



Northwest Indian Fisheries Commission

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Maia Hoffman
Water Quality Permit Coordinator
Washington Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

Re: NWIFC Comment Letter on Ecology's Preliminary Determination - Puget Sound Nutrients General Permit for Nutrient Discharges from Domestic Wastewater Treatment Plants

Dear Ms. Hoffman:

Please accept these comments on the above-referenced Department of Ecology (Ecology) Preliminary Determination regarding a Puget Sound Nutrients General Permit for discharges from domestic wastewater treatment plants (WWTPs). These comments are submitted on behalf of the Northwest Indian Fisheries Commission (NWIFC).¹ The NWIFC is comprised of the 20 treaty Indian tribes in western Washington with constitutionally protected, treaty-reserved rights to harvest, consume, and manage fish and shellfish in their usual and accustomed areas. These comments are submitted in view of the need to ensure protection and restoration of these and other reserved rights, resources, and habitats, and to safeguard the health, livelihoods, and well-being of tribal members.

We appreciate that Ecology is exploring options for nutrient reductions in Puget Sound and the greater Salish Sea. Excess nutrients can contribute to low levels of dissolved oxygen, increased algal blooms, local and ocean acidification, and food web disruption. "Excess nutrients can shift aquatic communities away from preferred food items and reduce water quality to a level that can result in physiological stresses to rearing Chinook salmon juveniles."² This food web disruption is expected to adversely affect southern resident killer whales, another species listed under the Endangered Species Act which relies on Chinook salmon for its primary prey. Some of these effects are expected to worsen with a warming climate.

These ecosystem stresses can be expected to increase as the regional population increases. "There are currently over 4.5 million people living in the Puget Sound region. The Puget Sound Regional Council

¹ The NWIFC member tribes are the Lummi, Nooksack, Swinomish, Upper Skagit, Sauk-Suiattle, Stillaguamish, Tulalip, Muckleshoot, Puyallup, Nisqually, Squaxin Island, Skokomish, Suquamish, Port Gamble S'Klallam, Jamestown S'Klallam, Lower Elwha Klallam, Makah, Quileute, Quinault, and Hoh. These general comments should not be construed as conflicting with any specific comments from NWIFC member tribes, which the Commission will acknowledge and consider with deference.

² Puget Sound Recovery Implementation Technical Team, Puget Sound Chinook salmon recovery: A framework for the development of monitoring and adaptive management plans 32. U.S. Dept. Commerce, NOAA Tech. Memo. NMFS-NWFSC-130 (2015).

estimates around 1.8 million more people will move to the region by 2050. This population increase could mean more than a 40 percent increase of nutrients to Puget Sound from human sources over the next few decades."³ "Wastewater effluent is the largest local source of nitrogen to the Sound. Upstream watershed activities that generate nitrogen are the second largest local source of nitrogen and get delivered to the Sound via rivers and streams."⁴

As Ecology continues to fulfill its obligations to address nutrient pollution in the Salish Sea, Ecology must take an integrated approach that addresses watershed sources of nutrients and stormwater, as well as wastewater treatment. In addition, wastewater treatment must address not only nutrient loads, but also pharmaceuticals, personal care products, endocrine disruptors, nanomaterials, metals, plastics, toxins, and persistent organic pollutants. To the extent that Washingtonians will need to invest in nutrient reduction, enhanced treatment, and advanced technological controls, Ecology must consider alternatives that address not only nutrients, but also these other known and emerging water quality threats. Ecology should pursue integrated approaches to controlling pollutants, addressing multiple impairments where possible, utilizing available technologies, and without unnecessary delay.

Treaty resources and harvests have already been affected by excess nutrient loading, so the new general permit should be implemented rapidly with the largest dischargers addressed in the first permit cycle. Moreover, each sovereign tribe that suffers impairments to their reserved resources from nutrient-related discharges must experience aquatic habitat recovery as soon as practicable. It would be inappropriate for Ecology to allow continued degradation of treaty resources for some tribes while promoting recovery in other regions, first. Ecology must engage each sovereign tribe and their reserved treaty resources on an individualized basis.

We are available to meet with Ecology to explore these challenges and opportunities to improve water quality. Meanwhile, please feel free to contact me or Michael Martinez on my staff (mmartinez@nwifc.org) with any questions regarding these comments.

Sincerely,



Justin R. Parker
Executive Director

³ Washington Department of Ecology, Puget Sound Nutrient Reduction Project webpage, available at <https://ecology.wa.gov/Water-Shorelines/Puget-Sound/Helping-Puget-Sound/Reducing-Puget-Sound-nutrients/Puget-Sound-Nutrient-Reduction-Project>.

⁴ Washington Department of Ecology, Nitrogen in Puget Sound story map, available at <https://waecy.maps.arcgis.com/apps/MapSeries/index.html?appid=907dd54271f44aa0b1f08efd7efc4e30>.