



L.I.G.H.T. Foundation
Elmer City, WA 99124

Indigenous conservation nonprofit
<https://thepnwlf.org/>

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Washington State Department of Ecology
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Comment submitted electronically to: karl.rains@ecy.wa.gov and [Key Mill Tailings Storage SEIS: Comment period 6/3-7/3/26](#)

RE: Key Mill Increased Tailing Storage Facility Draft SEIS (SEPA #202602267)

I. Introduction

The [L.I.G.H.T. Foundation \(LF\)](#) is an independent, Indigenous-led, conservation 501(c)(3) nonprofit established on the Colville Indian Reservation (CIR) in the traditional territory of the Nspelem Tribe within present-day Washington State. We support the restoration and cultivation of native **Plant and Pollinator Relatives**¹ and the culturally respectful conservation of habitats and ecosystems which are climate resilient and adaptive. We do this through collaboration and coordination with **Tribal Nations**² and **Indigenous Peoples (TIP)**³ throughout the Inland Northwest and beyond, who have stewarded these ecosystems and their **Spirit**

¹ There are countless terrestrial and aquatic native plant species, fungi, and lichens used for food, medicine, cultural, spiritual, fabric, fiber, artistic, and construction purposes which are important to Indigenous Peoples. The LF refers to these inclusively as “Plant Relatives” and recognizes that several of them rely upon the health and abundance of “Elder” trees (commonly referred to as mature and old-growth trees) and “Pollinator Relatives” like bees, birds, bats, butterflies, beetles, other insects, and small mammals. In this comment, LF also may refer to “Animal Relatives” which may include salmon, steelhead, trout, crayfish, deer, elk, moose, grouse and other aquatic and terrestrial species. Many Plant and Animal Relatives are referred to as “First Foods” by Indigenous Peoples.

² Tribal Nation or Tribe: An Indian or Alaska Native Tribe, Band, Nation, Pueblo, Village, or community that the Secretary of the Interior acknowledges as a federally recognized Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. § 5130. As sovereign entities, Tribal Nations have their own eligibility criteria for citizenship.

³ Indigenous Peoples: Native Americans, Alaska Natives, Native Hawaiians, Pacific Islanders (e.g., American Samoans, Chamorros and Carolinians of Guam and the Northern Mariana Islanders, and others), and Caribbean Islander (e.g., Taino and others) descent, and others whose ancestors have occupied what is now known as the United States and its territories since time immemorial, including citizens of Tribal Nations and non-federally recognized Tribes. See Department of the Interior (DOI) Part 301 Department Manual Chapter 7 (301 DM 7) at: <https://www.doi.gov/document-library/departamental-manual/301-dm-7-departamental-responsibilities-consideration-and>



Relatives⁴ since time immemorial. LF recognizes that access to Plant and Animal Relatives is a challenge to all TIP, and so our work is not bound by the invisible jurisdictions. We continue to provide local, regional, and (increasingly) national advocacy for Indigenous-led conservation, food systems, and climate adaptation through the implementation of our initiatives and various programs and services.

We appreciate the opportunity to provide feedback to the Washington State Department of Ecology (Ecology) on the proposed [Draft Supplemental Environmental Impact Statement \(DSEIS\) for the Key Mill Tailings Storage Facility's \(TSF\) Stack Height Raise](#) expansion (Draft TSF Expansion)⁵. We are honored and humbled to support the advancement of Ecology-Tribal government relations to build resilience, equity, and sustainability for future generations by respectfully requesting the consideration of these comments and recommendations. We provide this letter in strong opposition to Ecology's 6/3/26 proposal for the Draft TSF Expansion.

This letter highlights the areas where the Draft TSF Expansion raises profound concerns regarding Government-to-Government responsibilities; cultural properties, historic properties, and sacred sites; a disregard for climate change, environmental and food justice, and a lack of preparation to address procedural, regulatory, and scientific issues.

