



**MUCKLESHOOT INDIAN TRIBE**  
**Fisheries Division**

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October 15, 2010

Mr. David Radabaugh  
Shoreline Planner  
WA Dept. of Ecology  
3190 160<sup>th</sup> Ave SE  
Bellevue, WA 98008

**RE: Tukwila Shoreline Master Program Update**

Dear Mr. Radabaugh:

The Muckleshoot Indian Tribe Fisheries Division has reviewed the City of Tukwila's proposed 2009 Shoreline Master Program update. We are attaching our comments in the interest of protecting and restoring the Tribe's treaty protected fisheries resources

The MITFD appreciates the City's commitment and ongoing efforts to protect and restore salmonid habitat. Clearly, the Shoreline Master Program can be a powerful tool that City can use for this purpose. The SMP should be revised to acknowledge the importance of the Green-Duwamish River and associated shoreline tributaries for the Tribe's ceremonial, commercial and subsistence fisheries. Tribal members fish throughout the Green-Duwamish River, including areas within the City of Tukwila. The City and Ecology needs to ensure that the SMP and its implementation do not continue the degradation of treaty protected fisheries resources or impact Tribal members' ability to access these resources.

Thank you for the opportunity to review and comment on the SMP. We would like to meet with Ecology and the City to discuss these comments further. Please call me at 253-876-3116 to set up this meeting.

Sincerely,

Karen Walter  
Watersheds and Land Use Team Leader

Cc: Carol Lumb, Tukwila

### **Tukwila Shoreline Master Program Comments**

We appreciate the City's acknowledgment that the existing conditions in the Green-Duwamish River are very poor for salmon, particularly within the City limits and that salmon survival rates are dependent on the availability of sufficient transition zone habitat to accommodate fish while they adjust from fresh to salt water. We appreciate the specificity in the SMP regarding the City's plans to improve the existing degraded river conditions by modifying existing levee conditions, adjacent riparian areas and specific salmon restoration projects. The SMP also does a good job acknowledging that Green-Duwamish River management and levees have reduced the connection between the rivers and their floodplains, have changed the spatial extent of habitats, and increased the potential for negative water quality impacts. As noted in the Shoreline Inventory report, juvenile rearing habitat, particularly for chinook, is reduced and constrained throughout Tukwila and is a priority habitat to be restored as part of the WRIA 9 Salmon Habitat plan. In addition, the SMP importantly notes that disturbances to the channel banks have resulted in areas that are dominated by non-native invasive species. Finally, the SMP acknowledges that wood in the river is lacking and limited due to a lack of riparian trees, which negatively impacts riparian and aquatic habitats.

The City's identification of the five main areas for restoration that could occur with the City's regulated shoreline management areas which are all necessary to improve salmon habitat:

- Enlarging channel cross-sectional area of the Green-Duwamish River.
- Enhancing existing habitats
- Creating off-channel habitat areas
- Reconnecting wetland habitat to the river
- Removing fish barriers where tributary streams discharge to the river

In addition, the SMP identifies opportunities to improve riparian vegetation compared to existing conditions. Furthermore, the SMP identifies 26 specific concrete restoration projects that should improve habitat for salmon when implemented. These are some of the positive aspects of the SMP for which the City should be commended and we appreciate the City's efforts to address these issues in the SMP.

We have two significant outstanding issues with the SMP as noted below:

#### Potential Impacts to MIT fishing and coordination

As we commented previously, many activities allowed within the ordinary high water mark and regulated shoreline zone have the potential to create structures and/or conditions that limit Tribal members' ability to access their treaty protected fisheries resources within the Green-Duwamish River. In effort to avoid improve coordination and to avoid potential impacts to Tribal fishing access, the Muckleshoot Indian Tribe's Fisheries Division needs information regarding potential shoreline projects early. Previously we suggested to the City that a policy be added that would require close coordination with the Tribe when river (and stream) restoration work or in-water structures and facilities are proposed to help ensure that Tribal fisheries issues were addressed. The draft SMP lacks any policies to reflect this recommendation and it is not apparent how the Tribe will get notice regarding shoreline proposals that could impact Tribal

fishing. We need to receive notices of all shoreline applications seeking exemptions, conditional uses, variances, and substantial development permits so that we can receive information timely and potentially resolve any concerns the Tribe may have for its fisheries resources. The SMP and its regulations should be modified accordingly.

