

**Snoqualmie Valley Watershed Improvement District (WID)**  
**Board of Commissioners Meeting Minutes**  
**August 10<sup>th</sup>, 2016**

**Opening:** The meeting was called to order at approximately 6:02 p.m. at Carnation City Hall by Siri Erickson-Brown.

**Commissioners present:** David Andrews, Patrick McGlothlin, Siri Erickson-Brown, Gary Remlinger.

**Commissioner not present:** Jason Roetcisoender.

**Staff present:** Cynthia Krass, Ally Britain

1. **Approval of Agenda:** Approved as presented, 4:0
2. **Approval of Minutes:** Approved as presented, 4:0
3. **Public Comment:** No public comment. Attendees introduced themselves: Jarvis Keller, Janet Keller, Steve Keller, Ryan Lichtenegger, Amanda Cronin, Lawrence Carlson, Brian Bodenbach, Darryl Williams, Steve Evans, Larry Pickering.
4. **Consent Agenda:** (nothing to report this month)
5. **Tribal Treaty Rights Training by Darryl Williams, Tulalip Tribes:** Mr. Williams, of the Tulalip Tribes, presented a presentation titled “Treaty Fishing Rights.” The slides from the presentation are attached.
6. **Irrigation subcommittee update:** Mr. Andrews gave the update: the WID has a grant to do the water bank design and put out a request for qualifications, as per the WID procurement policy, for consultant services for water bank design. Irrigation committee’s recommendation is to engage AMP Insights for the work. Ms. Krass gave a brief overview on the tasks: Water right was purchased for \$340,000. What was left of the grant money will be used for water bank design consulting and some technical analysis for preparing the water right to be transferred. Tasks are outlined in the contract, but the bulk of the contract is for how you logistically do a water bank. \$100,000 will be for the consultant to do the water bank design and includes stakeholder outreach. Deliverables would be water bank guidance document policies expected by summer 2017 and hopefully a system up and running by summer 2018. Staff recommends contract as is. A question session was opened for Ms. Cronin, no comments.

A motion to authorize David Andrews, as WID Secretary and Irrigation Committee member, to enter in the consultant agreement with AMP Insights

as presented, for the purpose of completing the water bank design, as per the WID's agreement with the WA State Dept of Ecology. **Approved 4:0**

7. **Drainage subcommittee update:** Ms. Krass gave an update: mapping assets is harder than expected. A beta test with eight landowners was conducted to dial in the on line tool. They provided a lot feedback, and the next step is to reprioritize in order to make the best use of the consultant time. A subcommittee meeting to determine priorities is in order. The skepticism is on people's ability to navigate it because it's currently not user friendly. Discussion was had on whether or not an intern might be necessary in the future. Ms. Erickson-Brown agreed to sit down with direct landowners to work on this and Ms. Krass to do the outreach.
8. **Strategic plan project update:** (No update this month)
9. **Administrative update:**
  - a. *Consider assessment roll and level in preparation for equalization hearing:* 2017 assessment will go into effect in February. WID considered the assessment roll, which will be finalized in a board of equalization hearing September 14. Staff discussed costs for running the district. Acreage in district is 13,500-14,000 acres. It was noted that \$4-\$10 per acre had been discussed during formation process. It's expected that by Sept 14<sup>th</sup>, WID will know if there's a Flood Control District funded program, requiring a match, or not, and should set aside money in either case. Staff presented a basic budget (attached) outlining minimal costs for running the district, including administrative overhead, insurance, general legal assistance. Discussion of \$7 was proposed assessment rate.  
  
Staff indicated that public notice will be made, as per state law, between 20 and 30 days prior to the board of equalization hearing on September 14. Commissioners decided to do a direct communication to supplement. Amendment to the current assessment roll were discussed: considered removing acreage if annexed to the City of Duvall for a park, and adding the approximately 180 acres owned by Keller Dairy, which was previously owned by King County. Written request was suggested to include property owners on annexation.
10. **Staff Report:** In addition to the written staff report, a commissioner should take charge of secretary election position. Mrs. Erickson-Brown volunteered to be commissioner point person for election.

**Adjournment:** Meeting was adjourned at 7:59 p.m.

**Next Board of Commissioners Meeting:** Wed, September, 14th at 6:00 p.m. at Carnation City Hall.

**Minutes submitted by:** Cynthia Krass and Ally Britain

# Treaty Fishing Rights

Daryl Williams  
Tulalip Tribes



# Introduction

- ▶ Tribal Fishing Rights Reserved by Steven's Treaties
- ▶ Key Early Fishing Rights Cases
- ▶ U.S. vs. Washington 1974 (Boldt Decision)
- ▶ Supreme Court Decision 1979
- ▶ U.S. vs. Washington, Sub-Proceedings
- ▶ Treaty Rights at Risk
- ▶ Northwest Indian Fisheries Commission



# First Contact



Captain George Vancouver landed in Tulalip Bay in 1792, claimed territory for King George III as a birthday gift.

