



# Northwest Indian Fisheries Commission

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March 15, 2021

Eleanor Ott, Water Quality Permitting Specialist  
Washington State Department of Ecology  
P.O. Box 47696  
Olympia, WA 98504-7696

Re: NWIFC Comments on Draft Nutrient General Permit in Puget Sound

Dear Ms. Ott:

On behalf of the Northwest Indian Fisheries Commission (NWIFC), attached please find the list of nutrient principles submitted to help inform the Washington Department of Ecology with its deliberations regarding the Puget Sound Nutrient General Permit. The 20 member tribes of the NWIFC<sup>1</sup> are beneficiaries of a trust relationship with the United States, the trustee, with constitutionally protected, treaty-reserved rights to harvest, consume, and manage fish and shellfish in their usual and accustomed areas. *U.S. v. WA*, 384 F.Supp. 312 (W.D. Wash. 1974); *aff'd sub. nom., WA v. Washington State Commercial Passenger Fishing Vessel Ass'n.*, 443 U.S. 658 (1979); *U.S. v. WA*, 873 F.Supp. 1422 (W.D. Wash. 1994) (Shellfish I) and 898 F.Supp. 1453 (W.D. Wash. 1995) (Shellfish II); *U.S. v. WA*, 157 F.3d 630 (1998) (Shellfish III); *cert. den. U.S. v. WA*, 119 S.Ct. 1376 (1999). This request is 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.

The attached principles are intended to support the state in developing a general permit to better address nutrient reduction in the Salish Sea. The State of Washington and its subdivisions need to expedite nutrient reductions in order to limit further harm to treaty reserved tribal resources and the Puget Sound ecosystem. Thus, nutrient discharge reductions are needed rapidly throughout the basin, with significant load reductions from the largest dischargers addressed in first permit cycle.

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<sup>1</sup> 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.

We urge Ecology to engage with interested sovereign tribal nations while developing the Puget Sound Nutrient General Permit. If you have any questions, please feel free to contact Mike Martinez, Habitat Policy Analyst, at [mmartinez@nwifc.org](mailto:mmartinez@nwifc.org).

Sincerely,

A handwritten signature in blue ink that reads "Justin R. Parker". The signature is written in a cursive style with a long, sweeping underline.

Justin R. Parker  
Executive Director

Attachment