

Tribal, County, and City implementation of Substitute House Bill 1717

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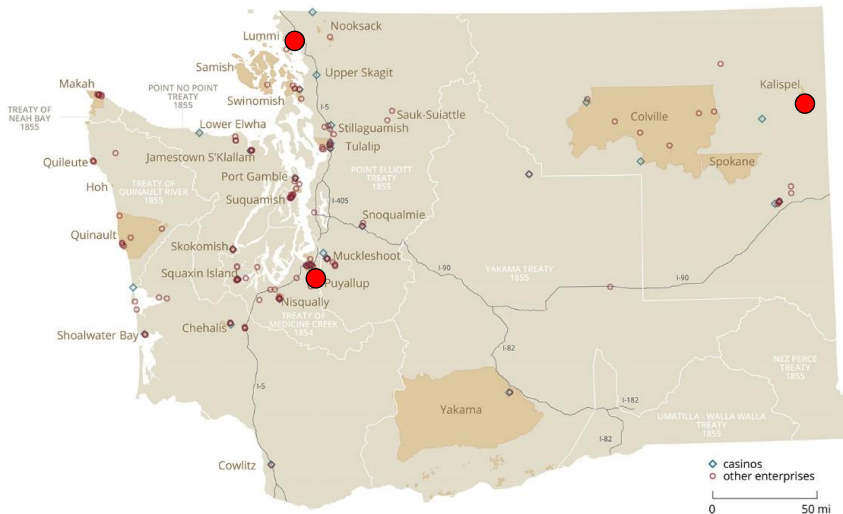
Kirk Vinish, Director of Planning for the Business Council of the Lummi Indian Nation

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Indian Country in Washington - 2022



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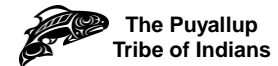
Milestones along the path to Tribal Inclusion in GMA Planning

- 1988** Federal Indian Gaming Act was passed
- 1989** Governor Booth Gardner signed the Centennial Accord with sovereign tribal nations to promote “government to government” relationships
- 1990** GMA adopted – tribal inclusion section was considered but not adopted
- 2019** *Road Map to Washington’s Future* Report advocated for tribal inclusion in GMA
- 2020** Annual Centennial Accord Meeting – discussed legislation for tribal inclusion
- 2021** Legislative Session – House Bill HB 1241 was introduced but not adopted
- 2022** Legislative Session – **Substitute House Bill 1717 was passed**

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The Puyallup
Tribe of Indians

ESHB 1717: Collaborative Planning with Tribes

Andrew Strobel
Director of Planning and Land Use
Puyallup Tribe of Indians

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ESHB 1717



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- ESHB 1717 was introduced last session as a means for Tribes, in collaboration with Cities and Counties, to work towards joint planning efforts.
- The bill identified a process for Tribes and municipalities to plan together as well as a dispute resolution process.
- The bill included several specific and required provisions.
- Historically, some Cities and Counties have been reluctant to deviate from standard review and planning practices guided by the GMA. Consultative & collaborative planning efforts were sometimes seen as exposing municipality to legal risk.
- ESHB 1717 was not necessary to engage in this type of planning but the legislature wanted to bridge this gap to promote proactive joint planning efforts between Tribes and Cities/Counties and make it clear that this process is protected.

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Why ESHB 1717?

- Tribes are not required to plan under GMA but do develop plans
- Cities and Counties are planning frequently without Tribal input or understanding of Tribal plans.
- Tribes frequently are not notified as part of project review and plan development.
- Tribes manage natural, cultural, and Treaty resources that are affected by local plans and development.
- Mismatched planning expectations have led to historic conflict.

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ESHB 1717 – Participation of Tribes



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RCW 36.70A.040 (8)

- Tribes can voluntarily enter into agreements with Counties/Cities to participate in local planning process.
- Requires good faith negotiations between parties to develop an agreement.
- Mediation will be conducted by Department of Commerce upon failure to agree.

