



February 24, 2020

Washington State Department of Ecology  
Northwest Regional Office  
3190 - 160th Avenue SE  
Bellevue, WA 98008-5452  
Attention: Permit Coordinator

Via email to: [tricia.miller@ecy.wa.gov](mailto:tricia.miller@ecy.wa.gov)

RE: Draft Wastewater Permit for City of Snoqualmie, NPDES Permit No. WA0022403

Dear Permit Coordinator,

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 Tribe has occupied the Snoqualmie Valley, including areas around Snoqualmie Falls and currently within the City of Snoqualmie (City), from time immemorial. Snoqualmie Falls, and the water that flows over the falls, hold special religious significance for the Snoqualmie Tribe; this has been reflected in the federal designation of Snoqualmie Falls as a Traditional Cultural Property (TCP).

#### **A. Significance of Snoqualmie Falls and Surrounding Lands**

Snoqualmie Falls remains central to the Tribe’s creation story and religious practice. The Tribe believes that the mist generated by Snoqualmie Falls connects the earth to the heavens and that a powerful water spirit lives in the plunge pool below Snoqualmie Falls. In further recognition of the importance of Snoqualmie Falls, Snoqualmie Falls was designated as a TCP on the National Register of Historic Places (NRHP) in 2009.

The Snoqualmie Falls TCP was designated pursuant to the submission of the NRHP Registration Form (Registration Form). The Registration Form draws from numerous studies documenting the cultural,



kinship, ecological, religious and even commercial significance of Snoqualmie Falls to the Snoqualmie people. In the following ways, the Registration Form confirms that Snoqualmie Falls and the lands surrounding it, including the Project site, are sacred sites of the Snoqualmie people.

The Registration Form describes the continuing significance of the Falls to Snoqualmie tribal members: “In a recent survey of contemporary Snoqualmie tribal members (Tollefson 1991), a majority of respondents indicated that the Falls continues to be an important cultural site for the Snoqualmie.” NRHP Reg. Form, Section 8 at 5. Further, the NRHP Registration Form discusses the Snoqualmie villages historically located above the Falls: “When the Point Elliot treaty was signed in 1855, the Upper Snoqualmie band occupied multi-family houses on the prairies above Snoqualmie Falls”. It also describes the distinct diets, kinship ties, and trade characterizing the cultures of the Upper and Lower Bands of the Snoqualmie Tribe. *Id.* According to the Registration Form, Snoqualmie Falls functioned as the critical link between the Upper and Lower Bands. For example, each Band shared their subsistence foods with one another—game from the prairie above the Falls in exchange for salmon and other coastal foods from below the Falls. Land above the Falls also plays a central role in the Tribe’s creation story which lies at the foundation of the Tribe’s existence. *Id.* at 2-4.

The cultural and religious significance of Snoqualmie Falls and the lands above it was documented even prior to the nomination of the Falls as a TCP. In 1996, a Cultural Resources Mitigation and Management Plan was submitted on behalf of Puget Sound Power and Light Company for the relicensing of the hydroelectric dam at Snoqualmie Falls, FERC No. 2493 (Cultural Plan). The Cultural Plan similarly conveys the cultural and religious significance of Snoqualmie Falls and surrounding lands. Further, the Plan describes the Tribe’s belief that their religious practices would be diminished by development in the vicinity of the Falls. In relevant part, the Cultural Plan states:

Snoqualmie representatives also wish to keep the entire Falls area in as natural state as possible by avoiding any additional construction and recreation development . . . They are concerned about archaeological sites, including burials, that their oral tradition holds are located in the vicinity of the Falls, and they are also concerned about the cumulative effects of overall development in the vicinity of the Falls.

The Tribe has reviewed the draft NPDES permit and Fact Sheet through this unique lens. In our review of the draft permit and Fact Sheet, the Tribe has determined that these documents neglect to include critical contextual information about how the City’s treated water outfall into the Snoqualmie River is positioned less than 1500 feet upstream from the TCP boundary, and that the chronic mixing zone from this outfall approaches to within 1000 feet of the TCP. The Tribe requests that the following be included in the NPDES documents: Snoqualmie Falls’ status as a Federal TCP; the Snoqualmie Falls TCP’s relevance to the Snoqualmie Tribe; the location of the City’s treated water outfall and said outfall’s corresponding mixing



zone's location just upstream of the Falls TCP; and its corresponding potential to negatively affect the cultural and religious importance of Snoqualmie Falls.

## **B. Additional Comments**

Additionally, we submit the following specific comments on the draft Fact Sheet:

### **P. 10; System inflow and infiltration (I&I)**

"...[O]lder portions of the collection system in the historic Snoqualmie City core has I&I rates approximately 14 times higher than newer section in the Snoqualmie Ridge area..."

Regardless of EPA's classification of what is "excessive" for an entire city-wide system, the quoted figure implies a concerning level of I&I which could jeopardize resources. The City should provide more information on the plan and schedule to locate and fix problems with disproportionate I&I in historic Snoqualmie.

### **P. 13; Impairment Analysis**

"Per '2019 Wastewater Treatment and Water Reclamation Facility Impairment Analysis' written by RH2 Consulting and verbal communication with the Department of Ecology Water Resources Program, the City will maintain the authorized reclaimed water production limit of 1.56 MGD in the proposed permit cycle. Therefore, the production of reclaimed water will cause water rights impairment."

The Tribe assumes this is a typo and that "will *not* cause water rights impairment" was intended. If not, or if further review indicates that impairment may be an issue (see discussion below re. North Bend's Centennial Well mitigation requirements), please include more explanation and discussion.

