



## Spokane Tribal Natural Resources

P.O. Box 100 • Wellpinit, WA 99040 • (509) 258-9042 • fax 258-9600

### MEMORANDUM

February 21, 2012

Mr. Jim Bellatty  
Water Quality Section Manager  
Washington Department of Ecology  
4601 N. Monroe Street  
Spokane, Washington 99203

**RE: Spokane River Regional Toxics Task Force Memorandum of Agreement**

Dear Mr. Bellatty:

The Spokane Tribal Natural Resources Department ("Department") is writing to inform you that at this time the Spokane Tribe will not be a signatory to the Spokane River Regional Toxics Task Force Memorandum of Agreement ("MOA") for reasons described below. The Department recommended this action to the Tribe's leadership and they gave their concurrence. Regardless, the Tribe plans to be an active participant in the organization and is committing funds for the Task Force's administration.

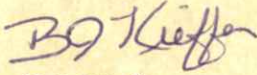
For the following reasons it would be premature for the Tribe to sign the MOA. First and foremost, the Tribe is extremely concerned about the outcome of EPA's decision making process in reviewing Idaho's proposed fish consumption rate ("FCR"), and its influence on the Task Force's goals. The Tribe does not want its participation within the Task Force to be viewed as supporting the 17.5 grams/per day FCR currently proposed by Idaho. Second, EPA has now stated publicly that it does not intend to sign the MOA until it finalizes the NPDES permits within Idaho. Accordingly, it would be imprudent for the Tribe to approve an MOA prior to the EPA, a federal agency that owes a trust responsibility to the Tribe. Third, there are several pending legal actions in both federal court and Washington's Pollution Control Hearings Board that may affect the Task Force, and the Tribe does not want its participation/signature to be used as a sign of approval/disapproval of any of the participating sovereigns' actions. Those legal proceedings should be judged on the law and regulations, and not on which parties support the sovereigns' activities.

The Tribe will always support actions in the region that have the potential to improve the water quality of the Spokane River. Accordingly, the Tribe fully supports the mission of



the Task Force, which is to bring the Spokane River into compliance with applicable water quality standards for PCBs, and it will participate with the group as much as possible. But until that time when the above issues are resolved it will not be a signatory to the MOA. If you have any questions or need further information regarding the Tribe's involvement, please contact Brian Crossley at 509-626-4409.

Sincerely,



B.J. Kieffer

Director

Spokane Tribal Natural Resources Department

cc: **Greg Abrahamson**, Chairman, Spokane Tribal Business Council  
**Brian Crossley**, Water Resource Program Manager, Spokane Tribal Natural Resources Department  
**Dennis McLerran**, Regional Administrator, Region 10, EPA  
**Michael A. Bussell**, Director, Office of Water and Watersheds, EPA  
**Christine Psyk**, Associate Director Office of Water and Watersheds, US EPA  
**Mr. Kelly Susewind**, Manager, Water Quality Program, WDOE