



December 21st, 2022

Ben Rau
Water Quality Program
Washington State Department of Ecology
PO Box 47600
Olympia, WA 98504
ben.rau@ecy.wa.gov

Re: Washington's Plan to Control Nonpoint Sources of Pollution and Voluntary Clean Water Guidance for Agriculture Chapters

Dear Ben Rau:

On behalf of the Snoqualmie Indian Tribe (Tribe) Environmental and Natural Resources Department (ENR), please accept these comments on the Voluntary Clean Water Guidance for Agriculture available for review. We appreciate the opportunity to provide these comments.

The Tribe is a federally-recognized sovereign Indian Tribe and a signatory to the Treaty of Point Elliott of 1855 in which it reserved to itself certain rights and privileges, and ceded certain lands to the United States. As a signatory to the Treaty of Point Elliot, the Tribe specifically reserved to itself, among other things, the right to fish at usual and accustomed areas and the "privilege of hunting and gathering roots and berries on open and unclaimed lands" off-reservation throughout the modern day state of Washington (Treaty of Point Elliot, art. V, 12 Stat. 928). Because of Treaty and other sovereign indigenous rights, the Tribe maintains a keen interest in wise management of watershed resources and water quality in Washington State, as the Tribe has done since time immemorial.

We are concerned about the unintended effects this guidance may have on the implementation of the best management practices laid out in the document. For example, it is unclear under what circumstances the "alternatives options" (described in the table beginning on page 26 of the draft chapter for riparian areas and surface water protection) will be utilized over the preferred practice of site potential tree height buffer widths. Who will determine when an alternative is appropriate, and which option to use? Considering that the guidance in the draft is voluntary, when these practices are implemented, what recourse is there to determine whether these guidelines have been followed and will continued to be followed over the long term? While it is clear that the Department of Ecology has spent a lot of time and resources developing these standards based on the best available science, we request that more time be spent on the policy regarding these recommendations and how they might be implemented in the future to benefit water quality.



Sincerely,

Kelsey Payne

Kelsey Payne
Water Quality Manager
Snoqualmie Indian Tribe
Environmental and Natural Resources Department