

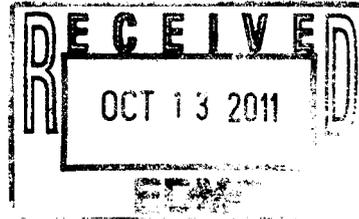


Confederated Tribes and Bands
of the Yakama Nation

0029651
Established by the
Treaty of June 9, 1855

October 11, 2011

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



RE: Borrow Area C

Dear Mr. McCormick;

Yakama Nation Environmental Restoration Waste Management (YN ER/WM) is contacting you in response to your letter dated August 22, 2011, with regards to the use of Borrow Area C for the Non-Radioactive Dangerous Waste Landfill/Solid Waste Landfill (NRDWL/SWL).

At the April 28, 2011 meeting and, with a follow up letter dated May 26, 2011, the YN ER/WM staff made it clear the Yakama Nation (YN) could not support any disturbance to the Borrow Area C site. Although your current correspondence recognizes YN concerns, the draft Environmental Assessment (EA) document clearly suggests the Borrow Area C is still a viable option and possibly preferred.

The EA states a "new National Environmental Policy Act (NEPA) review will be conducted to analyze impacts of using Borrow Area C and other borrow areas located on the Hanford site." To determine if an undertaking may adversely affect the cultural significance of an area, you must consult with the people that place traditional value on the area (please refer to National Register Bulletin: Guidelines for Evaluating and Documenting Traditional Cultural Properties).

The Borrow Area C overlaps the boundary of the Laliik traditional cultural property (TCP), and the proposed area of disturbance lies within the TCP boundary. Laliik is very sacred to the YN and the Washani community. The YN does not require a NEPA review to know the project will have a negative irreversible impact to the TCP, and has stated verbally and in written form the proposed undertaking will "adversely affect" [as defined in 36CFR800.5(2)] the Laliik TCP. It is not possible to mitigate the adverse effects resulting from this type of undertaking.

At a time when great effort has been made to restore the landscape of Laliik with the removal of infrastructure and re-vegetation, it makes no sense to begin a new destructive activity. The YN and Washani community have waited over 65 years for the restoration of Laliik and for the return of that part of their culture that was abruptly taken away. It is

imperative Laliik be preserved in accordance with the National Historic Preservation Act, Section 110(a)(2)(B). Adverse effects to the "physical integrity" of the TCP should be "avoided", as stated in Executive Order 13007.

YN ER/WM requests Borrow Area C be deleted from the list of options in the new NEPA review. We look forward to further consultation where we can look at other borrow material sources. Please contact YN ER/WM cultural staff if you have any questions or to arrange further consultation, Leah Aleck, Dana Miller, or Rose Ferri at 509-452-2502.

Sincerely,



Russell Jim, ER/WM Program Manager

cc:

Vera Hernandez, RHWC
Sam Jim Sr., RHWC
Philip Rigdon, YN DNR
Rob Whitlam, DAHP
Administrative Record

Warren Spencer, RHWC
Raymond Smartlowit, RHWC
Marlene Shavehead, YN ER/WM
Tom Zeilman, Attorney
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