



Natural Resources Department
Environmental Division
6406 Marine DR NW
Tulalip, WA 98271

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8/22/25

Washington State Department of Ecology
300 Desmond Drive SE
Lacey, WA 98503
P.O. Box 47775
Olympia, WA 98504-7775

JELD-WEN, Inc.
300 West Marine View Drive
Everett, WA 98201

Re: Jeld-Wen Draft Marine Engineering Design Report, June 2025

Thank you for the opportunity to engage in discussions regarding the Draft Marine Engineering Design Report for the Jeld-Wen property in Port Gardner, Everett, Washington. The Tulalip Tribes are federally recognized and are signatories to the Treaty of Point Elliott of 1855. The Tulalip Tribes retain constitutionally protected, treaty-reserved rights to harvest, consume, and otherwise manage fish, shellfish, and other treaty reserved resources within our usual and accustomed areas. These treaty rights and resources are integral to supporting the tribal economy, and furthermore play a vital role in ensuring the health, welfare, and cultural ways of life of the tribe and tribal community.

Our natural resources are of paramount importance to us, and we strive to maintain, restore, and protect ecological processes in our watersheds and marine environments wherever possible. We believe that with any land disturbing activity adjacent to or within fish-bearing waters, special care must be taken to maintain or restore the natural environment, to allow these processes to continue, thus ensuring that our treaty rights are upheld. It is with this in mind that we offer the following comments:

1. Installation of new shoreline armoring requires an HPA and mitigation for impacts from the armoring. The determination that the failed road and asphalt falling into the tidelands was an armored shoreline is questionable. We would like to see a more natural beach without exposed riprap or spall. We suggest covering the capping material with substrate natural to the site and Puget Sound shorelines. Layers of progressively smaller material has proven to work in many scenarios with a final layer of beach fish mix.

There are multiple benefits to a more environmentally appropriate shoreline type, and we believe some mitigation for the new shoreline armoring at the site is warranted. We

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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suggest Ecology reach out to the WDFW Regional Habitat Biologist to discuss armoring mitigation requirements at this site. We are available to join in any discussion with WDFW and Ecology on this matter. At a minimum, we want to see any quarry spall covered with a layer of river or round rock which is more natural to the shorelines of the Puget Sound. We may also suggest some level of shoreline enhancement, which would likely include beach/intertidal plantings, and large wood. We anticipate being given the opportunity to discuss such specifics at the 60% design phase.

2. We disagree with the statement in the Draft Marine EDR Section 2.1.5 Biological Survey. It is stated on page 7 paragraph 2 that: “*There are no federally listed endangered fish species identified in the project area.*” The majority of juvenile salmon migrating out of the Snohomish River exit out of the Main Stem Channel. There is a serious deficit in natural estuary off-channel habitat in the lower mainstem / Port Gardner area. The logway channel is not too dissimilar from a blind tidal channel exhibiting reduced water velocities, where juvenile fish seek refuge during salmon outmigration, February – June. It is highly likely this area is utilized by out-migrating juvenile salmon, including ESA listed chinook salmon during this time. These juvenile salmonids also tend to migrate downstream along the edges of the river where there are reduced water velocities and fewer predators, and they would likely end up in the logway when it is inundated.

No evidence is provided to demonstrate the lack of ESA listed salmon presence in this area, per our fish sampling results. The Tulalip Tribes have been conducting fish monitoring efforts across the estuary and Possession Sound for over two decades, and find the above statement claiming no federally listed endangered fish species in the project area, to be factually incorrect. We would like it removed from the Marine EDR. If Ecology would like, we can provide you with the various reports and journal publications we have produced as evidence that our qualification and knowledge on this topic exceed anything the contractors have provided. In the future we recommend the contractor not use this statement unless they have truly vetted the existing information, or conducted extensive multi-year sampling to justify this statement at the location they are reporting on.

3. Any capping or armoring at the site needs to be designed so as not to compromise the current restoration efforts along the Maulsby mudflats. There is currently a pilot project effort for the beneficial use of dredge material to place material along the riprapped waterfront area along the mudflats. Any cleanup work should avoid causing complications to this effort. We are open to a meeting with the PLPs, their representatives, or contractors, to provide information about this effort and discuss how/if any clean up and capping operations will affect it.



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4. You will need to contact our Cultural Resources staff personnel to review the potential impacts to cultural resources at the site. The site is located in the area of a large former village site. Simply providing information about the depth at which undisturbed soil was found, and stating that work will not take place at or below that depth is likely not sufficient to alleviate concerns about impacts to the Tribes' cultural resources. This is of particular concern for areas in the intertidal area where excavation of contaminated sediment will occur. Please contact Richard Young, Tulalip Tribes Cultural Resource Manager, 360.716.2652, ryoung@tulaliptribes-nsn.gov.
5. If any Osprey nests are expected to be lost in association with proposed piling removal activities, an equal number of new nesting piles must be installed in a timely manner. Installation of osprey nesting pilings has been implemented across the Snohomish Estuary and Tulalip Reservation when creosote piling work has been conducted. We would like to maintain a no net loss of nesting sites for the osprey in the area.
6. More assessment may be warranted for the following potential issues:
 - i) Carefully determine if 3/8" rock is adequate to prevent suspended solids migration on mudflat areas. Consider adding geofabric as necessary to ensure protection from contaminants.
 - ii) Carefully assess the potential for lateral migration of contaminants from under uplands, or from under capped areas.

Thank you for the continued opportunity to work with you on projects that have the potential to impact our constitutionally protected, treaty-reserved resources and rights. We appreciate the Washington State Department of Ecology's diligence in addressing potential impacts to essential fish habitat, ESA species, and Tribal fisheries interests. Thank you for considering our concerns, and we look forward to continuing our shared commitment to conservation together.

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