<http://www.nwrain.com/~newtsuit/uas/vancouver.html>



<http://www.kingslynnonline.com/kings-lynn-history-town.php>

# Tribal Fishing Rights Reserved by Steven's Treaties

- ▶ Pre-Treaty status as sovereign Nations
- ▶ Governor Steven's request to negotiate Treaties
- ▶ Treaty – Agreement between 2 or more sovereigns
- ▶ Tribe's reserve rights to hunt, fish and gather traditional foods, while giving up millions of acres of land
- ▶ Tribes' retained rights not explicitly given to the U.S. through Treaties





# Key Early Fishing Rights Cases

- **Right to cross private property to access fishing areas**  
(U.S. v. Winans 1905)
- **Tribal members right to fish without state intervention**  
(Tulee v. Wash. 1942)
- **Right of the State to Regulate Tribal Fishing for Conservation Purposes**  
(Puyallup Tribe v. Dept. Of Game 1968) (Puyallup I)
- **Right to Commercially Harvest Steelhead**  
(Washington Game Department v. Puyallup Tribe 1973) (Puyallup II)

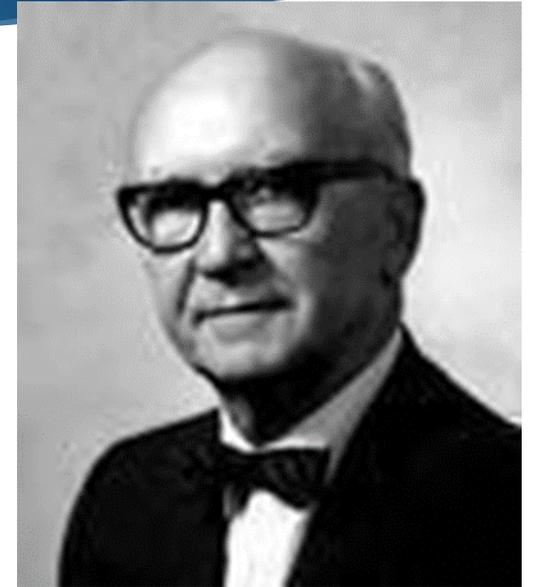
# US. vs. Washington 1974 (Boldt Decision)

- ▶ Tribes Right to Self Regulate
- ▶ Co-Management Responsibility
- ▶ 50/50 Split of Harvestable Salmon
- ▶ Ownership Right

## Treaty of Point Elliot

### Article V

*The right of taking fish at usual and accustomed grounds and stations is further secured to said Indians in common with all citizens of the Territory, and of erecting temporary houses for the purpose of curing, together with the privilege of hunting and gathering roots and berries on open and unclaimed lands. Provided, however, that they shall not take shellfish from any beds staked or cultivated by citizens.*





# Principles of Co-management



- Tribes and State share authority and responsibility for the resource
- One shared resource
  - Shared management objectives
  - Shared data
  - Joint management plans
- Tribes and State are self-regulating
  - Promulgate own regulations pursuant to management plans
  - Enforce own regulations



# U.S. vs. Washington Sub-Proceedings

- ▶ Habitat Protection
- ▶ Steelhead
- ▶ Hatchery Fish
- ▶ Shellfish Harvests
- ▶ Culvert Case

# U.S. vs. Washington Phase II - 1980

In this case, there can be no doubt that one of the paramount purposes of the treaties in question was to reserve to the tribes the right to continue fishing as an economic and cultural way of life. It is equally beyond doubt that the existence of an environmentally-acceptable habitat is essential to the survival of the fish, without which the expressly-reserved right to take fish would be meaningless and valueless.

Judge William Orrick Jr.



# Fish Habitat Conditions

- **Water Quality Issues**

- Bacteria (Agricultural Run-Off & Failing Septics)
- Chemical & Oil Contamination (Creosote Piles, Anti Fouling Paints & Spills)
- Endocrine Disruptors (Sewer & Septic Systems)
- Nutrient Loading (Agricultural, Forestry, Landscaping Run-Off, Sewers & Septic Systems)
- Sedimentation (Forestry & Construction)
- Stormwater Run-off

- **Habitat Issues**

- Bulkheads
- Dredging
- Impassable Barriers to pocket estuaries & tributaries
- Loss of Eelgrass
- Loss of Freshwater, Marine & Estuarine Wetlands
- Loss of Health Riparian Corridors
- Overwater Structures



# Interference with Fishing Activities

- Anchorage Zones
- Piers
- Pilings
- Marinas
- Security Zones
- Water Quality Violates Health Standards for Shellfish Harvesting
- Vessel Traffic



# Treaty Rights at Risk Initiative

- ▶ Initiative started by the Northwest Tribes due to the inaction by federal and state Agencies to protect the tribes treaty protected rights. By allowing the continued decline of fish and their habitats, the tribes culture and way of life is also at risk.
- ▶ *“Through the treaties we reserved that which is most important to us as a people: The right to harvest salmon in our traditional fishing areas. But today the salmon is disappearing because the federal government is failing to protect salmon habitat. Without the salmon there is no treaty right. We kept our word when we ceded all of western Washington to the United States, and we expect the United States to keep its word.”* – BILLY FRANK JR., CHAIRMAN OF THE NORTHWEST INDIAN FISHERIES COMMISSION