The sovereign government of the CTCR is charged with protecting the health, safety, and welfare of their citizens and residents, in addition to their ancestral lands, homeland territories and usual and accustomed areas across eastern Washington, northeast Oregon, and southern British Columbia. This proposal is geographically situated within the entirety of the territory of the CTCR, on the North Half of the CIR, in the traditional homeland of the Sanpoil Tribe, one of the constituent Tribes of the CTCR. Unfortunately, the Draft TSF Expansion, and the supporting documentation inadequately addresses the legal rights, obligations, priorities, and needs of the CTCR citizens and residents.

II. Government-to-Government Tribal Consultation

The DSEIS indicates that CTCR requested Tribal Consultation on this proposal in January 2026⁶. It is clear from that document, the [Draft TSF Expansion proposal website](#), and the comments submitted by CTCR on 6/29/26 for this proposal that Ecology has still not yet initiated consultation with the CTCR on this proposed action.

The exclusion of leadership-level and programmatic-level consultation with the CTCR for this proposed action lacks meaningful commitments Ecology has to **Tribal Sovereignty**⁷ generally,

⁴ Spirit Relatives: Subsistence, traditional, and First Foods; sacred and spiritual plants, animals, and places; medicinal plants and animals; fibers, dyes, and materials. See: 2024 LF Annual Report at: <https://thepnwlf.org/2022-annual-report-1>.

⁵ Draft expansion for the Key Mill Tailings Storage Facility's Stack Height Raise available at: <https://ecology.wa.gov/events/proga/key-mill-seis/comment-period>

⁶ Washington State Department of Ecology (Ecology). (June 2026). State Environmental Policy Act (SEPA) Draft Supplemental Environmental Impact Statement (DSEIS): Key Mill Tailings Storage Facility - Filtered Tailings Stack Height Raise. Publication 26-06-014. At pp. 51. Available at: <https://apps.ecology.wa.gov/separ/Main/SEPA/Document/DocumentOpenHandler.ashx?DocumentId=219903>

⁷ Tribal Sovereignty: The most basic principle of all Indian Law, that which Tribal Nations retain the right to self-government as inherent powers which have never been extinguished. See also Library of Congress, American Indian Law: A Beginner's Guide at: <https://guides.loc.gov/american-indian-law/Federal-Law>.



and to the CTCR specifically. As a signatory to the Centennial Accord⁸, Ecology is expected to engage with all Tribal Nations in Washington State to address ecological and environmental issues, including consultation and engagement for natural resources management of fish, water, and habitat conservation and environmental protection where proposals may impact Tribal lands and resources. The Draft TSF Expansion Proposal completely ignores Ecology's own state map identifying [Tribal Reservations and Draft Treaty Ceded Areas](#)⁹, which clearly indicates substantial CTCR geographic interest in the proposal area, along with and all areas downstream of the proposed expansion site. Unfortunately, Ecology's Centennial Accord Implementation Plan isn't available on their website or on the GOIA website, which would help Ecology staff and contractors better implement the 1989/2025 State/Tribal Centennial Accord and the state's relationship with Tribal Nations as defined under [Revised Code of Washington \(RCW\) Chapter 43.376](#) better understand their responsibilities and obligations to the CTCR and other Tribal Nations.

Further, the proposal impacts the federal government's **trust responsibility**¹⁰ to the CTCR as enshrined in **Tribal Reserved Rights**¹¹, **Executive Order 13175**¹² and other federal laws, policies and guidances to ensure that the CTCR is a full partner in managing the quality and health of lands and resources that are its ancestral inheritance and responsibility. Meaningful, **government-to-government (G2G) consultation**¹³ is not merely a procedural requirement of U.S. federal and Washington State law, but a cornerstone of federal trust responsibilities and the protection of Tribal Sovereignty. Executive Order 13175 stipulates that consultation must be timely, transparent, and substantive, with the intent to reach mutual understanding and agreement.

⁸ Governor's Office of Indian Affairs (GOIA). September 2025. 2025 Centennial Accord Agency Highlights. See: <https://goia.wa.gov/sites/default/files/2025-11/2025%20Centennial%20Accord%20Agency%20Highlights%20FINAL%20REVISED.pdf>.

