



Upper Columbia United Tribes
25 W. Main, Suite 434
Spokane, WA 99201

Phone: 509-838-1057
Fax: 509-209-2421

Coeur d'Alene Colville Kalispel Kootenai Spokane

Mr. Barry Burnell
Water Quality Program's Administrator
Idaho Department of Environmental Quality
1410 North Hilton Street
Boise, Idaho 83706-1255

October 11, 2012

Re: Comments regarding negotiated rulemaking initiated to evaluate local and regional fish consumption information to determine whether Idaho's statewide criteria are protective of designated uses and, if the current criteria are not protective, to determine appropriate new criteria.

Dear Mr. Burnell:

The Upper Columbia United Tribes (UCUT) comprised of the Coeur d'Alene Tribe, the Confederated Tribes of the Colville Reservation, the Kalispel Tribe of Indians, the Kootenai Tribe of Idaho, and the Spokane Tribe of Indians, appreciates the opportunity to provide initial comments to the Idaho Department of Environmental Quality (IDEQ) negotiated rulemaking process to evaluate local and regional fish consumption information to determine whether Idaho's statewide criteria are protective of designated uses and to establish protective, new criteria if needed.

Representatives of the UCUT Central Office, and its individual tribes attended the October 4, 2012, initial negotiated rulemaking session at the IDEQ office in Coeur d'Alene, Idaho and by phone. The UCUT shares the concerns of the Columbia River Inter-Tribal Fish Commission and the Upper Snake River Tribes regarding IDEQ's proposed methodology for developing a human health water quality criteria rule and associated fish consumption rate (FCR), including but not limited to:

- Acceptable risk level for the general population is 10^{-5} and 10^{-4} for high fish consumers
- Setting a FCR based on the general/broader population, rather than establishing a FCR protective of high risk/high fish consumers
- Anadromous fish treated differently than resident fish
- Lesser consideration of market fish consumption than of fish residing in Idaho waters

It cannot be understated the importance to Idaho's Indian tribes that a FCR is established that is realistic, scientifically-derived, and fully protective to the health and wellbeing of all tribal members. Certainly, the UCUT appreciates IDEQ initiating the FCR rulemaking process but do have concerns after attending the October 4th session. It is important that IDEQ take seriously the points outlined by the tribes.

UCUT is ready to work with you and the Idaho DEQ to establish a reasonable and workable regulatory system that will allow the state's business and wastewater sectors to adapt processes to meet new standards. It is time that the Idaho DEQ fulfills its mission "to protect human health and the quality of air, land, and water". One step in achieving this would be to take measures that will establish a protective fish consumption rate for use in setting water quality criteria that will have a positive impact on the quality of Idaho's water and fish.

We all share the same waters and desire for a toxic free environment. Appropriate environmental standards are a first step in moving forward toward the goal of a sustainable relationship between the municipal, industrial, forestry, and agricultural sectors and the waterways that are the lifeblood of the Pacific Northwest fisheries.

Thank you for considering our comments during this rulemaking process and taking steps to fully evaluate the impact of fish consumption rate on the health of all Idaho residents. If you have any further questions please contact me at 509-954-7631 (dr@ucut-nsn.org).

Sincerely,

A handwritten signature in blue ink, appearing to read "D.R. Michel", with a stylized flourish at the end.

D.R. Michel
Executive Director