Confederated Tribes and Bands
of the Yakama Nation

Established by the
Treaty of June 9, 1855

March 31, 2016

Gina McCarthy, Administrator
Environmental Protection Agency
Office of the Administrator, 1101A
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

RE: Portland Harbor NPL Site – Consultation on EPA Region 10 Proposed Plan

Dear Ms. McCarthy:

The Confederated Tribes and Bands of the Yakama Nation (Yakama Nation) is requesting a government-to-government consultation with you regarding the Proposed Plan for the Portland Harbor NPL site (Site), currently being drafted by EPA Region 10 pursuant to the National Contingency Plan (NCP).

The Yakama Tribal Council met on February 2, 2016, with Dennis McLerran, Region 10 Administrator, and Jim Woolford, OSRTI Director, to discuss the alternatives described in the Feasibility Study for the Site. During that government-to-government meeting, the Tribal Council explained its position that none of the alternatives being considered by EPA will ultimately ensure adequate protection of human health or treaty resources.

Although that consultation was cordial, and information regarding the Yakama Nation's concerns with the Portland Harbor cleanup was shared with EPA officials and staff, a number of critical questions remain unanswered. These issues include whether EPA in the Proposed Plan will:

1. Consider additional alternatives beyond Alternative G that will meet the NCP's threshold requirement to protect human health and the environment without reliance on institutional controls such as fish consumption advisories ("G Plus");
2. Avoid reliance on monitored natural attenuation, which will ultimately permit transport of contaminants to the Lower Columbia River where they will adversely affect various life stages of important treaty fish species;
3. Engage with the Yakama Nation as a sovereign partner apart from the NCP's public comment requirement.

The Yakama Nation has received an offer to consult again with Region 10 and OSRTI officials in early to mid-May, but we hereby decline that offer and request, instead, a government-to-government consultation with the EPA official who will be signing the final Record of Decision (ROD) for the Portland Harbor NPL site.

As the signator, you will be making an extremely important choice in the final ROD, and this choice has significant ramifications on salmon recovery efforts in the Columbia River. We offer to assist you and your agency in achieving a level of cleanup that upholds treaty trust obligations and protects our treaty resources.

Post Office Box 151, Fort Road, Toppenish, WA 98948 (509) 865-5121

I cordially invite you to meet with the Yakama Tribal Council for a government-to-government meeting regarding the cleanup decision for the Portland Harbor Superfund Site. To make arrangements please have your staff contact Rose Longoria, Yakama Nation Fisheries Superfund Coordinator at (509) 865-5121, ext. 6365.

Sincerely,

JoDe Goudy,
Chairman
Yakama Tribal Council

cc: Jim Woolford, EPA OSRTI *(email only)*
Dennis McLerran, EPA Region 10 *(email only)*
Jim Woods, EPA Region 10 *(email only)*
Sean Sheldrake, EPA Region 10 *(email only)*