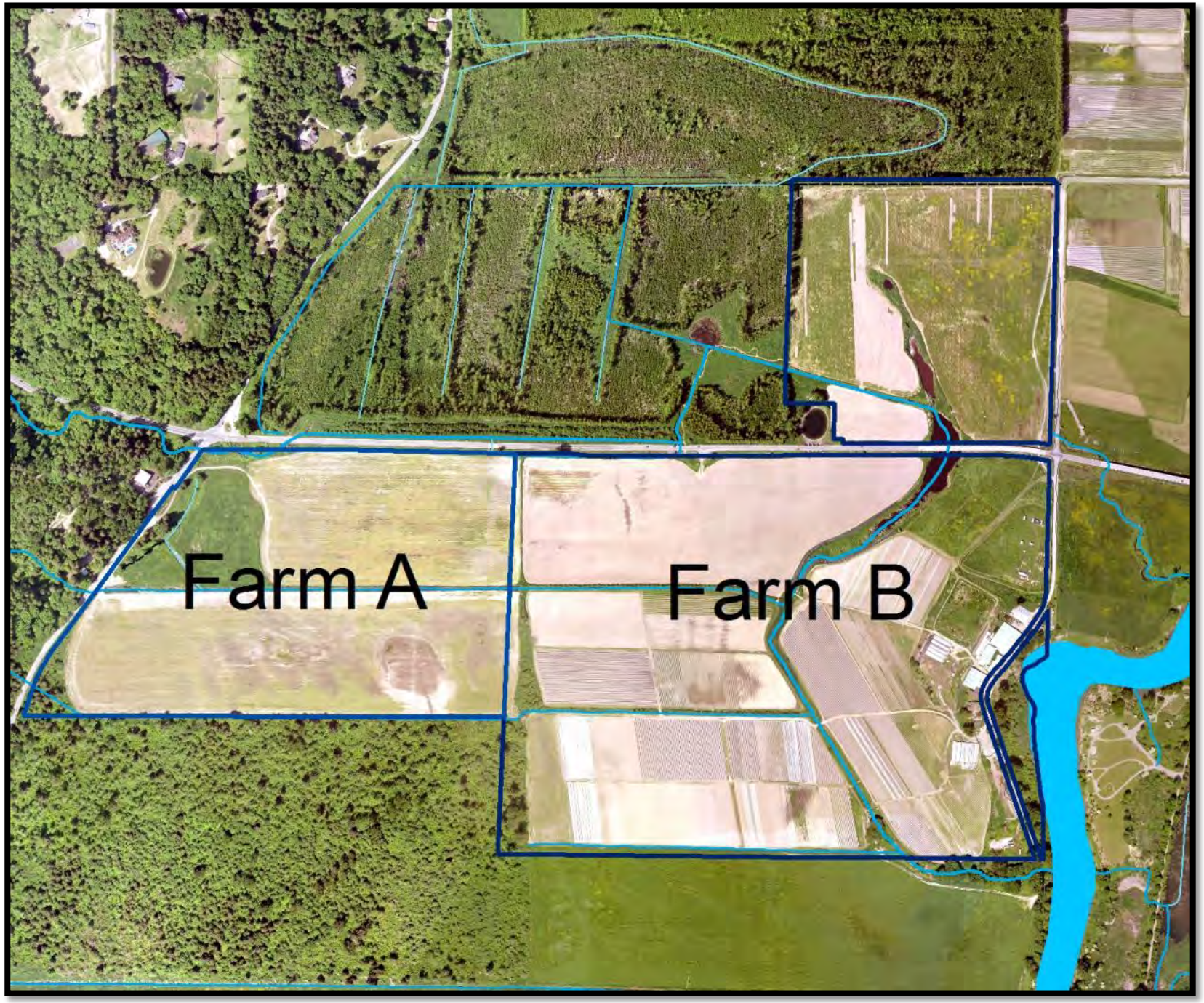
Treaty Rights and Riparian Buffers in an Agricultural Community

HONOR
the TREATIES
TULALIP TRIBES
Justice
for Missing and Murdered
Indigenous Women

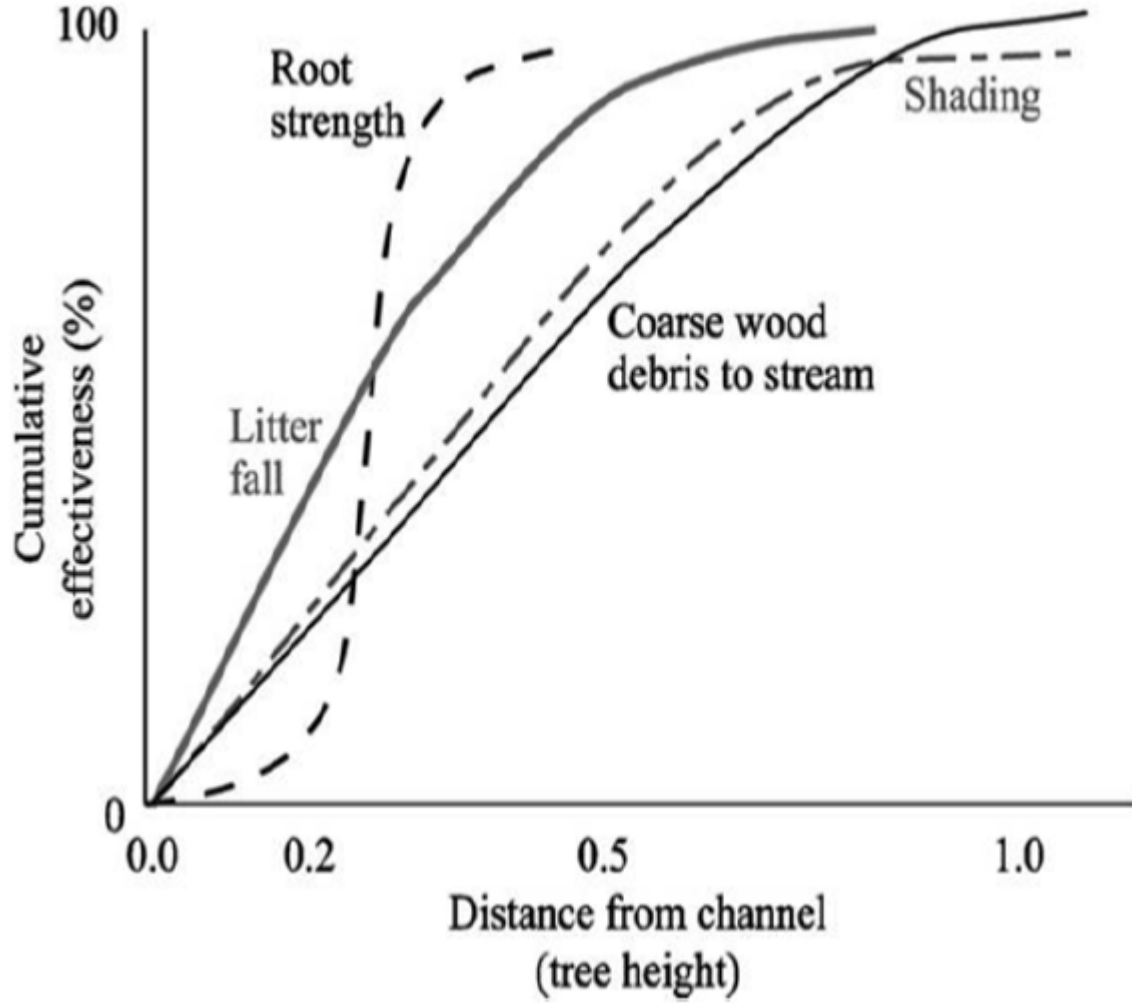
Maintain healthy agricultural economy



Plan goals

150 ft

150 ft



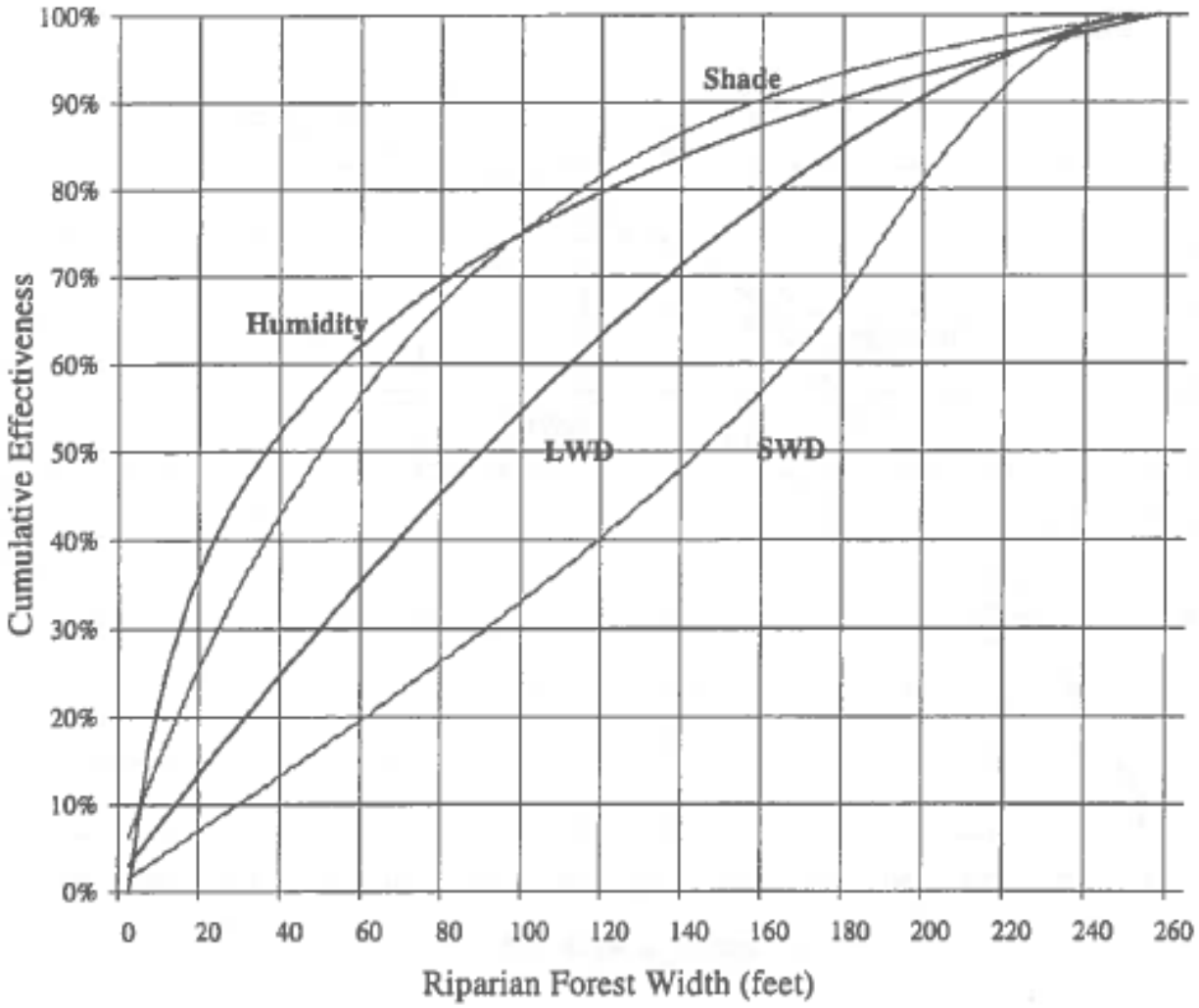
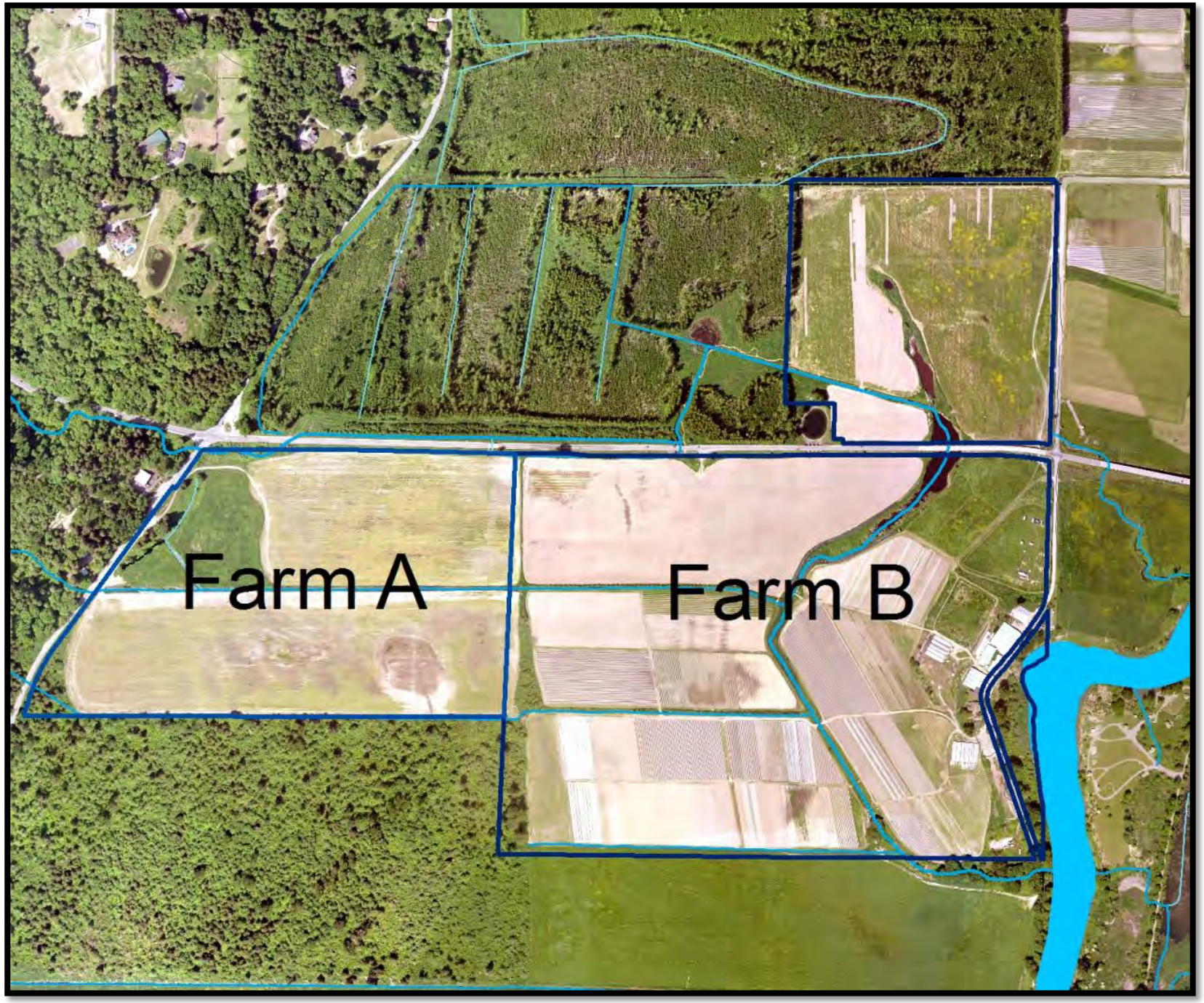
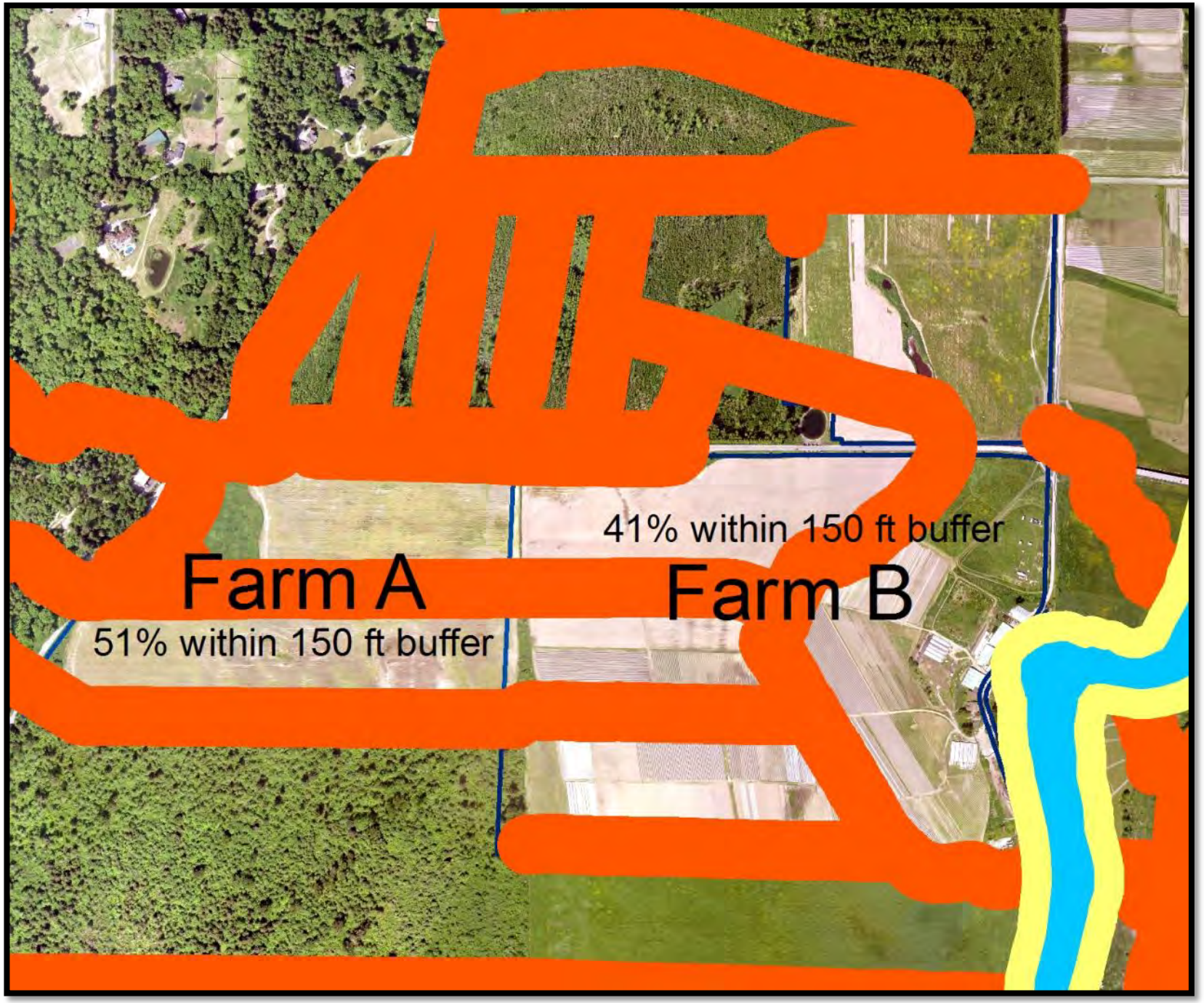


