

The Upper Skagit Indian Tribe

The Upper Skagit Indian Tribe (“Tribe”) is the successor in interest to 11 bands of treaty signatories including the Duwha-ah, Dookwa-chahbsh, Choba-ahbsh, Bsigwi-gwilse, Sba-likwh, and Sti-whiwh. The Tribe is a signatory to the Treaty of Point Elliot signed on January 22, 1855 and ratified by Congress on March 8, 1859.

From the period of the treaties to the present, the Tribe continued its existence through such acts as the annual meeting near Concrete for the Elders Council gathering. The Elders Council conducted official business as well as social activities in efforts to sustain the culture and their Lushootseed language. The Upper Skagit Indian Tribe received formal federal recognition on December 4, 1974. However, it was not until September 10, 1981 that the Upper Skagit Reservation was established. The lands associated with the establishment date are the two parcels at Bow Hill, of approximately 26 acres and 74 acres at Helmick Road. The Bow Hill complex includes community trust lands, individual trust lands of which the Tribe has interest, and fee parcels which the Tribe has ownership. The Helmick Road land base includes the 74 continuous acres that are Reservation lands for the Upper Skagit Indian Tribe and an adjacent seven acres acquired in 1997. The Helmick Reservation site serves as the administrative and community center for the Tribe. The Tribe is recognized as a manager of the natural resources of their territory.

The Tribal governing framework is organized pursuant to Section 16 of the Indian Reorganization Act of 1934, codified as 25 U.S.C.A. 476, and in accordance with the Upper Skagit Indian Tribe Constitution and By-Laws, as approved by the Secretary of the Interior. The Upper Skagit Tribal Council is the governing body of the Upper Skagit Indian Tribe, responsible for and empowered with governmental duties for safeguarding the health, safety, and welfare of the members of the Upper Skagit Tribe and residents of Upper Skagit Indian Reservation lands. The Upper Skagit Tribal Council consists of seven (7) members duly elected to serve staggered three (3) year terms. The General Council annually elects the chairman and vice-chairman. The Tribal Council elects the secretary and treasurer.

General Setting and Location

Today the Tribe’s land base consists of two physically separate land areas located in Skagit County. The western land base is referred to as the Bow Hill complex and the eastern land base as the Helmick Road Reservation. The Bow Hill complex is located 8 miles north of Mount Vernon adjacent to the I-5 corridor. The Helmick Road land base is located on terraces at the base of Lyman Hill, two miles east of Sedro-Woolley and 15 miles northeast of Mount Vernon.

At the request of the Tribe, the U.S. Secretary of the Interior named the lands purchased by the Tribe as the Upper Skagit Reservation on September 10, 1981. The trust lands associated with the establishment date are two non-contiguous parcels at Bow Hill that make up approximately 26 acres [18 acre southern parcel and 8 acre northern parcel] and 74 contiguous acres at Helmick Road. The Tribe has and/or is investing in approximately 400 acres of fee land and 125 acres of individual trust lands at Bow Hill. These lands combined are referred to as the Bow Hill Complex. Seven acres adjacent to the western boundary of Helmick Reservation were purchased by the Tribe in 1997.

Climate

The Puget Sound lowlands are associated with moderating influences of marine ocean air. The typical pattern results in mild, wet winters and cool, dry summer temperatures than found in Washington's interior. The distinct wet season occurs from October through April. Prevailing winds are westerly from the Pacific Ocean and Puget Sound that flow east up the Skagit River Valley. Skagit County precipitation varies markedly from west to east, a result of the Cascade Mountain range.

Average annual precipitation measured in Mount Vernon, just south of the Bow Hill Reservation lands is approximately 31 inches. The Helmick Road Reservation is located in the transitional snow climate zone. Average annual precipitation ranges from 40 to 90 inches in the watershed. Precipitation is rain with persistent winter snow common at elevations above 3000 feet, but not at the lower terrace of the Helmick land base (Hansen Creek Resource Report for NSRA, 2001).

Topography

The Bow Hill Complex is located in Skagit County's identified Samish Bay Watershed which is bounded to the east by the Lyman Mountain Range. Creeks and un-named drainages flow to the Samish River and/or to Samish Bay. Helmick Road Reservation is situated in Skagit County's identified Lyman Watershed on terraces at the toe of Lyman Hill. The creeks of the Lyman Watershed flow to the Skagit River on the east, south and western slopes. The north side of Lyman falls within the Nooksack Watershed.

The lands that make up the Bow Hill Complex are primarily situated at the top of Bow Hill. Wetlands are either isolated, perched systems, or have outlets that drain to creek systems with varied north, east, west, and southerly drainage paths. The Bow Hill parcels are gently sloped to relatively flat. Elevations vary between 245 and 300 feet. The general area is marked either by bedrock formations such as Butler and Humphrey Hills, and delta floodplains that lie between 30 and 70 feet in elevation such as Butler Flat, German Prairie, Warner Prairie and the lower Samish River Valley, or by incised drainages such as Friday Creek and the smaller Bear, Colony and Bob Smith Creeks.

