this vital proponent of waterway pollution filtration system are important to include in this management plan. It is important to create an official wetland inventory to prevent development on sensitive habitats and to avoid construction in areas that will likely flood again. Long-term efforts will aim to use wetlands to address acidification and dissolved oxygen impairments.

d. Large Woody Debris Removal

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. In some stretches of the creek, spaults were so tightly packed that flow was reduced to a trickle. Hell Roaring and Braden were identified as creeks most affected by cedar spaults in the early 2000's. Despite the work to remove spaults

completed in 1999 and 2000, cedar spaults likely remain within the riparian zone and channel of many creeks in the watershed. Large woody debris like cedar spault removal projects would improve acidification of streams, overall appearance, and open fish habitat in streams.

e. Nutrient Management in Non-Agricultural Settings

While the Hoh watershed lacks intensive agriculture, the extensive algae growth observed at multiple monitoring sites indicates nutrient enrichment requiring management intervention. Residential fertilizers, septic systems, and natural sources including nitrogen-fixing Red Alder and wetland drainage contribute nutrients that stimulate algae growth and subsequent oxygen depletion.

NRCS Practice Standard 590, though traditionally agricultural, provides applicable principles for residential and forest settings. Soil testing to determine existing nutrient levels prevents over-application, timing restrictions avoid application before storm events, and buffer zones prevent direct nutrient delivery to streams. Riparian buffer enhancement specifically targeting nutrient interception requires wider buffers and specific vegetation selection compared to temperature-focused restoration. EPA meta-analysis indicates buffers exceeding 50 meters achieve 89.6% nitrogen removal efficiency, substantially higher than the 30-50% achieved by narrow buffers (EPA 2022). Vegetation selection emphasizing high nutrient uptake species in addition to shading effectiveness maximizes water quality benefits.

2. Hydromodification and Bank Erosion

Channel alterations, infrastructure encroachment, and flow regime changes from create chronic sources of sediment while destroying critical habitat complexity necessary for salmonid production. Natural baseline erosion rates are projected to increase through intensified storm events and altered hydrology. However, accelerated erosion from riparian clearing and channel modifications cause increases above these natural rates, delivering excessive sediment that fills pools, embeds spawning gravels, increases stream temperatures, and reduces channel capacity. Further effects of erosion from bank alteration include dissolved oxygen, pH, and nutrient detriments from riparian buffer loss.

Specific hydromodification impacts identified include road embankments constraining channel migration and concentrating erosive forces, timber harvests encroaching on riparian zones and removing stabilizing vegetation, historical channel straightening that increase stream power and bank stress, bridge abutments and riprap creating scour pools and deflecting flows into opposite banks, and undersized culverts or dams channeling sediment and changing stream hydrology.

Projects that support engineered log jams (ELJ) or traditional log jams, large woody debris or rock structures serve as fish habitat, improve streamflow complexity, and provide areas for sediment transport or disposition (Martens and Devine 2025). The cumulative effect of these modification simplifies channel morphology, reduces floodplain connectivity, and eliminates off-channel refugia critical for juvenile salmonid rearing (Assessment Report 2025).

a. Stream Habitat Improvement and Management (NRCS Practice Standard 395)

Temperature reduction through channel modification represents an underutilized but highly effective approach, particularly when combined with riparian restoration. Research by Poff et al. (2022) demonstrated that channel narrowing combined with riparian restoration could achieve temperature reductions up to 6.5°C in Oregon streams, potentially offsetting projected impacts through the 2080s. This practice addresses the widened, shallow channels observed at multiple monitoring locations where field crews documented dramatic width-to-flow ratios, such as Winfield Creek with only 5-8 feet of flow in a 30-40 foot channel (Field Reconnaissance, August 2025).

Channel modifications that reduce surface area exposure while increasing depth and velocity provide immediate temperature benefits while restored riparian vegetation develops. Techniques include large wood placement to create scour pools and channel complexity, construction of channel-spanning structures to concentrate flow, removal of legacy sediment deposits that create channel widening, and restoration of natural meander patterns in straightened reaches. These modifications must account for fish passage requirements and avoid creating velocity barriers while achieving temperature objectives.

Channel and flow restoration addressing the underlying morphological changes that reduce reaeration capacity provides long-term DO improvement. Field observations documented multiple sites where channel widening, pool formation, and flow stagnation create conditions promoting oxygen depletion. Strategic channel modifications that increase turbulence and atmospheric exchange while maintaining fish passage can improve oxygen dynamics. However, these modifications must avoid creating velocity barriers or excessive energy dissipation that could increase temperature.

b. Stream Crossing Improvements (NRCS Practice Standard 578)

The numerous stream crossings throughout the Hoh River Watershed create localized but cumulatively significant temperature impacts. Undersized culverts create shallow, exposed impoundments upstream while producing turbulent, aerated flow downstream that increases surface heat exchange. Replacing culverts with bridges or bottomless arch structures eliminates these thermal impacts while providing multiple co-benefits including restored fish passage and reduced sediment delivery.

Research by Morris et al. (2015) documented that bridges produce 86% less sediment than culverts while eliminating thermal barriers, making crossing improvements a high-priority practice addressing multiple impairments simultaneously. Field observations at Oil City Road documented an old corrugated metal culvert creating ponded water upstream, while observations at Anderson and Maple Creeks noted single-lane bridges that, despite their age, maintained natural channel dimensions and thermal regimes (Field Reconnaissance, 2025).

c. Stream Crossing Rehabilitation (NRCS Practice Standard 578)

Stream crossings represent critical sediment delivery points where road runoff directly enters aquatic habitats. The HRW contains numerous crossings while precise numbers remain unquantified, the regional context from Jefferson County's 2000 inventory documenting 246 fish-bearing crossings county-wide indicates the potential scale of crossing-related impacts. Field reconnaissance confirmed problematic conditions at multiple crossings, from failing culverts with active erosion to aging bridges lacking adequate runoff treatment.

NRCS Standard 578 addresses crossing-related sediment through proper sizing, inlet protection, and outlet stabilization. Recent research by Morris et al. (2015) quantified sediment production by crossing type, finding bridges produce the lowest sediment (0.2 g/L TSS), fords intermediate levels (1.4 g/L), and culverts highest (2.9 g/L). This order-of-magnitude difference in sediment generation makes crossing upgrades particularly cost-effective for water quality improvement.

Infrastructure sizing must accommodate increased peak flows to prevent catastrophic failure during extreme events. Current design standards based on historical precipitation records systematically underestimate future flows, as demonstrated by recent failures requiring emergency repairs throughout the watershed. This reality requires oversizing infrastructure above current standards and designing for easier modification as projections evolve.

The mechanisms driving crossing-related erosion extend beyond the structure itself to include approach fills, drainage, and channel impacts. Undersized culverts cause upstream aggradation and downstream scour, mobilizing stored sediment during high flows. Perched outlets create plunge pools and headcutting that can extend hundreds of feet downstream. Inadequate inlet protection allows road fill erosion during overtopping events. Approach roads without adequate drainage concentrate flow at crossing locations. These cumulative impacts create sediment plumes extending far downstream of the actual crossing.

Field observations documented these impacts directly, particularly at the Oil City Road unnamed stream crossing where an old corrugated metal culvert with failing riprap had created both sediment accumulation and partial fish barriers (Field Reconnaissance, 2025). The riprap, intended for erosion protection, had fallen into the stream channel, creating additional hydraulic disruption and sediment mobilization. This exemplifies how aging infrastructure not only fails to provide intended functions but creates new erosion sources through altered channel dynamics.

Crossing improvements must address both immediate sediment reduction and long-term resilience. Design standards incorporating 15-25% increases in peak flows prevent future failures while maintaining sediment control functions. Stream simulation designs that maintain natural channel dimensions through the crossing reduce both sediment generation and maintenance requirements. Removal of unnecessary crossings through road decommissioning eliminates sediment sources permanently while reducing long-term

maintenance obligations.

d. Streambank and Shoreline Protection (NRCS Practice Standard 580)

Bank erosion contributes episodic but significant sediment pulses during high-flow events, with field reconnaissance documenting active erosion at multiple locations including Canyon Creek's clay deposits requiring riprap and netting installations (Field Reconnaissance, August 2025). NRCS Standard 580 provides bioengineering techniques that combine structural stability with ecological function, achieving reduction in bank erosion when properly designed and maintained.

However, recent research using unmanned aerial system (UAS) monitoring reveals important caveats about long-term effectiveness. A 2022 study published in *Geomorphology* found that while bank stabilization projects reduce local erosion initially, continued erosion above toe protection can cause benefits to diminish over time. This finding emphasizes the need for comprehensive approaches addressing entire erosion zones rather than just active failure points.

Bank erosion in the HRW results from both natural processes and human modifications that require different management approaches. Natural meander migration in alluvial reaches represents important channel evolution that creates habitat diversity. However, accelerated erosion from land use impacts generates excessive sediment exceeding the stream's transport capacity. Distinguishing between these erosion types ensures that stabilization efforts focus on anthropogenic impacts while allowing natural channel dynamics where appropriate.

Bioengineering techniques appropriate for Olympic Peninsula conditions include vegetated reinforced soil slopes using native species adapted to high precipitation, large wood or boulder structures that deflect flow while creating habitat complexity, engineered log jams (ELJ) or rip rap, that reduce near-bank velocity while maintaining channel capacity, and brush layering that provides immediate protection while vegetation establishes. These living systems demonstrate superior long-term performance compared to hard armoring while providing ecosystem benefits beyond erosion control.

e. Road Decommissioning

Complete removal of unnecessary roads provides the most permanent and effective sediment reduction, eliminating sources rather than treating symptoms. Research by Clingenpeel et al. (2017) documented remarkable effectiveness, with median sediment production dropping to zero kg/m² in the first two years post-decommissioning and road-stream connectivity declining from 12% to 2%. This near-complete elimination of sediment delivery makes decommissioning highly cost-effective despite higher initial costs compared to maintenance.

