

Attachment 4
1/18/16



COEUR D'ALENE TRIBE

CHIEF J. ALLAN CHAIRMAN
P.O. BOX 408
PLUMMER, IDAHO 83851
(208) 686-5803 • Fax (208) 686-8813
email: chairman@cdatribe-nsn.gov

January 18, 2016

Senator Steve Bair, Chairman
Senate Resources and Environment Committee
Idaho Legislature
PO Box 83702
Boise, ID 83702

RE: Docket No. 58-0102-1201 – Idaho's Proposed Water Quality Standards

Dear Chairman Bair and Members of the Committee:

The Coeur d'Alene Tribe would like to take this opportunity to submit this letter for today's hearing regarding Idaho Department of Environmental Quality's (DEQ) proposed water quality standards. Throughout the negotiated rulemaking process, the Coeur d'Alene Tribe, along with other Idaho tribes, has clearly and consistently communicated the need to protect tribal members that currently and/or in the future intend to consume fish at subsistence levels. Unfortunately, DEQ has proposed water quality standards for Idaho's waters that result in substantially reduced levels of protection for tribal members and other fish consumers.

It is our understanding that DEQ is proposing using the "mean" fish consumption rate from the Nez Perce Group 2 study of 66.5 grams/day. However, DEQ has also proposed increasing the allowable cancer risk by a factor of 10 by reducing the cancer risk level from 10^{-6} to 10^{-5} . The net effect of these rates produces an effective proposed fish consumption rate of 6.65 g/d (less than $\frac{1}{4}$ of 1 ounce) which is almost identical to the previous fish consumption rate proposed by Idaho and rejected by EPA.

The Coeur d'Alene Tribe has and continues to restore native fisheries with the ultimate goal of fully reestablished stocks of native resident and anadromous fish within and near the Reservation. If Idaho's proposed standards are put in place, these fisheries will not be safe to consume at subsistence levels which will jeopardize the health of tribal members and undermine our restoration objectives.

Along with the other Idaho Tribes, Tribal organizations, EPA, and others, we have been actively involved during this rule making process. Interestingly, the culmination of the rule making process still produced a proposed water quality standard that appears to be far less than the federally required minimum. If approved, the rule will very likely be again rejected by the EPA and Idaho will either end up starting over or in litigation. This futile exercise, however, could have been and still can be avoided. We encourage Idaho to reconsider its proposed fish consumption rate for one which would be more protective of subsistence and higher quantity fish consumers, tribal and non-tribal alike, throughout Idaho.

Thank your for your consideration of this important matter.

Sincerely,

A handwritten signature in blue ink that reads "Chief J. Allan". The signature is written in a cursive, flowing style.

Chief J. Allan
Chairman
Coeur d'Alene Tribe

Cc: Senate Resources and Environment Committee