

## Port Gamble S'Klallam

See attached. Please note I accidentally submitted this previously without our identifying information above.



**PORT GAMBLE S'KLALLAM TRIBE**  
**NATURAL RESOURCES DEPARTMENT**  
31912 Little Boston Rd. NE – Kingston, WA 98346

Page 1

August 15, 2021

Eleanor Ott, P.E.  
Washington State Department of Ecology  
P.O. Box 47696  
Olympia, WA 98504-7696

RE: Puget Sound Nutrient General Permit (PSNGP) Comments

Dear Ms. Ott,

The Port Gamble S'Klallam Tribe appreciates this opportunity to comment on the proposed Puget Sound Nutrient General Permit draft (PSNGP). We generally support Ecology's effort to address nutrient loading in Puget Sound, which has been a serious and growing problem for many years due to wastewater effluent releases, increased boat traffic, and stormwater runoff. When compounded by the effects of climate change, overfishing, coastal habitat destruction, forage fish population collapse, and other anthropogenic pressures, nutrient loading is a more serious issue than it may appear to be on its own, and drastic action is needed.

However, we believe the draft PSNGP does not go far enough, especially to protect the Tribe's Treaty Rights. We would like to see the following changes before the permit is approved:

- 1) When a permittee exceeds the action level for effluent nitrogen load, the load should be reduced to 10% below the action level. Currently the draft PSNGP only requires a total reduction of 10% nitrogen load<sup>1</sup>, which is insufficient and will not necessarily reduce the permittee's nitrogen load below the action level. Numerous methods and technologies exist to reduce nitrogen in wastewater effluent, and permittees should be encouraged through all means to adopt them.
- 2) Action levels for nitrogen loads should also be reduced on an annual basis to further encourage permittees to upgrade and improve their wastewater systems. Puget Sound's waters are already heavily impaired, and more drastic action than is proposed in the draft PSNGP needs to happen before they experience irreversible ecological impacts. Nitrogen effluent can not be considered on

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<sup>1</sup> Draft PSNGP pg. 34.



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Page 2

its own, it *must* be regulated within the context of climate change, fishing pressure, development, and other impacts that affect the ecology of marine systems.

- 3) Hard caps should be set for effluent nitrogen loads. It is not enough to gently push polluters in the right direction; they've had decades to do the right thing and those who have not should be punished with fines and requirements for corrective action. These hard caps, like the action levels in item 2, should also be reduced on annual basis. There is little excuse for polluting, and if solutions are not economically feasible for businesses, the state can *make* them economically feasible through changes in policy.
- 4) We appreciate the inclusion of an environmental justice review requirement<sup>2</sup>, but believe it is insufficient. It should also include community resources, especially Tribal resources, that are or may be impacted by nutrient loading, and how polluters plan to reduce those impacts.
- 5) Nitrogen load limits and action levels should be calculated on a regional basis. Different sections of Puget Sound have differing levels of resilience to nutrient loading. In Port Gamble Bay, for instance, the southern half is far more susceptible to nutrient loading than the northern half due to impaired water exchange. A generic, Puget Sound-wide nutrient load limit will result in many eutrophication events and further degradation of marine ecosystems.

We finally would like to ask Ecology to take Tribal Treaty Rights into account more often when drafting these permits. Tribal members consume 4-8 times as much shellfish as the general population<sup>3</sup>, and it is of the utmost importance that this resource be protected for generations to come. The draft PSNP does not do this, and we request that Ecology amend it with the above protective measures before approving it.

Thank you for your time,

Josh Carter  
Environmental Scientist  
(360)297-6286  
jcarter@pgst.nsn.us

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<sup>2</sup> Draft PSNGP pg. 20.

<sup>3</sup> Evaluation of Chemical Exposures from Shellfish and Sediments Port Gamble Bay, Kitsap County, Washington. 2015 Public Health Assessment. Pg. 26.