Confederated Tribes and Bands
of the Yakama Nation

Established by the
Treaty of June 9, 1855

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DEPARTMENT OF ECOLOGY
OFFICE OF DIRECTOR

October 3, 2012

Ted Sturdevant
Director
Washington State Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

Dear Mr. Sturdevant,

Thank you for your invitation to the Delegates Table of the Policy Forum on Washington State's Water Quality Standards rulemaking. However, we are disappointed to see Ecology's change in direction on updating the fish consumption rate to wait for a new administration to fix this issue. Yakama Nation will not be participating in the delegates forum for such an important issue. We expect our concerns to be heard and considered at a much higher level than a "Delegates Table".

In the Treaty of 1855 Yakama Nation reserved the right to clean water and healthy fish. Recognizing federal and state governments were ignoring human health risk to tribal members from pollution in the Columbia River Basin we began work to address this issue. In 1991 collaboration with EPA and CRITFC we planned and participated in a fish consumption survey of the Umatilla, Nez Perce, Yakama, and Warm Springs tribes of the Columbia River. In 1994 the results of our study showed that our people eat significantly more fish than Washington's Fish Consumption Rate, putting tribal people at risk. Yet in 2012, eighteen years after publishing the results of our study, Ecology is still putting off correcting the undue risk to our people and resources.

The Yakama Nation wants an outcome, not just a number. The fish consumption rate that is selected must be protective of all Yakama people, not just a percentage of them. We have voiced our concerns to the state of Washington and federal government with no result.

Yakama Nation does not plan on participating in the delegates table on water quality as we are a sovereign nation, not a stakeholder. This fish consumption rate issue is very important to Yakama Nation and we request a government to government consultation.

Please coordinate this consultation with McClure Tosch. Mr. Tosch can be reached at 509-865-5121 ext. 6413 or tosm@yakamafish-nsn.gov

Sincerely,

Harry Smiskin, Chairman
Yakama Nation Tribal Council

cc: Dennis McLerran, EPA Region 10 Administrator