

Appendix 4 - Tulalip Indian Reservation

It has been brought to the attention of Snohomish County that a complex set of jurisdictional questions has developed which pertains to the legal applicability of the Shoreline Management Act within the boundaries of the Tulalip Indian Reservation. Specifically, several important legal issues relating to the degree of sovereignty any and all Indian tribes may have over the lands (both Indian and non-Indian owned) within their Reservations remain unresolved. In addition, a number of specific boundary location questions exist which pertain to lands claimed by the Tulalip Tribes as portions of the Reservation ceded to them by the United States Government in 1873.

After discussing this situation with representatives of the Tulalip Tribes of Washington at several meetings, it was agreed that a special section including both map and text would be included in the Snohomish County Shoreline Management Master Program to point out and briefly explain this complex set of jurisdictional issues. The following information is intended to assist in explaining the current status of lands in and adjacent to the Tulalip Reservation which either do or could potentially fall under the jurisdiction of the Shoreline Management Act.

Land Ownership Patterns

There are basically three types of land ownership on the Reservation - allotted lands, owned by individual Indians; alienated lands, owned by non-Indians; and tribal lands, owned by the Indian Tribes.

Allotted Lands - Shortly after the Reservation was established in 1855, the Federal Government assigned individual parcels of land to the Indian families on the tribal rolls and in some cases forcibly relocated the families from the small settlements on the shores of Puget Sound to their designated parcels. These lands are held in trust and managed by the Bureau of Indian Affairs on behalf of each Indian owner.

Snohomish County does not attempt to apply its land use control authority to those lands which are mutually agreed upon as being allotted.

Tribal Lands - Over the years since 1935, certain parcels of unallotted lands have reverted to tribal ownership. In 1939, the Tribes also began acquiring allotted lands throughout the Reservation. Tribal lands are generally held in trust status with joint management responsibility being shared between the Tulalip Tribes and the Bureau of Indian Affairs.

Snohomish County does not apply its land use control authority to those lands which are mutually agreed upon as being Tribal.

Disputed Lands - There are several areas on the periphery of the Tulalip Reservation which for the purposes of this Master Program have been unofficially declared as disputed lands. This disputed lands label has been applied to these areas based on the uncertainty surrounding their jurisdictional status. The Tulalip Tribes have made jurisdictional claims on lands, tidelands and waterways which have not been acknowledged or agreed upon by Snohomish County or the State of Washington.

The largest single block of disputed lands which may fall under the jurisdiction of the Shoreline Management Act are the tidelands running most of the western length of the Tulalip Reservation. Other areas include the bed lands of Tulalip Bay, portions of Steamboat Slough and tidelands lying west of Smith Island.

Shoreline planning environment designations have been applied to all these disputed lands by Snohomish County.