



Confederated Tribes and Bands
of the Yakama Nation

Established by the
Treaty of June 9, 1855

10/25/2024

TRANSMITTAL VIA ELECTRONIC MAIL

Marla Koberstein
Washington Department of Ecology
Water Quality Program
P.O. Bo 47696
Olympia, WA 98504-7696

Re: Proposed Updates to the Washington Water Quality Standards for Human Health Criteria in WAC Chapter 173-201A

Dear Ms. Koberstein,

The Confederated Tribes and Bands of the Yakama Nation (“Yakama Nation”) submits this letter regarding Ecology’s proposed updates to the Washington Water Quality Standards for Human Health Criteria in Washington Administrative Code (WAC) Chapter 173-201A. Through this rulemaking, Ecology is proposing to formally adopt existing federal water pollution limits that EPA put in place for Washington’s waters under 40 Code of Federal Regulations (CFR) § 131.45. These pollution limits are intended to protect human health.

The Yakama Nation is a federally-recognized, Sovereign Nation under the Treaty with the Yakamas, U.S. – Yakama Nation, June 9, 1855 (“Treaty of 1855”). The Yakama Nation's history and culture, as well as the lives of our People, are intertwined with Nch'i-Wa'na (the Columbia River) and the salmon, fish, plants, and animals that rely on its waters. The Yakama Nation has reserved rights in these resources pursuant to Article III of the Treaty of 1855. Protecting the waters of the Columbia River and its tributaries is therefore critical to the protection of our Treaty-reserved resources and rights, and ultimately to the health and welfare of our communities.

The goal of our engagement in Water Quality Standards and processes such as these is to ensure compliance with the Clean Water Act while maintaining Yakamas’ right to clean healthy fish that are safe to eat **and are free of contamination** no matter the size or frequency of the meal. Additionally, Yakama Nation’s engagement is intended to provide oversight on processes that may affect ESA-listed and Treaty reserved species and resources.

Yakama Nation supports Washington’s efforts to enhance the protection of people who consume fish and shellfish and drink untreated water from Washington’s surface waters through the proposed adoption of the Human Health Criteria pollution limits on toxic

YAKAMA NATION COMMENTS ON PROPOSED UPDATES TO THE WASHINGTON WATER QUALITY STANDARDS FOR
HUMAN HEALTH CRITERIA IN WAC CHAPTER 173-201A

OCTOBER 25, 2024

substances. These pollution limits are calculated using a tribal-based fish consumption rate of 175 grams per day (g/d) and a cancer risk level equal to one-in-one-million. While this is more protective than the former consumption rate of 6.5 g/day, it is also a compromise because it is far less than what tribal members consume. We appreciate that Ecology initiated this rulemaking and support its adoption in November 2024.

If you have any questions or concerns regarding this letter, please contact Sherrie Duncan, Yakama Nation Fisheries, Senior Fish Biologist/Restoration Ecologist, at (253) 255-8634 or duns@yakamafish-nsn.gov.

Respectfully,



for

Phil Rigdon, Superintendent
Department of Natural Resources