

Tribal Coordination Element

VISION STATEMENT

The Snohomish County Comprehensive Plan (“Plan”) includes a Vision Statement that is presented in its entirety within the Introduction of the Plan. The Vision Statement is an aspirational goal that the Plan aims to help bring to fruition through the goals, objectives, and policies of each element. The Plan’s Vision for Snohomish County in 2044 is:

We’re all in this together: In 2044 Snohomish County is a resilient, vibrant, and inclusive place to live with a high-quality of life where all residents can thrive.

The Tribal Coordination Element and the policies within were created and reviewed through the lens of the Vision Statement for the 2024 update to the Plan. Part of the rationale for this new element is to ensure that tribal partners have a voice in moving the county toward the shared vision for the future. The Tribal Coordination Element supports the Vision Statement through policies focused on recognizing and supporting tribal cultures (Goal 1) and working collaboratively with Tribes in Snohomish County to protect cultural resources (Goal 2). By incorporating regular and meaningful consultation into policy decisions (Goal 3) and working towards the creation of a framework for cooperative discussion (Goal 4), the Tribal Coordination Element helps promote open lines of communication, information sharing, and collaborative decision making. The Tribe-specific policies within Goals 6, 7, and 8 aim to recognize the individual contexts of the Tulalip, Stillaguamish, and Sauk-Suiattle Tribes. The Tribal Coordination Element also values the natural environment with policies aimed at recognizing the importance of working cooperatively to develop strategies to manage the impacts of climate change on sovereign and treaty resources (Goal 5) while also protecting archaeological and cultural resources (Objective TC 5.A).

CONSISTENCY WITH STATE AND LOCAL REQUIREMENTS

Policy framework for the Tribal Coordination Element comes from the Growth Management Act, chapter 36.70A RCW (GMA), the Puget Sound Regional Council’s (PSRC’s) VISION 2050, the Countywide Planning Policies (CPPs), and the Comprehensive Plan’s Vision Statement.

A Tribal Coordination Element is not a required element under GMA (RCW 36.70A.070). The Tribal Coordination Element establishes a policy framework to build on existing collaborative planning efforts, increase recognition and support of tribal cultures, and specifically address coordination with the three tribes who own trust lands in Snohomish County; the Tulalip, Stillaguamish, and Sauk-Suiattle Tribes. The policies further GMA planning goals 11, 13, and new planning goal 14. The Multicounty Planning Policies (MPPs) of VISION 2050 and the CPPs

are reflected and implemented in the goals, objectives, and policies of the Tribal Coordination Element.

RELATIONSHIP TO OTHER COMPREHENSIVE PLAN ELEMENTS

The Tribal Coordination Element is related topically to other elements of the Comprehensive Plan including Climate Change, Land Use, and Interjurisdictional Coordination. The substance of the Tribal Coordination policies, however, are all written with a focus on Snohomish County's interaction with the Tulalip, Stillaguamish, and Sauk-Suiattle Tribes, and although topics may be similar to others in the Plan, policies are not duplicated across elements. For instance, Objective TC 5.A directs the County to coordinate efforts to build resiliency to climate change, but it is in the context of cultural resources. Policy direction for building resiliency to the effects of climate change outside of this context is located in the Climate Change Element.

GENERAL TRIBAL COORDINATION

Three federally recognized Indian Tribes have trust land in present-day Snohomish County: the Tulalip, Stillaguamish, and Sauk-Suiattle Tribes. These Tribes and their ancestors are land and water-based peoples and are part of a larger group of aboriginal tribes and First Nations known as the Coast Salish peoples. The name Coast Salish comes from the language family spoken in this region. The Coast Salish live around the Salish Sea in what is now Washington State and the Canadian Province of British Columbia. Coast Salish peoples have lived here since time immemorial, enjoying a landscape rich in natural resources and lifeways are tied to the natural environment of the Pacific Northwest, especially the Salish Sea.

Today, the Tulalip, Stillaguamish, and Sauk-Suiattle Tribes are sovereign nations recognized by the United States government. Each Tribe has its own government with its own governing charter or constitution and set of general laws. These Tribes reserved lands in what is now Snohomish County as Indian reservation homelands. Each Tribe has important historic and cultural sites both on and off their reservations. They continue to exercise off-reservation rights reserved under treaty with the United States, including the right to fish in usual and accustomed fishing grounds and the right to hunt and gather on open and unclaimed lands. While other tribes do exercise these rights in Snohomish County, only the Sauk-Suiattle, Stillaguamish, and Tulalip have trust land in the county.

