



May 13th, 2025

Marla Koberstein
Department of Ecology, Water Quality Program
PO Box 47600
Olympia, WA 98504-7600

A Performance-Based Approach for Developing Site-Specific Natural Conditions Criteria for Aquatic Life in Washington

Dear Marla Koberstein,

The Snoqualmie Indian Tribe [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. The Snoqualmie people have stewarded the waters of Tribal ancestral lands since time immemorial and the Tribe seeks to work collaboratively with the Department of Ecology to continue to protect these waters for future generations.

It is unclear if natural conditions can truly be measured with the data available to the Department of Ecology. It is unlikely that any western science dataset existing goes far enough back to take into account conditions in the region before the era of colonialism, in which case the term "natural conditions" is misleading.

We question for whom this ruling would create desirable outcomes. It is clear that there are applications in pockets of the Puget Sound in which this framework would be useful, and we can recognize the usefulness to Ecology while attempting to adhere to state water quality standards. However, we are concerned that a rulemaking to define natural conditions for dissolved oxygen in Puget Sound will be applied with too broad a brush, to the detriment of overall water quality. Instead of framing these low-oxygen marine systems as beyond our ability to improve, we should shift that framework to think about these systems as sensitive, where even a leaky septic system or small wastewater treatment plan effluent increase can have an outsized effect on the ecosystem. Our concern is that this rulemaking will lead to a culture of apathy, instead of a mindset that



prioritizes protection. In future rulemakings, where modeling is a key factor in implementation, Tribes need to be brought into the process much earlier to provide input.

Thank you for the opportunity to comment.

Sincerely,

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Kelsey Payne

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