



LUMMI INDIAN BUSINESS COUNCIL

2665 KWINA ROAD BELLINGHAM, WASHINGTON 98226 (360) 312-2000

DEPARTMENT _____ DIRECT NO. _____

April 3, 2014

Honorable Governor Jay Inslee
Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

SUBJECT: Fish Consumption, Health Risk, and Washington's Water Quality Standards

Dear Governor Inslee:

We understand that at your direction Washington State is preparing to issue a draft Water Quality Standards rule that will include toxin criteria that are based on a fish consumption rate greater than the current rate of 6.5 grams per day (g/d). While we applaud the fact that Washington is seeking to adopt revised water quality standards that are more protective of its citizens, we are concerned that the adopted standards will not adequately protect the most highly exposed and most vulnerable populations in the state. In particular, we are concerned that the Washington Water Quality Standards will not protect the members of the Lummi Nation, the largest fishing tribe in the Pacific Northwest and probably the entire United States.

As you know, the Lummi Nation has a treaty right to harvest salmon and shellfish in a manner sufficient to support our *Schelangen* ("way of life"). Our ability to exercise this treaty right is impaired by the actions of others that have financially benefited while they have degraded our water quality, endangered our health, precluded our access to traditional fishing areas, and limited the harvestable surplus by severely degrading the habitat that our collective salmon and shellfish resources need to survive and thrive.

We are sensitive to the fact that many businesses in Washington have made substantial financial contributions to the state economy in particular but also indirectly to the tribal economies. However, we feel that it is morally wrong for businesses to profit at the expense of the environment and the associated health of the members of our collective communities. Environmental laws and rules like the Washington Water Quality Standards are intended to protect the health and welfare of our people, not just the bottom line of corporations.

As you may know, the Lummi Nation completed a fish consumption survey in 2012. Because a goal of our Natural Resources Department is to restore our fishery to at least the harvest levels of 1985, the Tribal Advisory Committee for the study directed the study team to attempt to

quantify the fish consumption rate of Lummi tribal members during 1985. The Technical Advisory Committee that supported this study concluded that the literature review supported the reliability of results from this particular type of recall study. Although others may disagree with the Technical Advisory Committee conclusion, the Lummi Natural Resources Commission supports the study results. The Tribal Advisory Committee for the survey found that a fish consumption rate for the Lummi Nation must be no less than the average value (383 g/day) determined from the study in order to be protective of the public health and our *Schelangen*.

On March 28, 2014 the Lummi Natural Resources Commission passed a motion that adopted the fish consumption rate that includes salmon and that is protective of 95 percent of the Lummi population at a risk level of 1×10^{-6} . Consequently, as our Natural Resources Department brings forward the revised Lummi Nation Surface Water Quality Standards as part of our triennial review process, our toxins criteria will be based on a fish consumption rate of 918 g/day. In our opinion, this consumption rate is consistent with an environmental baseline that is achievable if we are successful in protecting and restoring the salmon and shellfish habitat that is relied on by nearly all of our members.

We understand that other tribal governments have advocated for a fish consumption rate that is at least as high as the Oregon standard of 175 g/day with a 10^{-6} risk level. Although we agree that this change would represent a significant improvement to the current Washington Water Quality Standards, we urge you to adopt a fish consumption rate that would protect even the members of the Lummi Nation.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Ballew II". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tim Ballew II, Chairman
Lummi Nation

Cc: Dennis McLerran, Region 10 Administrator, EPA
Maia Bellon, Director, Washington Department of Ecology

383 g
13.50 oz

175 g
6.16 oz

6.5 g
0.23 oz