Snohomish County acknowledges the historic and present-day connection between tribal people and the land base and recognizes each Tribe's inherent sovereignty. Snohomish County is committed to partnering with the Tribes to protect and preserve Tribal cultural, sovereign, and treaty resources, the natural environment, and sacred cultural areas.

The relationship between these Tribes and Snohomish County is especially important when activities of county government, particularly land use regulation, have implications for one or more Tribes. This element is an important foundation to ensure an enduring relationship between the county and the Tribes based on mutual respect, open communication, and transparency to build collaborative regionalism.

Snohomish County recognizes that a strong government-to-government relationship with the Tribes is essential to address issues of mutual concern and to move forward in an atmosphere of mutual respect and cooperation to meet the challenges of the 21st century. Snohomish County is committed to supporting tribal efforts to build ever more resilient and connected communities through regional cooperation and intergovernmental dialogue.

GOAL TC 1 RECOGNIZE AND SUPPORT TRIBAL CULTURES.

Objective TC 1.A Promote education programs that emphasize Tribal history, culture, and government.

TC Policies

- 1.A.1 The County shall include tribal cultural centers, events, and activities open to the public in county tourism and cultural activities informational and advertising materials for Snohomish County.
- 1.A.2 The County shall include educational materials on local tribes in employee training materials.
- 1.A.3 The County should recognize Native American Heritage Month, Indigenous Peoples' Day, and Native American Heritage Day in County-sponsored events and explore opportunities to provide educational resources regarding tribes to the public.

Objective TC 1.B: Partner with local Tribes to identify, preserve, and protect local cultural resources of importance to Tribes.

TC Policies

- 1.B.1 The County should coordinate with tribal governments to identify opportunities to protect, preserve, and interpret natural resources of cultural importance through restoration projects, conservation easements or land purchases, public education, and regulation.

- 1.B.2 Where the County has authority over naming, work in partnership with tribal governments to rename places and spaces of cultural significance to tribes.

GOAL TC 2: COLLABORATE WITH TRIBES TO AVOID OR MINIMIZE ADVERSE IMPACTS TRIBAL ARCHAEOLOGICAL AND CULTURAL RESOURCES.

Objective TC 2.A: Avoid or minimize adverse impacts to Tribal archaeological and cultural resources in Snohomish County operational activities and through development regulations.

TC Policies

- 2.A.1 The County should provide training to appropriate Snohomish County staff regarding legal requirements related to the protection of tribal, cultural, sacred, archaeological, and burial areas.
- 2.A.2 The County shall develop protocols and procedures in coordination with each tribe designed to identify, and avoid or minimize impacts to, tribal archaeological and cultural resources in sensitive areas during the performance of land disturbing activities either by the County or authorized by the County. Such protocols and procedures could include opportunities for tribal monitoring of land disturbing activities that may affect archaeological resources in accordance with chapters 27.53, 27.44, and 68.60 RCW.

Objective TC 2.B: Acknowledge the significance of shorelines to tribal cultural practices and treaty resources.

TC Policies

- 2.B.1 In coordination with tribes, the County should examine development regulations and implement changes to avoid or minimize impacts to the ecological functions and values of fish and wildlife conservation areas, including marine waters.
- 2.B.1 The County shall coordinate with tribal governments to identify impacts to treaty resources in shoreline environments through examination of operations and development regulations.

Objective TC 2.C: Recognize that water is integral to tribal culture.

TC Policies

- 2.C.1 The County shall coordinate with tribal governments to identify and implement methods of protecting groundwater, surface water, and aquifer recharge areas that support tribal reservations.

GOAL TC 3: CONDUCT REGULAR AND MEANINGFUL CONSULTATION WITH TRIBAL OFFICIALS ON COORDINATED PLANNING EFFORTS THAT MAY AFFECT TRIBAL INTERESTS.

Objective TC 3.A: Establish a process for regular and meaningful consultation and collaboration with tribal officials in the development of regulations, proposed legislation, and other policy statements or actions that have tribal implications.

TC Policies

3.A.1 The County shall consider whether tribal interests may be affected when developing legislation.

3.A.2 When tribal interests may be affected by legislation, the County should consult early with tribes to identify issues and concerns.

Objective TC 3.B: Recognize that effective consultation with tribal governments requires engagement beyond general public comment processes for County actions affecting tribal interests or lands within the exterior boundaries of reservations.

