



UPPER SNAKE RIVER TRIBES FOUNDATION, INC.

413 W. Idaho Street, Suite 101, Boise, Idaho 83702

(208) 331-7880

June 24, 2014

Paula Wilson
IDEQ State Office
Attorney General's Office
1410 N. Hilton Street
Boise, ID 83706

Re: Docket No. 58-0102-1201 – Upper Snake River Tribes Foundation comments regarding IDEQ Discussion Paper #4: Market (All) or Local Fish

Dear Ms. Wilson:

The Upper Snake River Tribes (USRT) Foundation is composed of four Indian tribes of the Upper Snake River region in Idaho, Nevada, and Oregon: the Burns Paiute Tribe, Fort McDermitt Paiute-Shoshone Tribe, Shoshone-Bannock Tribes of the Fort Hall Reservation, and Shoshone-Paiute Tribes of the Duck Valley Reservation. The four tribes have common vested interests to protect those rights reserved through Federal Treaties and Executive Orders. USRT works to ensure the protection, enhancement, and preservation of the tribes' rights, resources, cultural properties, and practices and that they remain secured under Federal Treaties and Executive Orders. These include but are not limited to hunting, fishing, gathering, and subsistence uses.

USRT would like to thank the Idaho Department of Environmental Quality (IDEQ) for the opportunity to comment on the Idaho Fish Consumption Rate and Human Health Water Quality Criteria – Discussion Paper #4: Market (All) or Local Fish. Following thorough review of the discussion paper and taking into consideration what would be most protective of the health of Idaho Indian tribes, and the general public, USRT asks that IDEQ include market (all) fish in the calculation of the Idaho fish consumption rate. By including market fish in the calculation it will ensure that the health of Idaho's Indians, and the public as a whole, will be protected. As noted in IDEQ Discussion Paper #4, "by including all sources of fish, the cancer risk factor and relative source contribution can be more accurately defined, and human health is protected on a broader scale."

Idahoans are exposed to contaminants through the consumption of both Idaho-caught fish and market fish. While Indians of Idaho prefer to exclusively catch and consume locally-caught fish (resident and anadromous) and other freshwater species such as mussels, the ability to do so has been greatly inhibited with European colonization of their historic homelands. As such, tribal members may have to supplement their diet with market fish. Therefore, an Idaho fish consumption rate should be set that is reflective of a consumer's intake of both market and locally-caught fish and commensurate pollutant intake such that Indian tribes can safely consume fish from both sources at a level that meets their dietary desires and needs. If an updated Idaho fish consumption rate only includes locally-caught fish it will cause

uncertainty and potential health risks to fish consumers that eat both local and market fish. The purpose of a state fish consumption rate should be to inform and protect fish consumers.

As mentioned, the ability of Indian tribes to consume only locally-caught fish has greatly diminished over the past 150 years for myriad reasons including dams and other diversions, loss of access to historic fishing areas, financial limitations, reduced water quality and quantity, etc. Due to these and other factors, tribes have had to rely more on market fish to meet their subsistence needs. However, in the last several decades Indian tribes have made great strides to increase fish populations in historic areas through legal victories, restoration projects, and supplementation programs. As an example, it is projected that this year will see the largest salmon run returning to the Columbia Basin in the post-dam era. Undoubtedly these efforts will continue in the future, leading to more and more fish in Idaho. With more fish availability in Idaho, tribes will reduce their consumption of market fish and rely more on locally-caught fish. Presumably the same will be true for the general population. Consequently, IDEQ should recognize that in the future Idaho tribes and citizens will eat more locally-caught fish and less market fish. Capturing market fish consumption now will give IDEQ a better understanding of how much locally-caught fish will be eaten in the future, thereby allowing for implementation of a protective fish consumption rate now and for years to come.

The next policy question to be addressed by IDEQ will be the inclusion or not of anadromous fish consumption data derived from the Idaho survey into the final state fish consumption rate. While USRT will reserve its full suite of comments on this topic for the next comment period, it is our opinion that all fish should be included when analyzing survey data to derive an updated fish consumption rate. Essentially, if market (all) fish are included then IDEQ has answered the question that yes, anadromous fish should be incorporated and analyzed in the final survey data. Anadromous fish species are a "first food" for tribes and have significant cultural and spiritual value. Idaho tribal communities are the most substantial consumers of anadromous fish in the state and USRT is very concerned that Idaho will not include anadromous fish in their fish consumption calculation, which would cause significant health risks to the tribes. USRT requests that IDEQ accept market fish in the consumption calculation, thereby also including anadromous fish, and refrain from an unnecessary debate on the inclusion of anadromous fish that likely will have racial and environmental justice implications that have no place in the rulemaking process.

Finally, it is important to note that Idaho is the largest producer of farm raised, commercially sold trout in the U.S. As they are raised within Idaho (local) waters and consumed widely, it would be inappropriate to discount market fish consumption from the Idaho survey.

Again, USRT appreciates the opportunity to comment on this important discussion topic. If you have any questions following review of these comments, please contact Scott Hauser, USRT Environmental Program Director, at (208) 331-7880 (office) or (208) 995-4872 (cell) and/or by email at scott.hauser@usrf.org.

Sincerely,



Scott Hauser
Environmental Program Director