Figure 3-1. The "FEMAT Curves" (FEMAT, 1993): generalized conceptual models describing some riparian forest contributions to riparian ecosystem functions and processes as distance from a stream channel or Channel Migration Zone increases. Not shown here is the pollutant removal function. "Tree height" refers to average maximum height of the tallest dominant trees (200 years old or greater) and is referred to as Site-Potential Tree Height ($SPTH_{200}$).

Site class 1 function effectiveness Pollock and Kennard

What is fish bearing?




41% within 150 ft buffer
Farm A
Farm B
51% within 150 ft buffer

Conflicting government mandates
Increase farmland
Restore/protect habitat

1855 Treaty of Point Elliott

Treaty of Point Elliott

January 22, 1855

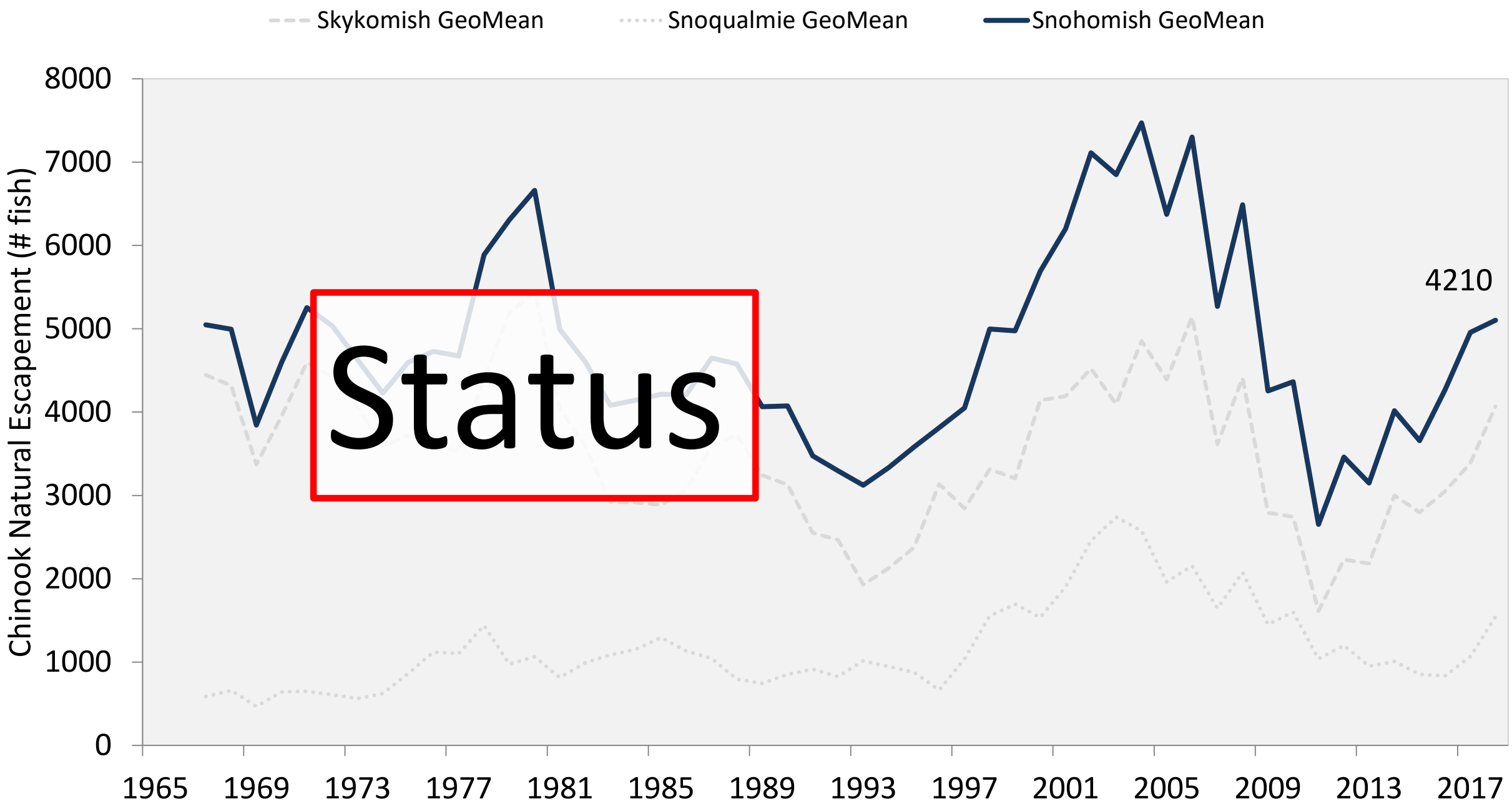
ARTICLE 5.

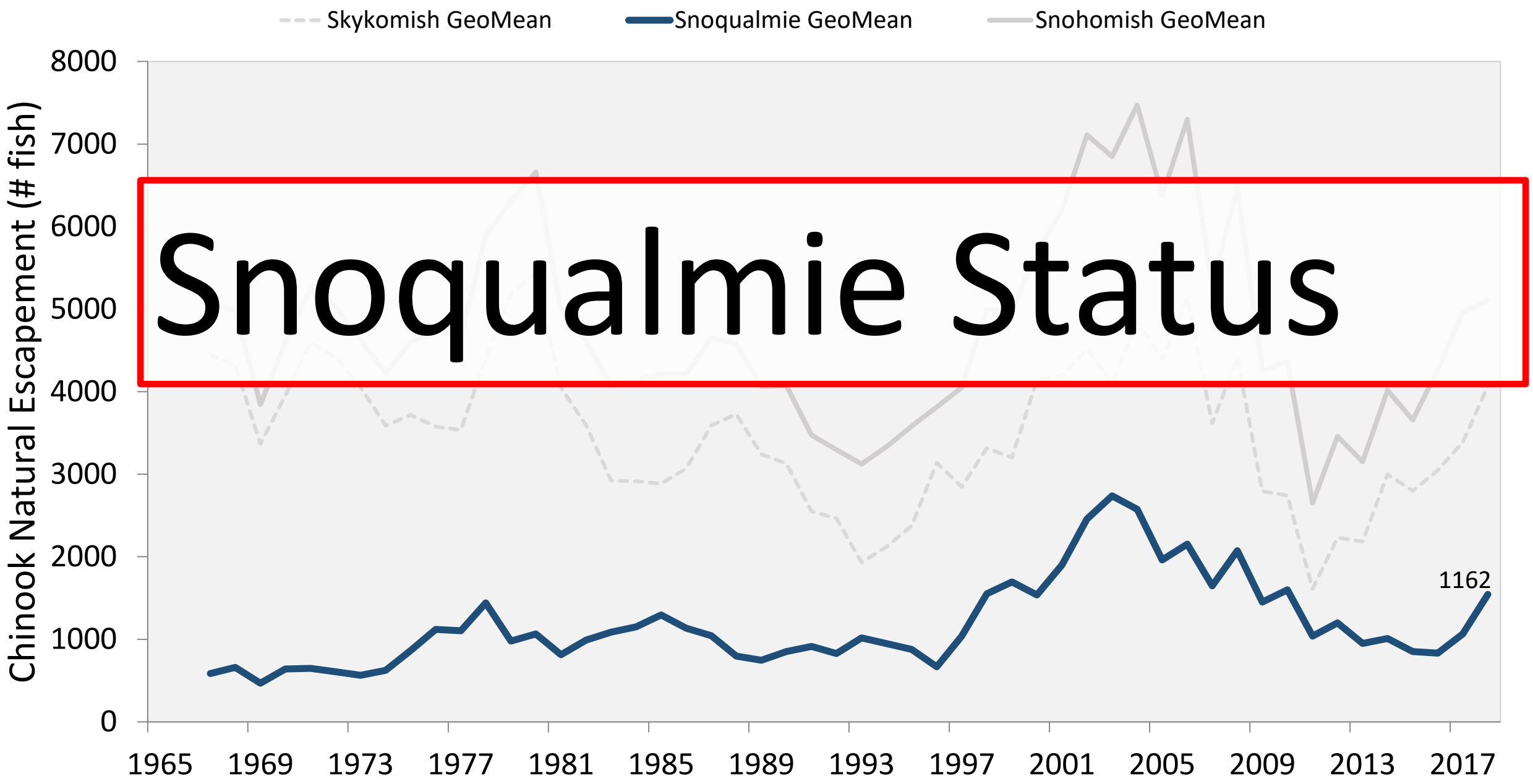
The right of taking fish at usual and accustomed grounds and stations is further secured to said Indians in common with all citizens of the Territory, and of erecting temporary houses for the purpose of curing, together with the privilege of hunting and gathering roots and berries on open and unclaimed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