RCW 36.70A.190 (6)

- Tribes may request dispute resolution services over conflicts regarding comprehensive plan updates and development regulations.
- County or City will not be penalized for any delays when entering this process.
- Tribes provide comments to municipality, pause for 60 days, may extend for additional 60 days, facilitation will identify agreements/disagreements.

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ESHB 1717 – Participation of Tribes



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RCW 36.70A.210 (4)

- [...] federally recognized Indian tribes whose reservation or ceded lands lie within the county shall be invited to participate in and cooperate with the countywide planning policy adoption process.

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Specific Provisions of ESHB 1717



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RCW 36.70A.085 (3)

- Collaborate w/ Tribes on Port Container Elements.

RCW 36.70A.106 (3)(c)

- Tribes that wish to be notified of any required project and plan notifications, must be notified.

RCW 36.70A.110 (1)

- Coordinate planning efforts when agreement is in place.

RCW 36.70A.210 (3)(i)

- A countywide planning policy shall at a minimum, address the following: Policies that address the protection of tribal cultural resources in collaboration with federally recognized Indian tribes[...].

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What Do Tribes Want to See?



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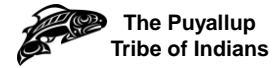
- Tribes are not stakeholders. They are sovereign governments that should be consulted in a government-to-government type relationship.
- Tribes want to participate in early planning efforts over natural, cultural, and Treaty resources both on and off Reservation.
- Tribes want to collaborate on transportation, economic development, and infrastructure planning so they can continue to grow and provide services.

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What Do Tribes Want to See? (cont'd)



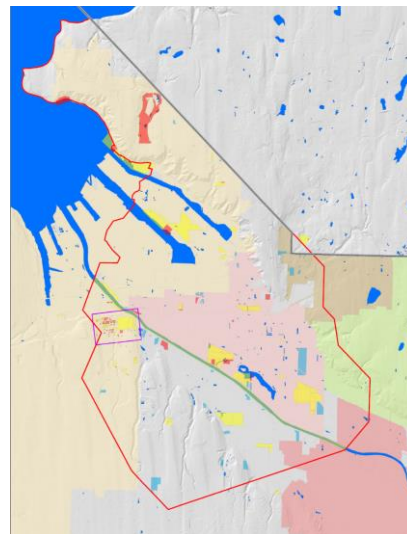
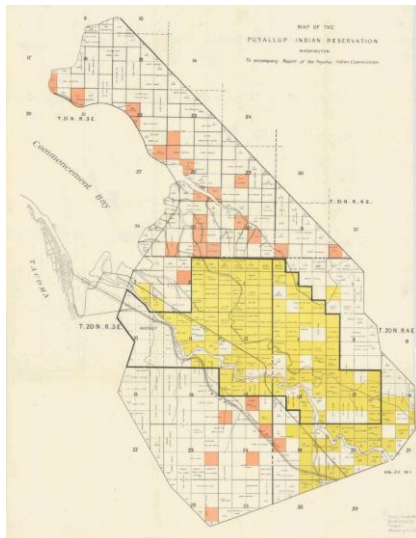
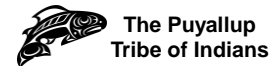
- Tribes want their input to be included in local annexation proceedings, zoning, shoreline planning, and development standards as these planning processes can greatly affect Tribal development patterns and be inconsistent with Tribal standards and plans.
- While formal government-to-government discussion is one way for municipalities to talk to Tribes, Tribes want functioning working relationships between their staff and local government staff to avoid problems at the end of the planning process.

