

From: [MacCready, Paul](#)
To: [Davis, Kris](#)
Cc: [Otten, Matthew](#); [Kisielius, Laura](#)
Subject: FW: Point Wells comment
Date: Friday, May 18, 2018 1:27:46 PM
Attachments: [Point Wells Final 5 18 18.pdf](#)

From: Zachary Lamebull [mailto:zlamebull@tulaliptribes-nsn.gov]
Sent: Friday, May 18, 2018 1:06 PM
To: MacCready, Paul <Paul.MacCready@co.snohomish.wa.us>
Cc: Countryman, Ryan <ryan.countryman@snoco.org>
Subject: Point Wells comment

Paul and Ryan,

Could you please add this comment letter to the record for the Point Wells project and hearing.

Thanks

Zach Lamebull
Ecologist
The Tulalip Tribes



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Tulalip, WA 98271
360-716-4214

May 18, 2018

Paul MacCready
Ryan Countryman
Snohomish County Planning and Development Services
3000 Rockefeller Ave., M/S 604
Everett, WA 98201

RE: Point Wells project numbers 11-101457 LU, 11-101461 SM, 11-101007 SP, 11-101008 LDA, and 11-101464 RC.

On behalf of The Tulalip Tribes we thank you for the opportunity to provide comments on this project and future proposals. We look forward to future correspondence and communication. These comments pertain to the Point Wells project numbers 11-101457 LU, 11-101461 SM, 11-101007 SP, 11-101008 LDA, and 11-101464 RC.

These comments are made in support of Snohomish County's recommendation of denial for the BSRE Point Wells development project. The Tulalip Tribes have many issues with the development as stated in a comment letter dated April 11, 2011 sent to Mr. Darryl Eastin from Mason D. Morisset, Attorney for The Tulalip Tribes. Mr. Morisset stated in the comment letter that substantial information is still needed to determine Tribal Treaty Right protection. Mr. Morisset separated four issues that are concerning to The Tulalip Tribes. They are Archaeological/Cultural Resources, Project Effects on Habitat and Environment, Critical Areas Report and SEPA, Treaty Fishing and Shellfish Gathering.

New application information was sent in on April 27, 2018 for the Point Wells project. As of present The Tulalip Tribes has not been able to fully review this documentation. With the uncertainty of the most recent application materials The Tulalip Tribes still must express concern over protection of their respective Treaty Rights.

To date there has been no government-to-government consultation with The Tulalip Tribes concerning cultural resources on the site. A cultural resource study has been completed for the site. Cultural Resource Consultants, Inc. who performed the study did not consult with The Tulalip Tribes. Success of a cultural

The Tulalip Tribes are federally recognized successors in the interest to the Snohomish, Snoqualmie, Skykomish, and other allied tribes and bands signatory to the Treaty of Point Elliott.



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resource study depends on Tribal consultation, no site disturbance shall commence until such time.

There are still concerns with possible environmental effects as a result of the project. Conceptual stream and pocket estuary is not typical of Puget Sound shoreline as stated in letter from Mr. Morisset. Proposed marine walkway does not allow for vegetation to protect surf smelt spawning. Eelgrass beds may be under the proposed marina. Proposed marina and ferry service contributes to more boating congestion and can affect fish and tribal fisherman in area. The project is proposed to be done in phases, when there will still be legacy contaminants in the area with construction still taking place. There has to be a human health concern with close proximity of contamination.

The Critical Area Report (CAR) and submitted SEPA checklist make claims that the development and ground excavation will have little ecological and environmental effect once restoration work is completed. Proof of this claim is backed by little evidence. The surface water section of the SEPA checklist details type N streams through the site, and states Snohomish County Code requires 5-foot-wide buffers for those streams. Snohomish County Code requires 50 foot buffers for type N streams according to SCC 30.62A.320 Table 2a.

To conclude insufficient information has been submitted to review the proposal and it should not be approved. The project doesn't comply nor has sufficient information been submitted to show it complies with Snohomish County regulations. There has been insufficient time to review the latest material submitted after deadlines and allow for public comment. The project has a Determination of Significance yet no Environmental Impact Statement has been prepared or reviewed. The project doesn't comply with Washington State environmental and shoreline management program regulations.

The entire project site and adjacent marine waters are within the usual and accustomed areas of The Tulalip Tribes, where they have fishing and shell fishing rights. Shoreline development that blocks access to fishing and shell fishing areas will not be acceptable. Access must still be maintained even if areas are not suitable for shellfish due to environmental or other physical conditions. Over water structures that interfere with fishing in tribal usual and accustomed areas are not to be permitted.



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Sincerely,


acting for Ray Fryberg SR

Ray Fryberg
Executive Director
Tulalip Tribes Natural Resources Department
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