The Hoh watershed's evolved transportation needs create opportunities for strategic decommissioning. Many roads constructed for timber harvest access no longer serve active

management given changed harvest patterns and improved equipment capabilities. Redundant roads providing multiple routes to the same areas can be consolidated. Spur roads accessing previously harvested units with no planned re-entry can be removed. High-risk roads in unstable terrain where maintenance costs exceed access benefits become decommissioning priorities.

Effective decommissioning requires more than simply abandoning roads. Full recontouring to restore natural drainage patterns prevents gully formation, while decompaction of road surfaces enables revegetation. Removal of stream crossing structures and associated fills eliminates chronic sediment sources. Placement of physical barriers prevents unauthorized vehicle access that could re-establish disturbance. These comprehensive treatments ensure permanent restoration rather than temporary abandonment that continues generating sediment.

3. Invasive Species

Clearcutting and harvesting presents opportunities for invasive species to grow in place of native species affecting soil composition, wildlife habitat availability, erosion, and hydrography (10,000 Years Institute, n.d.). Scotch broom (*Cytisus scoparius*), Spotted jewelweed (*Impatiens capensis*), Reed canarygrass (*Phalaris arundinacea*), knotweeds, Canada thistle (*Cirsium arvense*), and Everlasting peavine (*Lathyrus latifolia*) are invasives currently reported in the Hoh River Watershed. Invasive growth and reproduction in areas where clearcutting occurs contributes to monocultures where native species that provide food, habitat, timber, and other forest products are outperformed. Scotch broom, found in gravel bars, forest harvest sites, along roads, reduce the amount of shade availability for streams and soils, deplete water resources for native species, and replace native riparian species that are crucial to regulating rain contributions that influence soil development. Invasive species alter organic matter contributions in soils, which may have detrimental effects on nutrient impacts in water quality.

Invasive removal programs clear room in riparian buffer zones for native plant species to thrive while removing plants that are detrimental to the landscape. Services will not only target certain invasives like Scotch broom or Knotweed but will focus on long-term effectiveness using chemical applications to avoid future invasives from reappearing. Technical staff with extensive invasive removal experience can provide landowners with expertise to develop an understanding of their contributions to landowner property and watershed quality. Additionally, maintenance of this project will be necessary given the nature of many invasive long term seed viability. Short term goals include increasing invasive mapping tools and establishing prominent areas of interest and removing invasive species from riparian buffer zones. Long-term goals include expansive mapping tools, permeant removal techniques, maintenance of previously treated areas, and collaboration with experts to ensure success.

4. Roads, Highways, and Bridges

Despite comprising only 3.90% of the watershed area, developed lands create concentrated

pollution loads that significantly impact receiving waters, particularly along the Upper Hoh Road corridor (Assessment Report 2025). There is an abundant absence of stormwater management infrastructure at major discharge points, like Nolan Creek Bridge or Hoh Hill Bridge along Highway 101 where traffic and road stormwater flow directly into the river or stream without any detention. These concentrated sources are particularly problematic during first-flush storm events when accumulated pollutants, like sediment or toxic chemicals, wash directly into streams without dilution or treatment.

a. Access Road Improvements (NRCS Practice Standard 560)

Forest roads represent the dominant chronic sediment source throughout approximately 70% of the watershed affected by commercial timber management (Assessment Report 2025). NRCS Standard 560 provides technical specifications for road surfacing, drainage, and location to minimize erosion while maintaining access for management activities. Published effectiveness studies from the Eastern United States demonstrate that comprehensive road BMPs achieve 53-94% sediment reduction when properly implemented, with effectiveness varying by rainfall intensity, soil type, and maintenance frequency (Hawks et al. 2022).

The persistent sediment generation from forest roads results from multiple interacting mechanisms that compound across the extensive network. Surface erosion from native soil and poorly maintained gravel surfaces generates fine sediment. Inadequate drainage concentrates flow, creating gullies and cutslope failures during intense precipitation events. Ditch lines efficiently route sediment-laden runoff directly to streams at crossing locations, bypassing natural filtration. Inside ditches intercept subsurface flow, converting it to erosive surface runoff that exceeds the transport capacity of drainage structures.

Road improvement effectiveness depends critically on addressing all erosion pathways rather than single components. Surface treatments including chemical stabilization or pavement installation provide immediate reductions in surface erosion but require proper drainage to prevent failure. Cross-drain installation at intervals based on road grade and contributing area prevents flow concentration while maintaining road stability. Ditch armoring with rock or vegetation reduces erosion while maintaining conveyance capacity. Sediment traps at strategic locations capture mobilized material before stream delivery. These integrated approaches demonstrate superior performance compared to single-practice implementation.

Strategic targeting maximizes cost-effectiveness given limited restoration funding. Research from the U.S. Forest Service using the Geomorphic Roads Analysis and Inventory Package (GRAIP) methodology reveals that less than 10% of road networks typically deliver 90% of fine sediment, enabling prioritized treatment of high-risk segments (USFS 2023). Factors identifying priority segments include proximity to streams, particularly direct connections through ditches or gullies; steep grades exceeding 10% that generate erosive velocities; erodible soils, especially marine sediments and glacial deposits; and high traffic during wet seasons that prevents surface armoring development.

b. Toxic Chemical Monitoring

Tire anti-degradant, 6PPD, is a compound capable of reacting with ozone to create a toxic chemical called 6PPD-quinone. Roads and highways are hot spots during rain events for the chemical to leach into rivers/streams through road crossings, bridges, or culverts. The contaminant has lethal effects on aquatic species at low concentrations, particularly for culturally significant species like salmonids (Tian et al. 2021). Intervention through restoration or green infrastructure modifications are necessary to prevent road runoff from polluting streams.

Monitoring for 6-PPD in the watershed has been minimal. Programs with the Department of Ecology and Northwest Indian Fisheries Commission have been established to help identify and monitor areas that may be at risk. This management plan will aim to establish further monitoring for this pollutant to determine if further BMPs are needed.

5. Natural Resource Extraction

Sand and gravel mining within the watershed delivers sediment to streams, destabilizes streambanks, and expedites erosion. Active permits include the St. Regis Gravel Pit located near Winfield Creek and an unnamed tributary, the Winfield Surface Mine near Winfield and Elk Creek, and the Seton Construction Canyon Creek Quarry near Canyon Creek. Legacy effects from previous aggregate mining activities may still be contributing to water quality issues. Transportation of these resources spreads pollutants beyond the original site, dispersing sediment along roadways and crossings. Small gravel pits have been observed throughout the watershed near major and minor tributaries like Tower Creek and along Oil City Road.

Management practices to address erosion and sediment delivery loads due to natural resource extraction include establishing stormwater mitigation systems to direct sediment away from streams. Sediment catch basins or terraces and tree/shrub establishment are reliable preventative and restoration efforts to prevent road run off and debris from entering streams. Additionally, establishment of riprap, engineered log jams reduce the effects of this category on streambank erosion. The management plan will also prioritize prevention and protection of sensitive areas susceptible gravel mining.

6. Atmospheric Deposition

Atmospheric deposition from vehicle exhausts, coal burning, or hazardous material combustion enter waterbodies through rainfall or runoff. These emissions are responsible for mercury or nitrogen concentration elevations either through airborne or fallout particulate dispersal. Because the watershed receives large volumes of vehicle traffic, particularly along Highway 101 to access ONP and through extensive logging road networks, vehicle emissions can reach waterbodies through proximity, not just aerial dispersal. High mercury concentrations have already been detected in snow and fish in the Olympics (Eagles-Smith et al. 2014). Waterbodies are directly affected through direct 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 is a hazard to fish and human health.

Table 1. Summary of NPS management plan for each pollutant category.

NPS	Impacts	Management Activities
Forestry and Logging Roads	• Generates pathways for sediment delivery • Creates thermal source pollution • Hydrologic alterations • Influences soil development • Disturbs riparian buffers • Opens opportunities for invasive species	• Riparian buffer restoration • Tree and shrub establishment • Wetland protection, development, or restoration • Cedar spaul/Large woody debris removal • Nutrient management • Large woody debris placement • Advocate for watershed-based protections • Support research that aids in reducing impairments through pollution sources
Hydromodification and Bank Erosion	• Causes infrastructure encroachment • Increases streamflow • Alters channel migration • Impacts habitat complexity • Delivers excessive sediment • Increases soil and stream temperature • Increase bank stress • Removes stabilizing vegetation • Provides opportunity for invasive species • Alter soil nutrient profiles • Creates scour pools • Deflects flow	• Channel and flow modifications • Large wood placement • Sediment removal • Restoration of natural hydrology • Protection from sediment sources • Restore habitats and riparian buffer zones • Stream crossing improvements • Culvert restoration/replacement • Bridge modifications • Stream crossing rehabilitation • Streambank and shoreline protection • Road decommissioning • Stabilize eroding streambanks • Preserve natural streambank and water quality conditions • Monitor effects of restoration over time in relation to water quality impairments • Commit to research opportunities that support pollution reductions

Table 1. Summary of NPS management plan for each pollutant category.

NPS	Impacts	Management Activities
Invasive Species	• Replaces stabilizing vegetation in riparian buffer zone • Contribute to erosion and sediment delivery • Reduces shade • Increases soil, water, and air temperature • Replaces organic matter contribution • Decreases water availability • Alters sediment transport • Introduces allelopathic chemicals • Changes nutrient profiles • Eliminates biodiversity	• Develop mapping of invasive species throughout the watershed • Restore native species • Remove invasive species near riparian buffer zones • Engage in research opportunities that focus on effects of invasives • Collaborate with experts to impose strategies for prevention and removal • Support maintenance of invasive removal
Roads, Highways, and Bridges	• Delivers toxic chemicals to streams • Introduces sediment pathways • Uncontrolled stormwater flows • Contributes to increased erosion • Alters hydrology	• Improve access roads • Chemical stabilization • Pavement installations • Cross drain installation • Ditch armoring • Sedimentation traps • Gather information regarding emerging toxic chemicals like 6-PPDq or PFAS • Tree and shrub establishment to reduce erosion and sediment delivery • Communicate with entities responsible for roads to promote management measures • Streambank and shoreline protection • Establish stormwater mitigation systems
Natural Resource Extraction	• Creates sediment delivery pathways • Erodes streambanks • Destabilizes banks	• Establish stormwater mitigation systems • Tree and shrub establishment • Support sediment catch basins or terraces • Protect at-risk waterways • Preservation of hydrologic conditions and streambanks • Rip-rap, dolos, and log jam establishment to mitigate erosion cause by mining • Stabilize stream channels

Table 1. Summary of NPS management plan for each pollutant category.

