



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

April 8, 2013

Dear Mr. Burnell:

The Upper Columbia United Tribes ("UCUT" or "we") would like to thank you for this opportunity to provide feedback on the rulemaking timeline proposed by the Idaho Department of Environmental Quality (IDEQ) for the evaluation of local and regional fish consumption information at the February 6, 2013, meeting in Boise, Idaho. As stewards of the environment, the 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. We have several concerns regarding the timeline that IDEQ proposes to develop a fish consumption rate for determination of surface water quality standards in Idaho.

First, we believe 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 fish consumers versus non-consumers, whole population versus targeted sub-populations, market fish, and/or anadromous fish, will impact the scope of the tribal fish consumption survey as well as the Idaho general population survey. It is counterintuitive to initiate and complete the survey design phase of the rulemaking process prior to addressing and resolving the key policy issues. The tribes are more than willing to immediately initiate collaborative discussions with the State on these policy issues through EPA's proposed conflict resolution process.

Second, to streamline the rulemaking process, we would suggest that the analysis of the fish consumption data currently scheduled for March, 2015, be initiated whenever the tribal and the general population survey reports have completed the peer review process.

Thank you for considering our comments during this 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 members of our technical staff through Marc Gauthier (509-795-9714; [marc@ucut-nsn.org](mailto:marc@ucut-nsn.org)).

Sincerely,

Darren Holmes, Chairman

Cc: Dennis McLerran, U.S. Environmental Protection Agency