

Tribal Element

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

Today the Sauk-Suiattle, Stillaguamish, and the Tulalip 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. The Tribes have important historic and cultural sites both on and off their reservations. Each Tribe continues 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.

Snohomish County acknowledges the historic and present-day connection between tribal people and the land base, and recognizes each Tribe's sovereignty. Snohomish County is committed to partnering with the Tribes to protect and preserve Tribal cultural 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 chapter is an important foundation to ensure an enduring relationship between the county and the Tribes based on mutual respect, open communication, and transparency.

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.

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CULTURE

Goal TE 1 Recognize and support Tribal cultures.

Obj TE 1.A Promote education programs that emphasize tribal history, culture, and government.

Pol TE 1.A.1 Include Tribal cultural centers, events, and activities open to the public in county tourism and cultural activities information for Snohomish County.

Pol TE 1.A.2 Include educational materials on local Tribes in employee training materials.

Pol TE 1.A.3 Recognize Native American Heritage Month and Native American Heritage Day in County-sponsored events and explore opportunities to provide educational resources regarding Tribes to the public.

Obj TE 1.B Partner with local Tribes to identify, preserve, and protect local cultural resources of importance to Tribes.

Pol TE 1.B.1 Work with Tribes 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.

Goal TE 2 Collaborate with Tribes to avoid or minimize adverse impacts to Tribal archaeological and cultural resources.

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

Pol TE 2.A.1 Provide training to Snohomish County planning, public works and parks staff regarding legal requirements related to the protection of tribal, cultural, sacred, archaeological, and burial areas.

Pol TE 2.A.2 Develop protocols and procedures with each Tribe designed to identify, and avoid or minimize impacts to, Tribal archeological and cultural resources in sensitive cultural areas during the performance of land disturbing activities either by the County or authorized by the County, such as opportunities for Tribal monitoring of land disturbing activities that may affect archeological resources.

Obj TE 2.B Acknowledge the unique relationship of shorelines to Tribal culture and treaty resources.

Pol TE 2.B.1 Design development regulations to avoid or minimize impacts to the ecological functions and values of fish and wildlife conservation areas, including marine waters.

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Pol TE 2.B.2 Work with Tribes to recognize and address impacts to treaty resources in shoreline environments.

Obj TE 2.C Recognize that water is integral to Tribal culture.

Pol TE 2.C.1 Work with Tribes to identify methods of protecting groundwater, surface water, and aquifer recharge areas that support tribal reservations.

COMMUNICATION

Goal TE 3 The County shall engage in regular and meaningful consultation with Tribal officials in policy decisions that have Tribal implications.

Obj TE 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.

Pol TE 3.A.1 Consider whether Tribal interests may be affected when drafting legislation.

Pol TE 3.A.2 When the county identifies Tribal interests that may be affected by legislation, the county shall attempt to consult early with Tribes to identify issues and concerns.

Obj TE 3.B Recognize that effective consultation with Tribal governments requires engagement beyond general public comment processes for County actions affecting Tribal interests or Reservation lands.

Pol TE 3.B.1 Continue to work with Tribes to develop effective and meaningful streamlined channels of communication to meet the needs of each Tribe.

Pol TE 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.

Pol TE 3.B.3 The County shall make its best effort to provide Tribes with accurate and complete information when responding to Tribal requests for information.

COORDINATION

Goal TE 4 Coordinate with Tribes to establish a framework for cooperative discussion and consultation on issues of mutual concern.

Obj TE 4.A Assure that issues of mutual concern are considered in actions and decisions that may have Tribal implications.

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- Pol TE 4.A.1 The County shall promote timely and effective resolution of issues of mutual concern.
- Pol TE 4.A.2 The County shall work with Tribes toward establishing Tribal liaisons as a single point of contact on issues of mutual concern.

The Tribes of this Area and Specific Tribal Goals, Objectives and Policies

Sauk-Suiattle Indian Tribe

The Sauk-Suiattle Indian Tribe owns 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 located in Snohomish County. The Tribe has significant landholdings near the City of Darrington in northeastern Snohomish County.

Stillaguamish Tribe of Indians

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 near the Angel of the Winds Casino off 236th Street Northeast in Arlington.

The 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. It 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 the fish were plentiful. The Treaty also reserved to the Tulalip Tribes fishing rights in all of their “usual and accustomed” areas, and hunting and

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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 these reserved treaty rights continue to be honored and enforced. These tribal treaty rights have been confirmed by the federal courts in *United States v. Washington* (the Boldt Decision) and are protected by Article VI of the United States Constitution.

The Tulalip Tribes is organized under a constitution and government possessing both criminal and civil jurisdiction over the Reservation. Under the Tulalip Constitution, the Tulalip Tribe’s elected governing body is the Tulalip Board of Directors, who exercise legislative powers and also make business, and other important decisions on behalf of the Tulalip Tribes. The Tulalip Tribes has 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 on the Tulalip Indian Reservation

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. As a result many parcels gradually passed from Tribal to non-Tribal ownership.

Tulalip became a “checkerboard” reservation, meaning that lands owned by non-tribal members (referred to as fee simple lands or just 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 as a result of 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.

Land use permitting on the Tulalip Reservation is challenging because the Tulalip Tribes and the County do not agree on jurisdictional issues with respect to land use. The Tulalip Tribes asserts 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

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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.

LAND USE on the TULALIP INDIAN RESERVATION

Goal TE 5 Continue to develop and implement cooperative land use planning with the Tulalip Tribes for lands within the exterior boundaries of the Tulalip Indian Reservation.

Obj TE 5.A Seek innovative approaches to address jurisdictional conflict that provides community benefits, including exploring future cooperative agreements.

Pol TE 5.A.1 Maintain an ongoing collaborative workgroup to promote effective communication and meaningful involvement in land use issues.

Obj TE 5.B Work with the Tulalip Tribes to seek solutions for resolving inconsistencies between the Snohomish County Comprehensive Plan and the Tulalip Comprehensive Land Use Plan, within the requirements of federal, state, and local laws.

Obj TE 5.C Establish a process whereby Snohomish County and the Tulalip Tribes will share information, data and resources to facilitate coordinated land use planning on the Tulalip Indian Reservation.

Pol TE 5.C.1 Consult with the Tulalip Tribes regarding population and employment growth targets allocated and assigned to lands within the exterior boundaries of the Tulalip Indian Reservation by the Washington State Office of Financial Management.

Pol TE 5.C.2 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.

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Obj TE 5.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.

Pol TE 5.D.1 Work with the Tulalip Tribes to develop ongoing administrative processes to jointly discuss and comment on any permit application which has Tribal implications, including development activities on the Tulalip Indian Reservation.

Pol TE 5.D.2 Explore opportunities for Tribal administration of various permitting programs through interlocal agreements.

Pol TE 5.D.3 Explore a joint code enforcement program on the Tulalip Indian Reservation through agreements with the Tulalip Tribes.

Pol TE 5.D.4 Establish a consultation process to discuss jurisdictional disputes involving non-Tulalip Tribal landowners on the Tulalip Indian Reservation.

Pol TE 5.D.5 Explore an inter-local agreement that enables the Tulalip Tribes to administer a permitting program for building permits for development activities wholly within the exterior boundaries of the Tulalip Indian Reservation.

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