NPS	• Impacts	• Management Activities
Atmospheric Deposition	• Contaminates stream with hazardous material through rainfall or runoff • Adsorption through soil or water	• Construct catch basins • Establish vegetation on streambanks to buffer rainfall • Mitigation systems to prevent runoff onto stream • Conduct research to establish presence and identification of pollutants

Table 2. NPS categories and their potential pollutant impacts.

	Temperature	Dissolved Oxygen	pH	Turbidity	Toxic Chemicals
Forestry and Logging Roads	x	x	x	x	
Roads, Highways, & Bridges	x	x		x	x
Hydromodification and Bank Erosion	x	x	x	x	
Atmospheric Deposition					x
Natural Resource Extraction	x	x	x	x	x
Invasive Species	x	x	x	x	x

Table 3. NPS categories and impairments based on 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

Implementation

Implementation establishes the programmatic framework through which best management practices will be deployed across the watershed's complex ownership landscape to achieve water quality objectives. The implementation approach recognizes that with the Tribe controlling less than 1% of the watershed, success depends on voluntary participation from state and private landowners who manage the lands where most impairments originate.

The framework therefore emphasizes collaborative partnerships, technical assistance delivery, and incentive programs that align landowner interests with water quality protection. Through coordinated implementation leveraging multiple funding sources and partner organizations, the Tribe will transform limited resources into comprehensive watershed restoration capacity.

Technical Assistance Delivery

Technical assistance represents the critical bridge between landowner willingness and successful BMP implementation, transforming conservation interest into properly designed and installed practices that achieve water quality objectives. The framework establishes delivery mechanisms that provide expert guidance throughout the project lifecycle from initial assessment through long-term maintenance. This comprehensive support ensures that BMPs are appropriately matched to site conditions, correctly installed, and maintained for sustained effectiveness.

Site Assessment Process

Initial landowner contact establishes the foundation for successful technical assistance delivery through relationship building and trust development. Tribal staff or partner organization representatives conduct preliminary conversations to understand landowner objectives, concerns, and constraints. These early interactions determine whether properties merit detailed assessment and identify potential barriers to implementation. Building rapport during initial contact proves essential for long-term cooperation.

Property evaluation for BMP suitability requires systematic assessment of physical, ecological, and management factors. Technical staff conduct field visits documenting soil types, slope conditions, existing vegetation, and hydrologic features that influence practice selection. Stream proximity, wetland presence, and critical habitat areas receive particular attention given their regulatory implications. Management objectives include timber harvest plans, livestock operations, or residential uses shape recommendations to ensure compatibility.

The assessment process incorporates both contemporary scientific methods and traditional ecological knowledge. GPS mapping and GIS analysis provide quantitative data on drainage areas, buffer widths, and sediment delivery pathways. Conversations with tribal elders

familiar with historical conditions offer insights into seasonal flow patterns, fish usage, and vegetation changes over decades. This dual approach strengthens assessment accuracy while honoring indigenous knowledge systems.

Custom conservation planning develops site-specific recommendations tailored to each property's unique conditions and landowner objectives. Plans prioritize practices addressing the most severe resource concerns while considering implementation feasibility. Cost estimates, funding sources, and implementation timelines help landowners make informed decisions. Alternative approaches accommodate varying levels of landowner commitment and financial capacity.

Design and Implementation Support

Access to qualified technical service providers ensures that BMPs meet engineering standards and regulatory requirements. Engineers licensed in Washington State design stream crossings and bank stabilization structures. Forestry consultants develop harvest plans incorporating enhanced riparian buffers. Restoration ecologists specify native plant communities adapted to site conditions.

Coordination with Conservation District expertise leverages decades of local experience and established relationships. District staff provide soil testing, erosion assessments, and agricultural conservation planning at no cost to landowners. Their familiarity with NRCS practice standards ensures designs qualify for federal cost-share programs. Long-standing presence in the community builds trust that facilitates project implementation.

Cultural considerations in BMP selection respect tribal values and traditional practices while achieving water quality goals. Restoration designs incorporate culturally significant plants like western red cedar and traditional food sources including camas and huckleberry. Access provisions maintain tribal member gathering rights while protecting restored areas. Project timing avoids disruption of ceremonial activities and seasonal resource collection.

Design review by tribal natural resources staff ensures projects align with watershed restoration priorities and treaty resource protection. Technical experts evaluate hydraulic calculations, planting specifications, and erosion control measures. This review process maintains quality control while building tribal capacity through exposure to diverse project designs.

Implementation oversight during construction prevents common installation errors that compromise BMP effectiveness. Technical staff conduct pre-construction meetings reviewing critical design elements with contractors. Field visits during installation verify proper techniques and materials. Immediate correction of problems prevents costly repairs and ensures practices function as designed. Post-construction inspections document successful completion for cost-share reimbursement.

Monitoring and Adaptive Management

Effectiveness tracking framework establishes protocols for evaluating BMP performance against water quality objectives. Baseline monitoring before implementation documents existing conditions including temperature, turbidity, and channel morphology. Post-implementation monitoring at regular intervals tracks changes attributable to restoration actions. Standardized protocols ensure data compatibility across projects and enable watershed-scale assessment.

Photo documentation provides visual evidence of project evolution and effectiveness over time. Established photo points capture seasonal variations and long-term vegetation establishment. Before-and-after comparisons demonstrate tangible improvements that motivate continued landowner participation. Time-lapse sequences reveal restoration trajectories useful for refining future projects.

Technical assistance delivery must evolve with changing environmental conditions and emerging restoration techniques. Increased storm intensity requires updated sizing criteria for hydraulic structures. New research on riparian buffer effectiveness informs width recommendations. Innovative bioengineering techniques offer cost-effective alternatives to traditional approaches. The framework maintains flexibility to incorporate advances while retaining proven methods.

Partnership development with regional technical providers expands available expertise beyond tribal capacity. University extension services provide research-based guidance on emerging issues. Engineering firms offer specialized design services for complex projects. Non-profit restoration organizations contribute implementation experience from similar watersheds. These partnerships ensure landowners access appropriate expertise regardless of project complexity.

Maintaining healthy populations of fish and wildlife within our Usual & Accustomed Area is of paramount importance to the Hoh Indian Tribe. The viability of fish and wildlife populations is dependent on effective management of human activity within the Hoh River watershed to maintain and improve water quality and habitat for fish and wildlife. Several agencies, organizations, and timber companies participate in watershed management policy and planning in the Hoh River watershed and other watersheds within the Hoh Tribe traditional areas, including Olympic National Park, Olympic National Forest, Washington Department of Natural Resources, Washington Department of Ecology, Washington Department of Fish & Wildlife, North Pacific Coast Lead Entity, the Hoh Tribe, and timber companies such as Rayonier and Merrill & Ring. The Hoh Tribe will participate in watershed management policy and planning to ensure that our priorities of maintaining excellent water quality and fish and wildlife habitat are represented in decision-making. We will participate in meetings with other stakeholders, submit written comments, and participate in development of salmon habitat restoration strategy as a member of the North Pacific Coast Lead Entity.

Education and Outreach Strategy

Education and outreach programs create the foundation for long-term watershed stewardship by building awareness of water quality issues and motivating voluntary conservation action. The framework develops targeted messaging for diverse audiences, employing communication methods appropriate to each group's information preferences and decision-making processes. This strategic approach ensures efficient use of limited outreach resources while maximizing behavior change potential.

Target Audience Identification

Tribal members and reservation residents serve dual roles as both land managers and cultural stakeholders in water quality protection. Treaty rights education reinforces connections between watershed health and cultural survival. Youth engagement through school programs and summer camps builds future conservation leaders. Elder involvement ensures traditional knowledge informs contemporary restoration approaches while maintaining intergenerational knowledge transfer.

Outreach Methods

Workshops and field demonstrations provide hands-on learning opportunities that prove particularly effective for technical topics. Riparian planting workshops teach proper techniques while participants help install restoration projects. Road maintenance field days demonstrate drainage improvements and sediment control methods at actual problem sites. These events build community among conservation-minded landowners while providing peer learning opportunities. Social aspects including shared meals and informal discussions strengthen relationships essential for sustained engagement.

Youth education through the Natural Resources Department builds environmental stewardship ethics in future landowners. School presentations connect classroom science curricula to local watershed issues. Summer culture camps integrate water quality lessons with traditional fishing and gathering practices. Student monitoring programs provide hands-on experience while generating useful data. Career exposure introduces natural resources professions to tribal youth considering post-secondary education.

Key Messages Framework

Treaty rights protection provides the fundamental driver and ultimate measure of success for this implementation framework. The Tribe's ability to exercise fishing rights guaranteed under the Treaty of Olympia depends entirely on maintaining water quality sufficient to support harvestable salmon populations. The persistence of temperature impairments since 1996, chronic dissolved oxygen violations threatening the Tribe's steelhead hatchery operations, and severe acidification eliminating entire stream reaches from the functional habitat network demonstrates that current management approaches have failed to protect treaty resources (Assessment Report 2025). This framework therefore represents not merely an environmental

program but a critical component of tribal sovereignty, cultural preservation, and economic sustainability that cannot be deferred while impairments continue degrading treaty resources.

Treaty rights and cultural values create unique messaging opportunities that distinguish tribal programs from other conservation efforts. The connection between water quality and salmon survival directly links to treaty-protected fishing rights. Traditional ecological knowledge demonstrates millennia of successful watershed stewardship. Cultural responsibility for protecting resources for seven generations ahead resonates with both tribal and non-tribal audiences.

