

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Case No. CV-10-3050-EFS

CONFEDERATED TRIBES AND  
BANDS OF THE YAKAMA  
NATION, a federally-recognized  
Indian tribal government and as  
*parens patriae* on behalf of the  
Enrolled Members of the  
Confederated Tribes and Bands of the  
Yakama Nation; FRIENDS OF THE  
COLUMBIA GORGE, an Oregon  
non-profit corporation;  
NORTHWEST ENVIRONMENTAL  
DEFENSE CENTER, an Oregon non-  
profit corporation; COLUMBIA  
RIVERKEEPER, a Washington non-  
profit corporation; DAWN STOVER,  
a Washington resident; DANIEL  
LICHTENWALD, a Washington  
resident,

Plaintiffs,

vs.

UNITED STATES DEPARTMENT  
OF AGRICULTURE; UNITED  
STATES DEPARTMENT OF  
AGRICULTURE ANIMAL AND  
PLANT HEALTH INSPECTION  
SERVICE; TOM VILSACK,  
Secretary of the United States  
Department of Agriculture; CINDY  
SMITH, Administrator of the United  
States Department of Agriculture  
Animal and Plant Health Inspection  
Service,

Defendants.

DECLARATION OF REBECCA A. BECH  
IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION  
FOR A PRELIMINARY INJUNCTION

1 I, Rebecca A. Bech, subject to the penalties of perjury, hereby declare that  
2 the following is true and correct to the best of my knowledge, information, and  
3 belief:

4  
5 1. I, Rebecca A. Bech, am the Deputy Administrator of the United States  
6 Department of Agriculture's (USDA) Animal and Plant Health Inspection Service  
7 (APHIS), for Plant Protection and Quarantine (PPQ). I have served as Deputy  
8 Administrator of APHIS for PPQ since January 2008. I have worked for APHIS  
9 since 1986 and I worked in a variety of capacities prior to assuming my current  
10 position. APHIS-PPQ is charged with administering the Plant Protection Act (7  
11 U.S.C. § 7701 et seq.) (PPA) and works to prevent the entry, establishment, or  
12 spread of animal and plant pests and noxious weeds

13 2. I am familiar with APHIS' actions and decisions in connection with  
14 authorizing the movement of municipal solid waste (MSW) from Hawaii to the  
15 mainland United States.

16 3. The movement of MSW from Hawaii to the mainland United States is  
17 prohibited unless it is moved in accordance with 7 C.F.R. §§ 330.402 - .403. On  
18 June 10, 2010, APHIS entered into compliance agreements, pursuant to 7 C.F.R. §  
19 330.403, with Hawaiian Waste Systems (HWS). These agreements authorized  
20 HWS to move MSW provided that the stipulated conditions and all applicable  
21 requirements were complied with.

22 4. APHIS has determined that it would be appropriate to conduct  
23 additional analysis regarding the compliance agreements pursuant to the National  
24 Historic Preservation Act (NHPA), 16 U.S.C. § 470, *et seq.*

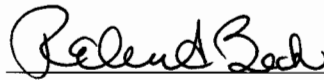
25 5. In order to allow APHIS the opportunity to incorporate any relevant  
26 information that may be learned from the additional NHPA analysis into its  
27 decision making, APHIS terminated the compliance agreements with HWS on

28 DECLARATION OF REBECCA A. BECH - 2

1 August 11, 2010.

2 I declare under penalty of perjury that, to the best of my knowledge, the  
3 foregoing is true and correct.  
4

5 Signed this 13 day of August, 2010.  
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9 Rebecca A. Bech  
10 Deputy Administrator  
11 Plant Protection and Quarantine  
12 Animal and Plant Health Inspection Service  
13 United States Department of Agriculture  
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**CERTIFICATE OF SERVICE**

I hereby certify that on August 13, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Gabriel S. Galanda:	gabe@galandabroadman.com
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and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: N/A

s/ Pamela J. DeRusha  
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