



UPPER SNAKE RIVER TRIBES FOUNDATION, INC.

950 W. Bannock Street, Suite 1100, Boise, Idaho 83702

Tel (208) 608-4131 Fax (208) 319-3501

April 3, 2013

Mr. Barry Burnell
Water Quality Division Administrator
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706

Dear Mr. Burnell:

On behalf of the Shoshone-Bannock Tribes of the Fort Hall Reservation and Shoshone-Paiute Tribes of the Duck Valley Reservation, the Upper Snake River Tribes (USRT) Foundation would like to thank the Idaho Department of Environmental Quality (IDEQ) for the opportunity to provide feedback on the proposed rulemaking timeline, as presented at the February 6, 2013, meeting in Boise, Idaho, for the evaluation of local and regional fish consumption information. As stewards of the environment, Idaho's USRT member tribes stand united in our concern for the health of vulnerable, high fish-consuming tribal members who choose to exercise their guaranteed rights to fish, as reserved by treaties and executive orders, protected by federal laws and agreements, or are the subject of aboriginal claims asserted by the tribes, in the watersheds of the Columbia River Basin. USRT has several concerns regarding the timeline that IDEQ has proposed to develop an appropriate fish consumption rate for determination of surface water quality standards in Idaho.

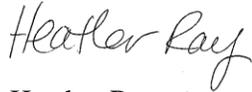
First, USRT believes that the policy rulemaking process that is currently scheduled to begin in mid-October, 2013, should be initiated as soon as possible. Several of the key questions that will be decided in this process such as: 1) fish consumers versus non-consumers, 2) whole population versus targeted sub-populations, 3) market fish, and/or 4) anadromous fish, will impact the scope of the tribal fish consumption survey as well as the Idaho general population survey. We urge IDEQ to strongly consider addressing and resolving the key policy issues prior to initiating and completing the survey design stage of the rulemaking process. It is requested of the State of Idaho and IDEQ to engage the Shoshone-Bannock and Shoshone-Paiute Tribes and USRT on this significant process issue. IDEQ has to its avail Ross Strategic, a facilitation firm that could act as mediator, at no cost to the State or the tribes, on any such meeting(s) between the tribes and USRT to discuss policy process disparities.

Second, to streamline the rulemaking process, USRT would suggest that the analysis of the fish consumption data currently scheduled for March, 2015, be initiated whenever both the tribal and general population survey reports have been vetted through the peer review process. It makes very little practical sense to postpone data analysis until March, 2015, when it can realistically be completed earlier.

Finally, USRT is concerned about IDEQ deviating from the proposed timeline so early in the process. In cancelling the scheduled April 10 meeting, IDEQ has effectively set the process back a month and a half or more. It sets an unsettling precedent to veer off schedule when the process has just begun. The effect on USRT's member tribes is that they will now have to wait even longer before they see the implementation of a fish consumption rate protective of all high fish-consuming tribal members. USRT requests that IDEQ either release a new timeline or publicly state that they can make up for the lost time somewhere else in the process and stay on schedule.

Thank you for considering USRT's comments during the rulemaking process and taking steps to fully evaluate the impact of fish consumption rates on the health of all Idaho residents. If you have any further questions please contact Heather Ray, USRT Executive Director, at either heather.ray@uppersnakerivertribes.org or (208) 608-4131.

Sincerely,



Heather Ray
USRT, Executive Director