Resilience through restoration addresses growing concerns about extreme weather impacts. Enhanced riparian buffers moderate stream temperatures during heat waves while reducing flood velocities. Improved road drainage prevents washouts during intense storms. Healthy watersheds maintain base flows during droughts. Forward-thinking landowners appreciate preparing for future conditions rather than reacting to crisis.

Building on Existing Communication Channels

Annual General Council meetings provide forums for discussing water quality concerns. Cultural events including First Salmon ceremonies offer opportunities for conservation messaging. These existing channels reduce costs while reaching engaged audiences.

Partnership communications multiply message reach through partner organizations' networks. Conservation District newsletters reach rural landowners throughout Jefferson County. NRCS field offices display educational materials reaching agricultural producers. North Pacific Coast Lead Entity meetings connect with salmon recovery stakeholders. Coordinated messaging ensures consistency while expanding audience reach.

Annual meetings with Washington department of Natural Resources and Department of transportation inform the Tribe of projects within the watershed. It allows the Tribe to provide feedback and inquire about projects that may affect the watershed of nearby areas.

Continuous improvement incorporates feedback and changing communication preferences. Communication with participating restoration entities helps identify successful strategies worth expanding and ineffective approaches requiring modification. Emerging technologies offer new engagement opportunities requiring framework adaptation. Demographic shifts in land ownership necessitate evolving outreach strategies. The framework maintains flexibility while retaining proven methods that effectively motivate conservation action.

Implementation Schedule Overview

This chapter establishes the phased implementation schedule for nonpoint source management activities over the initial five-year program period. The schedule provides a framework for systematic deployment of best management. The timeline balances ambitious restoration goals with realistic assessment of tribal capacity, landowner readiness, and funding

availability while maintaining flexibility for adaptive management based on monitoring results and emerging opportunities.

The implementation schedule employs an approach that builds systematically from foundation-setting activities through demonstration projects to watershed-scale restoration. It recognizes that lasting water quality improvement requires more than technical solutions; it demands trust-building with landowners, capacity development within partner organizations, and documented success that encourages broader participation.

The Tribe's experience with the successful centralized wastewater treatment installation demonstrates that complex environmental improvements require years of planning, relationship development, and incremental progress before achieving transformational outcomes. The schedule therefore emphasizes early investment in partnerships and demonstration projects that create the foundation for accelerated implementation in later years.

The schedule cannot mandate specific project locations or guarantee participation rates but instead establishes general activity categories and capacity targets. This approach provides EPA with reasonable assurance of progress while preserving the Tribe's flexibility to pursue opportunities as they emerge rather than adhering to rigid timelines that ignore local realities.

Adaptive management principles embedded throughout the schedule ensure that implementation strategies evolve based on effectiveness monitoring and practical experience. Annual evaluation of BMP performance, particularly for temperature reduction of impaired streams, will inform adjustments to technical approaches and priority areas. The schedule incorporates specific review points where monitoring data and resource availability trigger reassessment of implementation strategies. This iterative approach prevents continued investment in ineffective practices while allowing successful approaches to expand more rapidly than initially projected.

The implementation timeline directly connects to the Tribe's established monitoring programs that will track both project outputs and environmental outcomes. Implementation milestones include both activity metrics such as miles of riparian buffers installed and outcome indicators including temperature reduction and dissolved oxygen improvement. This dual tracking system enables the Tribe to demonstrate progress toward EPA grant requirements while assessing actual environmental benefits that determine long-term program success.

Funding availability fundamentally shapes the pace and scale of implementation activities throughout the five-year period. The confirmed FY2026 EPA funding provides initial implementation resources. The framework recognizes that major implementation phases may need adjustment based on competitive grant success, federal appropriation levels, and state funding availability. However, the voluntary implementation approach's emphasis on technical assistance and education ensures continued progress even during periods of constrained implementation funding.

General Program Timeline

Short-term Goals: Foundation Building

The initial two years of implementation focus on establishing the organizational infrastructure, partnership frameworks, and demonstration projects essential for long-term program success. Year 1 priorities emphasize planning and relationship development that create the foundation for on-ground implementation, while Year 2 transitions toward active restoration with early adopter landowners. A watershed-based approach requires collaboration among multiple landowners, the county road department, DNR for forest roads, and potentially Federal Highways for Highway 101 crossings.

Year 1 activities center on establishing the technical advisory committee that will guide BMP selection, project prioritization, and adaptive management decisions throughout the program period. Initial meetings will develop operating protocols, review findings, and establish criteria for project selection that balance ecological priorities with implementation feasibility. The committee structure ensures that diverse perspectives inform implementation decisions while building buy-in from organizations essential for program success. Initial projects will focus on riparian buffer enhancement, culvert restoration (undersized/failing), large woody debris projects, and invasive removal. The technical assistance framework will adapt based on early participant feedback to reduce barriers and improve service delivery. Technical assistance delivery in Year 2 will support project development cycles from initial site assessment through BMP installation and maintenance planning.

Summary of Short-term Goals: Years 1-2 years

- Propose NPS 319 grant to Tribal Business Committee for approval
- Submit application for NPS Assessment Report, Management Plan, and TAS to EPA
- Assemble NPS technical advisory committee
- Implement NPS BMPs in accordance with priority areas to address the goals and objectives of the Hoh River Watershed
- Discuss with Tribal members to ascertain priority pollutants and solutions
- Employ community dinners to establish connections and consultation
- Establish initial priorities for NPS projects based on assessments that account for reasonable timelines, budgets, staff, and resources.
- Delineate lands where NPS pollution is projected

Intermediate Goals: Implementation

Years 3 through 4 represent the program's transition from demonstration-scale implementation to systematic watershed restoration based on proven approaches and

established partnerships. This period emphasizes expanding successful BMPs to priority watersheds, increasing landowner participation through documented successes, and refining technical approaches based on effectiveness monitoring. The scaling process will remain adaptive, accelerating in areas with strong landowner interest while adjusting strategies where participation lags. Initiate systematic approaches to address road-related sediment sources identified through GIS analysis and field reconnaissance. Rather than scattered individual projects, the program will coordinate road improvements within priority sub-watersheds to maximize sediment reduction benefits. By Year 5, the program will have established the institutional frameworks and technical capacity for sustained long-term restoration beyond the initial implementation period.

Activities focus on expanding temperature, sediment delivery, DO, and pH reduction efforts from the eleven 303(d) listed tributaries and creeks on reservation. Successful restoration approaches proven effective on tribal lands will be replicated at willing landowner properties, with particular emphasis on Winfield Creek's severe impairments and Anderson Creek's targeted restoration opportunities.

The expansion will utilize established cost-share mechanisms and technical assistance partnerships to build on relationships developed during Years 1-2. Implementation will proceed tributary by tributary rather than attempting simultaneous restoration across all priority streams, ensuring adequate technical support and monitoring capacity for each project area.

Enhanced outreach will target specific landowner segments, including small forest owners unfamiliar with assistance programs and residential property owners with streamside parcels. The Conservation District's established relationships and the Tribe's growing credibility as a technical assistance provider will facilitate this expansion.

Summary of Intermediate Goals:

- Staff will track developments in watershed management planning and policy in the watershed and other nearby watersheds and communicate with stakeholders to ensure participation in decision making.
- Gather information regarding emerging contaminants in waterways, such as 6-PPD quinone and PFAS/PFOS. If it is determined that an emerging contaminant is a threat to the water quality in the rivers/creeks, tribal staff will investigate methods for managing the pollutant
- Adapt management strategies to decrease the impacts from land management activities on water quality of streams and rivers
- Attend training opportunities to ensure proper expertise of staff to achieve program goals.

- Provide presentations and solicit input from council members and other members of the community regarding the NPS; present to the Hoh Summer Camp participants, when requested.
- Tribal staff will meet with personnel from federal, state, and regional governments and organizations regarding watershed management issues to advocate for protection and restoration of water quality and habitat.
- Submit annual reports that highlight progress of proposed work.
- Conduct inventory and GIS analysis of streams affected by specific pollutant sources

Long-term Goals: Expansion and Refinement

Year 5 will receive an emphasis on adaptation strategies as monitoring data reveals temperature trends and the effectiveness of current restoration approaches under changing conditions. The program will identify and protect cold-water refugia including deep pools, groundwater springs, and north-facing tributaries that provide critical habitat during temperature extremes.

Riparian restoration specifications will be modified to account for projected inclement weather patterns, potentially increasing buffer widths or adjusting species composition for future conditions. These adaptations will be developed through consultation with regional scientists and incorporation of traditional ecological knowledge about historical refugia locations.

Year 5 activities establish frameworks for long-term program sustainability while evaluating progress toward water quality goals. The Tribe will pursue formal partnerships with organizations including The Nature Conservancy, Trout Unlimited, and 10,000 Years Institute, Wild Salmon Center to coordinate landscape-scale restoration beyond the initial five-year period.

Funding diversification strategies will reduce dependence on EPA base funding by developing competitive grant applications for state and federal programs. The permanent monitoring network framework will be designed to track long-term trends while reducing monitoring costs through strategic station selection and parameter prioritization.

Integration of traditional ecological knowledge will be formalized in Year 5 through structured consultation processes building on the Tribe's established methods using community dinners and elder interviews. This knowledge will inform restoration priorities, identify historical reference conditions, and guide adaptive management decisions.

The synthesis of western science and indigenous observations accumulated over generations will strengthen both technical approaches and community support for continued restoration efforts. Documentation of traditional knowledge will ensure its preservation and application

in future restoration planning while respecting cultural protocols for information sharing.

Summary of Long-term Goals:

- Update assessment and management plan as needed with the NPS technical advisory
- Staff will track restoration efforts in the watershed and communicate with stakeholders to ensure participation in decision making. When possible, staff will monitor the short- and long-term effects of restoration on channel geomorphology, hydrology, and water quality.
- Collaborate and support research that will aid in a greater understanding of watershed pollutants.
- Expand NPS program priorities if needed with other entities to expand program operations and funding
- Education and outreach to tribal members once success, research, and implementation have been established
- Monitor conditions of the watershed pre- and post- BMP implementation
- Increase monitoring for NPS pollution sources
- Assess the success of monitoring, implementation, progress, and conclusions of NPS BMPs on a project-by-project basis. As well as refine procedures to adapt NPS projects if needed.

