



January 16th, 2026

Danielle Gallatin
Rulemaking Lead
Washington Department of Ecology
300 Desmond Drive SE
Lacey, WA 98503

Via email to: danielle.gallatin@ecy.wa.gov and submitted via comment portal

Re: Snoqualmie Tribe's comments on rulemaking for Chapters 173-507 & 173-508 WAC – Instream Resources Protection Program

Dear Danielle Gallatin,

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 Elliott, 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 Elliott, 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 protect these waters, both environmental and cultural resources, for future generations.

We appreciate the time that Ecology staff spent with Snoqualmie Tribe staff to answer our questions about the draft rule amendment in on online meeting. We generally support the reasonable limitations proposed in the draft rule amendments, and we wish to see these limitations on new permit exempt wells codified in Washington Administrative Code. We do, however, have remaining concerns about the draft rule language. These include concerns about curtailment during drought emergencies, enforcement, and tracking of water use, amongst others. Essentially, while we support the limitations on withdrawals described and the designated ability for Ecology to curtail withdrawals during emergencies, the draft rule language does not provide enough certainty of protection of instream flows and basin ecology during drought emergencies, nor accountability for new PEW water users, nor does it address the various shortcomings in the watershed plans for WRIs 7 and 8 for which Snoqualmie Tribe has requested updates and improvements at every comment interval that we were afforded (please see included prior correspondence). We continue to request that Ecology fix these significant shortcomings and gaps in



watershed protection by working with affected Tribes to create rule amendment language that will increase monitoring, tracking, accountability, adaptive management, and effectiveness of offsets, ultimately helping to ensure fiscal responsibility regarding the distribution of Streamflow Restoration Act and related funds allocated by the state legislature.

We suggest that after Ecology completes this current rulemaking, Ecology should approach affected Tribes, including Snoqualmie, about additional rulemaking that will support the intent of ECY-led watershed planning to provide Net Ecological Benefit. In the case of WRIAs 7 and 8, this rulemaking should address the comments raised by Snoqualmie and others in the watershed planning groups that the final watershed plans need to include mechanisms for tracking, accountability, and adaptive management across sub-basins within the two watersheds. Plan-listed offset projects should be updated over time to reflect changes on the land in ownership, management, hydrology, and/or other key factors affecting project feasibility and effectiveness; this should include specific updates, done in collaboration with affected Tribes, to the slapdash, perfunctory efforts that were used to identify sites for and list alleged offset benefits of several listed Managed Aquifer Recharge projects in the Snoqualmie basin. Without these updates to tracking, accountability, and the plan-listed offset projects (which receive preferential treatment in terms of Streamflow Restoration Act grant proposals and which do not occur unless sponsors such as Tribes speculatively take the considerable initiative needed to develop these proposals), Snoqualmie Tribe remains skeptical that the Streamflow Restoration Act and the IRP Program will collectively be able to protect Snoqualmie Ancestral Lands from the impacts of additional permit exempt withdrawals in WRIAs 7 and 8.

Sincerely,

DocuSigned by:

Michael Ross

Michael Ross

Deputy Executive Director of External Affairs