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Ted Sturdevant, Director
Washington Department of Ecology
PO Box 47600
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fishconsumption@ecy.wa.gov

RE: Comments to Fish Consumption Rate Technical Support Document

The Kalispel Tribe urges the Department of Ecology to adopt a more protective fish consumption rate. A higher fish consumption rate will lead to more protective water and sediment toxics criteria for all people—especially people such as the Kalispel Indians who eat a large amount of fish, similar to the other Upper Columbia Basin Tribes. It is well documented that the Kalispel people always relied heavily on the salmon fishery of the upper Columbia River and resident fish of the Pend Oreille Basin until anadromous fish were extirpated and resident fish were largely eliminated by dams and commercial fishing.

With the above in mind, the Kalispel Tribe believes the following points must be considered in setting a protective state-wide fish consumption rate:

1. Kalispel people historically consumed fish at rates very similar to other upper Columbia tribes. Current Kalispel fish consumption rates are depressed from historical rates for most members of the tribe and not consistent with what they would be if the native fisheries had not been extirpated by dams. A heritage consumption rate should be used to protect tribal members who are consuming non-native fish at historic native-fish consumption levels, and to ensure that tribal members can safely consume native fish at historic levels as populations of those fish are restored.
2. The use of statistical analyses on depressed consumption rates for Columbia Basin tribes does not establish adequate long-term water and sediment quality targets needed to protect aquatic resources for the most vulnerable people. As lost fisheries are restored and become readily available to tribal members, tribal consumption rates will trend toward historic rates well above 300 grams/day. To avoid perpetuating an

environmental injustice on tribal members, the State must ensure its waters are clean enough to support this level of consumption.

3. Environmental justice problems are further perpetuated by expecting that tribes can cure fish contamination problems by adopting higher consumption rates in their own water quality standards. It is unreasonable to expect that tribes will be able to adequately protect tribal rights to harvest and consume traditional quantities of fish by promulgating more protective standards over a discrete part of a larger watershed.
4. Setting an appropriate fish consumption rate needs to be established independent of economic interests. Economic impacts on special interests are concerns for developing implementation programs necessary to achieve required pollution reduction, not for curtailing consumption rates for vulnerable people.
5. Other factors used in equations to develop the sediment and water quality criteria must also be applied in a conservative manner so that unreasonable health risks are not allowed to undermine protection of people and aquatic resources.

If you would like to discuss any of these comments in more detail, don't hesitate to contact me, or my Water Resources Manager, Ken Merrill.

Regards,



for Deane Osterman, Executive Director
Kalispel Natural Resources Department