Helmick Road Reservation is situated on terraces at the toe of Lyman Hill just above the floodplain terraces of the Skagit River. Red Creek bisects the Helmick lands. Red Creek is a sub-basin watershed of the Hansen Creek Watershed and the overall Lyman Watershed. Elevations at Helmick range from 250 to 350 feet, rising primarily in the northeasterly direction.

Bow Hill

The Bow Hill complex includes trust lands, individual trust lands of which the Tribe has interests, and fee parcels of which the Tribe has ownership. The Tribe has and/or is investing in approximately 400 acres of fee land and 125 acres of individual trust lands at Bow Hill. These lands combined are referred to as the Bow Hill Complex.

Land Use

The Tribe designated the Bow Hill Complex as general business in July 1990, and has conducted at least five planning studies since 1979 to consider economic development options for the site. The Tribal Council applied to the U.S. Department of Housing and Urban Development for enterprise zone status for the Bow Hill Reservation in late 1988. The Tribe recognized that an anchor tenant or business needed to be attracted before substantial economic development would occur. In 1995, the Tribe opened up the Casino, and has since expanded facilities to include a 103-room hotel that opened in the spring of 2001, pool/spa and expanded conference facilities opened in the fall of 2001.

The trust lands are formally designated Reservation land and are made up of two non-contiguous parcels with combined acreage of 25 acres. Individually the parcels are approximately 16.7 acres and 8.4 acres respectively. These lands lie immediately east of Interstate 5, approximately six miles north of Burlington and sixteen miles south of Bellingham. The two tribal trust parcels are separated by individual trust parcels, in which the Tribe holds interest. The parcels have connected access along Darrk Lane which traverses the parcels north to south. Darrk Lane divides each of the parcels into east and west sections. The larger southern parcel hosts the hotel/conference/gaming resort, the smaller, northern parcel serves as facility maintenance and overflow parking grounds.

South of these trust lands are approximately 75 acres of pasture referred to as the Pulley Ridge. Eleven of these acres are designated for commercial development, with plans initiated for a service station. West of the I-5 corridor are a mix of lands primarily in pasture or managed forest plantation. Forest harvests occurred in the 1970s and these lands have been replanted. Varying degrees of development planning efforts are underway for these lands. A golf course complex and associated high-end residential homes are completing planning and permit stages for 300+ acres.

The Bow Hill Reservation site is located adjacent to Interstate 5, in a mostly rural area of western Skagit County. Land uses in the general vicinity of the Bow Hill site include commercial, agriculture, transportation, commercial recreation (two recreational vehicle [RV] parks/campgrounds and a motor speedway), forestry, rural residential and an assortment of rural small businesses. The Thousand Trails, Inc. campground located approximately 0.5 mile north of the casino, is a 280-acre, commercial camping facility consisting of 230 campsites and RV spaces.

Cultural Use Sites

The Bow Hill complex contains one identified area of potential significance the Tribe intends to protect in perpetuity. No cultural or historic resources exist within the surveyed parcels that are listed, eligible for listing or would be listed with state or federal agencies. Natural resources are intended to be protected while implementing the overall economic development plan the Tribe has adopted for the complex.

Helmick Road Reservation

The Helmick Road land base includes the 74 contiguous acres that are Reservation lands for the Upper Skagit Indian Tribe and an adjacent seven acres acquired in 1997. Helmick Road serves

as the administrative and community center for the Tribe. Surface waters include palustrine and forested wetlands, first order drainages to Red Creek, a second order tributary to Hansen Creek, tributary to the Skagit River. Ground water aquifers are the source of the community's drinking water supply.

Government facilities are located on the southeast portion adjacent to Helmick Road with a largely undeveloped hillside rising north and east of these facilities. Immediately west of the government facilities is Red Creek. Community housing is adjacent to the northwestern rise of Red Creek while community service facilities are primarily west of Red Creek, including the community wellfields near the western boundary adjacent to Cokedale Road.

Land Use

Land use within the Helmick Road Reservation is dedicated to six different development zones. These zones are housing, business, recreation, forestry, religious activity, and cemetery. Development revisions that resulted in the present land use map and zoning ordinance occurred in 1995 with input from the community prior to Tribal Council approval. Land use activities are subject to the Tribe's Environmental Procedures Act that requires submittal of an environmental checklist and/or assessment, review and determination of effect on the natural and human environment prior to obtaining building permits. Construction and building activities are overseen by the Public Works Director and may be provided through specifically contracted inspection agreements.

