



**Confederated Tribes and Bands
of the Yakama Nation**

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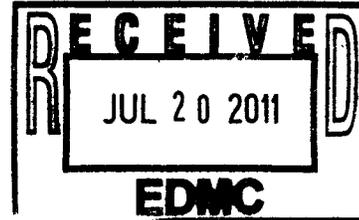
Established by the
Treaty of June 9, 1855

July 18, 2011

Mr. Matt McCormick
Richlands Operations Office
PO Box 550
Richland, WA 99352

RE: Mooli Mooli MOA (HCRC 2010-100-111)

Dear Mr. McCormick;



Yakama Nation Environmental Restoration Waste Management (YN ER/WM) is contacting you with regards to the pending Memorandum of Agreement (MOA) mitigating the adverse effects project HCRC 2010-100-111 will have on the eligible Traditional Cultural Property (TCP) Mooli Mooli. Our concerns are twofold; first the stated and written intent of the project manager to begin the project whether the MOA is signed or not, and secondly the lack of meaningful government to government consultation with regards to the MOA itself.

YN ER/WM has been informed by the Department of Energy (DOE) that project HCRC 2010-100-111 will move forward on July 25, 2011 with or without necessary signatures on the MOA, which provides the mitigation for the adverse effects to the eligible TCP. This action is in direct violation of the National Historic Preservation Act and the implementing 36 CFR 800.6(b)(1)(iv), which states, "The agency must submit a copy of the executed memorandum of agreement, along with the documentation specified in 800.11(f), to the Council prior to approving the undertaking in order to meet requirements of section 106 and this subpart".

With regards to the consultation process, YN ER/WM has yet to be officially invited by DOE to be concurring parties on the MOA. The invitation came by phone only after the State Historic Preservation Office (SHPO) informed DOE that they would not sign the MOA unless Tribes were invited as either signatories or concurring parties. The YN ER/WM discussed this with Mona Wright (DOE archaeologists) on July 1, 2011. It was decided certain changes should be made to the MOA prior to submission to Tribal Council for consideration. The updated MOA was sent via email that same day and forwarded on to our legal staff for review. On July 11, 2011 the cultural staff was notified that the original MOA had already been signed by you and there was no time to process a new MOA, therefore the MOA would not include changes recommended by the cultural staff. During this same phone call Joanna Chance (project manager) informed the cultural staff she had already discussed the project with DOE legal department and was authorized to start the project with or without signatures.