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The Puyallup Reservation



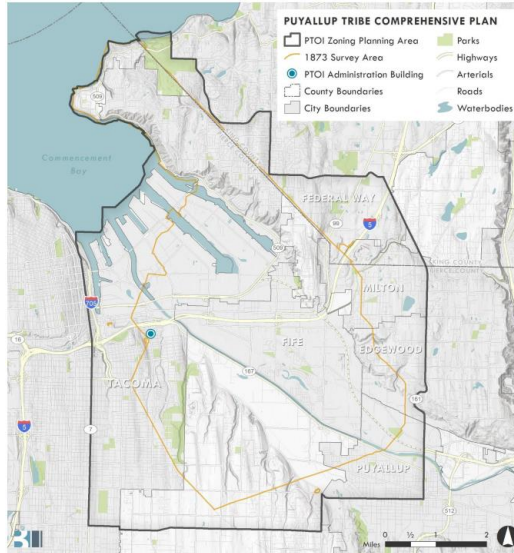
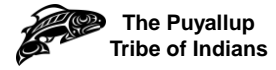
- Cities (Pierce County Cities)**
- City of Fife
 - City of Milton
 - City of Tacoma
 - City of Puyallup
 - City of Edgewood
- Puyallup Tribal Lands Trust Status**
- In Fee
 - Member Trust
 - Tribal Trust

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Planning Area

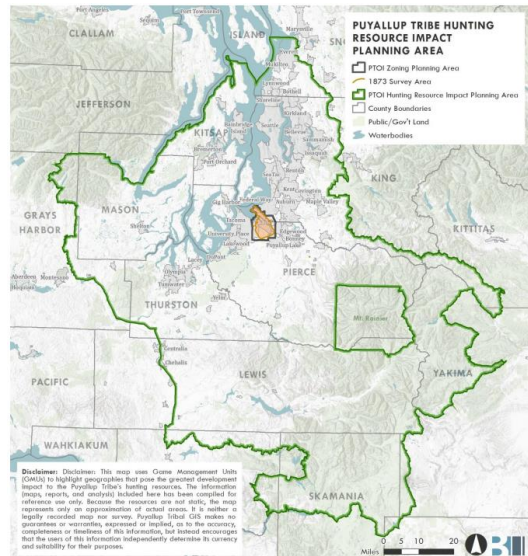
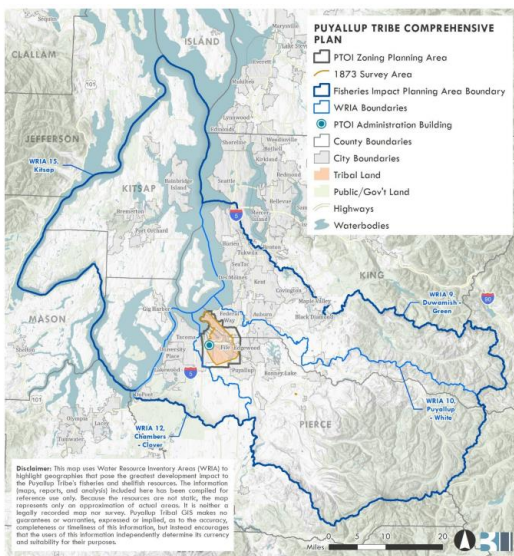
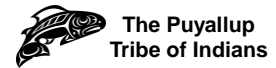


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Treaty Resource Planning



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Gunalchéesh! Thank You!

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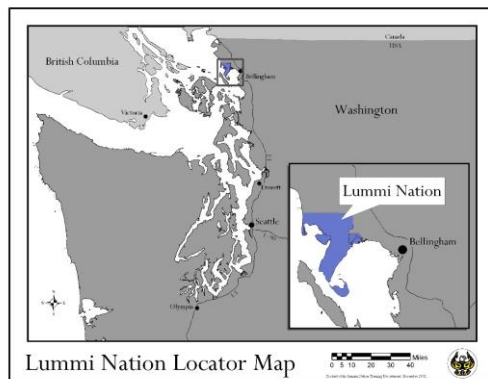
Opportunities for Collaboration



Lummi Nation



Collaborative Planning with Tribes



Kirk Vinish
Director of Planning and Public Works
Lummi Nation

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Opportunities



Lummi Nation

Coordinated Essential Public Facilities Planning

1. Example: **Transportation** Funding – Tribes have access to federal funding that can be used off reservation
2. Example: **Health Care** – Tribes have invested in clinics using HIS funding. Some tribes are opening up to non-natives.
3. Example: **Resource Management**
Establishment of wetland mitigation bank

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Lummi Nation

Transportation

Slater Road – I-5 Interchange (Exit 260)



