



Nez Perce

TRIBAL EXECUTIVE COMMITTEE

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17 January 2011

Ted Sturdevant, Director
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

Via email to:

tstu461@ecy.wa.gov

fishconsumption@ecy.wa.gov

Re: Draft Fish Consumption Technical Support Document

Dear Mr. Sturdevant:

The Nez Perce Tribe appreciates the opportunity to comment on the Washington Department of Ecology's Fish Consumption Technical Support document. We appreciate Ecology's interest in meeting with the Tribe in Lapwai, and understand that budgetary issues precluded this meeting. We expect that Ecology will continue to discuss these human health issues with the Nez Perce Tribe.

The Nez Perce Tribe has Treaty-reserved fishing rights pursuant to its 1855 Treaty with the United States (12 Stat. 957). The Tribe's usual and accustomed fishing places include places in Washington, Oregon, and Idaho; for example, the Tribe has fisheries in the mainstem Columbia and Snake Rivers and in tributaries throughout much of the Columbia-Snake River Basin. The importance of these fish to our people cannot be overstated: they are a major food source for members of the Nez Perce Tribe, and they are an integral part of our culture, our economy, and our way of life. These fish, and our people who depend upon them, require water quality in Washington, Oregon, and Idaho to be protected and enhanced to a level that protects water and fish from harmful exposure to toxic pollutants.

The Nez Perce Tribe has participated in and supported the Columbia River Inter-Tribal Fish Commission's (CRITFC's) comprehensive fish consumption study which documented that a fish consumption rate of 389 grams per day would be protective of 99 percent of the adult population and that a fish consumption rate of 176 grams per day would be protective of 95 percent of the adult population. The CRITFC fish consumption study documented that fish continue to be a mainstay of tribal diets.

The Tribe commends Ecology's report for examining relevant regional fish consumption rate studies including the CRITFC study. Ecology's report recommends a fish consumption rate in the range of 157 to 267 grams per day. The Tribe believes that Washington state standards should be at least as protective as the fish consumption rate of 175 grams per day recently approved by EPA for the state of Oregon.

Please understand that the Tribe believes that salmon, as well as other tribally significant aquatic species such as steelhead, lamprey and sturgeon, must be included in an overall fish consumption rate when assessing the risks from consumption of fish in order to accurately reflect tribal exposure to environmental toxics. Please refer to CRITFC's comments of December 21, 2011 on this issue.

Please understand that the Tribe is also very concerned about the relationship between the human health criteria and Ecology's development of "implementation tools." The Tribe believes that it is critical that both of these elements, and their relationship, are clearly described to the public and the Tribe.

Thank you again for the opportunity to comment. We look forward to further discussing these human health issues with you in the future.

Sincerely,



Brooklyn D. Baptiste
Chairman

cc: Dennis McLerran, Regional Administrator, EPA Region 10