⁹ Ecology map of Tribal Reservations and Draft Treaty Ceded Areas available at:

https://fortress.wa.gov/ecy/gispublic/DataDownload/map_TribalReservationTreatyCeded_statewide.pdf

¹⁰ Trust Responsibility: The legal obligation of the federal government, including all departments and agencies, to ensure the protection of Native American Tribes and Tribal lands, assets, resources, treaty, and reserved rights. Given the fiduciary obligation, agency officials must advocate for the Tribe, act in good faith towards the Tribe, and seek to make Tribal resources under the agency's control productive and profitable (*Cherokee Nation v. Georgia*, 30 U.S. 1, 16 [1831], *Seminole Nation v. United States*, 316 U.S. 286, 296-97 [1942], *United States v. Jicarilla Apache Nation*, 131 S. Ct. 2313, 2324-25 [2011], Secretarial Order 3335).

¹¹ Reserved Rights: Rights not addressed by Tribal treaty provisions are presumptively reserved, so long as the rights retained are consistent with federal law and the Tribe's sovereign status, agencies should generally interpret silence in a Tribal treaty in accordance with the reserved-rights doctrine. Tribal treaties are to be interpreted as a grant of rights from the Tribes, and a reservation of those rights not granted; thus, Tribes possess proprietary and use rights and sovereign control not conveyed away by the Tribal treaty or other federal law. See: *Best Practices for Identifying and Protecting Tribal Treaty Rights, and Other Similar Rights in Federal Regulatory Actions and Federal Decision-Making* (30 November 2022) at:

https://www.bia.gov/sites/default/files/media_document/best_practices_guide.pdf.

¹² Executive Order (EO) 13175 on Consultation and Coordination with Indian Tribal Governments (9 November 2000) at:

<https://www.federalregister.gov/documents/2000/11/09/00-29003/consultation-and-coordination-with-indian-tribal-governments>.

¹³ Government-to-Government (G2G) Consultation: A formal component of the Tribal consultation process that engages federally-recognized Tribal leaders and incorporates their input into decisions. A formal G2G meeting, between Tribal leaders and similarly high-level federal or state decision makers, is customarily part of this process, and may include multiple meetings, discussions, and the reciprocal sharing of information. More than one formal G2G meeting among decision makers may be required in a G2G consultation. Also referred to as "Nation-to-Nation consultation." See: West Coast Ocean Tribal Caucus (WCOTC) for more information:

https://www.oregon.gov/lcd/Commission/Documents/2022-03_Item-4_TSPPart3_Attachment-B_West-Coast-Tribal-Engagement-Guidance-March-2020.pdf



We encourage Ecology to enter into consultation with CTCR, as they have previously requested, in ways which advance positive precedence for meaningful and good faith engagement and consultation. It is recommended that this process shall ensure consultation is comprehensive, ongoing, and respectful. To better help the Ecology meet Tribal consultation standards, we recommend a format that provides:

- Initial Tribal consultation sessions within 30 days at the CTCR government headquarters or a mutually agreed upon location
- Individual 1:1 follow-up sessions as needed to address complex issues with regular communication throughout all permitting (and, if possible, implementation) phases of the Draft TFS Expansion;
- Written documentation of all consultation outcomes with individual CTCR departments and staff;
- Adequate time between follow-up sessions for Tribal government leadership review and Tribal community input, respecting Tribal schedules and resource constraints;
- Consultation support, including but not limited to:
 - Funding for Tribal participation (e.g., travel, technical assistance, and capacity building)
 - Access to all relevant documents and analyses
 - Appropriate maps and geographic information system (GIS) data to identify geographic areas most at risk from the proposal
 - Translation services, if needed

Additionally, we recommend that the scope of the Tribal consultation include addressing:

- The nature, purpose, and intent of this Draft TSF Expansion, given that there is no publicly known new mining proposal in the region and that a phased review process of such a proposal is not in accordance with [Washington Administrative Code \(WAC\) Chapter 197-11-060\(5\)\(d\), SEPA Rules](#)¹⁴;
- Rationale as to why Ecology did not disclose the project applicant's liabilities for public inspection pursuant to applicable state and/or federal laws, particularly Ecology's responsibilities and obligations to enforce WAC Chapter 173-340, Model Toxics Control Act Cleanup Regulations, codified in [RCW 70A.305](#), which are applicable to the SEPA Rules above.
- Rationale as to why Ecology allowed Ferry County to authorize the placement of tailings or to evaluate the risks and impacts associated with the Draft TSF Expansion - activities which Ferry County does not have the authority to conduct and which are the duty and responsibility of Ecology.
- Impacts to TRR Rights and trust resources, including, but not limited to:
 - the Memorandum of Understanding between Ecology and CTCR for air quality and pollution reduction¹⁵,
 - Ecology's implementation of EPA's Temperature TMDL for the Columbia River¹⁶,
 - CTCR Water Rights adjudication request impacted by Ecology's management of WRIA 52, 53, 58, and 61¹⁷:
 - Aboriginal Water Rights of the CTCR
 - Federal Reserved Water Rights of the CTCR
 - Indian Water Rights of the CTCR
 - Usufructuary Rights of the CTCR

¹⁴ See WAC SEPA Rules at: <https://app.leg.wa.gov/WAC/default.aspx?cite=197-11-060>

¹⁵ See GOIA 2025 at pp. 24.

¹⁶ See GOIA 2025 at pp. 24.

¹⁷ Colville Business Council. (3 October 2025). Colville Tribal Water Rights Meeting. Available at: [WSWRA-Colville-adjudication-12-5-25.pdf](https://www.wswra.gov/colville-adjudication-12-5-25.pdf)



- Effects on the health and well-being of TIP, the long-term health and well-being of future generations, and cultural resources and sacred sites
- Alternatives to complete rescission
- The incorporation of TIP input into policy, project or regulatory plans and implementation, including providing funding for collaborative activities;
- Ensuring consultation outcomes are actionable and enforceable, with commitments formalized through agreements and protocols co-developed with the CTCR.

III. Cultural Properties, Historic Properties, and Sacred Sites

The DSEIS¹⁸ indicates that the Washington Department of Archaeology & Historic Preservation (DAHP) notes that relatively few cultural resource surveys have been completed in Ferry County, and is silent on whether or not the any cultural resources surveys were conducted for the initial TSF construction or the subsequent evaluation in 2022 of a potential tailings failure and inundation zone. Since the DSEIS has not formally entered consultation with the CTCR, there is no information whatsoever to evaluate as it pertains to potential impacts to cultural properties, historic properties, and sacred sites of the CTCR from the Draft TSF Expansion or potential failure inundation zone. The absence of this consultation, evaluation, and assessment is entirely inadequate.

Sacred sites, cultural landscapes, and archaeological resources vital to CTCR **Intangible Cultural Heritage (ICH)**¹⁹ require a functioning ecosystem free of contaminants, pollutants, and threats or risks of environmental and physical harm. Throughout the country and within the territory of the CTCR, numerous Traditional Cultural Properties (TCPs), Traditional Cultural Districts (TCDs), sacred sites, and cultural landscapes integral to Spirit Relative existence, TIP identity, graves and ancestral remains, and spiritual practices protected under CTCR law, state law, Treaty Rights and TRR, the First Amendment of the U.S. Constitution, the American Indian Religious Freedom Act (AIRFA), and the Native American Graves Protection and Repatriation Act (NAGPRA)²⁰ may be at risk from the Draft TSF Expansion or potential failure inundation zone. These areas include, but are not limited to:

- Ceremonial and prayer sites used for specific spiritual practices (e.g., coming of age ceremonies, hunting and gathering rites, spirit and vision questing sites, etc.)
- Traditional gathering areas for Spirit Relatives (e.g., medicines, foods, and materials, etc.)
- TIP graves, cemeteries, and ancestral village sites
- Cultural landscapes that embody TIP creation stories, oral traditions, **Indigenous Knowledges (IK)**²¹, and ICH

¹⁸ Ecology 2026 at pp. 87.