The Treaty guaranteed the right to take fish

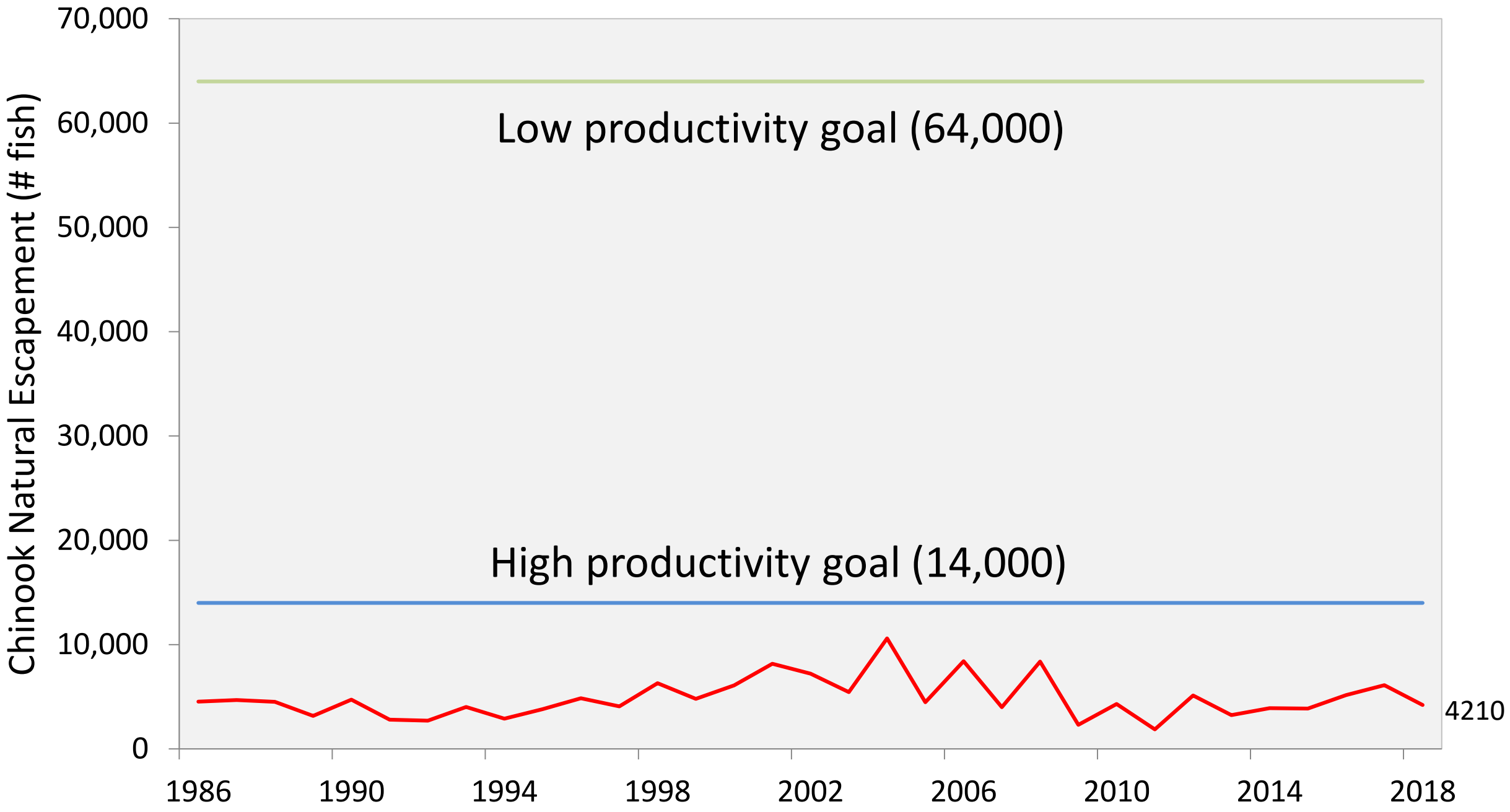
Implicit is the existence of fish to take

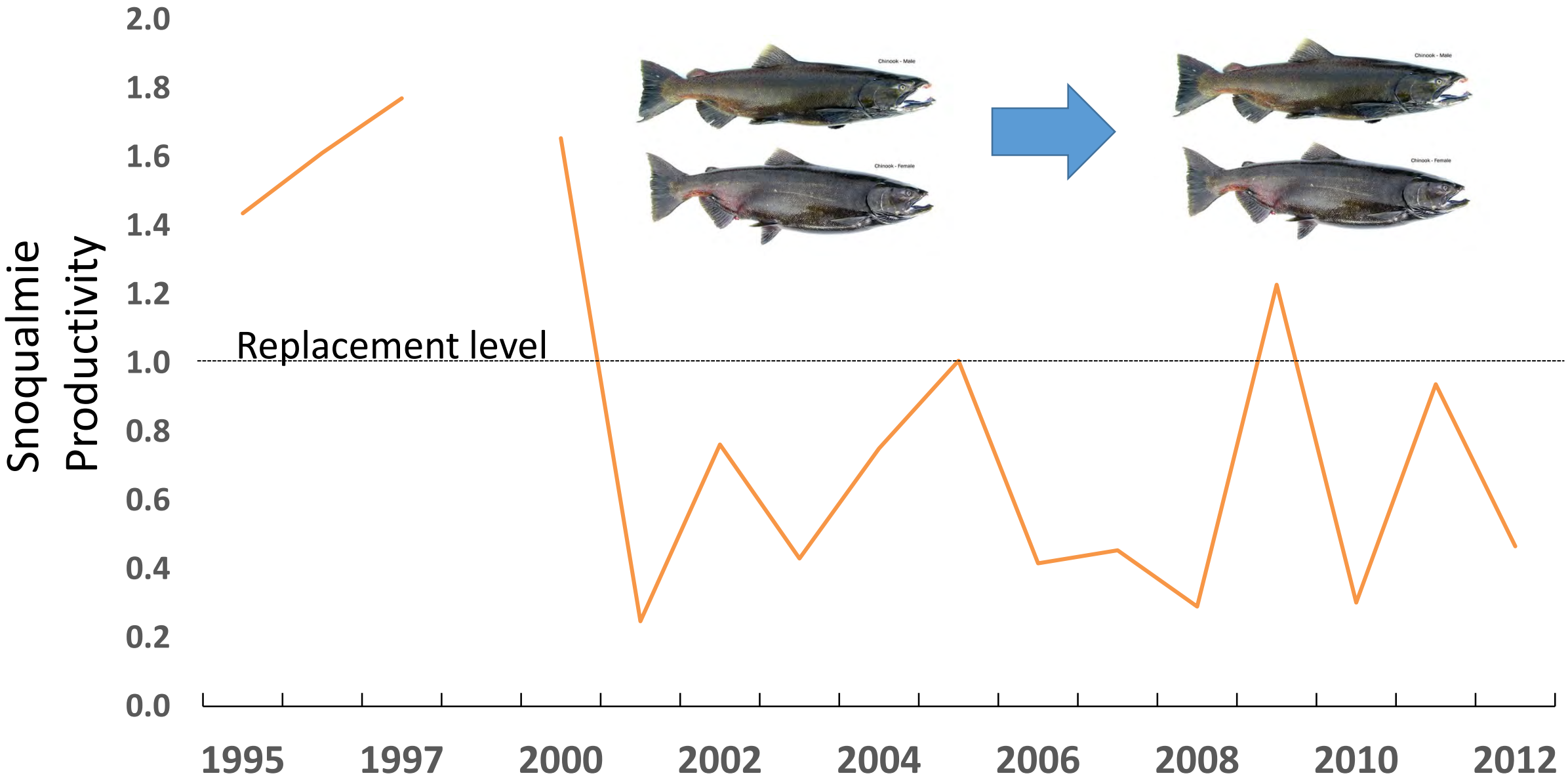
Status?

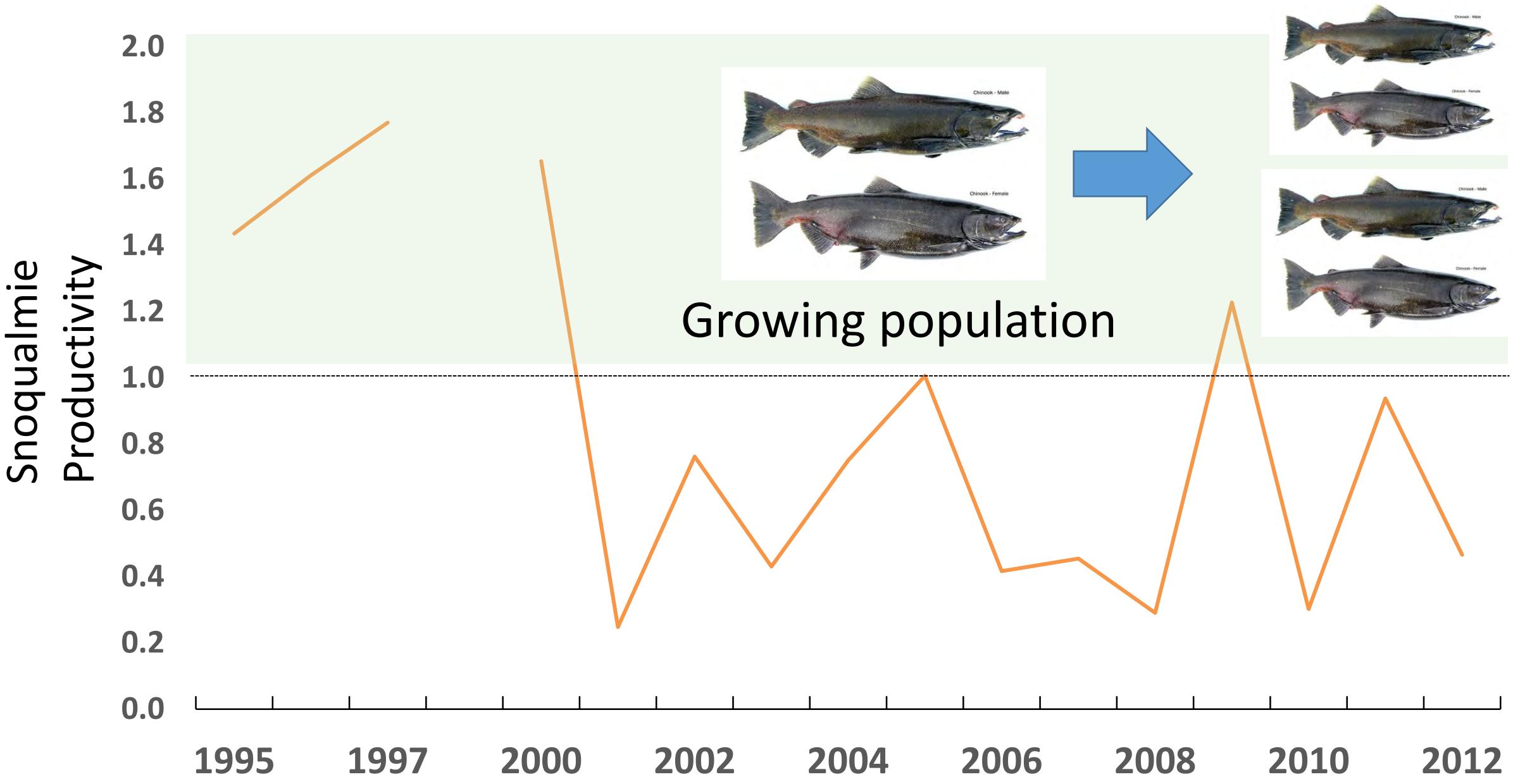

Skykomish GeoMean
Snoqualmie GeoMean
Snohomish GeoMean
Chinook Natural Escapement (# fish)
8000
7000
6000
5000
4000
3000
2000
1000
0
1965
1969
1973
1977
1981
1985
1989
1993
1997
2001
2005
2009
2013
2017
4210
Status

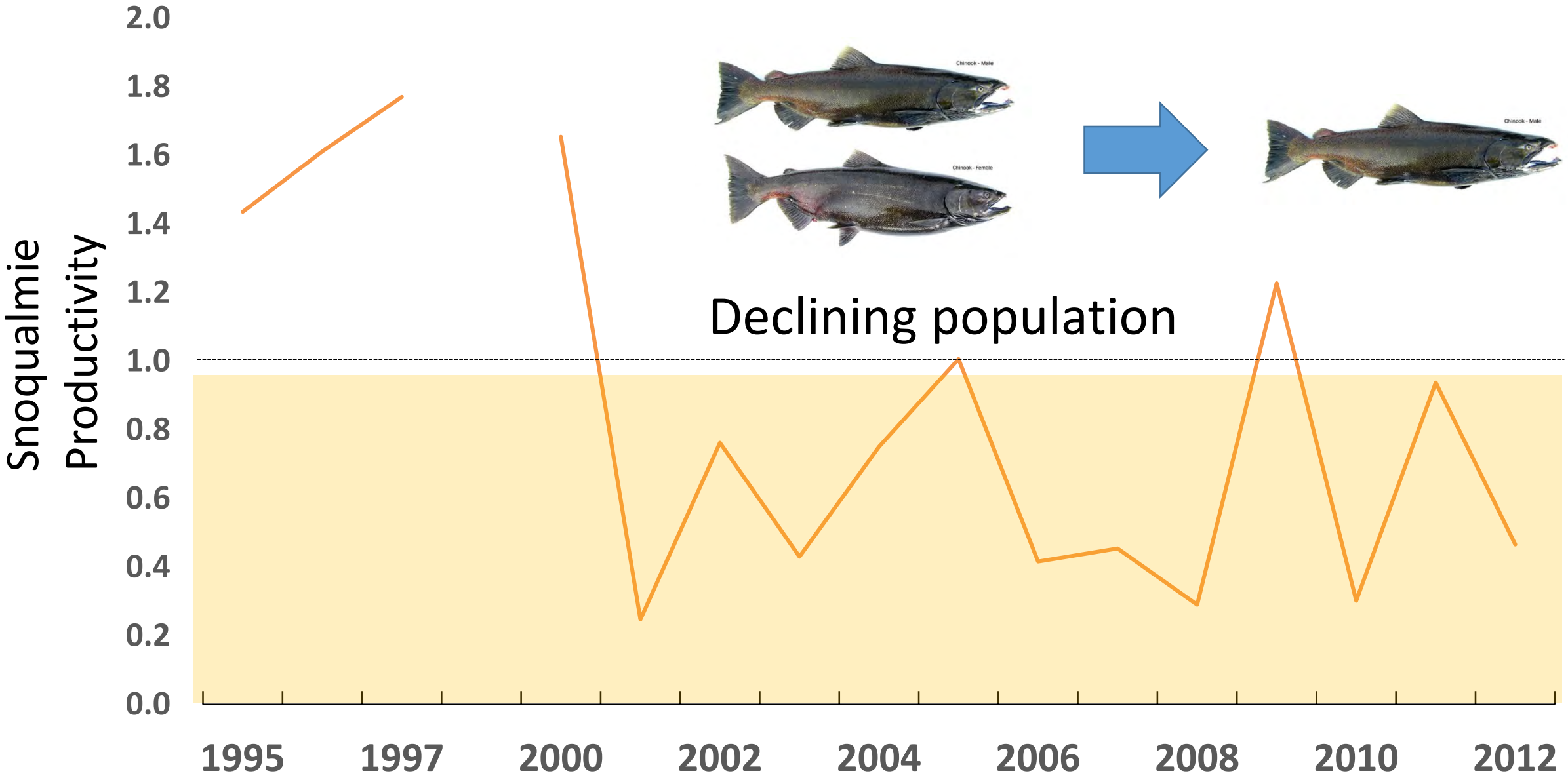


Snoqualmie Status


Chinook Natural Escapement (# fish)
70,000
60,000
50,000
40,000
30,000
20,000
10,000
0
Low productivity goal (64,000)
High productivity goal (14,000)
4210
1986
1990
1994
1998
2002
2006
2010
2014
2018