TC Policies

3.B.1 The County shall continue to work with tribal governments to develop effective and meaningful channels of communication to meet the needs of each tribe.

3.B.2 The County shall make its best effort to address tribal comments and concerns in land use permitting decisions consistent with local, state, and federal requirements.

3.B.3 The County shall make its best effort to provide accurate and complete information when responding to tribes' requests for information.

GOAL TC 4: COORDINATE WITH TRIBES TO ESTABLISH A FRAMEWORK FOR COOPERATIVE DISCUSSION AND CONSULTATION ON ISSUES OF MUTUAL CONCERN.

Objective TC 4.A: Consider issues of mutual concern in actions and decisions that may have implications to tribes.

TC Policies

4.A.1 The County shall promote timely and effective resolution of issues of mutual concern.

4.A.2 The County shall work with tribal governments to establish liaisons as a single point of contact on issues of mutual concern.

4.A.3 The County’s tribal liaison and the tribes should identify when lands within the exterior boundaries of reservations may be implicated in parallel planning processes by both jurisdictions and shall enter into good faith negotiations to develop a mutually agreeable resolution to such conflicts.

GOAL TC 5: BUILD RESILIENCY TO THE EFFECTS OF CLIMATE CHANGE IN A WAY THAT EMPLOYS INNOVATIVE, COORDINATED EFFORTS AND RECOGNIZES THE IMPORTANCE OF PROTECTING TRIBAL SOVEREIGN AND TREATY RIGHTS AND CULTURAL PRACTICES FROM EXTREME WEATHER, INCREASING TEMPERATURE, AND RISING SEA LEVELS.

Objective TC 5.A: Coordinate with tribal governments in the development and implementation of programs that build resiliency to the impacts of climate change and protect cultural resources from the impacts of climate change.

TC Policies

5.A.1 The County should coordinate with tribal governments to identify and implement strategies that build resiliency to the impacts of extreme weather and other natural hazards worsened by climate change for cultural sites and practices and culturally important traditional foods and natural resources.

5.A.2 The County should collaborate with tribes on the development and implementation of programs that protect, enhance, and restore ecosystems to support tribal sovereign and treaty rights and conserve culturally significant consumptive and non-consumptive resources including first foods, medicinal plants, and materials that could be adversely impacted by climate change.

STILLAGUAMISH TRIBE OF INDIANS

INTRODUCTION

The Stillaguamish Tribe of Indians has significant land holdings near the City of Arlington. In 2014, the United States Bureau of Indian Affairs proclaimed a reservation as the permanent homeland for the Stillaguamish Tribe. The Stillaguamish Indian Reservation is comprised

entirely of trust land and is located off 236th Street Northeast in Arlington. Additionally, the Stillaguamish Tribe owns trust land outside the boundaries of the Reservation.

The Stillaguamish Tribe of Indians comprises descendants of the Stoluck-wa-mish River Tribe. In 1855, the indigenous population resided on the main branch of the Stillaguamish River, as well as the north and south forks, near present day Arlington and Stanwood, Washington. The name Stoluck-wa-mish or Stillaguamish, has been used since 1850 to refer to the people who lived along the Stillaguamish River and camped along its tributaries. The ancestors of the Stillaguamish were a party to the Treaty of Point Elliott of 1855, under the spelling Stoluck-wa-mish. However, no separate reservation was established for the Stoluck-wa-mish River Tribe. Some moved to the Tulalip Reservation, but the majority remained in the aboriginal area along the Stillaguamish River.

In 1974, the Tribe petitioned the United States Secretary of the Interior for acknowledgement and recognition as an Indian Tribe. On October 27, 1976, the Tribe achieved federal recognition and treaty rights, and were made eligible for federal services. In 2014, the Tribe was granted a 64-acre reservation by the federal government. The Tribe has several tribal facilities and businesses located on the reservation, near the Stillaguamish River, in Snohomish County, Washington. The Tribal headquarters are located in Arlington, Washington.

GOAL TC 6: CONTINUE TO DEVELOP AND IMPLEMENT COOPERATIVE LAND USE PLANNING WITH THE STILLAGUAMISH TRIBE OF INDIANS.

Objective TC 6.A: Objective TC 6.A Seek innovative approaches with the Stillaguamish Tribe to address jurisdictional conflicts in a way that provide community benefits, including exploring future cooperative agreements.