¹⁹ Intangible Cultural Heritage (ICH): The practices, representations, expressions, knowledge, skills (as well as the instruments, objectives, artifacts, and cultural spaces associated therewith) that communities, groups, and in some cases, individuals recognize as part of their cultural heritage. It is transmitted from generation to generation, constantly evolved by communities and groups in response to their environment, interactions with nature and unique histories, and provides identity and continuity. See: United Nations Educational, Scientific, and Cultural Organization (UNESCO) Intangible Cultural Heritage at: <https://ich.unesco.org/en/home>.

²⁰ U.S. Constitution, Amendment I. See also American Indian Religious Freedom Act (AIRFA) Pub. L. No. 103-344 (Amend. 8 August 2004) and Native American Graves Protection and Repatriation Act (NAGPRA) Pub. L. No. 101-601 (16 November 1990).

²¹ Indigenous Knowledges (IK): A body of observations, oral and written knowledge, innovations, technologies, practices, and beliefs developed by Indigenous Peoples through interaction and experience with the environment. It is applied to phenomena across biological, physical, social, cultural, and spiritual systems. IK can be developed over millennia, continues to develop, and includes understanding based on evidence acquired through direct contact with



The Draft TSF Expansion DSEIS fails to address how these irreplaceable cultural resources would be protected from a catastrophic failure of the tailings storage facility and the resulting:

- Magnification of historical and intergenerational trauma TIP already experience from a history of colonization, forced assimilation, and genocide
- The loss of ICH and IK practices which foster ecological stewardship and cultural preservation of oral traditions and expressions, performing arts, social practices, rituals and ceremonies, and traditional craftsmanship²²
- Physical destruction from degraded or destroyed water quality, soil health, air quality, viewshed, and downstream/downwind cumulative impacts
- Desecration through contamination, pollution, damage, destruction, or increased visibility and exposure, resulting in loss of use, privacy, and sanctity necessary for confidential and sacred ceremonial practices

LF strongly encourages that Ecology enter into consultation with the CTCR Colville Business Council and their Tribal Historic Preservation Office (THPO) to identify, evaluate, avoid, and/or mitigate any actual and/or potential threats/risks to CTCR cultural properties, historic properties, and sacred sites associated with this Draft TSF Expansion.

IV. Climate Change

The DSEIS only describes the existing and historic climate regime of the region, completely ignoring the best available science associated with the greenhouse gas emissions (GHG) and their impacts on the global, regional, and local temperature and precipitation regimes. Of paramount importance, the DSEIS completely ignores the CTCR's own climate assessment reports, "Summary of Projected Changes in Physical Conditions Across the Colville Tribes Study Area," and "Colville Tribes Natural Resources Climate Change Vulnerability Assessment." These reports were both completed in 2017 and 2018, respectively.

It is projected that seasonal October-March runoff in the traditional territories of the CTCR will increase 23-30% by mid-century and 34-55% by the end of the century²³. The report states:

Furthermore, warming temperatures will lead to rising snowlines, which could increase the area of a watershed with winter rain runoff. If this occurs it would increase the risk of winter flooding during storms because more water would be channeled into streams and rivers instead of being stored as snow. Increasing likelihood of flooding events will also likely have impacts on water crossing structures, such as culverts (at pp. 28).

Specifically regarding landslide risk, CTCR 2017 states that the "most direct mechanism by which climate change may influence future landslide risk is through increased seasonal (fall and

the environment and long-term experiences, as well as extensive observations, lessons, and skills passed from generation to generation. IK is developed, held, and stewarded by Indigenous Peoples and is often intrinsic within Indigenous legal traditions, including customary law or traditional governance structures and decision-making processes. Other terms such as Traditional Knowledge(s), Traditional Ecological Knowledge, Genetic Resources associated with Traditional Knowledge, Traditional Cultural Expression, Tribal Ecological Knowledge, Native Science, Indigenous Applied Science, Indigenous Science, and others, are sometimes used to describe this knowledge system.

