

Gregg Dunphy

Please see the attached file sent on behalf of the Lummi Natural Resources Department Director



# Lummi Indian Business Council

2665 Kwina Road · Bellingham, Washington 98226 · (360) 312-2000

*'Working together as one to Preserve, Promote and Protect our Sche Lang en'*

October 26, 2020

Ms. Laura Watson, Director  
WA Dept. of Ecology  
Via e-mail [lnie641@ecy.wa.gov](mailto:lnie641@ecy.wa.gov)

Re: Cooke Aquaculture Pacific, LLC application for NPDES permit modification

Dear Director Watson:

Thank you for the opportunity to review the request for modification to the NPDES permit submitted by Cooke Aquaculture Pacific, LLC (Cooke). We understand that the modification proposed by Cooke involves changing from rearing Atlantic salmon to rearing domesticated native Rainbow trout/Steelhead at their net pen facilities.

We are deeply concerned about the possible impacts of net pen-based fish farms in our Usual and Accustomed treaty fishing areas (U & A) and the adverse consequences that such operations have on our Sche Lang en' (way of life) through infringement and even in the absence of impacts including escapes and cross-stock contamination.

I want to be clear that we stand firm in our opposition to the modification of the NPDES permit. Moreover, our position remains that no permits for net pen operations should have been granted to Cooke in the first place. Our concerns and opposition are due to two closely related reasons:

First, net pen operations in general and Cooke's operations specifically, continue to infringe on our treaty-reserved fishing rights in our U & A. These rights were secured for us in perpetuity by our ancestors and those of the other signatory tribes in the Point Elliott Treaty of 1855. To be clear, continuing or new takes of our fishing rights and resources remain unacceptable to us as the infringements they represent incrementally diminish our Sche Lang en'.

Second, the recent the lessons of history stemming specifically from Cooke's operations clearly demonstrate the unfortunate consequences of Cooke's negligence in maintaining the structural integrity of their infrastructure and commitment to abide by permit terms.

In conclusion, it is for these reasons and others elaborated in great detail by the Swinomish Indian Tribal Community, in their letter to you dated June 8, 2020, that we join with them and the other treaty tribes in firm opposition to the issuance or modification of any permits to Cooke for its dangerous net pen operations. We adopt the comments of the Swinomish Indian Tribal Community by reference. Thank you for your consideration of our concerns and comments.

Sincerely,

A handwritten signature in blue ink, reading "Merle Jefferson".

Merle Jefferson, Director,  
Lummi Natural Resources Department