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## THE SUQUAMISH TRIBE

PO Box 498 Suquamish, WA 98392-0498

October 19, 2012

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

RE: Response to Delegates Table Invitation – Fish Consumption Rates

Dear Mr. Sturdevant:

The Suquamish Tribe (“Tribe”) received your letter, dated August 15, 2012, describing Ecology’s revised approach to the adoption of fish consumption rates (“FCR”) in state standards for water quality and toxic cleanup, and offering an invitation to participate in a “Key Delegates Table at a Policy Forum.” The Tribe remains committed to supporting the development of environmental standards that incorporate fish consumption rates that are protective of tribal people. Ecology’s new strategy, however, delays the adoption of a more accurate fish consumption rate and leaves the resolution of this essential step to an undefined stakeholder process and schedule, without the support or the commitment of future State of Washington administrations. More importantly, it fails to address a cohesive process to reduce the risks to tribal members and treaty trust resources associated with current water quality and toxic cleanup standards.

The Department of Ecology has known for years that the current fish consumption rates do not protect Washington residents—and that tribal communities are at particular risk of toxic exposure because of their traditionally high consumption rates. Numerous studies and surveys, including the August 2000 *Fish Consumption Survey of the Suquamish Indian Tribe Of The Port Madison Indian Reservation, Puget Sound Region*, demonstrate that the current consumption rate used to establish Washington Water Quality Standards (6.5 grams/day) is neither accurate nor protective. While the tribes, EPA and Ecology recognize the validity of this information, little substantive progress has been made to address the inadequacies of the current consumption rate and regulatory standards that are intended to be protective of human health. Indeed, the same tribal health issues related to fish consumption were raised a decade ago during the 2002-2003 review of state water quality standards.

To move forward on these issues, tribes have continued to work with the Department of Ecology over the last several years, and were repeatedly assured by Ecology that at a minimum Ecology would move to revise FCRs in guidance and incorporate the revised FCRs in the sediment management standards before the completion of the current state administration’s term. In July 2012, and presumably under political pressure from industry, Ecology abruptly reversed its course and decided not to revise the FCR to incorporate a more protective rate into state standards, without consultation with the tribes or

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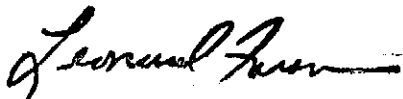
other stakeholders.

Ecology's about face strategy undermines the significant effort and resources that many tribal governments have devoted to working with Ecology for the purpose of documenting the technical basis for revising the fish consumption rate and to develop health protective sediment and water quality standards for the state. Ecology's recent actions do not meet the intent of government-to-government consultation to provide for meaningful participation in the decision-making process. For these reasons, the Suquamish Tribe will not be participating as a stakeholder in the delegates table policy forum.

The Tribe, however, intends to continue to engage with Ecology on a government-to-government level, as the appropriate forum to discuss key issues, as long as tangible progress toward adopting protective standards is being made. The Tribe urges Ecology to proceed, without additional delay, to finalize the technical guidance document recommending a range of protective consumption rates; amend the sediment standards to include a consumption rate at or above the rate (175 grams/day) recently adopted by Oregon and approved by EPA; and adopt human health-based criteria including a revised consumption rate in the state water quality standards.

We look forward to making measurable progress on this issue with the intent to protect the health of tribal and non-tribal people as well as the environment without further bureaucratic delay. If you have any questions, please contact me at (360) 394-8461 at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Leonard Forsman". The signature is written in a cursive, flowing style with a horizontal line at the end.

Leonard Forsman, Chairman  
Suquamish Tribe