Snoqualmie Productivity
2.0
1.8
1.6
1.4
1.2
1.0
0.8
0.6
0.4
0.2
0.0
Replacement level
1995
1997
2000
2002
2004
2006
2008
2010
2012
Chinook - Male
Chinook - Female
Chinook - Male
Chinook - Female


Snoqualmie Productivity
2.0
1.8
1.6
1.4
1.2
1.0
0.8
0.6
0.4
0.2
0.0
1995
1997
2000
2002
2004
2006
2008
2010
2012
Growing population


Snoqualmie Productivity
2.0
1.8
1.6
1.4
1.2
1.0
0.8
0.6
0.4
0.2
0.0
1995
1997
2000
2002
2004
2006
2008
2010
2012
Declining population
Chinook - Male
Chinook - Female
Chinook - Male

Why is **productivity** so low?

Chinook - Male

Chinook - Female

Habitat

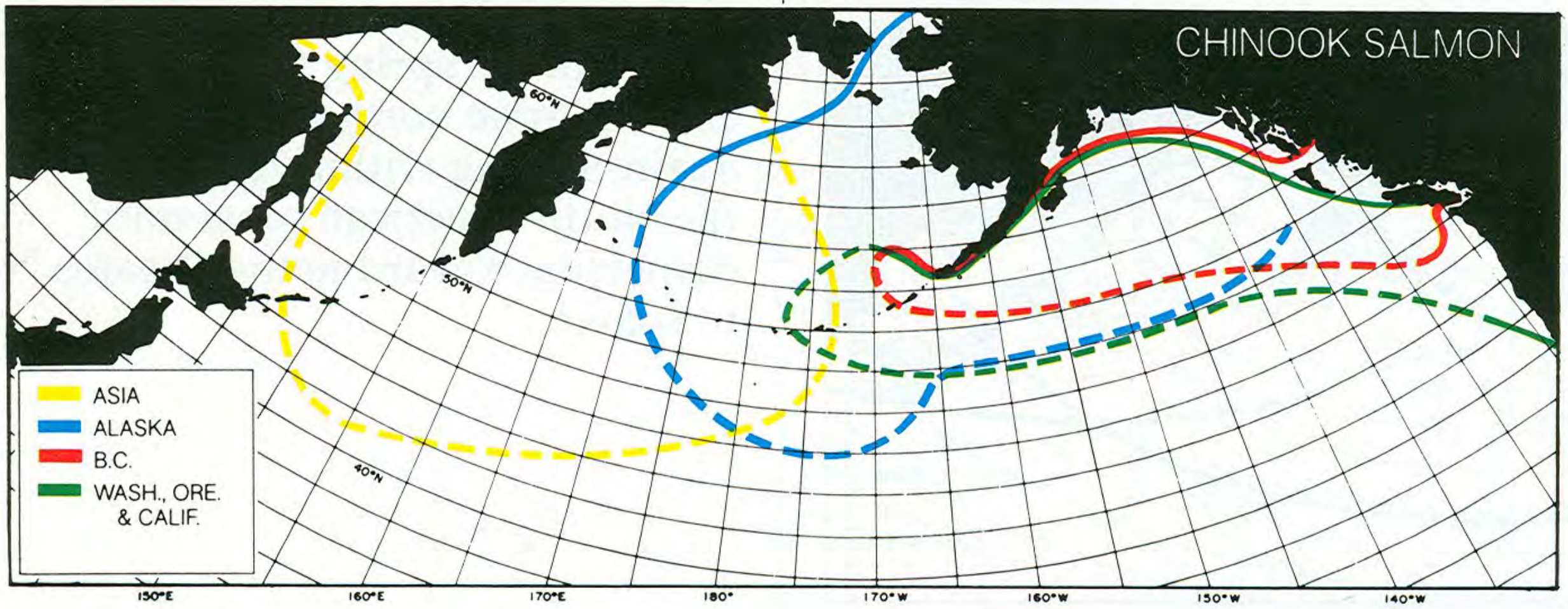
Chinook - Male

Chinook - Male

Chinook - Male

Chinook - Male

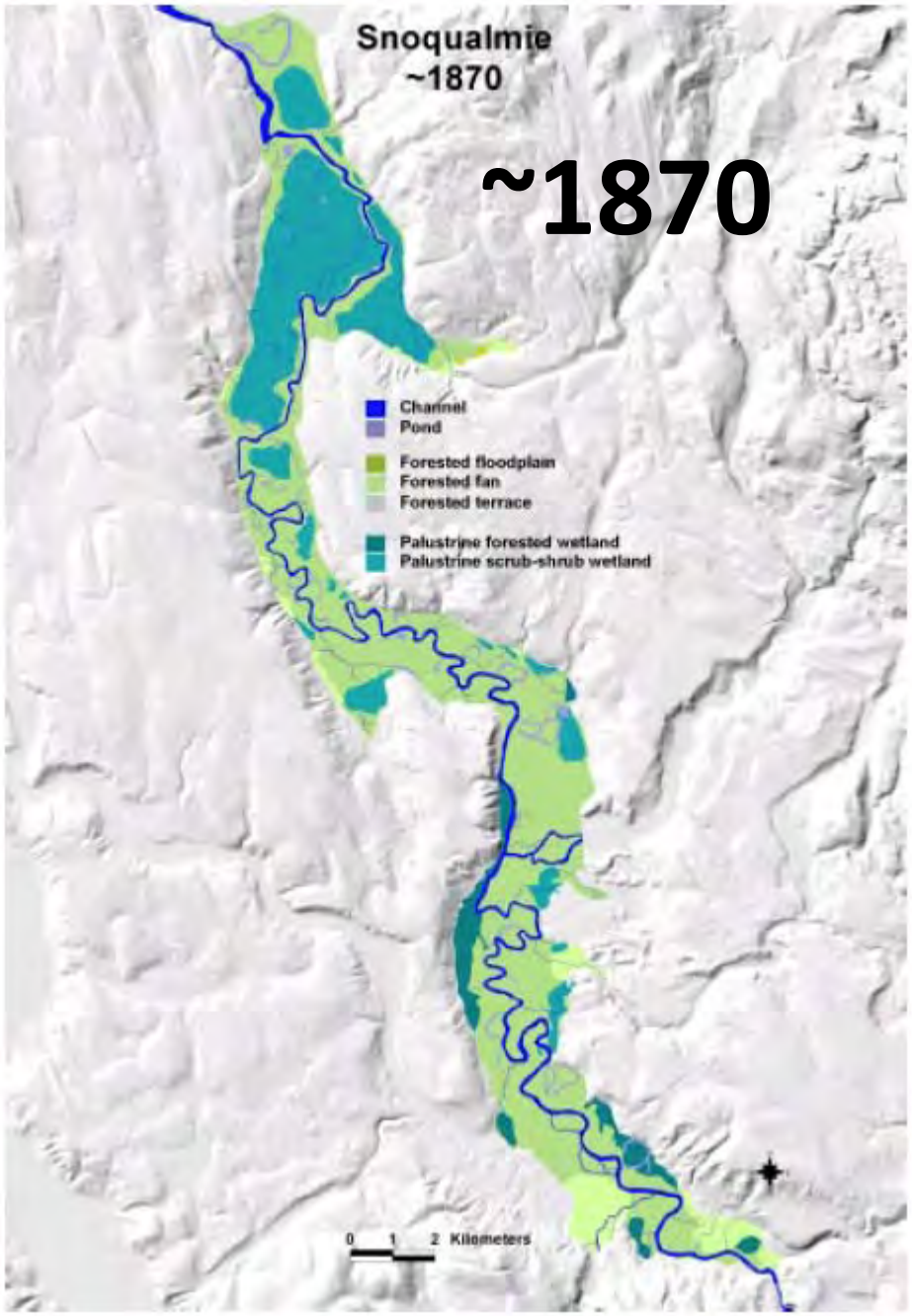
Chinook - Male


CHINOOK SALMON
