2012 Mid-Year Convention
Lincoln City, Oregon

RESOLUTION #12 - 23

"REQUESTING SUPPORT AND ASSISTANCE FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY AND THE STATE OF IDAHO TO ACCURATELY ASSESS TRIBAL FISH CONSUMPTION RATES IN IDAHO"

PREAMBLE

We the members of Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders, and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise to promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of ATNI; and

WHEREAS, ATNI is specifically committed to the protection, restoration, and enhancement of tribal First Foods—water, fish, wildlife and plants—for the perpetual cultural, economic, and sovereign benefit of Northwest native people; and

WHEREAS, tribal citizens throughout the region will continue to utilize the First Foods and to follow our traditional religious and cultural practices based on their use and enjoyment, recognizing the many health benefits they provide; and

WHEREAS, valid, reputable scientific studies unfortunately have shown that certain fish, including salmon and resident fish in Idaho and other Northwest states, contain multiple toxic contaminants in varying amounts; and

WHEREAS, similarly valid, reputable scientific surveys have shown that native people and others in parts of Idaho and downstream from Idaho eat significantly more fish than the "national average," in part as a result of ceremonial, subsistence and other fishing practices secured by treaties with the United States, by rights recognized by the United States in statutes and executive orders, and subject to the federal government's affirmative duty to protect and safeguard under its Trust Responsibility; and

WHEREAS, comprehensive, accurate, up-to-date surveys of native peoples' fish consumption rates are lacking or not otherwise available for other parts of Idaho, even though such people likely eat more fish than "average;" and

WHEREAS, ATNI recognizes and greatly appreciates the U.S. Environmental Protection Agency's (EPA) role and involvement in acknowledging and respecting tribal consumers who eat more fish in the exercise of our rights and as an essential element of our culture and tradition; and

WHEREAS, ATNI specifically recognizes and commends EPA Region 10 for its May 10, 2012, decision to disapprove the State of Idaho's proposed Human Health Water Quality Criteria for Toxics based on a national default "average" fish consumption rate of 17.5 grams per day; and

WHEREAS, Idaho must address in a timely manner EPA's disapproval of its proposed criteria using an inadequate fish consumption rate, and specifically "must evaluate local and regional fish consumption information," and if it "does not adopt necessary changes. EPA will promptly propose and promulgate appropriate human health criteria for Idaho[1];" and

WHEREAS, data in the 1994 Columbia River Inter-Tribal Fish Commission fish consumption survey, including that for the Nez Perce Tribe in Idaho, were accurate and representative at the time, but were collected when fish consumption was suppressed to a much greater degree than present because of low fish runs and harvests in the early 1990s; and

WHEREAS, information compiled by the U.S. Army Corps of Engineers indicates that fish counts at Lower Granite Dam and tribal harvest of spring/summer chinook have dramatically increased since 1992 due in large part to efforts of tribal fish restoration programs

[1] Letter from Michael A. Bussell, Director, Office of Water and Watersheds, EPA Region 10, to Barry Burnell, Water Quality Programs Administrator, Idaho Department of Environmental Quality, "EPA Disapproval of New and Revised Human Health Water Quality Criteria for Toxics, Idaho Docket 58-0102-0503" (May 10, 2012).