



Colville Confederated Tribes Fish and Wildlife Department M E M O R A N D U M



May 9, 2017

Mr. Daniel Thompson
Department of Ecology
Water Quality Program
P.O. Box 47600
Olympia, WA 98504-7600

RE: Rulemaking for Chapters 173-98 WAC and 173-95A WAC Abandoned Mine Cleanup Eligibility

Dear Mr. Thompson,

The Colville Confederated Tribes have a vested interest in improving and protecting water quality and habitat in the river systems that support anadromous fish populations within our traditional lands. To this end, we appreciate the opportunity to comment on the Washington State Department of Ecology's (Ecology) rulemaking process for Chapter 173-98 WAC and Chapter 173-95A. Currently, Chapter 173-98 WAC and Chapter 173-95A which include restrictions prohibiting the use of Clean Water Act Section 319 funds for mine cleanup projects.

It is our understanding that other states do not self-impose this type of limitation on the use of Section 319 funds and frequently use these funds to implement important abandoned mine cleanup projects. Such an opportunity exists at the Red Shirt Mill Site in the Methow River basin. It is our understanding that approximately 20,000-30,000 cubic yards of tailings contaminated with toxic heavy metals, including arsenic, cadmium, selenium, copper, zinc, and barium lie within the floodplain of the Methow River at this site; they occupy over three acres and reach depths of eight feet (SAIC 2002. Remedial Investigation/Feasibility Study Report. Red Shirt Mill Site. Twisp, Washington). The tailings extend to an actively eroding streambank on the outside of a meander bend of the Methow River and are exposed to surface water during all but the lowest stream flows, creating a direct heavy metal exposure pathway for fish and other aquatic organisms.

For this reason, we strongly support the inclusion of provisions for abandoned mine cleanup eligibility during the rulemaking process for Chapter 173-98 WAC and Chapter 173-95A. Specifically, we request that Ecology delete the provisions in the current rules prohibiting the use of funds for reclamation of abandoned mines, found at WAC 173-95A-120(20) and WAC 173-98-110(25). Furthermore we request the addition of a provision that authorizes the use of funds for reclamation of abandoned mine sites that cause impacts to stream habitat and/or water quality such as the Red Shirt Mill Site.

We appreciate the opportunity to comment on this rulemaking.

Sincerely,

A handwritten signature in blue ink, appearing to read "Randall Friedlander".

Randall Friedlander, Director
Colville Tribes Fish & Wildlife
Ph: (509) 634-2113