

**Statement of Mitchell Pond
Member, Fish and Wildlife Commission
Confederated Tribes of the Umatilla Indian Reservation**

Oregon DEQ Public Hearing on
Toxics/Fish Consumption Rate Rulemaking
Salem, Oregon
Monday, March 7, 2011

My name is Mitch Pond. I'm a member of the Confederated Tribes of the Umatilla Indian Reservation, and serve as a member of the Tribes' Fish and Wildlife Commission. Thank you for this opportunity to comment on the Toxics and Fish Consumption Rate Rulemaking.

The CTUIR and its Fish and Wildlife Commission believe we need the proposed rules that strengthen water quality standards for toxics. We specifically endorse the higher Fish Consumption Rate that is included in those standards. We strongly encourage the Environmental Quality Commission to adopt them.

The proposed Fish Consumption Rate of 175 grams per day is supported by rigorous scientific study and analysis. This rate was also discussed and debated in a two-year, open, public process. That public process involved many of the stakeholders that have provided testimony to the DEQ.

The proposed Fish Consumption Rate is needed to help protect the health of nearly all of our tribal members. Salmon is a sacred tribal First Food, and fish is a staple of our tribal diet. Over 95 percent of our tribal members consume fish in quantities that greatly surpass the current fish consumption rate. But we are not the only ones. There are other communities in the Pacific Northwest that have similar fish consumption rates, including those of Asian, Pacific Island, and Eastern European descent. The current rate is outdated and inadequate.

Indeed, tribal fish consumption rates are increasing since the lows of the mid-1990s, along with the increased numbers of returning salmon and steelhead. It should be remembered that salmon in the Columbia Basin started being listed under the Endangered Species Act in the early 1990s. Tribes voluntarily went without harvest in order to conserve the runs. Since that time and before, the Tribes have worked with state and federal agencies to restore the runs, using collaboration when possible, and litigation when necessary. The restoration of the First Foods was always first and foremost in these efforts. Now, we are seeing the results of those efforts with years of record salmon returns, increased numbers of tribal fishermen returning to the river, and the increased fish consumption that goes along with more fish.

It is not hard to imagine eating 140 pounds of fish over the course of an entire year. This is especially so considering it is a First Food of tribes, it is a staple of many other Northwest communities mentioned above, and is gaining greater recognition as an important part of a healthy diet in Oregon and throughout the United States. Even the USDA's *Dietary Guidelines for Americans 2010* encourages increased fish consumption. For me, it is easy to imagine eating 140 pounds of fish over an entire year, as that is only half the amount of meat an average person eats in one year.

While some have expressed concerns that the proposed rules would allow DEQ to target agricultural and other land management practices with more restrictive regulations regarding nonpoint sources, the proposed rules would not change existing authority. Further, DEQ has given no indication that it intends to expand its regulatory mandate.

The proposed rules will also enable Oregon to maintain control over our water quality, instead of having these rules, including additional related restrictions, imposed on them by the federal government in the form of the EPA.

The ultimate goal of this proposed rulemaking is to better protect public health. That includes the health of tribal members and the entire Northwest, including all Oregonians who are catching and eating more fish.

Thank you.