Category dependent objectives and measurable outcomes:

Each category of NPS pollutant sources requires unique objective and outcomes based on need and priority according to Tribal standards. The table below documents short- & long-term objectives, and success standard by each category.

Table 4. NPS objective and outcome measures by category.

NPS Category	Short-term objectives	Long-term objectives	Success measurements
Forestry and Logging Roads	• Identify high-priority riparian restoration sites with property managers on logged properties • Discuss with property managers where restoration activities like large woody debris establish, wetland protections, and riparian buffer protections would be most beneficial. • Inventory and GPS cedar spault presence • Assist partners with BMPs intended to reduce forestry-related pollution sources	• Restore water quality in streams on logged properties • Assess effectiveness of various treatments to inform adaptive management and potential watershed-wide application • Alter management strategies to tailor goals and objectives	• Demonstrable temperature, DO, pH reductions at established monitoring sites. • Quantify high-priority sites identified • Establish GIS inventory of cedar spaults causing NPS pollution throughout the watershed • Number of connections with property managers
Hydromodification and Bank Erosion	• Identify high-priority riparian restoration sites with property managers on logged properties • Focus restoration to address large woody debris, riparian replanting, and culvert restoration in areas that would be most beneficial. • Assist expert personnel with implementation of related BMPs • Coordinate with land managers to build closer ties	• Track restoration results and influence on NPS pollution reduction • Monitor or assist in research to assess effectiveness • Expand programs to increase monitoring • Observe water quality changes over time	• Establish relationship with property managers • Measurable reductions to pollutants from restoration efforts • Quantify restoration efforts (# of culverts replaced, miles of riparian buffers restored, etc.)
Invasive Species	• Inventory and map invasives in the watershed • Collaborate with expert personal to establish priority areas • Work jointly with interested parties to address shared invasive removal projects • Enforce invasive removal projects and provide participation needed to establish success	• Track riparian changes over time • Continue to advocate for invasive removal and safe practices to ensure prevention • Review miles of removed invasives along riparian areas • Monitoring will assess effectiveness of various treatments to inform adaptive management and potential watershed-wide applications.	• Calculate riparian buffer zone/river miles restored • Determine measurable reductions to pollutants
Roads, Highways, and Bridges	• Work with agencies to establish 6ppd monitoring plans • Map at risk areas and establish sampling plans • Gather information regarding emerging contaminants in waterways, such as 6-PPD • Conduct research and testing on a 6PPDQ, including effects on wildlife and habitats	• Conduct long term monitoring on toxic chemicals • Monitor project areas and assess strategies to mitigate pollution source • Increase monitoring if 6PPD is a known persistent pollutant	• Identify at-risk streams • Expand program goals if needed based on urgency of pollution source • Number of at-risk streams assessed for 6PPD

Table 3 (cont.): NPS objective and outcome measures by category

NPS Category	Short-term objectives	Long-term objectives	Success measurements
Natural Resource Extraction	• Determine and prioritize sites with high-risk pathways to streams • Gather research to confirm or deny if pollutants are affecting water quality • Collaborate with agencies to address pollutant pathways and issues	• Create baselines for data at high-risk streams • Coordinate with agencies to assist in streambank restoration sue to aggregate resource pollution	• At-risk high-priority sites identified • Confirm or deny pollutant presence
Atmospheric Deposition	• Determine if contaminants are present • Establish areas where pollution sources affect waterways and establish priority areas	• Develop further plans that address contaminants of interest • Adapt management strategies based on data gathered	• Needs are established based on research and data gathered

Milestones and Evaluation

The implementation schedule includes specific milestones and evaluation criteria that enable tracking progress toward water quality goals while maintaining flexibility for adaptive management. These milestones provide accountability to EPA and the tribal council while avoiding unrealistic numerical commitments that could constrain the voluntary program's ability to respond to opportunities.

The evaluation framework emphasizes both implementation metrics and environmental outcomes, recognizing that water quality improvements may lag behind BMP installation by several years. Regular assessment ensures that the program remains on track while identifying necessary adjustments to strategies or priorities.

Annual reporting to EPA and the tribal council will document progress across multiple performance categories without binding the Tribe to specific quantitative targets. Reports will track acres of riparian buffers established, number of BMPs installed by type, landowners engagement, and partnerships developed or strengthened.

Environmental outcomes including temperature trends at priority sites, dissolved oxygen improvements in Lower Chalaat Creek, and pH changes in acidified tributaries will be assessed against baseline conditions, sedimentation baselines created. These reports will provide transparency while acknowledging the inherent variability in voluntary participation and environmental response times.

Persistent water quality standard violations despite BMP implementation would initiate comprehensive review of technical approaches and potentially identify need for regulatory backstops. These triggers ensure that ineffective approaches are modified rather than perpetuated through program inertia.

Success metrics will be organized into categories that reflect the program's multiple objectives without establishing rigid numerical targets. Implementation success will be evaluated through BMP installation rates compared to regional programs and leveraging ratios showing non-EPA funding attracted.

Environmental success will be assessed through trend analysis showing movement toward water quality standards, increased stream miles supporting beneficial uses, and maintenance of high-quality reference waters. Partnership success will be measured through active participation in the technical advisory committee and coordination with restoration partners.

The evaluation framework explicitly acknowledges factors beyond tribal control that influence program outcomes. Variability including extreme heat events or atmospheric rivers may overwhelm BMP effectiveness temporarily. Changes in timber markets affecting harvest timing and intensity could alter landowner participation patterns.

Federal funding fluctuations might accelerate or constrain implementation pace despite

consistent tribal commitment. The evaluation process will distinguish between controllable program elements requiring adjustment and external factors requiring patience and persistence.

Flexibility to adjust implementation based on monitoring results and emerging opportunities remains paramount throughout the evaluation process. The schedule represents a framework for action rather than rigid commitments, allowing the Tribe to accelerate successful approaches while modifying or abandoning ineffective strategies.

This adaptive approach ensures that resources generate maximum water quality benefit while building the experience base for long-term watershed restoration. The evaluation framework provides sufficient structure for accountability while preserving the nimbleness essential for successful voluntary conservation programs.

Funding Source Overview

The Hoh Tribe identified potential funding sources available to support implementation of the best management practices and programs described throughout this Management Program Plan. The diversity of funding opportunities presented here demonstrates the Tribe's understanding of the complex funding landscape for nonpoint source management while providing multiple pathways for securing implementation resources. These sources range from federal programs specifically designed for tribal water quality protection to innovative market-based mechanisms that align economic incentives with environmental outcomes.

The funding sources identified directly support the voluntary implementation framework established and the phased schedule outlined earlier. Each source has been evaluated for alignment with the specific BMPs identified, ensuring that funding pursuits match both water quality improvement needs and program eligibility requirements. The Tribe's existing funding portfolio, including annual EPA GAP support plus diverse federal and state resources, provides the foundation for leveraging these additional opportunities.

The Hoh Tribe's approach to securing implementation resources builds systematically from an established foundation of federal and state funding that demonstrates institutional capacity and program sustainability. Current annual support from EPA GAP funding plus Section 106 monitoring grants, combined with diverse funding from NOAA, BIA, and Washington State programs, provides the administrative infrastructure essential for pursuing competitive implementation grants. This existing portfolio, spanning fisheries management and habitat restoration, positions the Tribe as a capable recipient for expanded nonpoint source management investments. The funding strategy emphasizes strategic alignment between identified water quality impairments and programs designed to address specific pollution sources.

Diversification across federal, state, regional, and private sources reduces dependence on any single funding stream while creating opportunities for leveraging match requirements. Federal

programs often accept state funds as match, while private foundations may provide the unrestricted resources needed for federal match requirements. The Tribe's established partnerships with organizations including The Nature Conservancy, Trout Unlimited, and the 10,000 Years Institute facilitate joint applications that access larger competitive grants requiring collaborative approaches.

Implementation timing will necessarily respond to funding cycles and award notifications rather than following rigid schedules. The implementation framework described earlier provides flexibility to accelerate activities when resources become available or adjust approaches based on funder priorities. This adaptive approach ensures that water quality improvements proceed regardless of specific funding outcomes while maintaining readiness to scale up when major resources materialize.

The phased implementation schedule deliberately aligns with typical funding trajectories for watershed restoration programs. Years 1-2 focus on planning and demonstration projects typically supported by base funding and smaller grants. Years 3-5 expand successful approaches using competitive implementation grants that require proven effectiveness and established partnerships. Long-term sustainability beyond Year 5 depends on demonstrating measurable water quality improvements that justify continued investment.

Cost-effectiveness remains central to funding competitiveness given limited resources for watershed restoration nationwide. The emphasis on voluntary implementation through existing technical assistance programs reduces administrative costs while leveraging landowner contributions that extend public investments.

Federal Funding Sources

EPA Programs

Section 319(h) Nonpoint Source Implementation Grants represent the primary federal mechanism for implementing the BMPs identified in Chapter 3, with competitive awards typically ranging from \$100,000 to \$750,000 for projects demonstrating measurable pollutant load reductions. These grants require approved assessment and management plans, which this document fulfills, and support riparian restoration, forestry BMPs, and road improvements that directly address the temperature, sediment, and nutrient impairments documented throughout the watershed. The 40% non-federal match requirement can be met through other federal programs with specific authority, tribal in-kind contributions, or state and private resources.

Section 106 Water Pollution Control Grants currently support the Tribe's monitoring program and can expand to include implementation effectiveness monitoring as restoration projects proceed. Wetland Program Development Grants provide \$75,000 to \$300,000 for developing wetland restoration programs that address the dissolved oxygen impairments in Lower Chalaat Creek through enhanced natural treatment systems. Environmental Justice Grants recognize

that tribal communities face disproportionate impacts from water quality degradation and provide resources for community-based solutions.

