

## Hanford Natural Resource Trustee Council

### Council Meeting

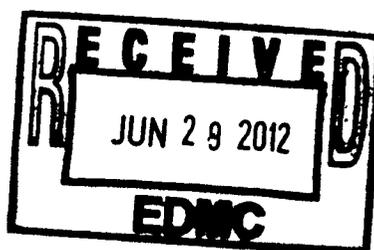
Tuesday, March 13, 2012, 1:00 p.m. - 5:00 p.m.  
 Wednesday, March 14, 2012, 8:00 a.m. - 3:30 p.m.  
 Thursday, March 15, 2012, 8:00 a.m. - Noon

Quality Inn & Suites, 700 Port Drive, Clarkston, Washington 99403  
 (509) 758-9500

### MEETING SUMMARY, v4 - FINAL

#### Meeting Participants:

Primary Trustees	Alternate Trustees	Others
Matt Johnson, Confederated Tribes of the Umatilla Indian Reservation (CTUIR)	Alex Nazarali, CTUIR	Tammy Ash, Hanford Natural Resources Trustee Council (HNRTC) project coordinator - Tue; via phone Wed, Thu
Dana Ward, U.S. Department of Energy (DOE)	Joe Bartoszek, FWS	Ben Ellison, DOE - via phone Thu
Russ MacRae, U.S. Fish and Wildlife Service (FWS)	Dan Landeen, NPT	Connie Smith, DOE - via phone Tue, Wed, Thu
Charlene Andrade, National Oceanic and Atmospheric Administration (NOAA)	Dale Engstrom, OR - via phone Wed	Larry Gadbois, Environmental Protection Agency (EPA) - via phone Wed
Jack Bell, Nez Perce Tribe (NPT)	John Carleton, WA (Fish and Wildlife)	Daniel Diedrich, NOAA - via phone Wed
Paul Shaffer, State of Oregon (OR)	Leah Aleck, YN - Tue, Wed	Gabe Bohnee, NPT - Thu
Larry Goldstein, State of Washington (WA)	Natalie Swan, YN	Tony Smith, NPT - Thu
Wade Riggsbee, Yakama Nation (YN)		Jean Hays, WA (Ecology) - via phone Wed, Thu
		Brian Barry, YN - via phone Wed, Thu
		Michael Calac, YN - Tue
		Jen Kassakian, Industrial Economics, Inc. (IEc) (DOE NRDA contractor) - via phone Tue, Thu
		Nadia Martin, IEc - Tue, Wed
		Robert Unsworth, IEc - Tue
		Steve Wisness, YAHS GS (contract support to DOE)
		Ruth Nicholson, Nicholson Facilitation & Associates, LLC (HNRTC facilitator and YAHS GS sub-contractor)



Tuesday, March 13, 2012

### Opening and Adoption of Meeting Agenda

Jack Bell, Council chair, opened the meeting at 1:17 p.m. and reviewed the agenda with the Council.

### February Council Meeting Summary

The Council made minor changes to the February meeting summary.

**DECISION 2012-12:** Joe Bartoszek made a motion to approve the February Council meeting summary as amended. It was seconded by Dana Ward. The motion passed unanimously.

### Formal Designation of Council Members

Matt Johnson will be the primary member for the CTUIR and Alex Nazarali will be his alternate. The CTUIR also requested, via email, that Barbara Harper remain on the Council's email distribution list. The Council had previously decided to limit the size of the Council distribution list to only the primary and alternative representatives who are authorized to speak for each trustee organization.

**DECISION 2012-210:** Matt Johnson made a motion to enable each trustee organization to have up to three (3) members on the Council email distribution list as requested by an organization's senior or technical trustee. The email list is for information distribution purposes only. Requests for information from the Council should come from the trustee organization's primary or alternate representative who is authorized to speak for the organization. Paul Shaffer seconded the motion. The motion passed unanimously.

### Technical Working Group (TWG) Membership Responsibilities

The Council discussed the issue of multiple TWG members from a given organization participating in a single TWG and the option of designating primary and alternate members. The capacity for TWG members to accomplish work was also discussed.

**ACTION 2012-31:** Each TWG chair will consider the approach outlined by Charlene Andrade, NOAA, for the Aquatic TWG and will clarify the roles and responsibilities of the members of his/her individual TWG.

### Meeting with DOE on Guiding Principles and Integration

Jack reviewed with the Council the agenda and meeting summary for his meeting on February 29<sup>th</sup> with Matt McCormick, DOE.

DOE would consider establishing a pilot project but not until the PED and draft IAP is complete at the end of this fiscal year, possibly in October 2012. Jack will work with Matt to develop a work group for this.

Regarding the 100-K Area Remedial Investigation/Feasibility Study (RI/FS), DOE-Richland is waiting for headquarters direction on the arsenic and lead issues in the orchards. DOE is not planning to respond directly to the Council's letter but will be responding to the Washington Department of Ecology (Ecology) and the U.S. Environmental Protection Agency (EPA). The Council expressed concerns that its comments were not being treated more formally and wanted to know if its comments would be placed in the Tri-Party Agreement (TPA) administrative record. DOE has offered to meet with the Trustees and discuss their comments.

**ACTION 2012-32:** Jack will determine if the Council's comments on the 100-K Area RI/FS have been entered in the TPA administrative record and will ensure these comments will also be included in the Council's administrative record.

