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for Fisheries Resources*

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PUGET SOUNDKEEPER ALLIANCE,)
COLUMBIA RIVERKEEPER, SPOKANE)
RIVERKEEPER, RE SOURCES FOR) No. 2:13-cv-01839-JCC
SUSTAINABLE COMMUNITIES, PACIFIC)
COAST FEDERATION OF FISHERMEN’S)
ASSOCIATIONS, and INSTITUTE FOR) DECLARATION OF MICHAEL T.
FISHERIES RESOURCES,) HARVES IN SUPPORT OF
) PLAINTIFFS’ MOTION FOR
Plaintiffs,) SUMMARY JUDGMENT

v.

UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY and GINA McCARTHY,)
Administrator, United States Environmental)
Protection Agency,)
Defendants.)

1 I, MICHAEL T. HARVES, hereby state and declare as follows:

2 1. I have lived in Washington State since 1977. The first 33 years I lived here were
3 in Yakima, and the last 3 years have been in Spokane. I am 65 years old and a retired Biology
4 Instructor at Yakima Valley Community College (YVCC).

5 2. I am a member of Spokane Riverkeeper and am on its advisory board. I have
6 been a member since January 2011 and have been on the advisory board since September 2011.

7 3. Spokane Riverkeeper is part of an international group that monitors and promotes
8 water quality of local river basins. I joined the organization when I moved from Yakima as I
9 recognized it to be the best way to be involved in my local community and promote clean water.
10 I agree with and support Spokane Riverkeeper’s mission and its work around Washington’s fish
11 consumption rate.

12 4. I am also a long-time member of The Nature Conservancy and Washington
13 Trout/The Wild Fish Conservancy. I was a founding board member (1989) of the latter
14 organization. Its mission is to improve habitat and water quality for wild fish in Washington
15 State. From 2002 until 2010, I was a member of the Yakima River Basin Conservation Advisory
16 Group, a group representing water users from the entire watershed.

17 5. I have a B.A. (1970) in Biology from Hanover College, an M.A. in Zoology
18 (1973) and an M.A.T. in Science (1975) from DePauw University and was a science and biology
19 teacher from 1975-1992 in middle and high schools in Australia, and in Yakima from 1992-2010
20 at YVCC. My master’s thesis work was in freshwater ecology, specifically concerning fish
21 populations’ response to thermal pollution.

22 6. I have been a fly fisherman since the age of 14 and have fished Washington,
23 Oregon, Idaho, Montana, Wyoming, Alaska, British Columbia, and Alberta. I fish fresh and
24 saltwater for many different game fish. From saltwater I like to catch Coho, King, and Chum
25 Salmon, Trevally, and Bonefish, and from freshwater Rainbow, Cutthroat, Brook, and Brown

1 Trout, Small and Largemouth Bass, Crappie, Whitefish, and Muskie.

2 7. I estimate that I fish approximately 40 days per year. Most recently I fished at
3 North Fork of the Coeur d'Alene River and caught Westslope Cutthroat Trout. I plan to continue
4 fishing into the foreseeable future, and in fact in 2014 I plan to fish the Spokane River, Silver
5 Lake, Coffeepot Lake, the Grande Ronde River, the Methow River, Banks Lake, and several
6 other places.

7 8. Although most of the places I fish are catch and release, I do enjoy keeping and
8 eating fish from waters when I can. Unfortunately, some of these waters in Washington are
9 significantly polluted, which keeps me from enjoying their bounties. One such river is the
10 Spokane, where bass and other warm water species are available for table fare, but my concern
11 about PCBs in the river prevents me from catching fish from the Spokane for consumption. I
12 would also love to eat walleyes from the Columbia River but mercury levels give me pause, and
13 I do not take the risk of eating resident fish like bass, trout, and walleye that I plan to catch from
14 the Columbia. Similarly, in the more than 30 years I fished the Yakima River, I never ate any
15 whitefish (trout are catch and release) because of DDT in river sediments and other agricultural
16 pollutants. I would have liked to eat whitefish, especially smoked, from the Yakima River and
17 would return to fish there for that purpose, if I could be sure that the fish was safe to eat.

18 9. Despite my concern about levels of toxics in Washington water, I do consume fish
19 on a regular basis, the bulk coming from saltwater. I eat about one pound of salmon or halibut at
20 least once a month, plus shrimp and clams. I consume about one pound of pickled herring a
21 month and a couple of cans of sardines or tuna. The fish are Pacific Northwest in origin and are
22 wild caught that I buy from my local fish market. I try to get my shrimp from this region but that
23 is often tough to do. The clams of course are fresh steamers from Washington State. The canned
24 tuna is from Oregon and is single line caught. I go through approximately one case of 24 cans
(6.5 oz.) of tuna a year. The sardines, of course, do not come from this part of the world. I get to

1 enjoy at least one Methow River steelhead every fall and would eat more if I could catch more.

2 10. I plan to fish local lakes and rivers for warm water species in the coming seasons
3 and want to make sure they come from the cleanest water possible. I will eat what I catch, which
4 will likely be bass, crappie, perch, and bluegill.

5 11. While some of the fish I consume do not come directly from local rivers, salmon,
6 halibut, herring, and shellfish depend heavily on estuaries for their development and thus are
7 affected by water quality in the watersheds that empty into the estuaries. The large predators like
8 tuna, halibut and salmon eat bait fish, shrimp, and squid that come from our offshore waters and
9 act as biological magnifiers of pollutants entering the Pacific from our rivers. As salmon return
10 to our rivers to spawn, they return these pollutants to the system and the people who catch and
11 eat the salmon.

12 12. I consume fish far in excess of Washington's estimated one fish meal per month
13 consumption rate. All told, I would say I eat 8 fish meals per month.

14 13. My understanding of the Clean Water Act is that the U.S. Environmental
15 Protection Agency ("EPA") oversees states' issuance of water quality standards. I believe EPA
16 should act since it has communicated to Washington that Washington's fish consumption rate of
17 6.5 grams per day, or approximately one fish meal per month, is not accurate.

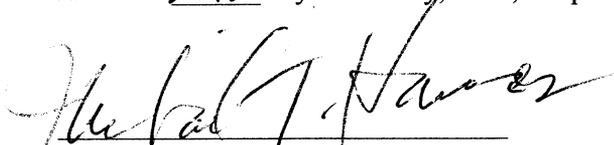
18 14. As a birdwatcher and member of Audubon, I know that birds like eagles, ospreys,
19 herons, mergansers, kingfishers, and others regularly consume fish (no catch and release fishers
20 here), and we must take them into account when considering water quality. I am concerned
21 about these birds and the effects on them of eating contaminated fish. I estimate I bird watch
22 approximately 5 times per month; the most recent time I went to the Coeur d'Alene River and
23 saw a bald eagle, great heron, and several kingfishers. I plan to continue birding into the future.
24 If bird species are harmed and their numbers are reduced due to toxics in Washington waters, I
25 will be harmed since birding is an activity I greatly enjoy.

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15. There are also river otters and mink along many of our inland waters, and I am concerned for their health as well.

16. Clean water is a benefit to all inhabitants of Washington State. I will continue to be harmed by the unrealistic fish consumption rate in Washington State and the non-protective health standards that result from that unrealistic rate until EPA issues an updated, protective fish consumption rate and human health standard that protects people who eat Washington fish along with other fish-consuming animals. EPA can improve Washington's water quality by raising the fish consumption rate to a realistic level.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 23rd day of January, 2014, in Spokane, Washington.


MICHAEL T. HARVES