²² Ryser, R. Marchand, A., Parker, D. (2020). *Cultural Genocide: Destroying Fourth World People*. In Fourth World Journal. Summer V20, N1. Pp 82-83. Available at: <https://www.cwis.org/fwj/volume-20-number-1/>.

²³ CTCR. (6 October 2017). Summary of Projected Changes in Physical Conditions Across the Colville Tribes Study Area. Final Report. Prepared by the University of Washington Climate Impacts Group. At pp. 22. Available online at: https://www.researchgate.net/publication/329659408_Summary_of_Projected_Changes_in_Physical_Conditions_Across_the_Colville_Tribes_Study_Area#pf15



winter) precipitation, and increase in the frequency and duration of extreme precipitation, and a transition of precipitation falling as snow to rain” (pp. 32).

The impacts of weather and climate disasters impacting communities and infrastructure that result with flood and erosion damage are well documented by the Environmental Protection Agency (EPA), U.S. Army Corps of Engineers (USACE), the U.S. Geological Survey (USGS), and the National Oceanic and Atmospheric Administration (NOAA). The importance of natural, functional systems like wetlands and floodplains to reduce flooding risks from heavy precipitation events like atmospheric rivers is also well documented. When wetlands and floodplains are drained, replaced with levees and developed or used as a waste overflow for industrial purposes, those natural systems categorically fail.

In the past 15 years rivers have overtopped (poured over) levees in 487 cases in the United States, with one of the most recent breaches occurring along the Green River in Washington state within the month of December 2025.²⁴ The 2025 December flooding resulted with Governor Ferguson directing \$3.5 million to support flood-impacted communities across fourteen counties in Washington.²⁵ As extreme weather events continue to increase in intensity and unpredictability, flood risks continue to grow nationwide.

LF urges Ecology to value and prioritize the protection of riparian, floodplain, and wetland ecosystem functions for human health and safety in changing climate conditions, which this Draft TSF Expansion completely overlooks. The DSEIS must address the potential impacts of static and seismic liquefaction of the proposed action under these changing climate conditions.

V. Environmental & Food Justice

The Environmental Justice Screening Report for the DSEIS is wholly inadequate for this Draft TSF Expansion proposal. The ecosystems stewarded by TIP for time immemorial have been adversely impacted by the industrialization and privatization of resources for commodification, commercialization, and extraction. This has manifested in many forms since European and other immigrants migrated to this continent, and has resulted with fractionated lands, piecemeal protections for environmental and public health, and reduced the resiliency of TIP socio-cultural ecologies, economies, and food systems.

Despite being “disproportionately impacted by degraded ecological systems,” residents of the Reservation are “leaders in regional fishery and hatchery management, but still face significant health, cultural, and economic disparities.”²⁶ Similarly, the Okanogan Region Food Council (ORFC), which includes the CIR, notes that “today, access to culturally relevant food is further

²⁴ Vahedifard, F. (29 December 2025). West Coast Levee Failures Show Growing Risks from America’s Aging Flood Defenses. The Conversation, available at: <https://theconversation.com/west-coast-levee-failures-show-growing-risks-from-americas-aging-flood-defenses-272556>

²⁵ Washington State Governor’s Office. (16 December 2025). Governor Ferguson Amends Emergency Proclamation, Directs \$3.5M in Support to Flood-Impacted Washingtonians. Available at: <https://governor.wa.gov/news/2025/governor-ferguson-amends-emergency-proclamation-directs-35m-support-flood-impacted-washingtonians>.

