11/21/2024

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Submitted online via https://wr.ecology.commentinput.com?id=hPEtkSFx2g

RE: Snoqualmie Tribe's comments on SEPA DNS for Water Resource Inventory Areas (WRIAs) 7 (Snohomish) and 8 (Cedar-Sammamish-Lake Washington) Watershed Restoration and Enhancement Plans (watershed plans)

Dear Angela Johnson,

Thank you for the opportunity to provide comments on the WRIAs 7 and 8 watershed plans.

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 Tribe was a member of the WRIA 7 (Snohomish) and WRIA 8 (Cedar-Sammamish-Lake Washington) Watershed Restoration and Enhancement Planning Committees.

Snoqualmie Tribe is concerned that the watershed plans, as written, may result in significant impacts to WRIAs 7 and 8. This is largely because even though Ecology plans to submit reports to the legislature in 2027 which will detail the number of Permit Exempt Wells (PEWs) that have been installed since the onset of RCW 90.94, this report will not characterize the impacts of these wells on the WRIAs nor on the subbasins in which they were installed. The report is also not required nor expected to characterize what PEW-impact offsets have been established. And since there is no enforcement or accountability built into these watershed plans or into ECY's policies regarding RCW 90.94, there remains the distinct possibility that significant impacts will occur in the WRIAs. Ecology should take this opportunity to revise the plans to ensure that appropriate tracking, enforcement, and accountability are built into each watershed plan. Indeed, RCO's Review Panel

recommended the inclusion of "mechanisms for monitoring, assessment, accountability, and adaptation to ensure successful implementation of the plan," but Ecology has declined to address this clear deficiency in the plan. This could result in significant, unaddressed impacts in the WRIAs, and the mere existence of watershed plans without accountability and adaptive mechanisms gives a false sheen of environmental protection.

Of further concern to the Tribe, in WRIA 7 in particular, some subbasins are projected to have large deficits in potential identified offsets, while others, typically lower in the basin, have large surpluses. Of course, none of the offsets have come to fruition, so they don't actually exist, but what these numbers tell us is that some subbasins are likely to have significant impacts from PEWs that will more than likely not be offset within the subbasin.

And, other plan details which the Snoqualmie Tribe previously commented on requesting resolution, still remain unresolved, such as 198 AFY of offset "credit" given to Upper Snoqualmie MAR projects, when these projects should never have been included in the plan, and were rejected by the WRIA committees in the form they have been included. These MAR projects are likely infeasible and are not grounded in best available science, and similar highly speculative MAR projects were rejected in WRIAs 13 and 14 for the same reasons. Just as MAR using natural streamflow in natural areas was rejected from those plans, these MAR projects should not be included in the WRIA 7 plan.

Thank you for the opportunity to comment.

Sincerely,

Matthew J Baerwalde
Senior Environmental Policy Analyst
Snoqualmie Tribe