### **P. 14; Biosolids disposal**

"Per written communication from Ecology Biosolids Coordinator to the Mr. Thomas Holmes (Wastewater Superintendent), the City has permission of disposal of biosolids that do not meet Class B Biosolids standards on emergency basis until November 30, 2019. Currently, the solids are hauled by Tenelco to permitted sites."

The referenced date has passed. What is the City's current status regarding biosolids disposal? Is the current status proposed to be permanent or temporary, and if temporary, what is the envisioned permanent solution?



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### **Pp. 16-17; Tables 6 & 7, Violations and Triggers of NPDES Permit**

The format of the “Date” column in these tables is ambiguous and would benefit from a clearer format, i.e. “June 2017” with column heading “Month & Year.” Additionally, no explanation or resolution of the documented violations is offered. Inclusion of this information would strengthen confidence in and completeness of the document.

### **Pp. 24-26; Designated uses and surface water quality criteria**

This is one of a few suggested locations to include an explanation of the relevance of the Snoqualmie Falls TCP’s location just downstream of the subject outfall, and how discharges into the river at this location have the potential to affect the Falls’ cultural and religious significance to the Tribe.

### **P. 28; Figure 2. Approximate Mixing Zones**

Figure 2 should depict the location of the Snoqualmie Falls Traditional Cultural Property.

### **P. 67; Calculation of Dissolved Oxygen at Chronic Mixing Zone**

“Conclusion: At design flow, the discharge has a reasonable potential to violate water quality standards for dissolved oxygen.”

Can Ecology and/or the applicant please provide more information on the plan to address this reasonable potential to violate water quality standards, or otherwise explain and justify why it is not a concern? The Fact Sheet uses an effluent dissolved oxygen (DO) concentration of 8.2 mg/L. Is this reflective of reality? Elsewhere the documents say that the DO requirement is merely for 0.2 mg/l in the effluent, which would appear to cause a violation at design flow.

The documents could more clearly indicate the intended and actual relative distribution of effluent between the 2 outfalls, which would help improve understanding of how the discharge may or may not result in water quality violations in practice.

### **Pp. 73-74; Tables - Production Monitoring and Product Water Distribution**

Clarity would be improved by including descriptive reference or a schematic depicting where it is in the City’s system that the reported data are measured. For many months in these tables, including ecologically critical summer months, no DO data is reported, and the data that are shown include many data points well below required background DO concentrations. This seems to indicate possible water quality degradation resulting from the discharge. Can Ecology and/or the applicant please explain?



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**Pp. 88-89; City Comment 19 and ECY Response re. distribution of reclaimed water**

Can the City please detail the City's intended reclaimed water customers? Will the City no longer be selling reclaimed water for irrigation to the TPC Ridge club, or will TPC Ridge club still be a reclaimed water customer and the City proposes to add additional customers? If the Ridge club will no longer use reclaimed water for irrigation, will they be switching to using potable water for irrigation? How do proposed changes potentially affect instream flows?

**Pp. 91-92; City Comment 35 and ECY Response re. nutrient waste load allocations (WLAs)**

We concur with Ecology and object strongly to any backsliding in water quality related to the City's desire to increase nutrient pollution of Puget Sound by not complying with both daily WLAs and critical average monthly limits. Both approaches are relevant, rational and necessary to protect the Snoqualmie River and Puget Sound.

**Pp. 92-93; City Comment 36 and ECY Response re. pH limit**

We concur with Ecology that the City's request to relax the pH limit is not appropriate or protective and that the 6.5 pH limit should be retained. However, we also note that ECY's preliminary calculations indicated that a more stringent standard of 6.68 would potentially be required, and so we ask Ecology to please explain how the less protective pH limit of 6.5 will not result in water quality degradation at design flows.

**P. 93; City Comment 37 and ECY Response re. temperature limits**

We concur with Ecology and object strongly to any backsliding in water quality related to the City's desire to increase temperature pollution of the Snoqualmie River by raising the temperature limit for its treated water effluent discharge from 24.7°C to 31.1°C.

**Pp. 97-98; City Comment 53 and ECY Response re. Water Rights Protection**

Potential water rights impairment is a critical point that is discussed in this document. We request more explicit discussion of how the City of Snoqualmie's water reclamation program and practices may affect water rights in the Snoqualmie River. That is to say, if the City of Snoqualmie discharged more water to the river during summer months, is it possible that the river would meet its legislated instream flow requirements for a longer period; that junior water rights holders would have increased access to water; and/or that the amount of water that the City of North Bend is required to add to the river as part of its mitigation for its Centennial Well water right might be decreased? In order for increased discharge of



effluent to the river to result in a net benefit to the system, would irrigation practices in the City of Snoqualmie need to change? How does timing of pumping, effluent discharge, and irrigation play into these questions, and do cross-jurisdictional opportunities for net ecological benefit exist that are being missed? The Tribe would like to see a benefit to the ecosystem resulting from increased conservation and creative approaches to water consumption and reclamation, especially in light of the ongoing work of the Ecology-led WRIA 7 Streamflow Enhancement Committee.

As mentioned above, the draft Fact Sheet and/or the draft permit could more clearly explain the intended and actual relative distribution of effluent between the 2 outfalls, which would help improve understanding of how discharges at either location or other locations may or may not affect instream flows.

Thank you for the opportunity to provide comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Baerwalde", followed by a long horizontal line extending to the right.

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