²⁶ Department of Ecology (Ecology). September 2020. Publication 20-11-084: Water Resources Adjudication Assessment. Washington State (pp. 31). chrome-extension://efaidnbmnnnibpcajpcgclcfndmkaj/<https://apps.ecology.wa.gov/publications/documents/2011084.pdf>



endangered by environmental toxins, invasive species, and climate change.”²⁷ The Washington Environmental Health (EH) Disparities Map indicates that the majority of Okanogan and Ferry Counties are ranked with worse than average poor health outcomes, especially for the portion of Okanogan County which is located on the Colville Reservation.²⁸ When viewing socioeconomic factors on the EH Disparities Map, virtually all of North Central and Eastern Washington is ranked high - where the CTCR, Spokane Tribe, Kalispel Tribe, Wanapum Band, and Yakama Nation Reservations are located.²⁹

Thus, the culturally appropriate harvesting of Plant and Animal Relatives is a significant issue of environmental justice and a vital aspect of nutritional, medicinal, and food access to Tribal Nations and Indigenous Peoples (TIP) in the region. In a 2013 study, fifty-seven percent (57%) of Colville Reservation health survey respondents stated that the lack of financial resources prevented them from eating healthier, while a food security survey from 2022 indicated that sixty percent (60%) of respondents in the Okanogan region (including the Colville Reservation) lacked access and funds for meals, with almost forty-seven percent (47%) of respondents skipping a meal due to lack of food.³⁰ The ORFC has thus identified Okanogan County as a food desert, where residents face limited access to affordable and nutritious food where almost fifteen percent (15%) of the population lives in areas without fresh food available at grocery stores or markets.³¹ Furthermore, a 2022 food security survey which LF designed and distributed identified that fifty-seven percent (57%) of respondents need to travel more than four miles from home to access healthy, nutritious food – also categorizing the Colville Reservation as a food desert.³²

During the second Trump Administration, the federal government cancelled at least 693 grant programs totaling \$16.7 billion to Indian Country, with the term “Tribal” as the most frequently flagged term (31% of the canceled programs).³³ Food security in Indian Country under the Trump Administration has experienced significant cutbacks, including to vital food distribution programs.³⁴

The protection, conservation, and equitable sharing of Plant and Animal Relatives is not only an exercise of cultural responsibility, but a significant action to address food insecurity within Ferry County, throughout the CIR, and across Indian Country. For TIP, being on natural landscapes

²⁷ Okanogan Regional Food Council (ORFC). September 2024. Okanogan Region Local Community Food System Assessment (pp. 34).

https://static1.squarespace.com/static/642492ad34f4c9023a6143df/t/66ec8c514943b56429e62761/1726778452438/Okanogan-AssessmentBook_Sept2024_SinglePgs.pdf

²⁸ Washington Environmental Health Disparities Map (EH Disparities): Poor Health Outcomes <https://fortress.wa.gov/doh/wtn/WTNIBL/Map/HealthDisp> No Date.

²⁹ Ibid. EH Disparities, no date.

³⁰ ORFC 2024 at pp. 17.

³¹ ORFC 2024 at pp. 27.

³² ORFC 2024 at pp. 27.

³³ Coalition for Tribal Sovereignty (CTS). October 2025. Indian Country Data on Impacts of Administration Actions (pp. 3). See:

https://coalitionfortribal sovereignty.org/wp-content/uploads/2025/11/CTS-Fact-Sheet100.pdf?utm_source=copilot.com

³⁴ Sadasivam, N. (12 February 2025). ‘It’s Demoralizing’: Trump’s climate funding freeze has left tribes and community groups in limbo. *Grist*.

<https://grist.org/politics/its-demoralizing-trumps-climate-funding-freeze-has-left-tribes-and-community-groups-in-limbo/>



and partaking in activities like hunting, fishing, and harvesting free from pollutants, contaminants, and the threat of environmental and human risk or harm are not recreational.³⁵ They are millenia-old cultural expressions of food system justice and security. The ability to access traditional foods and medicines feeds families with nutritious meals while building community resilience and nourishing intergenerational knowledge exchange is critical to and the primary component of, TIP search for environmental justice.

LF requests that the DSEIS be re-evaluated and incorporate this information and disclose the full suite of risks to water quality, soil health, air quality, ecosystem function, and habitats which the Draft TSF Expansion poses.

