

Hanford Natural Resource Trustee Council

Council Meeting

Thursday, December 15, 2011, 8:00 a.m. - 5:00 p.m.

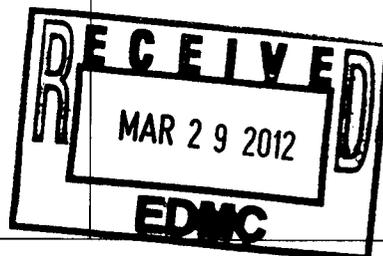
Friday, December 16, 2011, 8:00 a.m. - noon

Room 120-120A, Washington State University Consolidated Information Center, Richland, WA

MEETING SUMMARY, v6 - FINAL

Meeting Participants:

Primary Trustees	Alternate Trustees	Others
Barbara Harper, Confederated Tribes of the Umatilla Reservation (CTUIR) - (12/15 via phone & 12/16 in person) Dana Ward, U.S. Department of Energy (DOE) Russ MacRae, U.S. Fish and Wildlife Service (FWS) (via phone 12/15) Jack Bell, Nez Perce Tribe (NPT) Paul Shaffer, State of Oregon (OR) Larry Goldstein, State of Washington (WA) Wade Riggsbee, Yakama Nation (YN) Charlene Andrade, National Oceanic and Atmospheric Administration (NOAA) (12/15 in person & via phone 12/16)	Janis Ward, DOE Joe Bartoszek, FWS Dan Landeen, NPT (12/15) Dale Engstrom, OR (12/15) John Carleton, WA (Department of Fish and Wildlife)	Matt Johnson, CTUIR Steven Link, CTUIR Connie Smith, DOE-RL Marlene Zelinski, USFWS (via phone 12/15) David Bernhard, NPT (12/15) Michael Lopez, NPT (12/15) Jean Hays, WA (Department of Ecology) (via phone 12/15) Natalie Swan, YN (via phone 12/15 and 12/16) Leah Aleck, YN (via phone 12/15) Larry Gadbois, U.S. Environmental Protection Agency (EPA) (12/15) Daniel Diedrich, NOAA (12/15) Brian Barry, YN (via phone 12/15) Tammy Ash, Hanford National Resource Trustee Council (HNRTC) Project Coordinator Steve Wisness, YAHS GS (contract support to DOE) David Batker, Earth Economics (12/15) David McNally, Earth Economics (12/15) Kristin Calahan, Ridolfi, Inc. (12/15) Callie Ridolfi, Ridolfi, Inc. (12/15) Jen Kassakian, IEc (12/15) Nadia Martin, IEc (12/15) Bob Unsworth, IEc (12/15) Ruth Nicholson, Nicholson Facilitation & Associates, LLC (contractor)



Thursday, December 15, 2011

Opening and Adoption of Meeting Agenda

Jack Bell, Council chair, opened the meeting at 8:25 am. The Council reviewed and approved the agenda for this meeting. Decision making at this meeting will consist of a round-robin, roll call of primary Council members.

Preliminary Estimate of Damages (PED) Project Kickoff Workshop

Bob Unsworth, Industrial Economics, Inc., (IEc) reviewed the PED kickoff meeting agenda with the council.

Summary of Conference Calls

Prior to this meeting there was a series of conference calls between individual trustees, IEc, and Ridolfi which identified both themes and concerns among the trustees regarding the PED. The trustees were generally in agreement that the PED will be used to identify topics in need of particular attention for the damage assessment and will be conducted in accordance with the regulations and consistent with experiences at other sites. The tribal portion of the PED will also be an integral part of the document. Baseline assumptions and realistic post-cleanup conditions were also issues discussed on the conference calls.

ACTION ITEM 2012-22 (old number 428): IEc will produce a document summarizing the trustee conference calls and the results of today's meeting.

Proposed PED Process and Tentative Schedule

The PED process will be an 8- to 9-month, joint IEc and Ridolfi effort. IEc will provide a more detailed schedule for the effort. The first phase will include the 100-K Area and the Columbia River from below the Priest Rapids Dam down to the McNary Dam, and ultimately include the extant Hanford Site. Ridolfi will focus on primary restoration and IEc will focus on the compensatory restoration aspects of the study. IEc and Ridolfi will be responsible for authoring the single PED report, which will be produced by IEc for the Trustees. Ridolfi and IEc will both be responsible for working with the Tribal Working Group. There will be a Tribal Working Group meeting the morning of January 17, 2012. The location for this meeting has yet to be determined. The group discussed potential processes for staying informed of PED progress.

Note: The January 17th meeting was subsequently changed to January 20th.

The Council discussed whether the PED should be a public document and the need for an individual to coordinate and compile Council comments.

DECISION 2012-113: The Council, not a specific TWG, will be the lead in tracking progress and interfacing with IEc and Ridolfi on the PED project. However, the TWGs will be a valuable resource in development of the PED. The Council decided that the approach to staying informed on project progress will consist of a contractor-produced, biweekly written summary of PED progress, including a summary of interactions with the TWGs.

