SQUAXIN ISLAND TRIBE

RECEIVED
OCT 0 2 2012
Office Of The Executive

September 30, 2012

Dennis McLerran, Regional Administrator
Environmental Protection Agency Region 10
1200 6th Avenue
Seattle, WA 98101

Dear Administrator McLerran,

I want to thank you for taking the time to meet with Tribal leadership September 20th and for your pledge to stand with us on updating the state fish consumption rate. It was very heartening to hear those words from you and the Squaxin Island Tribe very much wants to find an effective way for us to work together. Your strong statement that the existing science is the best in the country is one that needs frequent, vocal repetition and is one key to our continued partnership.

I am concerned, though, about the proposal to meet with the Department of Ecology yet again. Squaxin Island has decided not to sit at the Key Delegates Table of the Fish Consumption Rate Policy Forum. While I, or my designee, was invited to participate in an August 15, 2012 letter from Director Sturdevant, we have determined that it is an ineffective and inefficient use of our time and resources.

As you acknowledged, there is no point in further debating the science, but I fear that will be one of the central topics of the forum. The current administration has also made it clear there is no room for negotiation of the process. They are not willing to move faster, nor advocate for a specific, numeric fish consumption rate. Their current positions are a breach of their commitments to the Tribes from several years back. It leads me to the conclusion that there will be no meaningful discussion at the policy forum.

Given the late date in the current state administration, no available action related to water quality standards rulemaking will provide any level of certainty that a more accurate fish consumption rate will be adopted in the near future. The opportunity has been lost because of the lengthy delay caused by the endless internal debates at Ecology on the quality of the science and how best to proceed.

The best way to ensure progress is to figure out a way to force the current administration to update the fish consumption rate in the sediment management standards. They are on track

SQUAXIN ISLAND TRIBE / 10 S.E. Squaxin Lane / Shelton, WA 98584 / Phone (360) 426-9781
Fax (360) 426-6577 www.squaxinisland.org

for adoption in the near future. Getting them right has the potential to provide more certainty for future water quality standards than working directly on water quality standards for the remainder of the year and under the current administration. The biggest issue is the administration's decision to propose only a narrative standard for the fish consumption rate—it is a huge step backwards. It is important that we have a strategy to rectify this immense policy deficiency.

The Squaxin Island Tribe understands and respects the ideas you presented to the Tribes on September 20th. However, at least initially, we prefer and request to meet directly with only EPA, instead of three way meetings. We feel the need to work with our federal trustee to develop a strategy for a path forward before we ever consider sitting down with Ecology again. In the absence of a formal approach to this problem, the Tribe will be forced to develop its own strategy which may be more antagonistic to any near term resolution.

Our policy and technical staff stand ready to meet at your and your staff's convenience. Our contacts are Andy Whitener, natural resources director (awhitener@squaxin.us, 360-432-3809), Jeff Dickison, assistant natural resources director (360-432-3815, jdickison@squaxin.us), or John Konovsky, environmental program manager (360-432-3804, jkonovsky@squaxin.us).

Thank you for consideration of our request. I look forward to hearing from you.

Sincerely,

David Lopeman
Chairman