VI. Support of CTCR and Okanogan Highland Alliance (OHA) Comments

Last but not least, LF is in support of the following comments provided by the CTCR and the Okanogan Highland Alliance (OHA), which have been submitted on this Draft TSF Expansion proposal.

Comments from CTCR provided 6/29/26, including, but not limited to, requests to address:

- The omission of protected Tribal Rights and special status of the North Half
- Potential seismic liquefaction risks
- Potential vulnerability to static liquefaction and lack of modeling
- The aging infrastructure and groundwater compliance violations
- The over-reliance on unreviewed, hypothetical aquatic assessments
- Disingenuous viewshed boundaries and visual characterizations,
- Inaccurate and dangerous minimization of dam failure risks
- Immediate localized threats to air quality and the proximity to the North Fork Sanpoil River
- That Ecology:
 - Mandate technical static and seismic liquefaction triggering analyses
 - Coordinate a comprehensive Natural Resources site visit with the CTCR Fish & Wildlife and Environmental Trust staff
 - Formally schedule a G2G consultation with CTCR Colville Business Council

Comments from OHA provided 6/29/26, including, but not limited to, requests to address:

- Why this action is being proposed
- How Ecology is enforcing their authority for this proposal under RCW Chapter 78.56 concerning Metals Mining and Milling Operations
- An elaboration on the outreach methods used for stakeholder engagement, interested parties, and public information sharing

³⁵ Littman, N (2024). "Bitterroot. Salmon. Huckleberry. Fly." *Methow Valley Citizens Council Valley Voice, Fall/Winter 2024* (pp. 5-8). See also: Hamilton, M (2024). "The Revitalization of Inchelium Red: A Step Towards Food Sovereignty." *Methow Valley Citizens Council Valley Voice, Fall/Winter 2024*. (pp. 9). Both located at: [Fall-2024 Final updated.pdf](#)



- Review and incorporation of the independent, third-party analyses of Dr. Steven Emerman into the DSEIS and the reissuances of a new, DSEIS with this information
- Rationale and justification for why the DSEIS does not provide a basis for comparing the environmental consequences of the proposed action in accordance with RCW 43.21C.034.
- Issues and concerns regarding the following DSEIS Sections:
 - 1.4 - Background and history
 - Chapter 3 - Affected Environment (geotechnical, water quality, climate change, and environmental justice)
 - Chapter 4 - Environmental Impacts and Mitigation (geology, soils, dam safety, liquefaction assessments, dam breach analysis, stability and seismic risks, human health and safety, and water quality)
 - Chapter 5 - Cumulative Impacts (isolating regional mining activities, minimizing cumulative impacts, not accounting for cumulative impacts, evaluation process of impacts, impacts of restarting the facility)

VII. Conclusion

For these reasons, we unequivocally oppose the proposed Key Mill Increased Tailing Storage Facility Draft SEIS (SEPA #202602267) in its current form. This action represents an unconscionable breach of the Government-to-Government responsibilities, potential impacts to cultural properties, historic properties, and sacred sites; a disregard for climate change, environmental and food justice, and a lack of preparation to address procedural, regulatory, and scientific issues. We urge:

1. **Immediate withdrawal** of the proposed DSEIS
2. **Full compliance** with all consultation requirements before any further actions
3. **Comprehensive analysis** of impacts to Tribal Reserved rights, cultural resources, and trust responsibilities of TIP and the American people
4. **Free, prior, and informed consent** for any changes affecting TIP ancestral territories

Ecology's is to protect human health and the environment. We urge you to support this reevaluation needed to protect the health and welfare of all. The L.I.G.H.T. Foundation appreciates your consideration and is committed to working with all government entities, partners, and allies to ensure that the Plant, Pollinator, and Animal Relatives associated with TIP traditional homelands remain resilient and strong for the next Seven Generations.

Limlmt, qeciyyew'yew', thank you,

/s/

Amelia AM Marchand, MELP

Executive Director

[L.I.G.H.T. Foundation](https://theplnwlf.org/)