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Health Care



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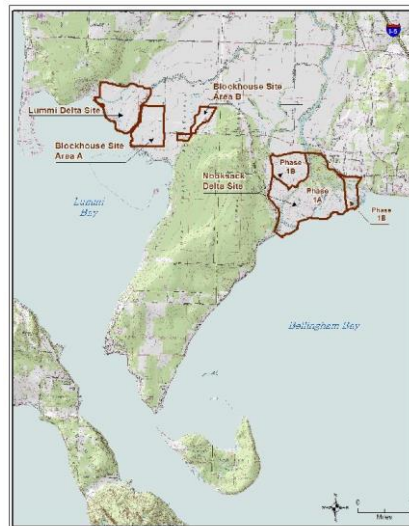
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Lummi Nation

Resource Management

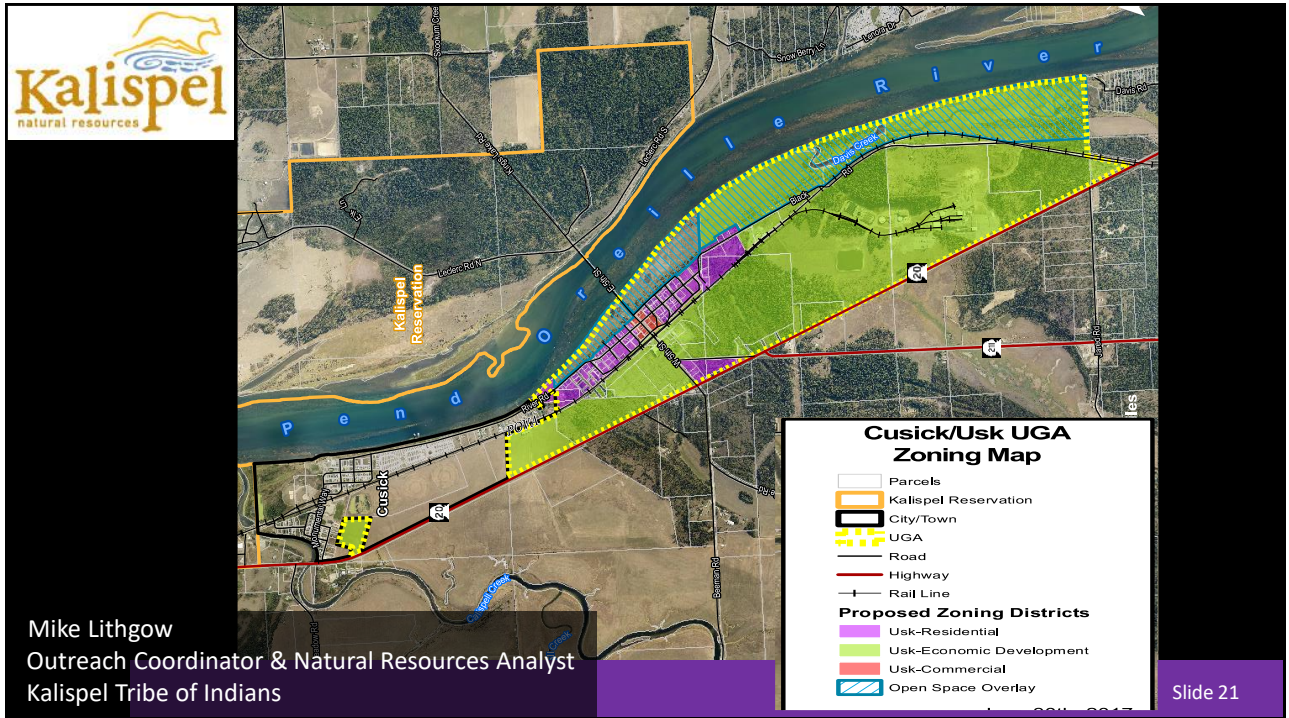
Lummi Nation Wetland Mitigation Bank



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- ❖ Q & A with Panelists
(15 min.)
- ❖ Introduction of roundtables leaders and continued discussion of collaboration for implementation at state, county, city levels
(30 min.)
- ❖ Handouts available on the table at break

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