

From: Karen Walter [KWalter@muckleshoot.nsn.us]
Sent: Friday, January 10, 2014 4:25 PM
To: Labib, Foroozan (ECY)
Subject: Proposed 2014 MS4 Permit for WSDOT

Foroozan,

We have reviewed the Proposed 2014 MS4 Permit for WSDOT and offer the following comments:

1. The discussion of stormwater impacts are too limited with respect to salmon. Salmon can be adversely affected by pollutants in stormwater (see attached paper from Scholz et al.). In addition to pollutant concerns, stormwater flows can adversely affect juvenile salmon by creating instream velocities that reduce rearing habitat conditions; flushing juvenile salmon; or creating conditions where they are forced to swim to maintain station and limit feeding opportunities and predator avoidance. As many streams receiving stormwater are also simplified channels that lack wood and low velocity habitats, stormwater discharges can be significant. Also, one has to also consider juvenile salmon access to low velocity habitats which may be precluded due to culverts and other barriers. As you can see, the problem is not simply impacts to stream channels and spawning beds.

2. Many of the elements of the revised permit are real improvements (i.e. inclusion of Low Impact Development requirements; improved monitoring; assessment of best management practices). However, there is no discussion or plan as to how information generated from the permit implementation and associated activities will be made readily available, particularly to affected Indian Tribes. Many of us tribal resource staff are working on stormwater issues, water quality standards, and WSDOT projects. We would benefit from learning about how specific aspects of the permit are being implemented and what monitoring is finding out to help us in our efforts to improve water quality for salmon. For example, it would be helpful there was a central clearinghouse for the MS4 permit monitoring activities, their results and the effectiveness of best management practices.

3. While there are improvements in the proposed permit, we remain concerned that WSDOT's proposed permit does not include numeric effluent limitations. This is a key point because as noted on page 54 of the Fact Sheet (i.e. WDOE has incomplete information regarding BMP pollutant removal capabilities), there are unknowns about BMP effectiveness. With the uncertainty of BMP effectiveness and the lack of numeric effluent limitations, it is unclear how this NPDES permit will achieve compliance with state water quality standards. The permit should include numeric effluent limitations for pollutant parameters of concern identified in the Fact Sheet on page 46. Other parameters may need to be added in the next round of reissuing this stormwater permit as more monitoring data become available. This approach would advance the effectiveness of these permits towards compliance with WA State water quality standards.

We appreciate the opportunity to review this Proposed 2014 MS4 Permit and look forward to Ecology's responses. Please let me know if you have any questions.

Thank you,
Karen Walter
Watersheds and Land Use Team Leader

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