USDA Conservation Programs

The Natural Resources Conservation Service Environmental Quality Incentives Program (EQIP) provides exceptional support for tribal producers through 90% cost-share rates compared to 75% for other landowners, making conservation practices economically feasible on agricultural lands. Eligible practices directly addressing watershed impairments include riparian forest buffers (Practice 391), livestock exclusion fencing (Practice 382), nutrient management planning (Practice 590), and sediment basins (Practice 350). Annual payment limits of \$450,000 per entity over five years enable substantial landscape-scale restoration when combined with other funding sources.

The Conservation Stewardship Program (CSP) supports landowners already implementing conservation practices who commit to additional enhancements, providing annual payments of \$1,500 to \$40,000 based on acreage and practices implemented. The Regional Conservation Partnership Program (RCPP) leverages partner contributions for landscape-scale projects, with awards typically ranging from \$250,000 to \$10 million for multi-year collaborative efforts.

The Conservation Reserve Enhancement Program (CREP) provides 10-15 year rental payments for removing environmentally sensitive land from agricultural production while establishing permanent vegetation, particularly valuable for riparian buffer creation. Forest Service Tribal Forest Programs support management activities on the 41.9% of the watershed in forest ownership, including road decommissioning, riparian thinning, and erosion control. The Emergency Watershed Protection Program responds to natural disasters with 75% federal funding for restoration, relevant given the increasing frequency of extreme weather events affecting the watershed.

Bureau of Indian Affairs Programs

The Water Management, Planning, and Pre-Development Program offers \$50,000 to \$400,000 for comprehensive water resource management including watershed assessments, restoration planning, and project development. These programs recognize tribal sovereignty in natural resource management while providing flexible funding for activities that may not qualify under other federal programs.

Rights Protection programs currently supporting fisheries management through Pacific Salmon Treaty and Western Washington Boldt allocations can expand to include water quality protection as essential for maintaining treaty resources. The BIA Forestry Programs complement USDA efforts with specific focus on tribal trust lands and culturally significant forest resources. Water Resources Programs support infrastructure improvements including irrigation efficiency and water conservation that reduce stream withdrawals during critical low-flow periods.

Other Federal Programs

NOAA's Community-based Restoration Program provides \$75,000 to \$3 million for habitat restoration projects benefiting threatened salmon populations, directly supporting temperature reduction efforts through riparian restoration. The program's emphasis on collaborative partnerships aligns with the Tribe's established relationships with The Nature Conservancy and Wild Salmon Center. NOAA's Transformational Habitat Restoration and Coastal Resilience Grants under the Infrastructure Investment and Jobs Act provide \$1 million to \$15 million for large-scale ecosystem restoration.

U.S. Fish and Wildlife Service Tribal Wildlife Grants range from \$25,000 to \$200,000 annually for species conservation projects, with potential application to cold-water refugia protection and riparian habitat enhancement. The National Fish Passage Program supports removal of barriers to fish migration, addressing the culvert and crossing improvements identified through field reconnaissance. Partners for Fish and Wildlife provides technical and financial assistance for habitat restoration on private lands, facilitating engagement with non-tribal landowners.

Federal infrastructure programs authorized through the Infrastructure Investment and Jobs Act and Inflation Reduction Act provide unprecedented funding for water quality improvements. The Federal Highway Administration's Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) program funds infrastructure improvements addressing landscape vulnerabilities. Rural Surface Transportation Grant Program supports road improvements in rural areas, applicable to the extensive forest road network contributing sediment. These programs typically provide 80% federal funding with reduced match requirements for tribal governments.

State and Regional Sources

Washington Department of Ecology Programs

The Water Quality Combined Funding Program represents Washington's primary mechanism for implementing water quality improvements, integrating multiple funding sources into streamlined application processes with awards typically ranging from \$100,000 to \$5 million. This program supports nonpoint source pollution control, on-site sewage system improvements, and stormwater management projects that directly address the impairments documented throughout the watershed. The Centennial Clean Water Program component provides grants and low-interest loans for water quality infrastructure, particularly relevant for addressing septic system failures contributing to dissolved oxygen impairments.

The Coastal Protection Fund provides resources for projects protecting coastal waters from nonpoint source pollution, with the Hoh River's direct discharge to the Pacific Ocean establishing eligibility for downstream water quality protection. Terry Husseman Grants support watershed planning and implementation with typical awards of \$50,000 to \$300,000 for collaborative projects involving multiple partners. The Stormwater Financial Assistance

Program addresses runoff from developed areas and roads, applicable to sediment delivery from the extensive road network identified.

Washington Recreation and Conservation Office

The Salmon Recovery Funding Board, through which the Tribe already receives support, can expand to include water quality components of habitat restoration with typical project grants ranging from \$75,000 to \$500,000. The Washington Wildlife and Recreation Program's Riparian Protection Category specifically funds conservation of riparian corridors critical for temperature reduction, with awards often exceeding \$1 million for landscape-scale protection. The Aquatic Lands Enhancement Account supports restoration of aquatic habitat on state-owned aquatic lands, relevant where state ownership extends into the watershed.

The Brian Abbott Fish Barrier Removal Board coordinates statewide fish passage restoration with dedicated funding for high-priority barriers, directly applicable to the high-risk crossings identified through GIS analysis. These programs leverage state capital budget appropriations that have increased substantially in recent biennia due to court-mandated culvert replacement requirements. The Land and Water Conservation Fund state allocation provides additional resources for habitat protection and public access improvements.

Washington Department of Natural Resources Programs

The Family Forest Fish Passage Program provides 75-100% cost-share for small forest landowners to replace fish passage barriers, critical given that DNR and private forest lands comprise 41.9% of the watershed where temperature impairments concentrate. The Forestry Riparian Easement Program compensates small forest landowners for timber value foregone when implementing riparian buffers beyond regulatory requirements. Rivers and Habitat Open Space Program supports acquisition and restoration of ecologically valuable lands along rivers and streams.

Community Forestry Assistance provides technical support and funding for urban and community forest management, applicable to developed areas within the watershed. The Forest Health and Resilience programs address landscape adaptation needs through strategic thinning and species selection that maintains forest cover while reducing fire risk. These programs recognize the interconnection between forest management and water quality, providing pathways for addressing temperature impairments on forested lands.

Other State Agency Programs

The Washington Department of Commerce Infrastructure Assistance programs provide funding for rural infrastructure improvements including road upgrades and stormwater management systems. The Public Works Board's Construction Loan Program offers low-interest financing for infrastructure projects that protect water quality. The Transportation Improvement Board's Small City and Rural Area programs fund road improvements that can

incorporate water quality protection measures during reconstruction.

The Department of Fish and Wildlife's Aquatic Invasive Species Prevention program supports early detection and rapid response efforts that protect native ecosystems from additional stressors. The State Conservation Commission provides funding through conservation districts for voluntary conservation practices on agricultural lands. These diverse state programs enable comprehensive approaches addressing multiple impairment sources simultaneously.

Regional Partnership Programs

The North Pacific Coast Lead Entity, in which the Tribe maintains voting representation, coordinates salmon recovery funding across multiple watersheds and jurisdictions with annual allocations typically exceeding \$2 million regionally. This established partnership provides technical assistance for project development, regional prioritization that strengthens individual applications, and coordination among restoration practitioners. The Lead Entity process ensures that projects align with regional recovery plans while maintaining local priorities.

The Pacific Coast Salmon Coalition facilitates collaboration among tribes, agencies, and conservation organizations implementing restoration across the Olympic Peninsula. Hood Canal Coordinating Council, while focused primarily on Hood Canal, provides models and partnerships applicable to Olympic Peninsula watersheds. The Washington Coast Sustainable Salmon Partnership develops regional strategies that individual projects support, strengthening funding applications through demonstrated contribution to landscape-scale recovery.

Olympic Natural Resources Center facilitates research partnerships between tribes, agencies, and academic institutions that can provide technical support and monitoring for restoration projects. The Northwest Indian Fisheries Commission coordinates tribal natural resource management programs, providing technical assistance and advocacy for funding programs supporting treaty rights protection. These regional entities provide both direct funding and critical support services that enhance the Tribe's capacity for successful implementation.

Private and Foundation Sources Environmental Foundations

The Bullitt Foundation prioritizes ecosystem protection and restoration throughout the Pacific Northwest, with particular emphasis on projects demonstrating resilience and community engagement in environmental stewardship. Grant awards typically range from \$25,000 to \$100,000 annually for multi-year commitments supporting both implementation and capacity building. The foundation's focus on environmental justice and tribal sovereignty aligns with the Tribe's leadership in watershed restoration while addressing disproportionate impacts on tribal communities from water quality degradation.

The Wilburforce Foundation supports landscape-scale conservation in western North America with grants ranging from \$20,000 to \$250,000 for projects protecting intact ecosystems and restoring degraded habitats. Their emphasis on collaborative approaches matches the partnership framework, particularly for engaging private forest landowners in voluntary conservation. The M.J. Murdock Charitable Trust provides capacity building support for Pacific Northwest nonprofits and tribes, with awards up to \$500,000 for strengthening organizational infrastructure essential for long-term program sustainability.

The Paul G. Allen Family Foundation has invested substantially in Puget Sound and coastal restoration, with potential application to the Hoh watershed given its direct connection to Pacific coastal waters. The Russell Family Foundation supports environmental sustainability in Puget Sound and Washington State, emphasizing innovative approaches to environmental challenges. The Kongsgaard-Goldman Foundation provides smaller grants of \$5,000 to \$25,000 for grassroots environmental efforts, suitable for demonstration projects and community engagement activities.

Corporate Partnership Opportunities

Timber companies operating within the watershed, including Rayonier which manages substantial acreage in the basin, increasingly support collaborative restoration that maintains working forests while protecting water quality. These partnerships can provide match funding, equipment, technical expertise, and access to lands for restoration implementation. Technology companies with Pacific Northwest presence, including Microsoft and Amazon, have established environmental grant programs supporting ecosystem restoration in their operating regions.