60°N
50°N
40°N
ASIA
ALASKA
B.C.
WASH., ORE. & CALIF.
150°E
160°E
170°E
180°
170°W
160°W
150°W
140°W

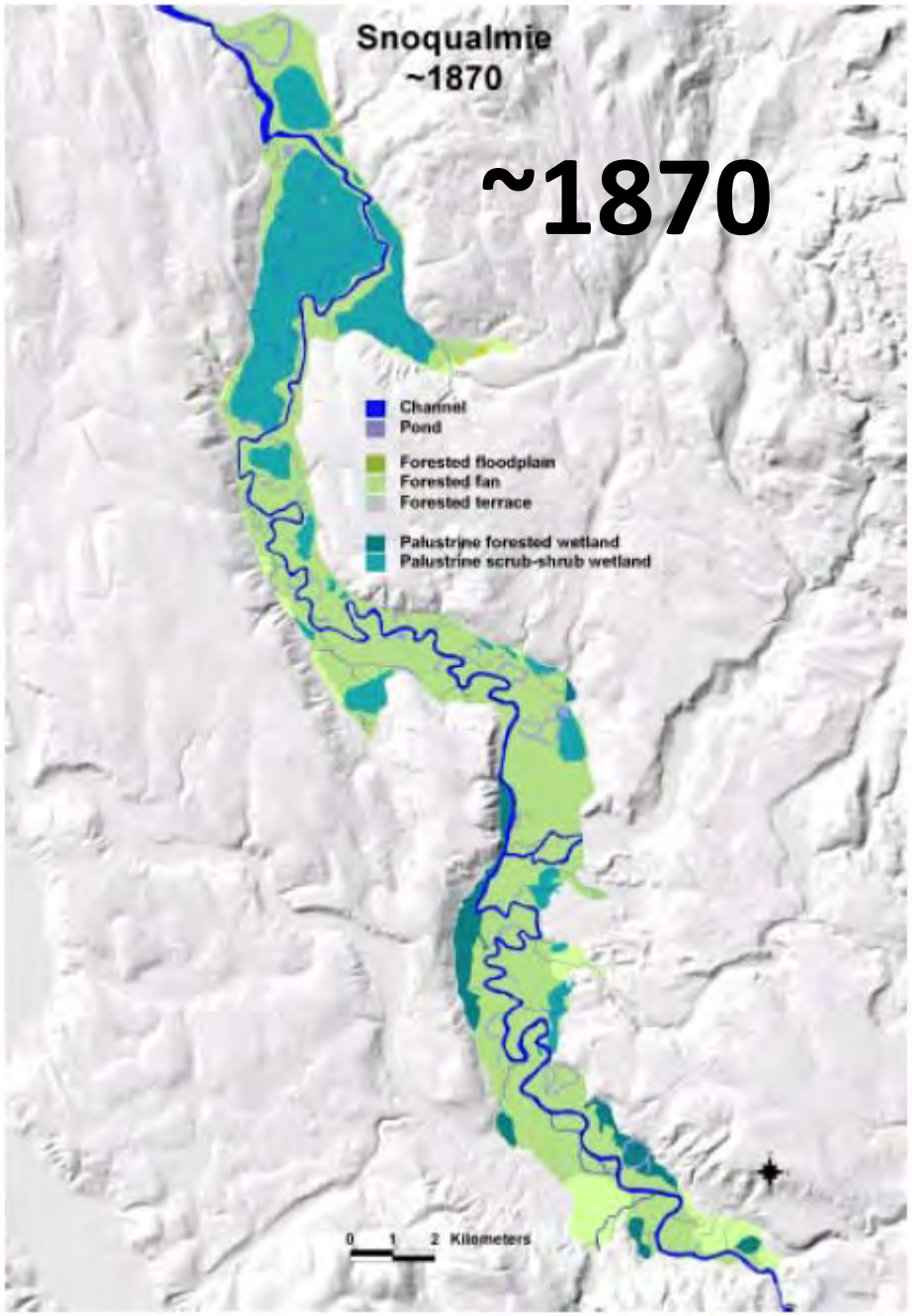
Freshwater Conditions

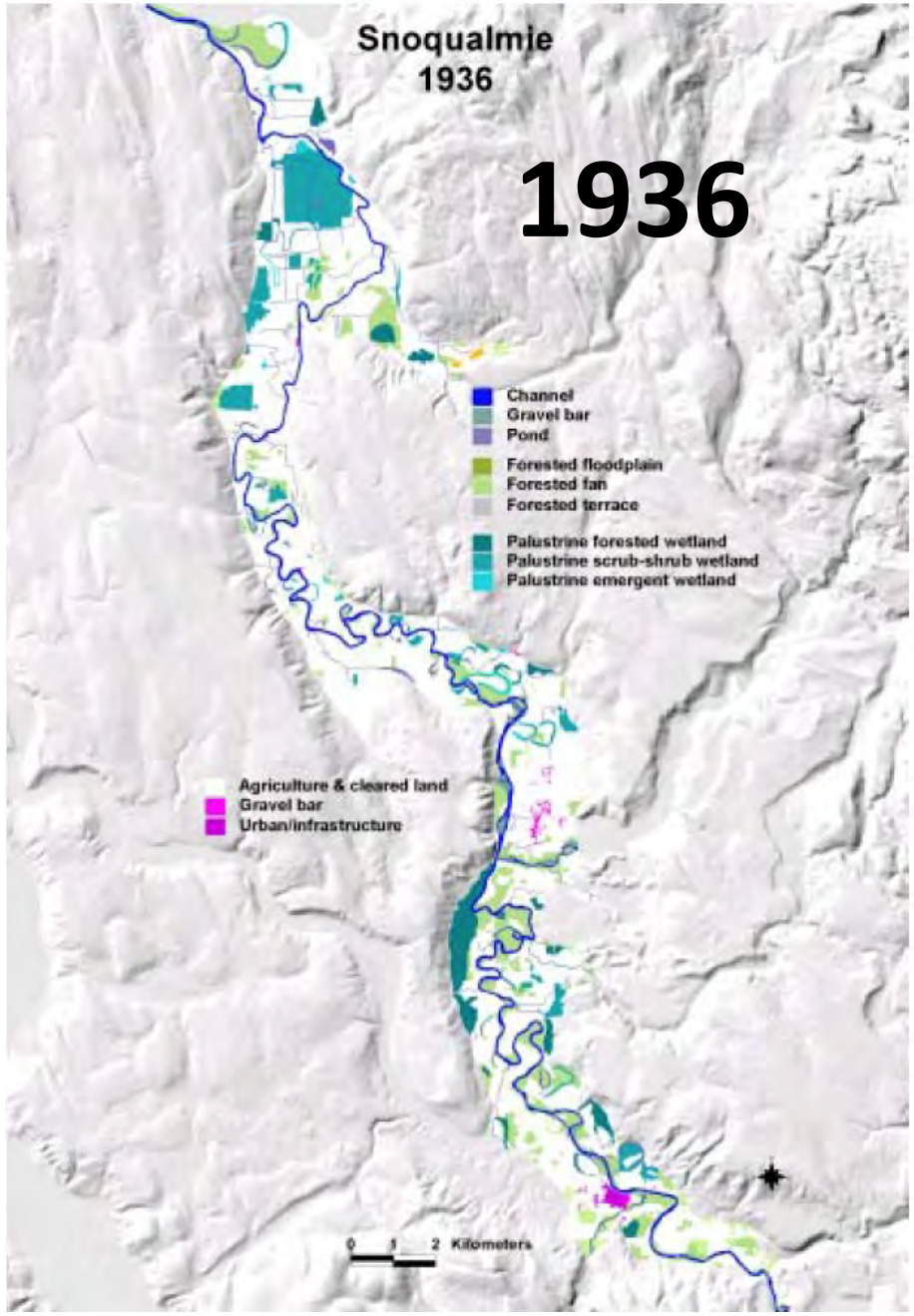
If the most effective way to recover salmon populations is to restore ecosystems to conditions that resemble or emulate their historic range of natural variability…

What historic conditions supported salmon?

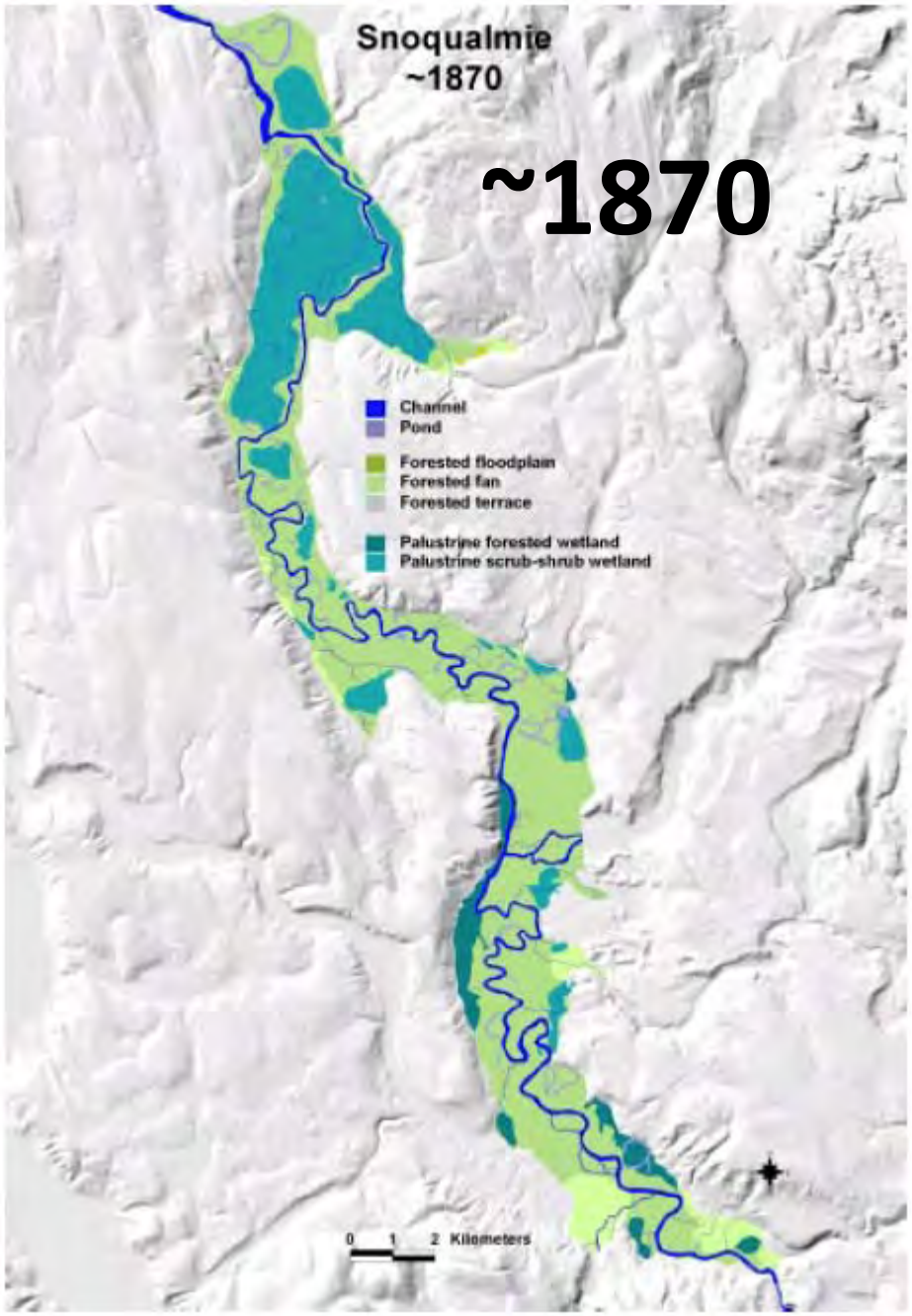


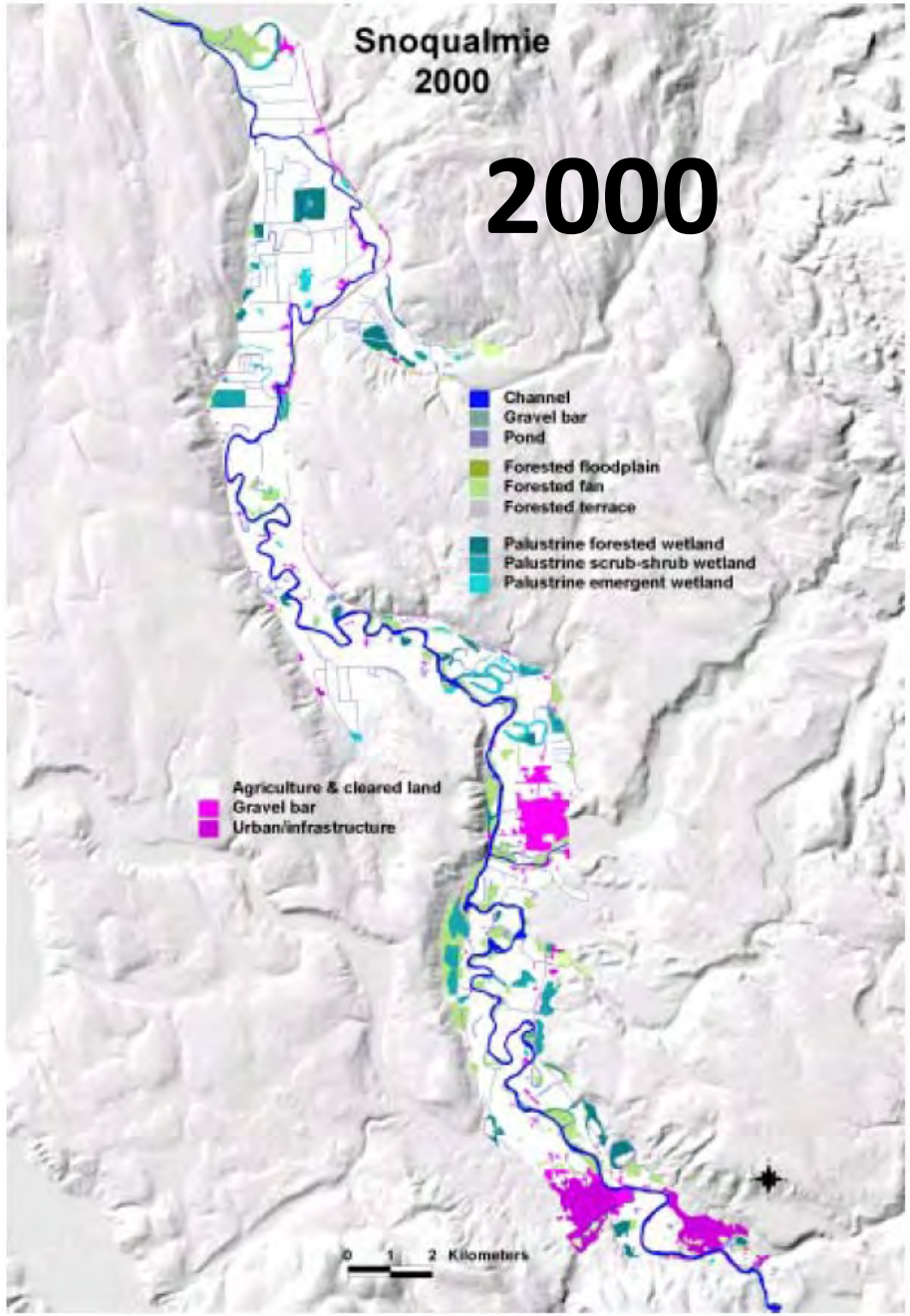
https://www.govlink.org/watersheds/7/pdf/Snoqualmie-historical-map-conditions.pdf





https://www.govlink.org/watersheds/7/pdf/Snoqualmie-historical-map-conditions.pdf





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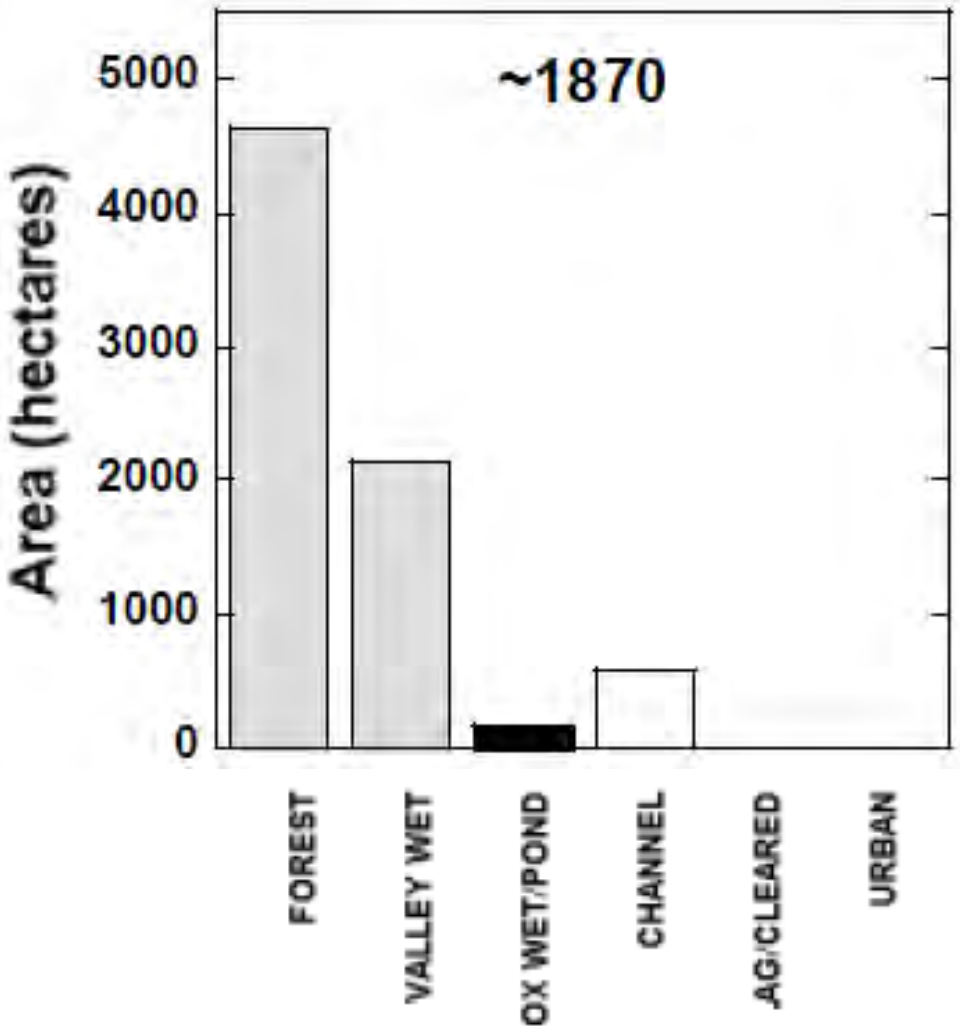

