



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF THE
REGIONAL
ADMINISTRATOR

OCT 30 2012

The Honorable Chairman David Lopeman
Squaxin Island Tribe
10 S.E. Squaxin Lane
Shelton, Washington 98584

Dear Chairman Lopeman:

Thank you for your follow-up letter dated September 30, 2012, which expresses your concerns about meeting with the Washington Department of Ecology and participating in their rulemaking process for a revised fish consumption rate.

As we discussed during the meeting on September 20, I fully understand your frustration with the length of time it has taken for Ecology to adopt a protective FCR to derive human health criteria. However, I continue to think it is critical for the tribes to remain at the table during Ecology's rulemaking process to ensure your voices and viewpoints are heard. Collectively, the tribes are able to provide an important message that would be lacking if the tribes choose not to participate in Ecology's policy forum meetings. I realize participating in this forum is difficult, which is why I have set up a meeting with the tribes, Ecology, and the U.S. Environmental Protection Agency on November 15 to discuss a path forward. I understand your desire to meet one-on-one with the EPA and we are always open to such a request, but I'm hopeful the meeting on November 15 can help restore communication and your participation.

The EPA will continue to emphasize that scientifically sound regional and local fish consumption data are currently available to support state and tribal water quality criteria development. In addition, the adoption of human health criteria that reflect an appropriate FCR for Washington's waters remains a high priority for the EPA. We are committed to working with Ecology to adopt protective human health criteria in a timely manner. At the same time, the tribes' involvement is key to helping convey that adopting an accurate and protective FCR is needed, not only for tribes, but for the protection of all citizens of Washington.

We look forward to our continued work with you on this important issue. If you have further questions, please contact Angela Chung, the EPA's Water Quality Standards Unit Manager, at (206) 553-6511 or Dan Opalski, our Director for the Office of Water and Watersheds, at (206) 553-1855.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dennis J. McLerran".

Dennis J. McLerran
Regional Administrator

cc: Mr. Ted Sturdevant, Director,
Washington State Department of Ecology