Outdoor recreation companies including Patagonia, REI, and Columbia Sportswear maintain grant programs supporting watershed protection given the connection between healthy rivers and recreational opportunities. Fishing industry partnerships through commercial and recreational fishing organizations recognize the direct connection between water quality and salmon productivity. Beverage companies dependent on clean water resources increasingly fund source water protection initiatives that align with temperature and sediment reduction goals.

Conservation Organization Partnerships

The Nature Conservancy, already partnering with the Tribe, leverages private philanthropy for landscape-scale conservation with capacity to bring matching funds and technical expertise to joint grant applications. Trout Unlimited's Western Washington program combines member donations with foundation grants to support cold-water habitat restoration directly addressing temperature impairments. Wild Salmon Center's partnerships bring international attention and funding to Pacific salmon watersheds, with particular emphasis on refugia protection.

Bonneville Environmental Foundation's Model Watershed Program provides multi-year

funding for comprehensive restoration initiatives demonstrating innovative approaches to watershed management. National Fish and Wildlife Foundation administers multiple corporate-funded programs supporting habitat restoration, with typical awards ranging from \$50,000 to \$500,000. American Rivers, Trust for Public Land, and Conservation Northwest offer both direct funding and technical assistance for projects protecting riverine ecosystems.

Table 5. Summary of Major Funding Sources for NPS Implementation.

Program	Agency	Typical Award Range	Match Required	Primary Use
Section 319(h) Base	EPA	\$30,000- 50,000/year	None	Program capacity, planning
Section 319(h) Competitive	EPA	\$100,000-750,000	40% non-Federal	BMP implementation
EQIP	USDA NRCS	Up to \$450,000/5 years	10% (tribal)	Agricultural conservation practices
Water Management Program	BIA	\$50,000-400,000	None	Watershed planning, assessment
PCSRF	NOAA	Project-based varies	Varies	Salmon habitat restoration
Water Quality Combined Funding	WA Ecology	\$100,000-5 million	Varies	Comprehensive water quality projects
Salmon Recovery Funding Board	WA RCO	\$75,000-500,000	15%	Habitat restoration
Family Forest Fish Passage	WA DNR	75-100% cost-share	0-25%	Culvert replacement
Environmental Foundations	Various	\$25,000-250,000	Nontypical	Capacity building, restoration

Governance Structure

The Hoh Tribe’s responsibility to uphold protections of their waterways due to their sovereignty and treaty rights, emphasizes their jurisdiction and tribal authority. NPS BMP implementation will consider land manager values and tribal engagement; however, the Hoh Tribal Business Committee will hold sole discretion on NPS program decisions. The Hoh Tribal Business Committee acts on behalf of the Tribes best interest to maintain Tribal treaty reserved rights and uphold Tribal values. The Natural Resources Department’s development of NPS plan will be consulted with the Tribal Business Committee with Tribal goals in mind. The Hoh Tribal Business Committee acts in the best interest of preserving and maintaining protections of waterways. Additionally, the Hoh Tribe, with the approval of the Tribal Business Committee, will provide technical or fiscal support to develop or establish NPS BMPs when necessary. Given the Tribes limited land ownership cooperation with various land managers will be necessary for successful NPS pollution control.

The framework for stakeholder engagement, tribal participation, and education is essential for successful voluntary implementation of nonpoint source management practices throughout the Hoh River Watershed. The Tribe's approach builds upon established community

engagement methods including community dinners and elder interviews, while expanding outreach to non-tribal landowners whose participation aids in watershed-scale restoration success. Through systematic property manager identification, targeted education strategies, and transparent decision-making processes, the program creates pathways for meaningful participation from all who influence or are affected by water quality conditions.

Landowner participation serves multiple essential functions within the nonpoint source management program, from incorporating traditional ecological knowledge into technical decisions to building the social license necessary for implementing practices on private lands. The framework recognizes that lasting water quality improvement requires more than technical solutions; it demands community understanding, stakeholder buy-in, and sustained commitment from diverse participants. The Tribe's established practice of gathering input through community dinners and one-on-one interviews with elders and youth provides the foundation for expanded engagement reaching throughout the watershed.

The education and outreach components translate complex water quality data into accessible information that motivates conservation action. Different audiences require distinct messaging and communication methods, from technical workshops for forest landowners to cultural events connecting water quality with treaty rights. This strategic approach ensures efficient use of limited outreach resources while building the awareness and capacity necessary for long-term watershed stewardship.

Landowner Identification and Roles

The nonpoint source management program's success depends on active participation from diverse landowners who collectively influence watershed conditions through their land management decisions, technical expertise, and implementation capacity. Each stakeholder brings unique perspectives, resources, and authorities essential for comprehensive watershed restoration. The framework identifies primary landowners based on their direct influence over water quality, their role in implementation, and their capacity to support or impede program success.

Tribal members represent the primary group whose cultural connections to water resources, traditional ecological knowledge, and treaty rights drive the program's fundamental purpose. The Natural Resources Department engages tribal members through quarterly General Council meetings where water quality updates are standard agenda items. Community dinners provide informal settings for gathering observations about changing watershed conditions and concerns about impacts on cultural practices. Elder interviews conducted seasonally capture traditional knowledge about historical conditions and management practices, while youth engagement through the Tribal School builds future capacity for watershed stewardship.

Private forest landowners controlling 17.6% of the watershed hold critical influence over riparian conditions along temperature-impaired tributaries. Large industrial operators, including Rayonier manage thousands of acres under Habitat Conservation Plans that provide

regulatory flexibility for innovative practices. Small forest landowners with 20–200-acre parcels may not be aware of technical assistance programs but demonstrate strong stewardship ethics when engaged appropriately. The Conservation District serves as the primary liaison with these landowners, providing trusted relationships essential for voluntary participation.

Government agencies provide regulatory oversight, technical assistance, and funding essential for program implementation. EPA Region 10's Tribal Assistance Program ensures Section 319 compliance while providing grant administration support. Washington Department of Natural Resources manages 24.3% of the watershed where many temperature impairments originate, making their participation essential for landscape-scale restoration. Jefferson County's road department controls infrastructure affecting sediment delivery at numerous stream crossings. Federal Highway Administration oversees Highway 101 improvements that could incorporate water quality protection measures.

Technical service providers expand implementation capacity beyond tribal staff limitations. The Jefferson County Conservation District delivers technical assistance for agricultural BMPs and administers cost-share programs. Engineering consultants design complex restoration projects requiring specialized expertise. University researchers provide monitoring support and effectiveness assessment. Non-profit organizations including The Nature Conservancy, Trout Unlimited, and the 10,000 Years Institute contribute both technical knowledge and implementation funding.

The technical advisory committee implementation schedule coordinates these diverse stakeholders through meetings as needed during active implementation phases. Committee membership includes representatives from key agencies, major landowners, technical providers, and tribal natural resources staff. This structure ensures that implementation decisions incorporate diverse perspectives while maintaining focus on water quality objectives. The committee's transparency in decision-making builds stakeholder confidence while providing accountability for resource allocation.

Stakeholder roles evolve throughout the implementation process, from initial planning through long-term maintenance. During planning phases, stakeholders provide input on BMP selection and priority areas based on local knowledge and implementation feasibility. Implementation phases require active participation from landowners hosting projects, agencies providing permits, and contractors conducting work. Monitoring and evaluation phases engage stakeholders in assessing effectiveness and identifying necessary adjustments. This dynamic engagement maintains stakeholder investment while building collective capacity for watershed stewardship.

Public Participation Process

Public feedback opportunities will be available at least 30 days prior to final certification of major implementation projects. If plans are likely to affect nontribal entities, public notice will be extended outside of reservation boundaries. Information and documentation will be

provided via the Hoh Tribe's webpage and Facebook for viewing. Flyers with notice of public input requests will also be posted throughout the effected community to spread information physically. Additionally, all information will be available at the Hoh Tribe's administration building for those who don't have access to the internet to view and comment.

Community dinners represent the Tribe's preferred method for gathering input in culturally appropriate settings that encourage broad participation. These gatherings coincide with seasonal activities, providing natural opportunities to discuss water quality observations and concerns. The informal atmosphere enables elders who may be uncomfortable in formal meetings to share traditional knowledge about historical conditions and effective management practices.

One-on-one interviews with elders and cultural practitioners capture detailed traditional ecological knowledge that might not emerge in group settings. These conversations occur at times and locations comfortable for participants, often during resource gathering activities when connections between water quality and cultural practices are most apparent. Interview protocols respect cultural sensitivities about sharing certain knowledge while documenting observations essential for establishing restoration targets. Youth participation through school programs ensures that younger generations contribute fresh perspectives while learning about watershed stewardship responsibilities.

The federal consistency review process ensures that Section 319 implementation coordinates with other federal programs affecting watershed resources. The Tribe reviews federal assistance applications and development projects to identify potential conflicts or duplication with nonpoint source management activities. Coordination with BIA forestry programs ensures that timber management on trust lands incorporates water quality protection measures. Highway improvement projects are assessed for opportunities to incorporate culvert upgrades and stormwater management during construction.

Conflict resolution mechanisms address disagreements that inevitably arise when balancing multiple objectives and stakeholder interests. When conflicts emerge between water quality goals and economic concerns, the framework prioritizes treaty rights while seeking solutions that minimize economic impacts. Disagreements between stakeholders are addressed through facilitated discussions at technical advisory committee meetings where diverse perspectives can be heard. The Hoh Tribal Business Committee serves as the final arbiter for disputes that cannot be resolved through committee deliberation. This structured approach ensures that conflicts are addressed constructively rather than undermining program implementation.

CONCLUSION

This Nonpoint Source Management Program Plan establishes a comprehensive framework through which the Hoh Tribe will address the significant water quality impairments documented throughout the Hoh River Watershed. Building upon the technical foundation provided by the companion assessment report, this plan translates scientific findings into

implementable strategies scaled to available resources and designed for adaptive management. Through systematic identification of best management practices, implementation mechanisms, and robust timelines, the Tribe has developed a practical approach to restoring impaired waters while protecting remaining high-quality resources.

