



## THE TULALIP TRIBES

Board of Directors:

Melvin Sheldon Jr. - Chairman  
Marie Zackuse - Vice Chairman  
Les Parks - Treasurer  
Bonnie Juneau - Secretary  
Herman Williams, Leib Sil Teed - Board Member  
Theresa Sheldon - Board Member  
Glen Gobin, Ti Cetx - Board Member

6406 Marine Dr.  
Tulalip, WA 98271-9694  
(360) 716-4000  
FAX (360) 716-0628

The Tulalip Tribes are the successors in interest to the Snohomish, Snoqualmie, and Skykomish tribes and other tribes and band signatory to the Treaty of Point Elliott

Misty Napeahi- Tribal Government General Manager

To:

Edmonds City Council  
121 5th Ave. N.  
Edmonds, WA 98020

Dear Honorable Edmonds City Council Members:

Thank you for the opportunity to comment on the Edmonds marsh component of the City of Edmonds shoreline master plan (SMP). The Tulalip Tribes has an interest in this component of the SMP, because it governs protection and restoration of a sensitive wetland, shoreline, and fish and habitat conservation area, upon which the Tribes' treaty resources and life ways depend. We hope our comments will aid in protection and restoration of the City's valuable environmentally sensitive areas.

The Tulalip Tribes is a federally recognized Indian Tribe, and the successors in interest to the Snohomish, Snoqualmie, Skykomish and other tribes and bands, who were signatory to the 1855 Treaty of Point Elliot. As part of the treaty, the United States explicitly reserved the right of the Tulalip people to continue fishing, hunting, and plant and shellfish gathering throughout their traditional territory, which spans the entirety of Snohomish County and beyond. Under Article VI of the United States Constitution, the Point Elliot Treaty and the rights reserved by the Tulalip People are "the supreme law of the land." Continued exercise of tribal treaty rights depends on protection and restoration of critical areas like the Edmonds marsh.

The Tulalip Tribes Natural Resources Department considers the daylighting of Willow Creek and the reintroduction of natural tidal flow to the Edmonds Marsh a critical component to salmon recovery in marine environment of WRIA 8. Most of the historic shoreline refuge and rearing habitat for juvenile salmon including ESA listed Puget Sound Chinook has been lost due to development such as construction of the rail line along the shoreline, filling of pocket estuaries and salt marshes, and urban development. Historically the Edmonds Marsh was a small pocket estuary (Collins & Sheikh: 2005) fed by Willow and Shellberger Creeks. Research results suggest that pocket estuaries are an important ecological niche for some salmon life history types and other estuarine/marine fish species (Beamer et al: 2006) and recovery efforts should look to restore these areas.

Requiring a large buffer setback at the marsh would help to increase habitat for avian and terrestrial wildlife at the site. However, the major ecological impacts to the health of the marsh come from its restricted hydrologic connection to the Puget Sound, untreated or limited treatment of storm water, and urban runoff from Willow and Shellabarger creeks. Without addressing these



## THE TULALIP TRIBES

impacts terrestrial buffers around the marsh would have limited benefit to the salt marsh's water quality, ecological health, or to salmon.

The Tulalip Tribes Natural Resources Department agrees that the existing vegetation buffers around the marsh need to be increased. However, adoption of strict marsh buffers with limited or no flexibility would potentially result in impeding the ongoing restoration efforts currently taking place in and around the marsh and undermine any ability to work with neighboring property owners to implement the most ecologically beneficial restoration design at the site. Some specific concerns we have include:

The Washington State Department of Transportation is unlikely to allow the marsh channel to run through their future property, the Chevron clean up site, if the required buffer setback would remove all or a significant amount of developable land for the future ferry terminal. This would result in the undermining of the habitat value of the restoration work at the site and likely limit the ability of receiving grant funding for the restoration work at the site.

Portions of the Marina Beach and Off Leash Dog Parks would fall within the buffer area if the daylighting of Willow Creek takes place. This may lead to the loss of portions of the Off Leash Dog and Marina Beach Park areas to planted riparian buffers. This could result in a loss of public support for the restoration project if significant portions of these park areas are lost because of the buffer requirements.

The inflexible buffers for the marsh would make it unlikely that neighboring landowners would upgrade their stormwater infrastructure and treatment to reduce or eliminate pollutant loading to the marsh. The inflexible buffers would also result in no change at these sites for the foreseeable future since existing structures would be grandfathered in and the cost of restoring the full buffer would make it not financially feasible to redevelop these properties.

The unintended consequences of the different Edmonds Marsh buffer and setback scenarios need to be fully contemplated to ensure the most beneficial ecological outcome for the marsh and avoid creating future obstacles to the restoration and recovery of the marsh, its surrounding area, and watershed.

We believe the Council is heading in the right direction with Option M by conducting a study of the site and adding flexibility to the buffer widths. We are concerned that Option D limits or eliminates the ability to be flexible with the buffers and may significantly impede restoration efforts to daylight Willow Creek and upgrade stormwater systems. The Council should consider allowing for buffer averaging at the site to allow for areas with limited feasibility for large buffers to be compensated for by larger buffers in other areas. We understand the Council has a limited amount of time to make a decision on how to implement buffers and setbacks for the marsh in the SMP update. However, we think it would be extremely beneficial if the Council supported the development of a longterm master plan for the Edmonds Marsh area to guide the



**THE TULALIP TRIBES**

the Edmonds Marsh. Please feel free to contact me with any questions you have about this letter or the Edmonds Marsh area.

Sincerely

Todd Zackey  
Marine & Nearshore Program Manager  
Tulalip Tribes Natural and Cultural Resources Department

Cc: Mayor Dave Earling  
Carrie Hite

## References

Beamer, E., A. McBride, R. Henderson, J. Griffith, K. Fresh, T. Zackey, R. Barsh, T. Wyllie-Echeverria, and K. Wolf. 2006. Habitat and fish use of pocket estuaries in the Whidbey Basin and north Skagit County bays, 2004 and 2005. Skagit River System Cooperative, LaConner, WA. [www.skagitcoop.org](http://www.skagitcoop.org).

Collins, B., and A. Sheikh. 2005. Historical reconstruction, classification, and change analysis of Puget Sound tidal marshes. University of Washington, Department of Earth and Space Sciences, Seattle.

future restoration of the marsh and development of the surrounding area and include all of the stakeholders to develop a clear and collaborative plan to ensure the future health and recovery of