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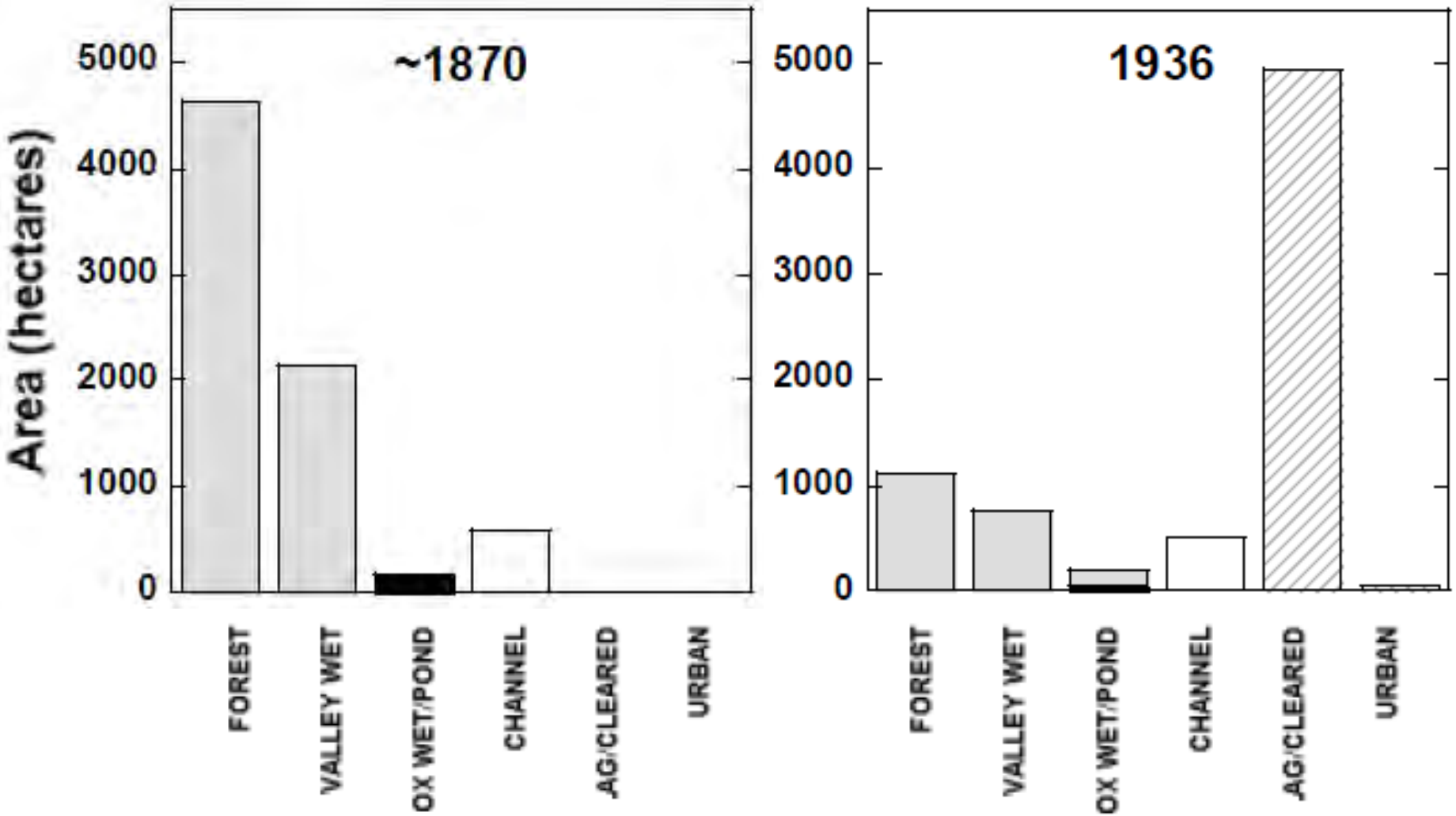

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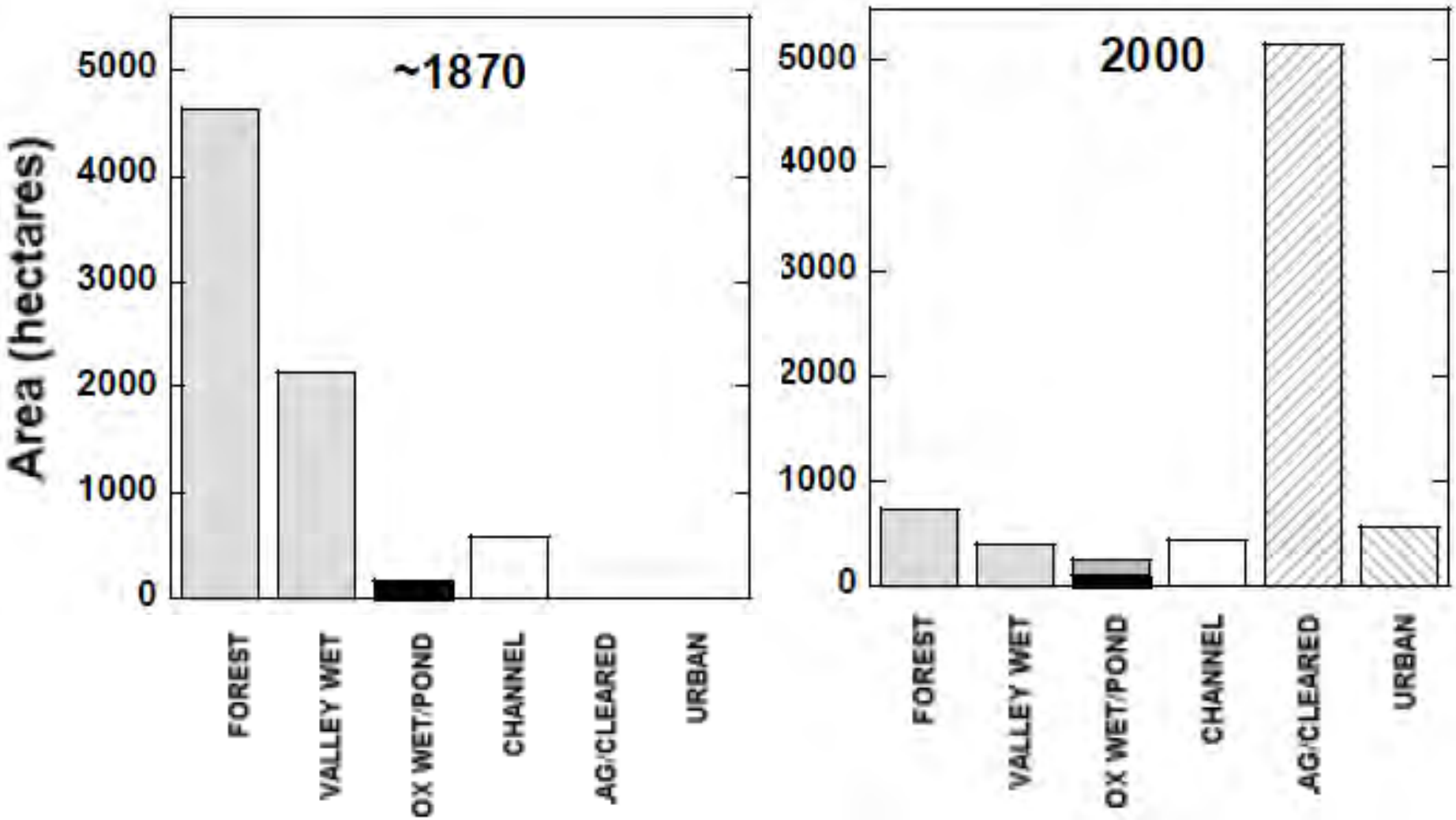


https://www.govlink.org/watersheds/7/pdf/Snoqualmie-historical-map-conditions.pdf

Our goal is not really:

Our goal is not really:
150ft buffers

Our goal is not really:

150ft buffers

200ft buffers

Our goal is not really:

150ft buffers

200ft buffers

100ft buffers

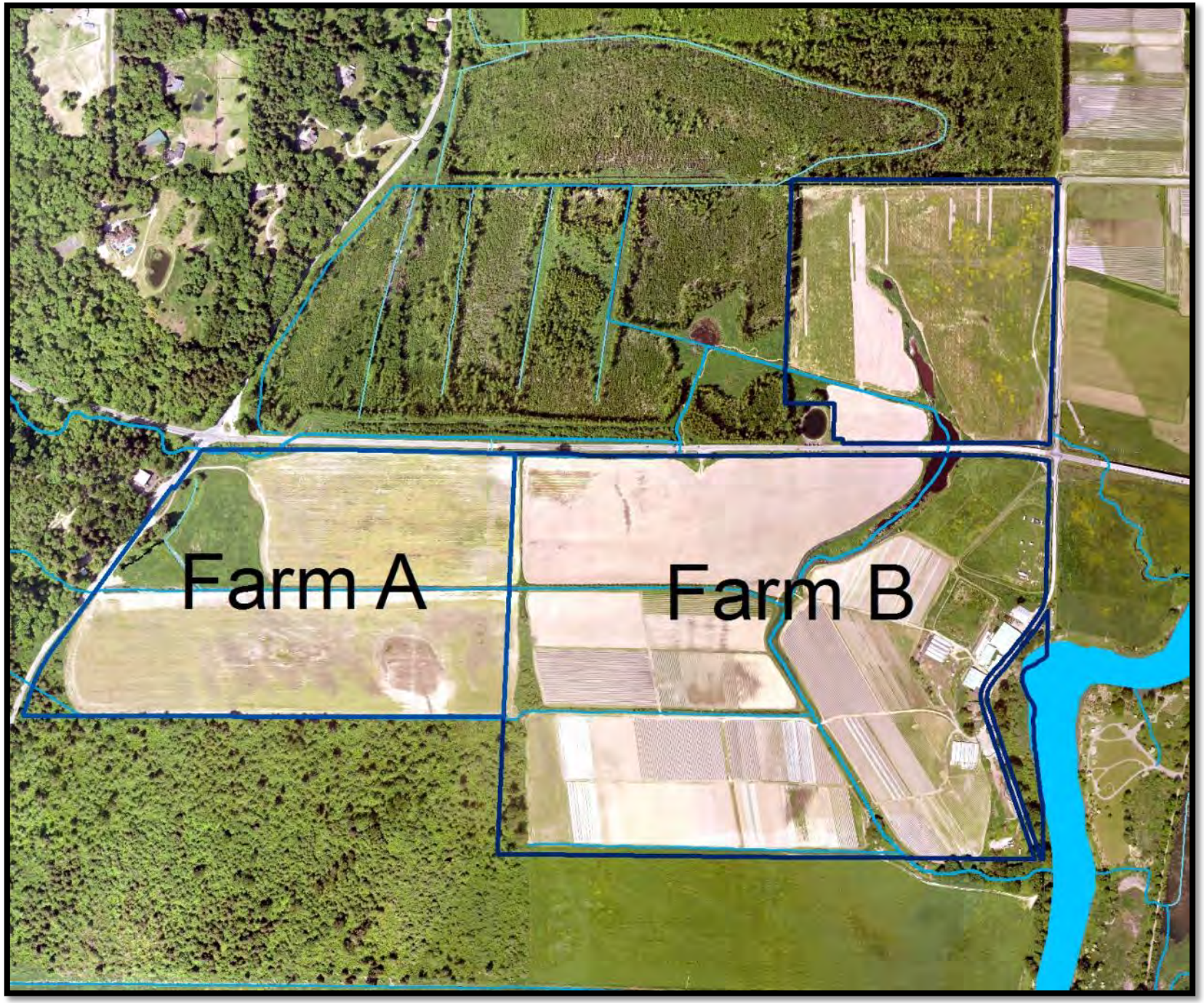
Goal = recovery

Best available science suggests ~200ft = near full function

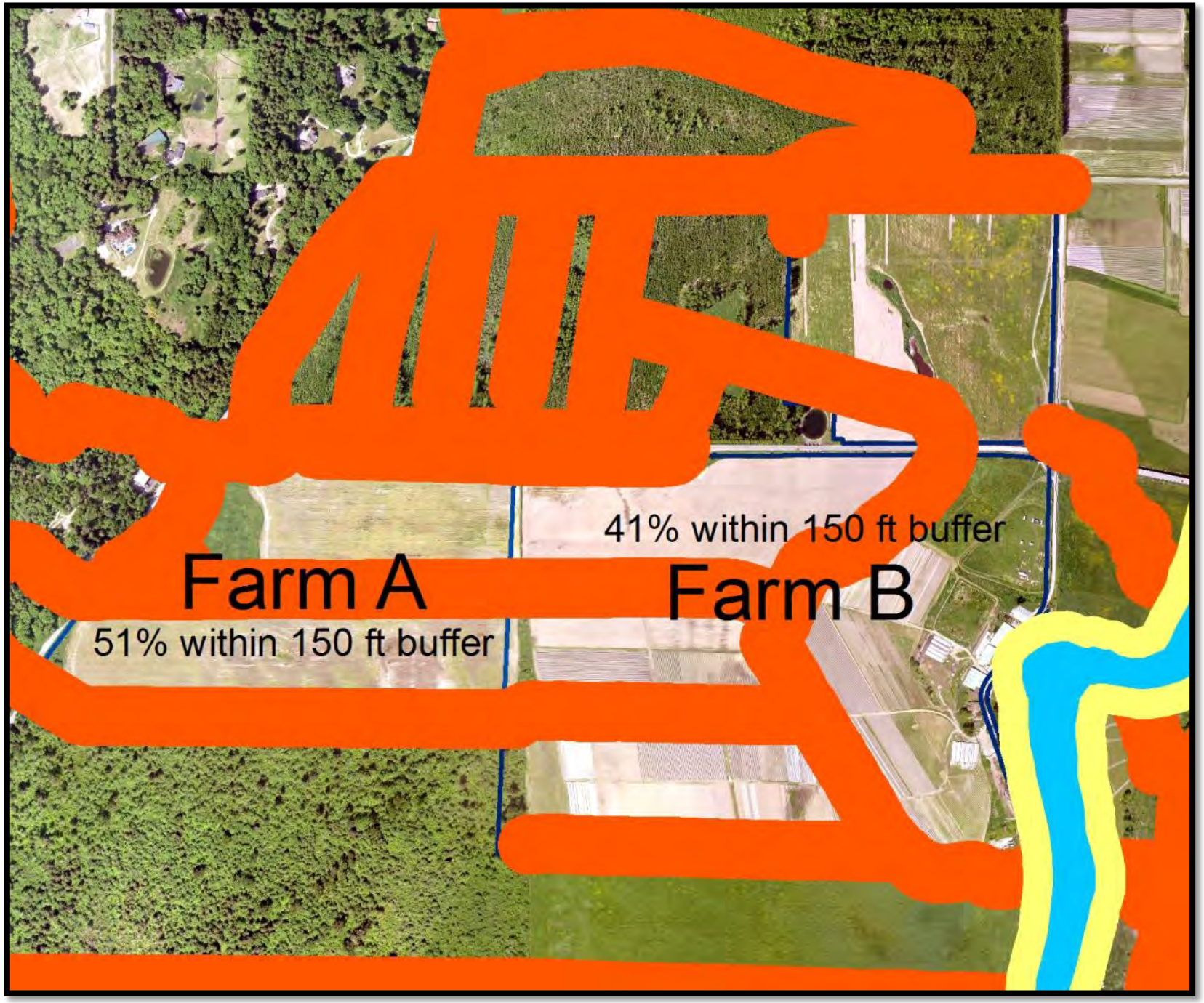
150ft is a more attainable compromise

Without significant restoration AND PROTECTION of meaningful habitat function, salmon will not recover.