The plan identifies specific BMPs matched to documented impairments, establishes programs for technical assistance delivery, ensures federal consistency review, confirms adequate implementation authority, identifies diverse funding sources, coordinates with federal development projects, engages local and private expertise, and employs a watershed-based approach transcending jurisdictional boundaries. These elements collectively demonstrate the Tribe's technical capability and institutional commitment necessary for managing complex nonpoint source challenges across mixed-ownership landscapes.

Implementation success will require sustained collaboration with the diverse stakeholders who collectively influence watershed conditions. The Tribe's direct control over less than 1% of the watershed emphasizes the critical importance of voluntary participation from state and private forest landowners managing lands where temperature impairments concentrate. The established partnerships with organizations including The Nature Conservancy, Trout Unlimited, Jefferson County Conservation District, and the 10,000 Years Institute provide the technical expertise and trusted relationships essential for engaging non-tribal landowners. Through the technical advisory committee structure and comprehensive public participation framework, the program creates meaningful pathways for all stakeholders to contribute their knowledge and resources toward watershed restoration.

The phased implementation schedule recognizes that lasting water quality improvement requires patient, systematic effort building from demonstration projects to landscape-scale restoration. Years 1-2 establish organizational infrastructure and early adopter projects that demonstrate BMP effectiveness under local conditions. Years 3-5 expand successful approaches to priority tributaries while refining techniques based on effectiveness monitoring. Long-term success depends on adaptive management that responds to monitoring results, adapting landscapes, and evolving stakeholder needs. The robust monitoring and evaluation framework ensures that limited resources generate maximum water quality benefit while building the evidence base for continued investment.

The Tribe acknowledges the significant challenges ahead, like the persistence of temperature impairments despite nearly three decades of regulatory implementation. However, the strength of existing partnerships and the availability of diverse funding sources provide confidence that meaningful restoration is achievable. The integration of traditional ecological knowledge with contemporary science ensures that restoration approaches respect cultural values while achieving measurable water quality improvements. This dual knowledge system strengthens both technical approaches and community support essential for long-term success.

Moving forward, the Hoh Tribe commits to implementing this Management Plan through

transparent, adaptive processes that maintain accountability to EPA while responding to local conditions and community needs. Annual progress reports will document implementation achievements, monitoring results, and adaptive management decisions. The Tribe will continue engaging stakeholders through established mechanisms including community dinners and technical committees that ensure broad participation. As implementation proceeds, the program will evolve based on effectiveness monitoring, stakeholder feedback, and emerging scientific understanding while maintaining focus on the fundamental goal of restoring water quality to support treaty-protected resources and ecological integrity.

This management plan represents more than regulatory compliance; it embodies the Tribe's commitment to its responsibility as steward of ancestral lands and waters. The restoration of water quality throughout the Hoh River Watershed directly supports the perpetuation of cultural practices, the recovery of salmon populations essential to tribal identity, and the protection of ecosystem functions for future generations. Through patient, persistent effort guided by both traditional knowledge and contemporary science, the Hoh Tribe will lead collaborative watershed restoration that benefits all who depend on these waters while honoring the sacred trust of protecting this remarkable temperate rainforest ecosystem.

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APPENDICES

Acronyms & Abbreviations

10K	10,000 Years Institute
7-DADMax	7-Day Average Daily Maximum
AR	Assessment Report
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
MP	Management Plan
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

P.O. Box 2196, Forks, WA 98331
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Darlene Hollum CHAIRWOMAN
Maria Lopez VICE CHAIRWOMAN
Tahnee Hudson SECRETARY
Josephine Ward TREASURER
Rosetta Leitka MEMBER
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

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Darlene Hollum CHAIRWOMAN
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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



HOH INDIAN TRIBE

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Darlene Hollum CHAIRWOMAN
Maria Lopez VICE CHAIRWOMAN
Tahnee Hudson SECRETARY
Josephine Ward TREASURER
Rosetta Leitka MEMBER
Walter Ward-Bos V MEMBER
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
Hoplund 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 Pottawatomis (previously listed as Match-E-Be-Nash-She-Wish Band of Pottawatomis 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
Naragansett 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 Pottawatomis, 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
Quinalt 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 Gwailu 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

Government Affairs Advisors
Policy Consultants

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

Transportation **Contracted**
Red Plains

Human Resources Manager
Tracy Gillett

Accounting Manager
Melissa Hoban

Payroll & Accounts Payable
Tahnee Hudson

Accounting & Purchasing
Darlene Hollum

Grants and Budget Specialist
Barbara Manuel

Accountant
Kali Martinez

Executive Director
Keith MacGeagh

Director of Health & Family Services
Britni Duncan

Project Manager
Cynthia Toop

Natural Resources Director
Kim Bray

TFW Biologist
Wren Varga

Admin Assistant
Rosetta Leitka

Water Quality Specialist
Cynthia Hernandez

Habitat Restoration Biologist
Maggie Bockart

Fisheries Enforcement Officer
Philip Riebe

Tribal Historic Preservation Officer
Kelly Rosales

Fisheries Management Biologist
Brian Hoffman

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

Hatchery Manager
Lukus West

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

Natural Resources Tech (2)
Bernard Afterbuffalo
Ruby Sheriff

Cultural Resources
Interns
Deborah Sheriff
Sebastian Gibbs

Wetland Specialist
David Rivera

Habitat Restoration
Walter Ward-Bos

Clinic Reception
LaToya Hudson

ICW Caseworker
Vacant

Opioid
Abatement Coor.
Kelsey Garcia
Rosander

Assistant Librarian (2)
Starlett Jackson
Katherine Jackson

Crime Victims Adv.
Maria Hernandez

TOR Coordinator
Tracy Gillett

Health Home Care Coord.
Vacant

Chemical Dependency Professional
Vacant

Work Force Coordinator (2)
Lisa Rosander-Hatch
Vacant

Janitor
Zentkalla Olebar-Thomas

Court Clerk
(Interim Tahnee Hudson)

Water Operator
Joel Ward

Housing Director
Britni Duncan

Executive Assistant
(On Hold)

Receptionist
Angie Ruiz

Enrollment
LaToya Hudson

Maintenance Technician (2)
Lester Fisher
Joel Ward

Emergency Management
Suzanne Settle

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 or 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

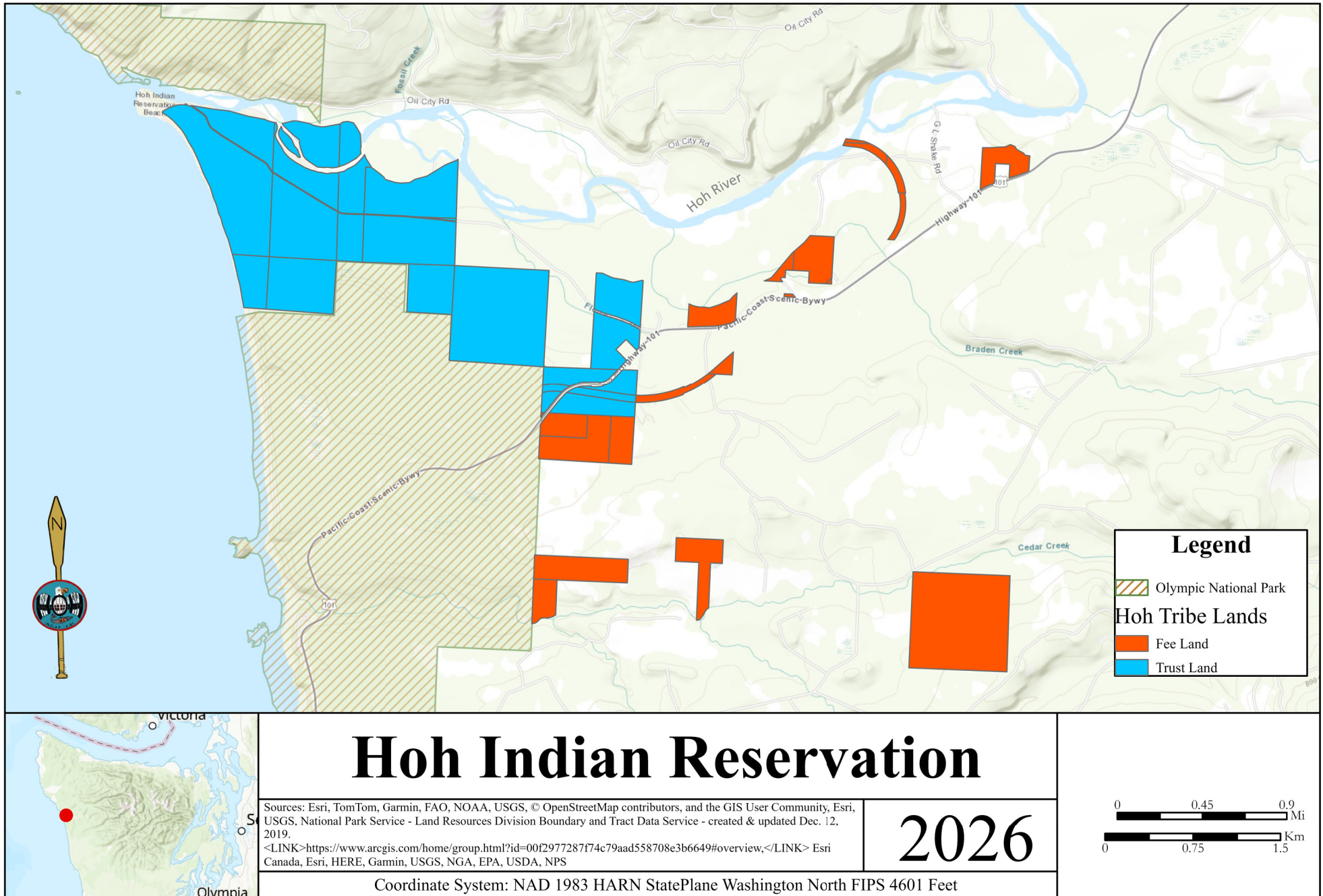


Exhibit 8

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

Web Links to Notable Documents

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