TC Policies

6.A.1 TC Policy 6.A.1 The County shall maintain an ongoing collaborative workgroup with the Stillaguamish Tribe to promote effective communication and meaningful involvement in land use issues.

Objective TC 6.B: Establish a process for Snohomish County and the Stillaguamish Tribe to share information, data, and resources to facilitate coordinated land use planning on the Stillaguamish Indian Reservation.

6.B.1 The County shall work cooperatively with the Stillaguamish Tribe in exchanging GIS, land use, and code enforcement data to collaborate on issues of shared concern.

TULALIP TRIBES

The Tulalip Tribes are the successors in interest to the Snohomish, Snoqualmie, Skykomish, and other tribes and bands, and were party to the 1855 Treaty of Point Elliott. The Tulalip Indian Reservation is approximately 22,500 acres (about 36 square miles) and lies on Port Susan, Port Gardner, and Possession Sound in western Snohomish County. It shares its eastern border with the City of Marysville.

The Tulalip Indian Reservation boundaries were established by the 1855 Treaty of Point Elliot and by an 1873 Executive Order of President U.S. Grant. The Reservation was created to provide a permanent homeland for the Tulalip Tribes. Under the Treaty, signatory tribes ceded millions of acres of land in western Washington, reserving certain fundamental rights and four areas of reservation land in exchange for promises of governmental protection, goods, and services. Tribal leaders who attended the Mukilteo gathering to sign the treaty asked the government to locate one of the reservations established by the Treaty on land near the Snohomish River to include Tulalip Bay, where freshwater streams converged and where fish were plentiful. The Treaty also reserved to the Tulalip Tribes fishing rights in all their “usual and accustomed” areas and hunting and gathering rights on all “open and unclaimed” lands. Reserving these treaty rights was an essential component of the treaty, and Tribes have worked diligently to ensure that these reserved treaty rights continue to be honored and enforced.

In the late nineteenth century, Congress enacted a series of laws known as the Allotment Acts. In accordance with these laws, Reservation lands on the Tulalip Indian Reservation were divided and allotted among Tulalip Tribes families, and after a period of time could be sold to non-tribal members. As a result, many parcels gradually passed from Tribal to non-Tribal ownership. The Tulalip became a “checkerboard” reservation, meaning that lands owned by non-tribal members (referred to as fee simple lands or fee lands) were interspersed with lands owned by the Tulalip Tribes and Tulalip Tribes members (referred to as trust lands or restricted fee lands). This pattern of ownership continues today. Despite changes in ownership of individual parcels, the Tulalip Reservation boundaries have not been changed or diminished. To maintain a permanent homeland for the Tulalip people, the Tulalip Tribes is working to reacquire land on the Reservation lost because of policies created during the Allotment Era. However, the impact of the Allotment Era continues to affect life and jurisdiction over property on the Tulalip Reservation and, therefore, affects land use and permitting on the Reservation today.

The Tulalip Tribes are organized under a constitution and government possessing both criminal and civil jurisdiction over the Reservation. Under the Tulalip Constitution, legislative powers lie with the Tulalip Board of Directors, an elected body who make business and other important decisions on behalf of the Tulalip Tribes. The Tulalip Tribes have a full range of governmental departments that provide public services to the Reservation community including a police force, a tribal court system, a housing program, health care facilities, social services and child welfare programs, a natural and cultural resources department, environmental regulation, a

community development department, and other services. In 1998, the Tulalip Tribes enacted Tulalip Ordinance No. 111 (now Tulalip Tribal Code 15.05), under which Tulalip established a tribal municipal corporation known as the Consolidated Borough of Quil Ceda Village (QCV) located on the eastern boundary of the Reservation.

Land use permitting on the Tulalip Reservation is challenging because the Tulalip Tribes and the County do not agree on jurisdictional issues. The Tulalip Tribes assert land use regulatory jurisdiction over all lands within the exterior boundaries of the Tulalip Indian Reservation, regardless of ownership type. Snohomish County recognizes that within the Tulalip Indian Reservation, trust lands and lands owned by Tulalip Tribes members are subject to tribal land use plans, permit processes, and procedures administered by tribal officials. However, Snohomish County asserts land use regulatory jurisdiction over fee simple lands within the exterior boundaries of the Tulalip Indian Reservation that are not owned by Tulalip Tribes members and regulates these lands according to both State and County requirements.