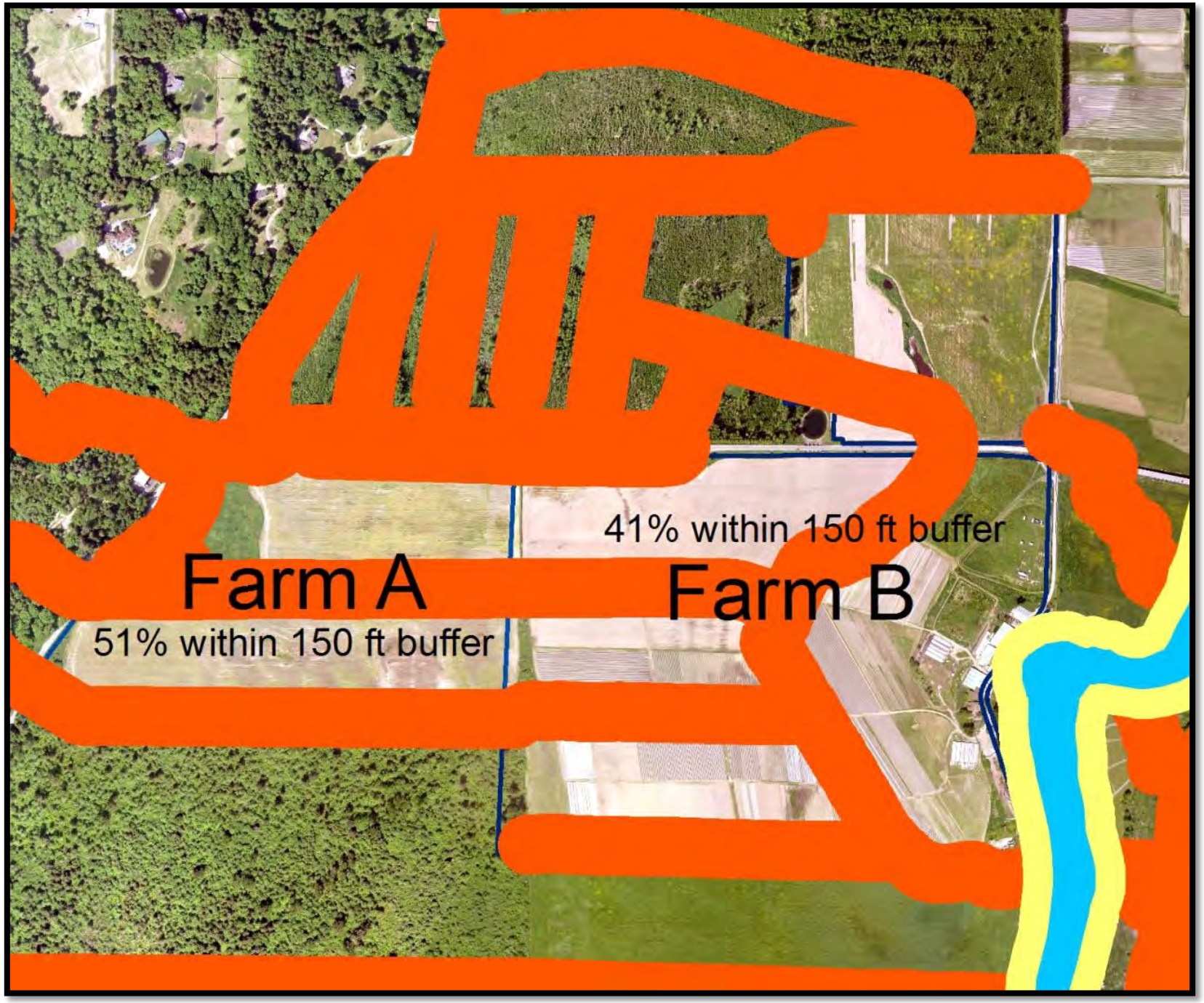
General Plan Goal: 150ft buffers


Farm A
Farm B

150 ft. buffer



150 ft. buffer



~1870

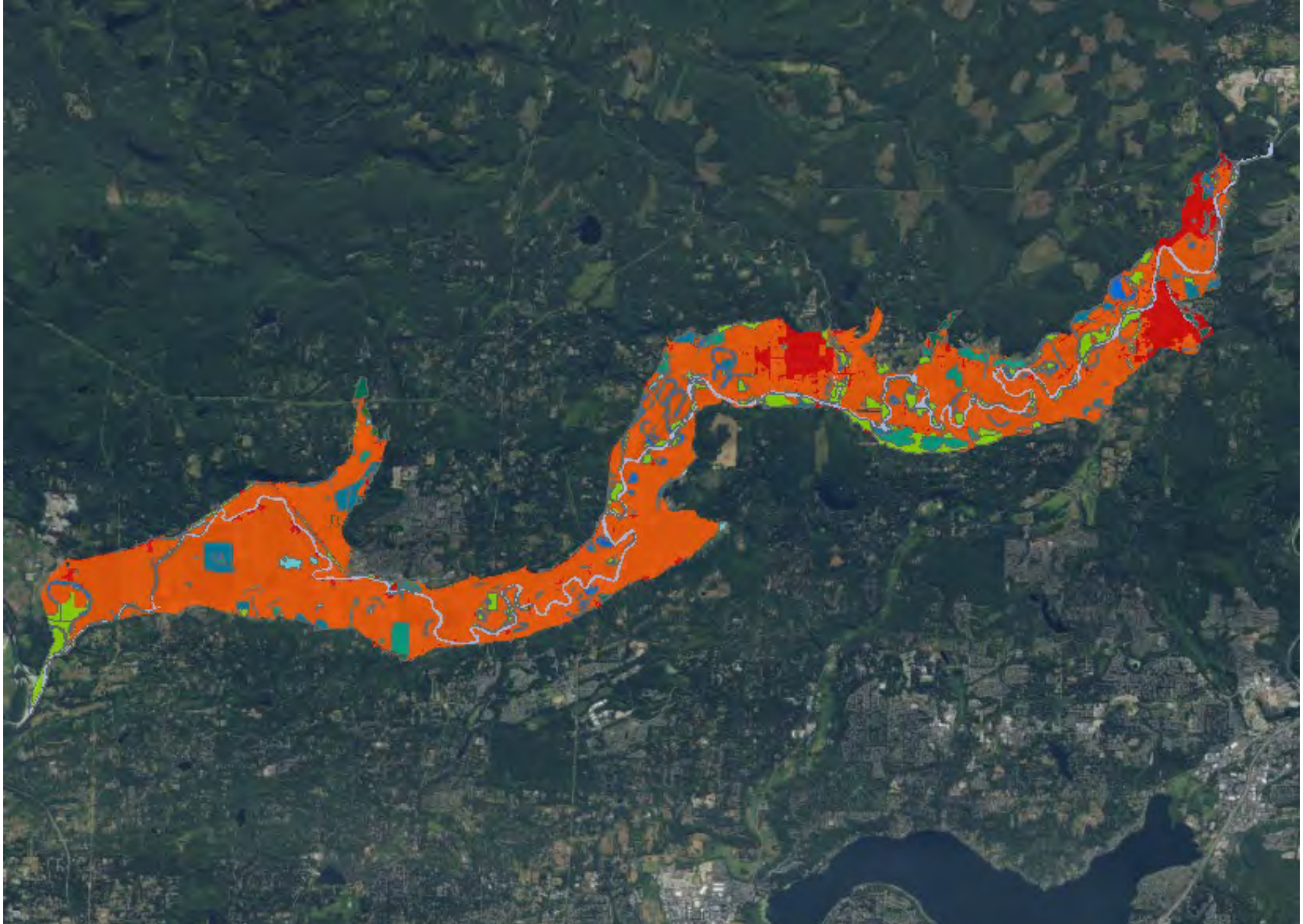
NE Woodinville-Duvall Rd

~1870

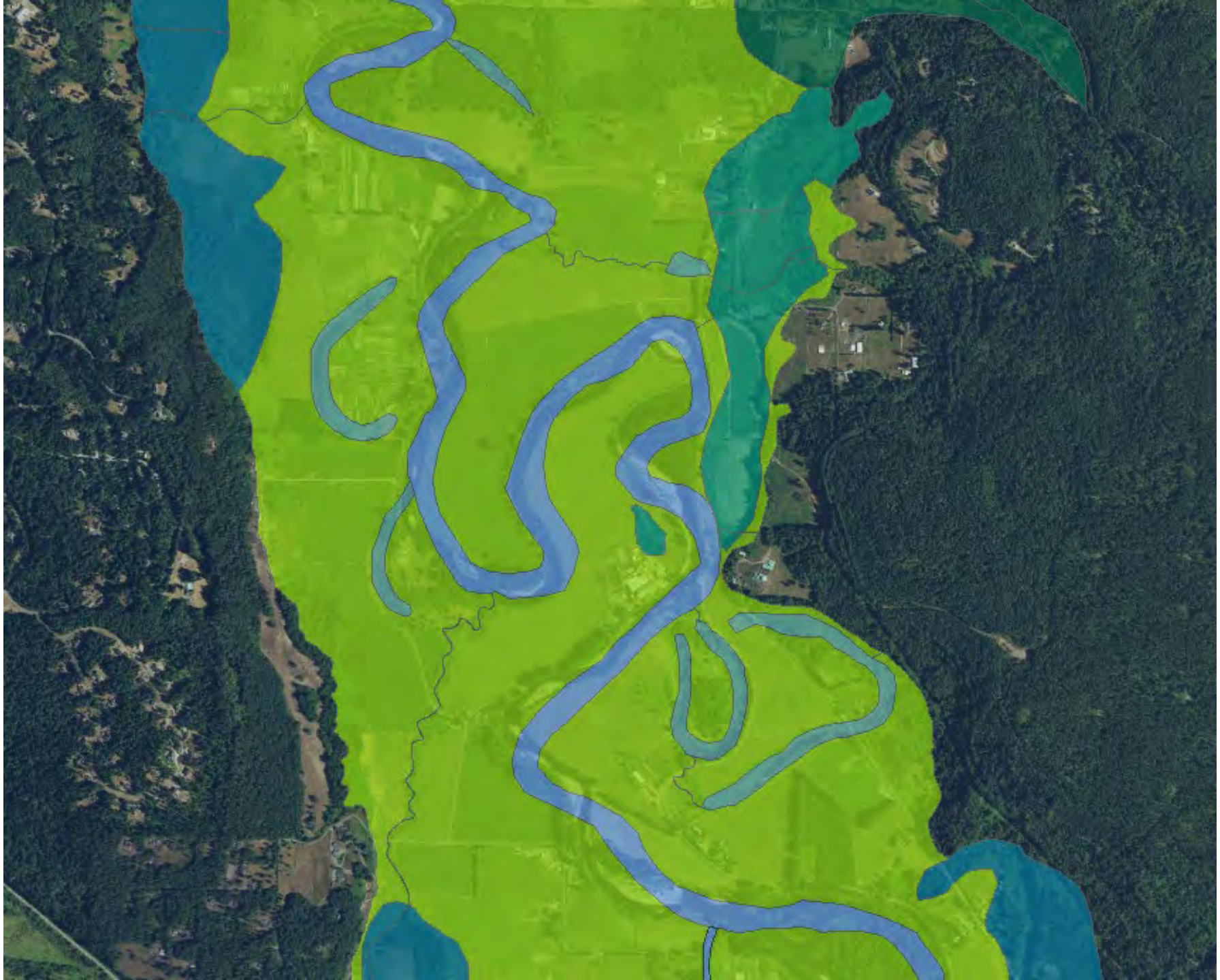
~1870

2000

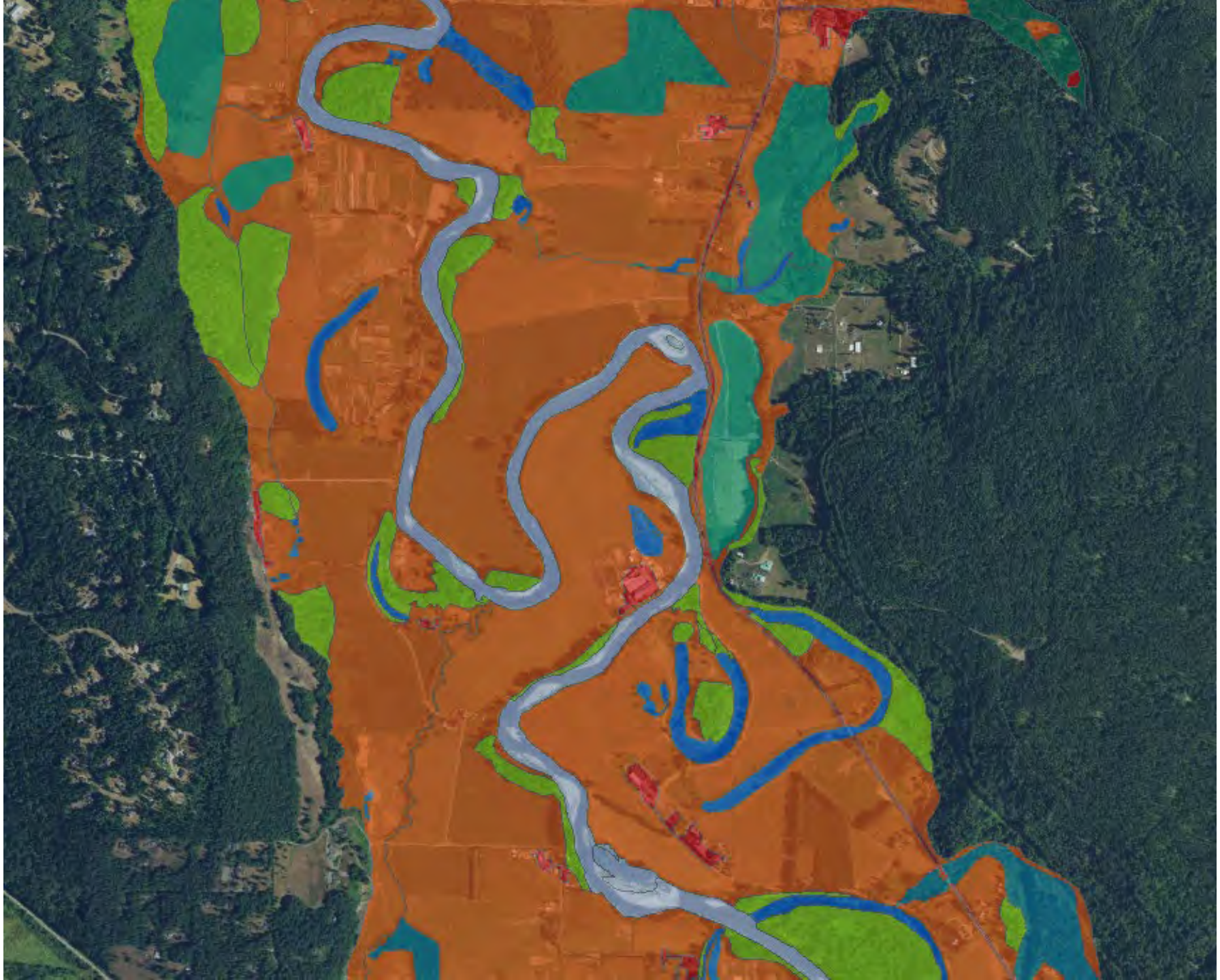
2000



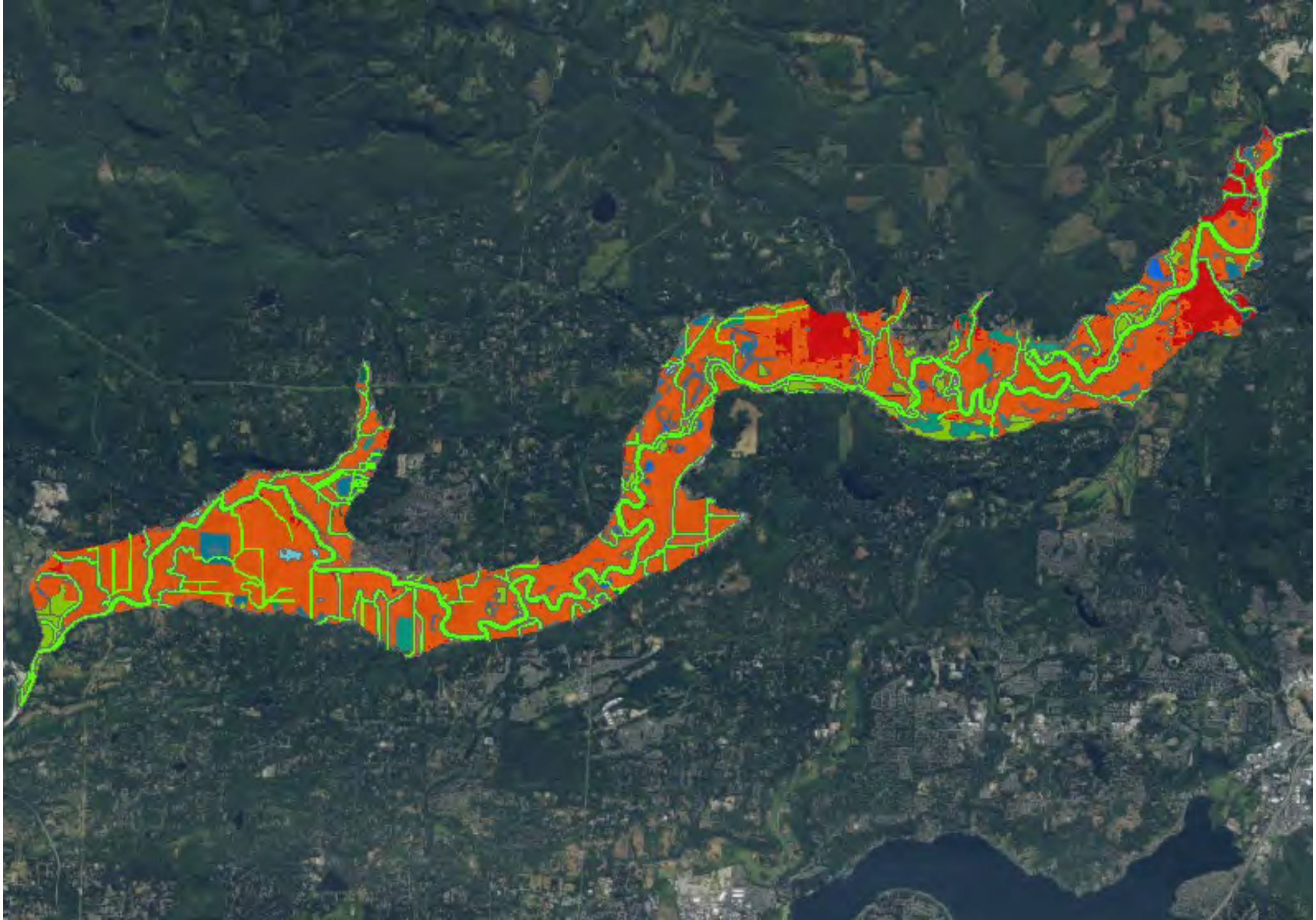
1870



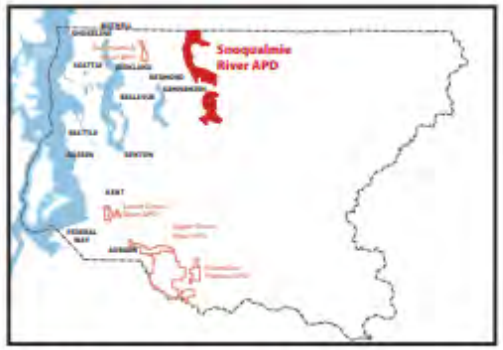
2000



2000



NMFS Channel Type	Channel Types	Habitat Functions/Composition	Buffer – Minimum Default Width
Class I Constructed ditches; fishless streams.	1. Constructed Ditches, Intermittent Streams and Ephemeral Streams that are not identified as being accessed and were historically not accessed by anadromous or ESA listed fish species 2. Perennial waters that are not identified as being accessed and were historically not accessed by anadromous or ESA listed fish species	Water quality protection; shade; sediment filtration	1. 35' 1. 50'
Class II Fish bearing, modified natural channel, entrenched or spring fed watercourses that do not move	Modified or highly entrenched perennial, intermittent and ephemeral waters that are identified as being accessed or were historically accessed by anadromous or ESA listed fish species	Water quality, large wood debris (LWD) for cover, complexity and shade	100' supporting site assessment recommended to increase buffer width
Class III Fish bearing	Unconfined perennial, intermittent and ephemeral waters that are identified as being accessed or were historically accessed by anadromous or ESA listed fish species	Water quality, large wood debris (LWD) for cover, complexity and shade	100' supporting site assessment recommended to increase buffer width
Class IV. Diked, permanently fixed	N/A	N/A	N/A
Class V Fish bearing, intertidal/estuary	Perennial, intermittent and ephemeral waters that are identified as being accessed or were historically accessed by anadromous or ESA listed fish species in intertidal and estuarine streams and channels	Site potential vegetation (salt water) sedges, shrubs, etc.	35' – 75' Supporting site assessment of adjacent land use recommended to increase buffer protections needed to meet all applicable water quality standards.



KING COUNTY

Snoqualmie River APD

- Agricultural Production District
- Farmland Preservation Program Properties

Agricultural Land Use

- Crops
- Livestock
- Other

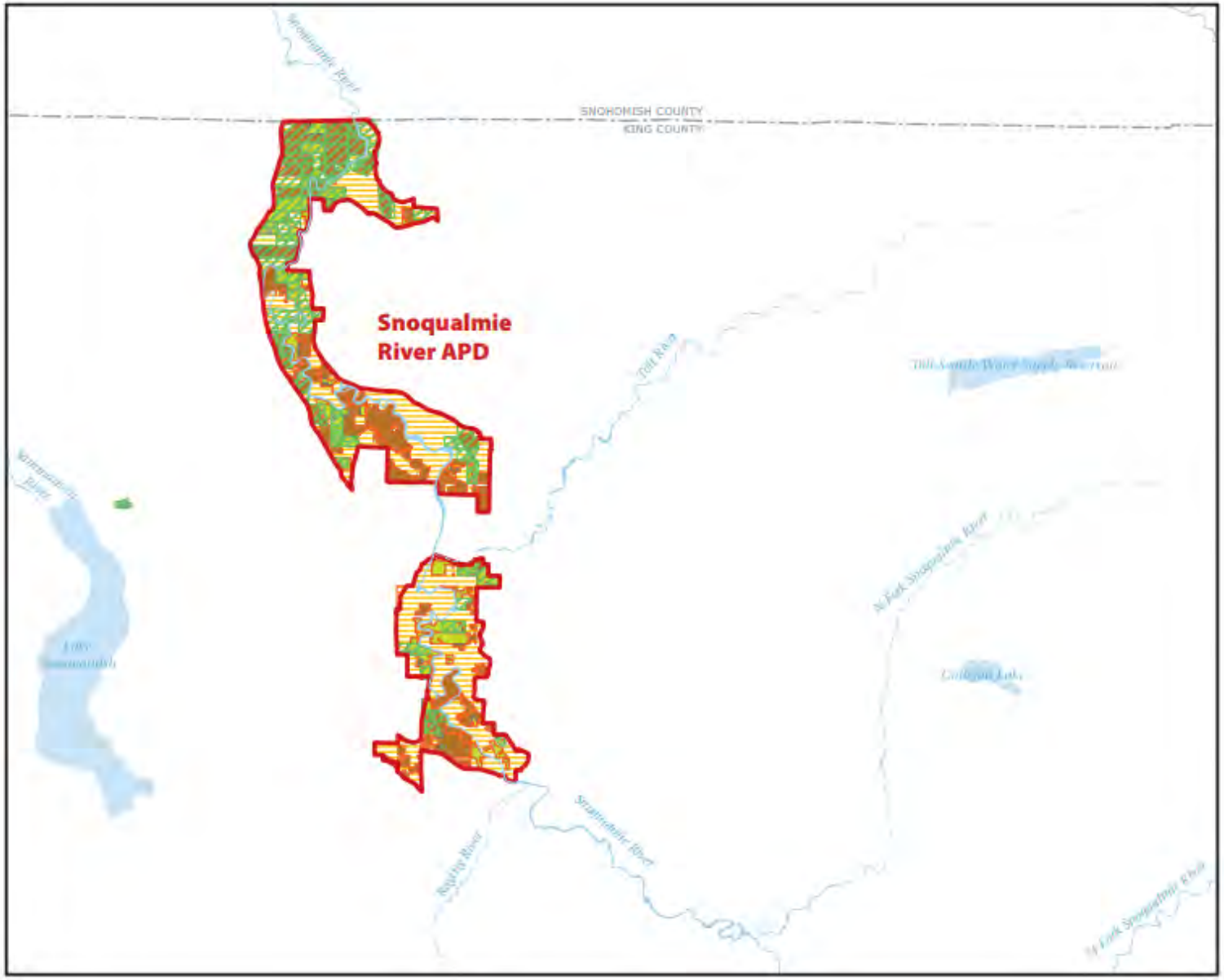
N

0 .25 .5 Mile

August 2008

Map produced by King County DNRP GIS and WLR Visual Communication Unit.

File name: C:\pdf_Snoq_APD.ai mdw

King County

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