



FOR IMMEDIATE RELEASE 5/8/23

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Spokane Riverkeeper Settles Law Suit with CHS Inc. to Protect Water Quality and Enhance Salmon Recovery in Hangman Creek.

Spokane, Washington and Plummer, Idaho - The Spokane Riverkeeper has resolved a Clean Water Act lawsuit against CHS Inc. Primeland in Rockford WA, for excessive stormwater pollution released from the facility. The lawsuit was filed in 2021 for violations of the permit that regulates the discharge of stormwater into Rock Creek, a tributary of Hangman Creek. The excessive pollution was primarily turbid runoff from the grounds and roofs of the facilities that then drained into Rock Creek. High levels of zinc, which is toxic to aquatic ecosystems, has also been found in the facility runoff. This pollution is regulated by the State of Washington and monitored by CHS Inc. In excessive amounts, pollution from the facility, can contribute to excessive suspended sediments, toxic metals, and suspended dirt in both Rock and Hangman Creeks. This type of pollution is very disruptive to aquatic ecosystems. Hangman Creek has a legal cleanup plan, approved by the EPA and the State of Washington (called a "Total Maximum Daily Load" or "TMDL") to address turbidity pollution in Hangman Creek, and CHS's Rockford facility must therefore meet special limits on sediment discharges.

"We are very pleased that CHS is recognizing the need to be good corporate citizens and has agreed to clean up their stormwater pollution issues," said Jerry White, Jr. Spokane Riverkeeper.

The settlement, which was approved by the U.S. District Court in a Consent Decree, prioritizes specific actions to reduce polluted runoff into this tributary of Hangman Creek whose waters ultimately reach the Spokane River. The Consent Decree orders CHS to revise their stormwater management plan and implement Best Management Practices to control pollution from the extensive facility, which is immediately adjacent to Rock Creek.

Additionally, the Consent Decree provides that CHS pay into a Supplemental Environmental Project (SEP) fund that will go towards remedying damage and improving the health of the Hangman Creek Watershed. The facility at Rockford is a mere 6 miles from the Coeur d'Alene Reservation and is on traditional territories of the Coeur d'Alene Tribe. Given that the Tribe is working aggressively to correct pollution problems and return a damaged watershed to the healthy conditions that support the recovery of Chinook salmon and Redband trout, a SEP valued at \$151,000 has been established. This SEP will help fund the continued work to restore stream conditions and riparian vegetation that at once prevents sediment pollution as well as provides the foundation for the return of anadromous fish described in a three phased plan to restore runs of these fish developed by the Upper Columbia United Tribes (UCUT; <https://ucut.org>).

“Restoring conditions to support native fishes across the Hangman watershed is a huge undertaking and the Coeur d’Alene Tribe is leading the way. This can’t be done without many partners committed to a shared vision where fish, water, wildlife and working lands are given equitable consideration. It’s an exciting challenge,” said Angelo Vitale, Fisheries Manager for the Coeur d’Alene Tribe.

Migratory Redband trout were prevalent throughout the Hangman watershed as recently as the 1940’s. However, decades of habitat manipulation and loss of wetlands restricts fish to isolated pockets of good habitat and limits their ability to disperse. Rehabilitation of streams and expansion of wetlands in the broad valley bottoms is thought to be the most effective way to increase fish numbers and provide more resilient conditions. The Tribe relies on a dual approach of targeted restoration actions to enhance moderately impacted habitats, and more intensive techniques in severely impacted reaches to reconnect stream channels with the shallow groundwater table to support native riparian and wetland plant communities that allow for ecological recovery. Employing a top down approach that begins in the upper watershed helps to connect stronghold populations of fish that remain in key tributaries. The SEP funds will support ongoing efforts by the Tribe to restore 1,342 acres of valley bottom floodplain and more than 2.3 miles of stream near the community of Sanders, Idaho.

About the Spokane Riverkeeper:

Spokane Riverkeeper’s mission is to protect and restore the health of the Spokane River watershed and to defend our right to a clean Spokane River. The Spokane Riverkeeper advocates for clean water and educates the public about issues that impact our waters. Citizens are encouraged to get involved and stay connected to their Spokane River, one of the region’s most valuable natural community members.

About the Coeur d’Alene Tribe:

The Coeur d’Alene Tribe is a federally recognized Native American Tribe in northern Idaho. Since time immemorial the Coeur d’Alene People have relied upon the natural landscapes within our homeland for material and spiritual sustenance. The Hangman Creek watershed, which originates within the exterior boundaries of the Coeur d’Alene Reservation, has always been central to our way of life and existed in a pristine state at least until the mid- to late 1800’s. The enforced allotment of the Reservation in 1906 resulted in many changes in the watershed that impoverished the people and led to the degradation of water quality, streams and wetlands, and extirpation of salmon from our homeland.

The Tribe is looking to change this narrative, however, and over the last 20 years the Hangman Creek watershed has been the target of comprehensive, coordinated management actions and restoration measures with the goals of improving water quality and providing suitable habitats for resident Redband trout and returning culturally significant Pacific salmon. The Tribe invests nearly one million dollars annually to support this effort. The initiative is gaining momentum and we are beginning to see positive responses, including reductions in erosion and recovery of important stream and wetland functions. Following up on these successes we have started annual cultural releases of juvenile and adult Chinook salmon to the watershed for the first time in more than a century.

About Spokane Riverkeeper Legal Representation:

Spokane Riverkeeper was represented by attorneys Claire Tonry and Richard Smith of the law firm Smith and Lowey PLLC.

Background Information:

Find Lawsuit Complaint [here](#).

Find the Consent Decree [here](#)

For more information on the types of pollution that are causing issues for Hangman Creek:

- Washington Department of Ecology [Hangman Creek Clean Up Plan](#):