There will also be a monthly, one-hour phone call on PED progress, including both a status report and identification of upcoming decisions. The call will take place approximately two weeks before each Council meeting. This process will be revisited in two months. This decision was made by a round robin, roll call vote of the Council which was unanimous.

DECISION 2012-114: The Council decided the PED is a contractor deliverable to the Council. The Council will approve the PED in order to request that DOE authorize contractor payment. This decision was made by a round robin, roll call vote of the Council which was unanimous.

DECISION 2012-115: Jack Bell will coordinate Council comments on the PED. This decision was made by a round robin, roll call vote of the Council which was unanimous.

ACTION ITEM 2012-22 (old number 428): DOE will research Freedom of Information Act (FOIA) regulations with regards to whether or not the PED should be released as a public document.

Technical Discussion

Bob Unsworth, IEC, reviewed the topics from the conference calls that appeared to have general agreement among the trustees: the focus of the analysis, PED utility, and the geographic scope of the analysis. Geographically, the initial phase of the analysis will cover the 100-K Area and the Columbia River from the Priest Rapids Dam to the McNary Dam. IEC proposed that the scope for the PED include the extant site boundaries, also that that the temporal scope calculate interim-lost-use damages from 1981 onwards and incorporate ongoing injuries from releases that occurred prior to 1981 as long as those injuries continued to natural resources past 1981.

DECISION 2012-116: The Council decided the recommended geographic scope as presented was acceptable for the PED. The initial phase of the PED will cover the 100-K Area and the Columbia River from the Priest Rapids to the McNary Dam. The overall scope of the final PED will include the extant site boundaries. This decision was made by a round robin, roll call vote of the Council which was unanimous.

DECISION 2012-117: The Council decided the proposed temporal scope for the PED was acceptable which will calculate interim-lost-use damages from 1981 onwards and will incorporate ongoing injuries from releases that occurred prior to 1981. This decision was made by a round robin, roll call vote of the Council which was unanimous.

Discussion of Issues Raised By Trustees

DOI regulations vs. novel approaches. The Council expressed concern that Tribal lost service could be unaccounted for if novel approaches are excluded from consideration. Concern was also expressed over the impact of non-Hanford contaminants, such as arsenic and lead in the old orchards on the site. EPA responded that the Record of Decision (ROD) for the 100 Area will need to address a remedy for non-Hanford contaminants.

Restoration-based vs. "willingness to pay" approach. Some council members expressed concerns about the completeness of their individual understanding of the restoration vs. the willingness-to-pay approaches.

DECISION 2012-118: The Council decided the restoration-based approach was acceptable for the PED. This decision was made by a round robin, roll call vote of the Council which was unanimous.

Baseline conditions. In order to complete the PED, assumptions will need to be made about baseline conditions and final land uses. The PED will not address impacts from the industrial footprint of Hanford such as roads and buildings that are not directly associated with a release of hazardous substances or response actions. While the Comprehensive Land Use Plan (CLUP) and remediation Records of Decision (RODs) may place restrictions on final land usage, the PED will not resolve final land-use conditions.

Nature of scenarios. The PED will use realistic scenarios.

Discounting. The PED will analyze both a 3% and a 1% discount rate to determine if the discount rate matters. Several members of the Council had concerns over the use of discounting, intergenerational issues, and trustee responsibilities. Alternative valuation approaches may be considered.

Overall Approach. Some trustees have serious concerns with the 100 Area RI/FS and ecological risk assumptions and their adequacy for use for the assumptions in the PED. Making the PED assumptions explicit is important and will be included in the PED.

Iec Schedule

Bob discussed proposed changes in the Injury Assessment Plan (IAP) schedule and the reasons for these changes.

DECISION 2012-119: Paul Shaffer, Oregon, made a motion to have the Council request DOE approve a four-month delay in the IAP to allow inclusion of information from the PED and to approve an eight-week delay in the CSM, Final Data Gap Report, and the Early Restoration Memo. Wade Riggsbee, Yakama Nation, seconded the motion. The motion passed unanimously.

Decisions on Comment Collection for the Injury Assessment Plan

The Council discussed the process for responding to public comments on the IAP. A decision on the specifics of the process did not have to be made at this meeting given the Council's recommendation to DOE for a four-month delay in the IAP. Tammy Ash, Project Coordinator, volunteered to collect public comments. Further decisions on the process for dealing with public comments will be made once the level of interest is determined.

Expert Panels

Radionuclide Effects on Biota. The Iec proposal was sent out December 14, 2011 for further discussion between Iec and the Aquatic and Terrestrial TWGs.

HEDR Study. DOE has concerns over the appropriateness of an expert panel focused on the HEDR Study to consider whether information and results from the HEDR study have

applicability to the Injury Assessment. DOE would prefer to convene a group of Hanford subject matter experts instead of the proposed expert panel.