Community outreach and education activities are being prioritized to assist comprehensive planning, land use planning, utility planning, sensitive area protection planning, regulatory development, permitting, and restoration planning.

The existing housing stock for the Community includes 50 single family units and 26 rental units that include apartments and duplexes. According to the 2001 Indian Housing Plan ("IHP") the un-met housing need within the Community is 217 families. These families presently pay more than 50% of their income toward housing expense. The Helmick land base is fully maximized and cannot support further development of housing or sewage infrastructure without land acquisition.

Today, the area dedicated to business development encompasses the government and community facilities. The government facilities include:

- ◆ the Tribal Administration facility that hosts Tribal Council meeting rooms, administrative, planning and accounting departments, a community kitchen, housing and gaming departments
- ◆ the Social and Health Services facility that hosts social, health and police departments
- ◆ the Education facility that hosts the education and public works departments
- ◆ the Woodshop facility that hosts the up-river Skagit System Cooperative department, facilities maintenance, wood-shop and archives, and
- ◆ Timberland Services

Community facilities include the Elder/Childcare Center, a Cultural Center, and Recreation Center.

Forestry is dedicated to supporting wetland forest resources, buffers to the public water supply and Red Creek, and to meet the goal of providing on-Reservation cultural use access opportunities.

Cultural Use Sites

The Upper Skagit Indian Tribe has not had the opportunity to provide for a community cemetery. The dedicated land has recently been cleared and is located in the northeastern portion of the Reservation.

Utilities

Helmick Reservation is served by Puget Sound Energy (“PSE”). Cascade Natural Gas extended its utility to Helmick in the fall of 2001. Service connections are not expected to be complete until the end of 2003. The Tribe has invested in its own cable network. The local telephone network is Verizon, Inc. Other telecommunication improvements are taking place through wireless and related area-wide infrastructure developments.

Public Works is responsible for water supply, wastewater treatment and disposal and manages the maintenance department that serves housing, community and government complexes. Public Works maintains records, certifications and reporting for the domestic supply wellfield that serves Reservation and adjacent residents, maintains three on-site septic systems serving the government facilities, three on-site septic systems serving the community, recreation and housing developments, maintains roads, road lighting, stormwater, and manages the residential cable network, and solid waste collection and recycle services. Fire flow for the community is wholly inadequate and requires infrastructure upgrades of service lines and storage.

Water

The Public Works Department maintains operation, maintenance, monitoring and reporting requirements consistent with the Safe Drinking Water Act. Reports are routinely filed with EPA, Region 10, Office of Water. The system use averages 19,400 gallons per day [record review 1/1/2000 through 7/2/2001], an increase of almost 45% since 1991-1993 average use of 13,500 gallons per day. Drinking water meets and has consistently met Safe Drinking Water standards. There appears to be a natural source of Beryllium that requires further investigation. Presently, while supply can meet long-term projected growth the infrastructure does not meet adopted standards. The Tribe is seeking planning and technical assistance to design and cost service upgrades to improve waterline size, fireflow, storage and transmission capacity.

The Tribe participates in the Skagit County Coordinated Water Supply Plan, and under the plan is the designated provider for Helmick and can establish a satellite operation at Bow Hill if it chooses. Standards for water system infrastructure, interties, source water protection and conservation exist in the plan. Some of these standards are not presently met by the Tribe and where these deficiencies can contribute to nonpoint pollution will be addressed through the Management Plan. Examples of such deficiencies include intertie and septic disposal where they have the potential to affect the drinking water supply. Additionally, the Tribe needs to undertake coordination responsibilities for the wellhead protection area with adjacent jurisdictions.

Adjacent residential water service is made available to 6 homes downstream of the Reservation along Helmick Road. However the utility ordinance requires updating to ensure all connections are being served for intended supply, are properly connected and metered.

Community cemetery ground has been cleared and awaits further development. Concerns for this type of land use include potential arsenic, heavy metals and other associated contaminant release to the groundwater/drinking water supply.

Sewer

Sewer infrastructure presently consists of – community collection, treatment and disposal systems. There are 6 community systems that serve:

- ◆ the administration, social service and education facilities
- ◆ the woodshop
- ◆ the 50 family residences
- ◆ the child development center
- ◆ the 26 rental units
- ◆ the culture center and the recreation center

Wastewater disposal and treatment land is significantly inadequate in meeting the present demand and future growth projections of the community. Sewer infrastructure is expected to be extended from the City of Sedro-Woolley to serve the Northern State Recreation facilities. The Tribe is interested in investigating the opportunity for establishing a water intertie and sewer service connection to ensure Reservation and natural resource environment needs are met in the future.

Solid Waste

The Tribe provides for solid waste collection services through a franchise contract. Recycling is offered within the government facilities for cardboard and mixed paper. Glass, plastic, aluminum is not served. The residential facilities contract for their own recycling services.