



Northwest Indian Fisheries Commission

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www.nwifc.org

FAX # 753-8659

August 16, 2021

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

Re: NWIFC Principles to Support Nutrient General Permit Development

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 NWIFC¹ 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. Wash.*, 384 F.Supp. 312 (W.D. Wash. 1974); *aff'd sub. nom., Washington v. Washington State Commercial Passenger Fishing Vessel Ass'n.*, 443 U.S. 658 (1979); *United States v. Washington*, 873 F.Supp. 1422 (W.D. Wash. 1994) (Shellfish I) and 898 F.Supp. 1453 (W.D. Wash. 1995) (Shellfish II); *United States v. Washington*, 157 F.3d 630 (1998) (Shellfish III); *cert. den. United States v. Washington*, 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 to limit further harm to treaty reserved tribal resources and the Puget Sound ecosystem. Immediate nutrient discharge reductions are needed throughout the basin, with significant load reductions from the largest dischargers being addressed in first permit cycle.

¹ The NWIFC member tribes are the Hoh, Jamestown S'Klallam, Lower Elwha Klallam, Lummi, Makah, Muckleshoot, Nisqually, Nooksack, Port Gamble S'Klallam, Puyallup, Quileute, Quinault, Sauk-Suiattle, Skokomish, Squaxin Island, Stillaguamish, Suquamish, Swinomish, Tulalip, and Upper Skagit.

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.

Sincerely,

A handwritten signature in blue ink that reads "Justin R. Parker". The signature is written in a cursive style with a large, sweeping initial 'J'.

Justin R. Parker
Executive Director

Attachment

cc: Laura Watson, Director, Washington State Department of Ecology