DECISION 2012-120: The Council referred DOE's request back to the Source and Pathway TWG, i.e., to use regional Hanford experts for review of the HEDR project, rather than convene a formal expert panel with independent reviewers. This decision was made by a round robin, roll call vote of the Council which was unanimous.

Identifying Injury at the Cellular Level. The Council decided this needed more definition and recommended forwarding it to the Aquatic and Terrestrial TWGs for further discussion.

Fish Panel. The Aquatic TWG recommended further consideration of a Fish Panel at its last meeting. This may be a large enough expert panel that it could use the resources of two panels under the IEC contract. The Aquatic TWG will consider whether or not to formally recommend development of this panel to the Council in January, prior to the January Council meeting.

Possible Additional Panel. There is still room for one more panel to be funded under the IEC contract. This panel should be identified by January. It could be a groundwater or vadose zone panel.

IEC Updates

The Data Gap Report should be available in January. Public information materials, including the fact sheet, email, and letter, are within a few days of finalization. Final edits are being made on the new web site, and it should launch early in the new year. Jen Kassakian has looked into the creation of generic emails for Council members. She now recommends that Council members use their individual emails instead.

The meeting adjourned at 4:35 p.m.

Friday, December 16, 2011

Overview of the Meeting

Jack opened the meeting at 8:13 a.m.

Meeting Procedures

A provision was added to the most recent draft making the person currently with the floor responsible for recognizing the next speaker. The procedures will be used on a trial basis.

Adopt November Council Meeting Summary

DECISION 2012-8: Dana made a motion to accept the November summary as written. Wade seconded the motion. The motion was carried unanimously. FWS abstained because its representative, Joe Bartoszek, was not at the November meeting.

FY12 Budget

There have been no changes or new information since last Council discussion in November. It is estimated that there will be about \$1 million available for studies. The Terrestrial and Aquatic TWGs are reviewing potential studies. Barbara Harper, CTUIR, suggested that studies be focused on the 100-K Area. Jack is working with Charlene Andrade, NOAA, on a statement of work for the Data Management System.

Council Letterhead

The Council reviewed a number of possible Council logos and identified suggestions for revisions.

ACTION ITEM 2012-4 (old number 410): Jack will continue to work with Nancy at DOE to refine the logo ideas in response to Council comments.

Council and TWG Calendar

Ruth Nicholson, facilitator, explained and demonstrated a proposed concept for the Council and TWG calendar in response to the Council's request at its November meeting. The Council did not endorse the proposal. Instead, the Council suggested that there should be two calendars on the existing Google site: one for deliverables and document reviews and another one for meetings.

TWG Updates

Human Use. Jean Hays reported on a webinar on the INVEST tool for ecosystem services which was held earlier in the week.

Groundwater. Wade reported on the TWG meeting held this week which was focused on potential expert panels. The vadose zone is now part of TWG scope.

Terrestrial. John Carleton reported the Contaminants in Biota Study was progressing. MSA has a revised list of contaminants, will revise the study scope, and get back to the TWG.

Aquatic. Charlene reported that the TWG is recommending that the mussel study be postponed until late FY12 or early FY13.

Source and Pathway. Paul reported that Dana would be the new TWG chair. The HEDR expert panel and an updated list of contaminants were discussed at the last meeting.

Restoration. Joe reported that the TWG plans to identify an early restoration project with the goal of implementing work within the year. The Mile Long Trench at 100-K is being considered as a possibility for this project.

Data Management. Jack reported that the statement of work is being developed for the Data Management System. Additional information will be available in January.

January Meeting Topics

The following topics were suggested for the January meeting:

- Draft IAP discussion - possibly replaced by PED discussion
- FY14 Budget Development
- HEA/REA Workshop
- Expert Panels
- Study projects
- TWG Reports
- IEC Update
- Public Involvement

A discussion with Jim Hansen on 100-K comments and the DOE integrated team was also discussed as a possibility for the January agenda.

Council Comments on 100-K

The DOE response to the Guiding Principles document and letter was distributed.

The Council discussed the potential precedent this RI/FS and Proposed Plan could have as it is the first final Hanford ROD. The group wants to get its comment letter out by the end of the year. DOE would prefer that the Council discuss issues with DOE staff (Jim Hansen) prior to finalizing the letter, but indicated it would not oppose the letter as currently written. Council members acknowledged the awkward position of DOE as both a Trustee and a Responsible Party.

ACTION ITEM 2012-21 (old number 427) and DECISION 2012-207: Comments should be sent to Larry Goldstein by December 22nd. A revised letter will be distributed to the Council for final review by December 27th. The decision rule for this letter will be that silence will indicate consent. If Jack does not hear objections from any Council member, he will send out the comment letter by December 30th. This decision was made by a round robin, roll call vote of the Council which was unanimous.

The meeting was adjourned at 12:05 p.m.