Levee conditions, riparian buffers, and salmon habitat

Current riparian conditions in the Green-Duwamish within Tukwila are generally poor. As noted in the 2007 Shoreline Inventory report for Tukwila, "*overall, there are long segments of the River that have very little native vegetation or the cover is mixed with non-native and invasive species.*" This existing riparian condition, combined with heat generated from surrounding land uses affecting ambient air conditions, and warming climate trends have all contributed to water temperature and dissolved oxygen levels that exceed the State Water Quality standards within this reach. For example, WDOE monitored water quality in Tukwila in 2006 and found that the 3 monitoring sites to be 22.61 to 23.14 degrees celsius based on the 7-day average of daily maximum water temperature which is nearly lethal for adult salmon. The current State Water Quality Standard for these areas is 16 degrees celsius.

If implemented as proposed, the SMP has the potential to improve the migration corridor conditions for returning adult salmon depending on the resolution of the Corps' levee vegetation policy. The SMP has the potential to improve the channel conditions and enhance existing riparian areas through levee laybacks and revegetation for the benefit of water quality and salmon. However, the proposed minimum levee profiles shows a 15 foot wide vegetated bench which is too narrow to support the necessary trees needed to provide shade to improve existing high water temperatures. Furthermore, the proposed levee vegetation standards from the US Army Corps of Engineers for certified and Corps managed levees would not allow any trees to grow within 15 feet of the base of the levee on either side. Existing trees along the levee would be required to be removed to retain and obtain federal levee certification. In 2009 alone, 461 existing trees were removed from levees along the Lower Green River, including places in Tukwila. The tree removal occurred despite Clean Water Act 303(d) listings for water temperature and dissolved oxygen standards to protect aquatic life and federal Endangered Species Act listings for Puget Sound chinook and steelhead populations in the Green River. This is a significant issue that will affect the implementation of the SMP and the likelihood of the Green-Duwamish River to meet State Water Quality standards and increase natural and hatchery salmon populations to support MIT fisheries.

Even if the proposed levee laybacks and buffer areas for the shoreline designations are implemented, it is likely that chinook rearing habitat will remain severely limited within the Tukwila because significant changes needed to improve salmon habitat and water quality will not be achieved. For example, Ecology has used a 100 meter riparian vegetation width to model maximum potential shade scenarios for water temperatures Total Maximum Daily Load plans to ensure that water quality standards will be met. The maximum potential buffer setback area in the SMP is 125 feet with allowances for uses and structures that will restrict tree growth. The SMP needs to be modified so that opportunities for significant for levee setbacks are pursued and the riparian areas restored to the fullest extent possible within the 200 foot regulated shoreline area to significantly improve juvenile salmon habitat.

As shown in Map 6, most of the Green-Duwamish River will have trails immediately adjacent to the river for most of its length within Tukwila. In addition to limiting opportunities to restore riparian areas and improve habitat and water quality conditions, we are concerned that the existing and proposed trail system will increase opportunities for people to fish illegally and harass salmon in the river. New trails should be setback away from the river riparian areas and viewing platform be provided instead of increased access opportunities to avoid further impacts to salmon in the Green-Duwamish River.

In conclusion, the City's SMP, if implemented as proposed, has the potential to improve salmon habitat within and adjacent to the Green-Duwamish River; however, it is unlikely that State Water Quality Standards will be met and that large increases in salmon survival will be achieved in this portion of the Green-Duwamish River that is necessary to increase salmon populations.