Recognizing the benefit of coordinated planning efforts, the Tulalip Tribes and Snohomish County passed Joint Resolution No. 10-010 in 2010, authorizing staff from both planning departments to develop a Memorandum of Understanding (MOU) aimed at improving coordination and cooperative problem-solving. In 2013, the Tulalip Tribes and Snohomish County adopted an MOU establishing a process for coordinated comprehensive long-range planning and for information and resource sharing.

The southeast portion of the Tulalip Reservation at the Marine Drive NE and I-5 interchange has traditionally been the main entry onto the reservation to access businesses, residential areas, and tribal government offices. This area of the reservation contains a commercial community with a pattern of urban development served by urban infrastructure, including sanitary sewer, and is outside of an urban growth area. This unique commercial community is a jurisdictional patchwork of lands held in trust by the federal government for tribal members and the Tribe, fee-simple lands under tribal member ownership and not subject to county jurisdiction, and fee-simple lands under non-tribal ownership that are subject to county jurisdiction. Neither a UGA designation nor a designation as a Limited Area of More Intense Rural Development (LAMIRD) is appropriate for this area. A UGA designation implies annexation to a city. The subject lands within this area are integrally associated with Tribal lands and not city areas. Because the area is urban in nature and served by urban services, it is not appropriate for a LAMIRD designation. The Future Land Use Map applies a designation of Reservation Commercial because it fits the character of the existing land uses and is compatible with adjoining parcels that are held in trust by the United States government for the benefit of the Tulalip Tribes.

GOAL TC 7: CONTINUE TO DEVELOP AND IMPLEMENT COOPERATIVE LAND USE PLANNING WITH THE TULALIP TRIBES FOR LANDS WITHIN THE EXTERIOR BOUNDARIES OF THE TULALIP INDIAN RESERVATION.

Objective TC 7.A: Seek innovative approaches with the Tulalip Tribes to address jurisdictional conflicts in a way that provide community benefits, including exploring future cooperative agreements.

TC Policies

7.A.1 The County shall maintain an ongoing collaborative workgroup with the Tulalip Tribes to promote effective communication and meaningful involvement in land use issues.

Objective TC 7.B: The County shall work with the Tulalip Tribes to collaboratively address differences to achieve greater compatibility between the Snohomish County Comprehensive Plan and the Tulalip Comprehensive Land Use Plan within the requirements of federal, state, and local laws.

TC Policies

7.B.1 The County shall seek opportunities through future comprehensive plan updates to align the Snohomish County Comprehensive Plan and Tulalip Comprehensive Land Use Plan.

Objective TC 7.C: Establish a process for Snohomish County and the Tulalip Tribes to share information, data, and resources to facilitate coordinated land use planning on the Tulalip Indian Reservation.

TC Policies

7.C.1 The County shall coordinate with the Tulalip Tribes on growth forecasts within the exterior boundaries of the Tulalip Indian Reservation.

7.C.2 The County shall work cooperatively with the Tulalip Tribes in exchanging geographic information systems (GIS), land use, and code enforcement data for lands within the exterior boundaries of the Tulalip Indian Reservation.

Objective TC 7.D: Explore coordinated land use permitting and code enforcement with the Tulalip Tribes on fee lands on the Tulalip Indian Reservation owned by non-Tulalip Tribes members.

TC Policies

7.D.1 The County shall work with the Tulalip Tribes to develop ongoing administrative processes to jointly discuss and comment on permit applications submitted to the county that have tribal implications, including development activities on the Tulalip Indian Reservation.

SAUK-SUIATTLE INDIAN TRIBE

The Sauk-Suiattle Indian Tribe has trust land in both Skagit and Snohomish Counties. The Sauk-Suiattle Indian Reservation is located primarily in Skagit County, although a section of the reservation is in Snohomish County. The Tribe has significant landholdings near the City of Darrington in northeastern Snohomish County.

GOAL TC 8: CONTINUE TO DEVELOP AND IMPLEMENT COOPERATIVE LAND USE PLANNING WITH THE SAUK-SUIATTLE INDIAN TRIBE.

Objective TC 8.A: Explore future cooperative agreements and seek innovative approaches with the Sauk-Suiattle Tribe to mitigating jurisdictional conflict in a way that provides community benefits

TC Policies

- 8.A.1 Maintain an ongoing collaborative workgroup made up of Sauk-Suiattle Indian Tribe and County representatives to promote effective communication and meaningful involvement in land use issues.