

The Confederated Tribes of the Grand Ronde Community of Oregon

Natural Resources Department
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47010 SW Hebo RD
Grand Ronde, OR 97347

DEQ

MAR 21 2011

Water Quality

March 18, 2011

Andrea Matzke
Oregon Department of Environmental Quality
811 SW Sixth Ave.
Portland, Oregon 97204

Dear Chair Blosser and Members of the Environmental Quality Commission:

Thank you for hearing my comments and the comments of Tribal Council Member Jack Giffen, Jr. regarding the Oregon Water Quality Standards during the Commission meeting on Wednesday, February 16, 2011. This issue has been and will continue to be of vital importance to the Tribe. The Tribal Council has passed three Resolutions since 2007 encouraging DEQ and the EQC to approve an increased Fish Consumption Rate for the purpose of improved Water Quality Standards. The most recent Tribal Council Resolution, enclosed with this letter, strongly encourages the State to approve the current rulemaking. The Tribe has participated in the Workshops and Public Hearings that have been ongoing since 2006 and are more than ready for DEQ to start implementing the new Water Quality Standards.

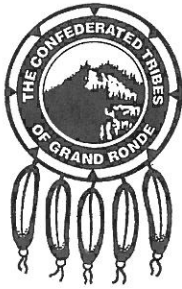
In addition to the proposed criteria revisions based on the fish consumption rate of 175 g/day, the Tribe supports DEQ's proposed compliance options for point-source dischargers, which include intake credits, background pollutant allowance, and other variances. We feel these tools will assist permit holders to work toward attaining the Standards. Additionally, we are appreciative that the new rules would include revisions to the Water Quality Standards and Total Maximum Daily Load (TMDL) regulations for non-point sources, which are important and underestimated contributors of in-stream pollutants.

Thank you once again for hearing Councilman Giffen and me on behalf of the Tribe. The Tribe realizes that Water Quality Standards will not be met immediately and that there is still a lot of work to do to improve the quality of Oregon's waters, but we urge the Commission to avoid any further delay on this process. It is our hope that the State continues to exercise its responsibility to protect the health of all Oregonians.

Sincerely,

Brandy Humphreys
Environmental Resource Specialist

Enclosure (1)



The Confederated Tribes of the Grand Ronde Community of Oregon

Tribal Council
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9615 Grand Ronde Rd
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Resolution No. **049-11**

WHEREAS, the Grand Ronde Tribal Council, pursuant to Article III, Section I of the Tribal Constitution approved November 30, 1984, by the Acting Deputy Assistant Secretary of the Interior, Indian Affairs, is empowered to exercise all legislative and executive authority not specifically vested in the General Council of the Confederated Tribes of the Grand Ronde Community of Oregon; and

WHEREAS, Tribal Council believes it is in the best interest of the Tribal membership to protect Tribal member health as well as Tribal cultural and natural resources within its Reservation, its ceded lands, and other lands of cultural interest; and

WHEREAS, Tribal member health and Tribal cultural and natural resources are affected by activities outside the Reservation; and

WHEREAS, there is toxic contamination in fish found in the Willamette and Columbia River basins, as well as in other water bodies within the Tribe's ceded lands and across Oregon; and

WHEREAS, Tribal members consume fish at much higher rates than average Oregonians or average Americans and are therefore subject to higher levels of risk from toxic contamination in fish; and

WHEREAS, it is the responsibility of the U.S. Environmental Protection Agency (EPA) and the state of Oregon to protect Tribal members' health from environmental toxins; and

WHEREAS, the Tribal Council approved Resolution No. 058-07 in 2007 which (1) supported the Confederated Tribes of the Umatilla Indian Reservation's request that Oregon increase its fish consumption rate to protect all tribal members in Oregon, (2) supported Oregon's willingness to review and revise its fish consumption rate to protect tribal members and all other Oregonians with higher fish consumption rates, (3) strongly encouraged Oregon to adopt a fish consumption rate that is consistent with the consumption rates in the Confederated Tribes of the Umatilla Indian Reservation and Confederated Tribes of the Warm Springs Reservation fish consumption surveys and that is consistent with EPA's guidance to use local data and with EPA's guidance for rates necessary to protect subsistence fish consumers, and (4) committed Tribal Council to participating and assisting Oregon to increase its fish consumption rate in 2007 and 2008 and directed staff to participate and provide regular briefings to the Tribal Council; and

WHEREAS, the Tribal Council approved Resolution No. 077-08 in 2008 which (1) supported a fish consumption rate of at least 389 grams per day as being adequately protective of Tribal member health and the environment, for adoption by the state of Oregon for the purpose of

Umpqua Molalla Rogue River Kalapuya Chasta

setting water quality standards in Oregon and (2) strongly encouraged Oregon to adopt a fish consumption rate of no less than 389 grams per day for the purpose of setting water quality standards, so that Tribal member health and the environment may be adequately protected; and

WHEREAS, in October 2008, the Oregon Environmental Quality Commission directed Oregon Department of Environmental Quality (ODEQ) to develop Water Quality Standards based on a fish consumption rate of 175 grams of fish per day, a rate which is based on the 95th percentile of tribal consumption studies, is consistent with EPA's guidance to use local data and rates necessary to protect subsistence fish consumers, and adequately satisfies Oregon's duty to protect tribal members and all Oregonians; and

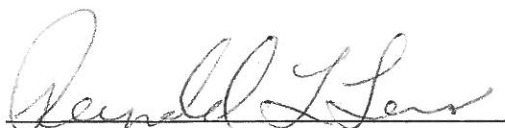
WHEREAS, ODEQ has developed Water Quality Standards based on a fish consumption rate of 175 grams of fish per day, Human Health Toxics Criteria, and new and revised rules addressing the implementation of these Water Quality Standards; and

WHEREAS, the Legislative Action Committee has recommended that the Tribal Council pass a Resolution to: (1) support the Water Quality Standards, proposed by Oregon Department of Environmental Quality, based on a fish consumption rate of 175 grams per day as being adequately protective of Tribal member health and the environment, for adoption by the state of Oregon and (2) strongly encourage Oregon to approve the proposed Human Health Toxics Criteria and new and revised implementation rules, so that Tribal member health and the environment may be adequately protected.

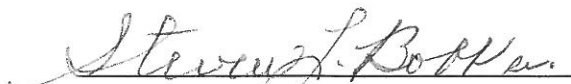
NOW THEREFORE BE IT RESOLVED, that the Tribal Council does hereby support the Water Quality Standards, proposed by Oregon Department of Environmental Quality, based on a fish consumption rate of 175 grams per day as being adequately protective of Tribal member health and the environment, for adoption by the state of Oregon; and

BE IT FURTHER RESOLVED, that the Tribal Council strongly encourages Oregon to approve the proposed Human Health Toxics Criteria and new and revised implementation rules, so that Tribal member health and the environment may be adequately protected.

CERTIFICATION: the Tribal Council of the Confederated Tribes of the Grand Ronde Community of Oregon adopted this resolution at a regularly scheduled meeting, with a quorum present as required by the Grand Ronde Constitution, held on **March 16, 2011**, by a vote of 6 yes, 0 no and 0 abstentions.



Reynold L. Leno
Tribal Council Vice-Chairman



Steven L. Bobb Sr.
Acting Tribal Council Secretary