



NISQUALLY INDIAN TRIBE

Department of Natural Resources

12501 Yelm Highway SE
Olympia, Washington 98513
360.456.5221 (main)
360.438.8742 (fax)
www.nisqually-nsn.gov

February 24, 2015

Laura Wigand Johnson
Department of Health
PO Box 47824
Olympia, WA 98504-7824

Subject: Proposed revisions to WAC 246-282-006

Mrs. Johnson,

Thank for the opportunity to comment on the proposed changes to the rules governing the regulation of commercial sale of shellfish in Washington. The Nisqually Tribe has a treaty right to harvest shellfish and has agreed to follow the rules established by the State concerning the protection of human health as it relates to shellfish consumption. To the extent that these changes will impact our treaty rights, the Nisqually Indian Tribe would like to continue an open dialogue with you to be sure that our concerns are addressed.

Our review of the proposed revisions to WAC-246-282-006 raised some concerns and the Nisqually Indian Tribe would like to share with you the following comments:

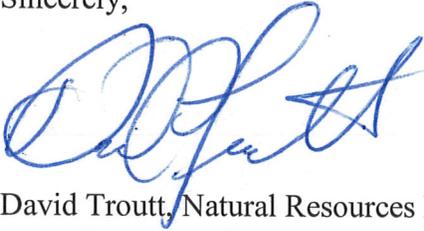
With the exception of requiring harvesters to report the quantity and disposition of the product harvested (subsection 4 of proposed WAC), current Washington State regulations overseeing shellfish harvest exceed Federal standards established in the National Shellfish Sanitation Program (NSSP) model ordinance.

The proposed harvest restrictions in subsections 8 through 13 of the proposed WAC would shut down harvest in several areas (including the Nisqually Shellfish Farm) for significant portions of the summer, creating unnecessary economic hardship. This is especially true if the harvest controls listed in subsection 11 (a), (b), and (c) are implemented.

The Nisqually Indian Tribe relies on the reputation of their seafood products as being safe and healthful, and while we support the Washington State Department of Health's work to protect shellfish consumers we ask that the proposed changes to proposed Vibrio Rule

WAC-246-282-006 not be adopted as written. We are very interested in meeting with you to collaboratively develop proposed rule changes that address your concerns will minimizing negative impacts to our federally protected treaty rights.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Troutt', is written over the typed name.

David Troutt, Natural Resources Director
Nisqually Indian Tribe