



Phone (360) 466-3163  
Fax (360) 466-5309

# Swinomish Indian Tribal Community

A Federally Recognized Indian Tribe Organized Pursuant to 25 U.S.C. § 476  
11404 Moorage Way  
LaConner, Washington 98257-0817

October 29, 2012

Ted Sturdevant, Director  
Washington State Department of Ecology  
P.O. Box 47600  
Olympia, Washington 98504-7600

Re: Invitation to Join the Key Delegates' Table for the Washington State  
Water  
Quality Standards Policy and Technical Forums

Dear Director Sturdevant,

I am writing today to provide additional clarity from the Swinomish Indian Tribal Community ("Swinomish") regarding the State process for revising water quality standards for toxic pollution to protect human health in Washington State.

Swinomish has strong misgivings that the Washington State Department of Ecology ("Ecology"), as well as the Governor's Office, will take strong and effective action to promulgate more accurate (and thus protective) water quality standards and associated human health risk exposure parameters, such as the fish consumption rates, which are much needed and long overdue policy revisions. As stated by myself and many fellow leaders, the "can has been kicked down the road by this Administration," and the State's present decision has once again proven that they cannot uphold its responsibility nor its commitment to provide a healthy and safe Puget Sound. For us, this is a serious concern not only for the human health of our citizens but for the sustainability of our treaty resources and rights.

Although Ecology started out with great strides six (6) years ago to uphold its mission "to protect, preserve, and enhance Washington's environment" as well as Chapter 173-201A WAC: Water Quality Standards for Surface Waters of the State of Washington. The stated purpose of which is to "establish water quality standards for surface waters of the state of Washington consistent with public health and public enjoyment of the waters and the propagation and protection of fish, shellfish, and wildlife...". Since then, however, we've witnessed that both of the Governor's Ecology Directors, Jay Manning and yourself, have failed on the commitment to update a fish consumption rate and adopt water quality standards that are truly protective of human health.

With these concerns in mind, Swinomish ardently declines Ecology's invitation to participate in both the technical and policy forums. As a federally recognized Native American tribe, we will continue to work with our federal trustee, the United States Environmental Protection Agency ("EPA"), to establish a government-to-government consultation and process for any continued discussions regarding the rule-making revisions.

Under the Centennial Accord, we will strive; to establish a government-to-government relationship with the newly elected Governor's Office and a newly appointed Director of Ecology, to create a new pathway based on the current sound science, and to attempt to advance a fish consumption rate as part of the sediment management standards and water quality standards. The reality is that the Department of Ecology's current plans woefully inadequate to accomplish what the Tribes are seeking unless the Governor adopts an accurate fish consumption rate that protects the health of the United States citizens of no less than 175 gpd, moves the Water Quality Standards into the CR 102 phase and adopts the Sediment Standards with the fish consumption rate and a health criteria.

At the end of the day, the Swinomish Indian Tribal Community will continue to invest our time in building broad support for the passage of water quality and sediment standards that will ensure that the health of not only our citizens, but all Washington State citizens, is not put in jeopardy by the almighty dollar.

Respectfully,

A handwritten signature in cursive script that reads "Brian Cladoosby".

Brian Cladoosby, Chairman

cc: Dennis McLerran, EPA Region 10, Regional Administrator