The Council budget request for Fiscal Year 2014 is needed to DOE-Richland by Friday, March 23, 2012. DOE will individually negotiate participation costs with each trust organization and make one budget submittal.

DOE is researching the land acquisition process for potential land purchase related to NRDA. DOE is not interested in purchasing the McWhorter Ranch land.

### Update on IEc Contract

The current IEc contract is due to expire in June 2012. A one-time extension is allowed for an "excusable delay." IEc provided a proposed, revised deliverable schedule:

- Preliminary Estimate of Damage(PED) - June 29, 2012
- Preliminary draft Injury Assessment Plan (IAP) - July 31, 2012
- Draft IAP for public review - October 31, 2012
- Final draft IAP - February 1, 2013

**DECISION 2012-132:** Charlene made a motion to recommend that DOE accept the revised deliverable dates and extend the IEc contract to March 31, 2013. The motion was seconded by Larry Goldstein. The motion passed unanimously.

### IEc Updates

#### *Consolidated Council and TWG Distribution List*

The consolidated distribution list of all Council and TWG members was shared with the group, and Council members made minor revisions. IEc requested clarification on which documents and deliverables should be distributed per this list.

**DECISION 2012-133:** Draft and final PEDs will be distributed to the Council distribution list, not the consolidated list. All other IEc deliverables, including PED updates, will be distributed to the full consolidated list.

#### *Thresholds and Tests Deliverable*

The Thresholds and Tests deliverable was delivered on March 2, 2012 and will be discussed at the April Council meeting.

### *Public Involvement*

Sixty-eight people have signed up for email distribution. A decision still needs to be made concerning public meetings for the draft IAP.

### *Council Web Site*

The Council commented that there was very little information on the website under Council activities.

**ACTION 2012-33:** Send suggestions for website updates to Tammy by April 6, 2012. These suggestions will be discussed at the April Council meeting.

### *Preliminary Estimate of Damages (PED)*

Two updates on the PED have been distributed on February 21, and March 6, 2012. A conference call was held February 28, 2012. Habitat classifications have been finalized and injury thresholds from the thresholds deliverable have been pulled from the Hanford Environmental Information System (HEIS) database to be used as the basis for the PED.

### *Tribal Working Group*

The group has met three times and has discussed primary restoration costs, benefits of primary restoration, resource characterization, and confidentiality of Tribal information. The group will meet again prior to the April Council meeting.

### *Expert Panels*

Topics for the vadose zone and upwelling panels are ready to go out for final comment. Potential members have also been identified for these panels. Planning is in process for the aquatic and radionuclide effects on biota panels.

The meeting was adjourned at 4:45 p.m.

**Wednesday, March 14, 2012**

### **Overview of the Meeting and Announcements**

Jack opened the meeting at 8:15 a.m. and reviewed the agenda with the Council.

Russ MacRae, FWS, presented an award to Charlene for her work on the Yellowstone River spill response in Montana.

The Biological Resource Management Plan (BRMaP) is being rewritten. DOE will be contacting Council members for input.

## TWG Updates

### *Source and Pathway*

The lead and arsenic profiles are complete and will be sent to IEC. Sixteen study proposals have been ranked. The group discussed the need to wait for the PED to prioritize the studies. They also discussed the need to go through the Data Quality Objective (DQO) process for selected studies. The group will meet with the Groundwater TWG in April.

### *Data Management*

The statement of work is ready and is being reviewed by DOE along with the lessons learned from the Deepwater Horizon event.

### *Human Use*

In light of the focus on study proposals, this TWG had nothing to report at this meeting. Jack briefly discussed the Nez Perce document review proposal.

### *Terrestrial*

There was no meeting last month. The TWG reported on the status of the biological contamination study and provided a list of prioritized, proposed studies:

1. Identification of remediation impacts
2. Avian impacts
3. Soil contaminants

### *Groundwater*

The TWG provided a list of prioritized, proposed studies:

1. Verify validity of groundwater modeling
2. Impact of river stage on groundwater geochemistry injury
3. Columbia River riverbed geology study

### *Aquatic*

The TWG met the week of March 5, 2012, and developed its fiscal-year-2014 budget proposals. Its priorities were sent to the Council in January.

### *Restoration*

Joe presented a binder containing information on history and work of the Restoration TWG. The TWG is working on a debit project, but capacity issues have slowed the work. The McWhorter Ranch purchase has been scored as a restoration project by a number of TWG members to test the scoring approach.

### *TWG Calendar*

Ruth asked the TWG chairs to update the TWG meeting dates on the Google calendar.

## Hanford Natural Resources Restoration Plan

A request was made by the Restoration TWG to approve sections 2 through 5 of the plan. The Council expressed concerns with the appropriateness of taking this action at this time and with several specific aspects of the plan. The TWG clarified that approval of these particular sections would enable work on a pilot debit/credit project and that final approval of the plan would occur at a future date. Approval of these sections was deferred to the April meeting.

**ACTION 2012-34:** Comments on these sections are due to Joe by April 3, 2012. A revised new document will be provided to Ruth by April 10, 2012 for distribution with meeting materials for the April Council meeting.

## Fiscal Year 2012 Budget

There is an estimated \$1,000,000 of unobligated funds in the FY12 Council budget. Council members expressed concerns about not yet knowing exactly how much carryover is available for FY12 from the Council operating budget and from trustee organization participation budgets. Council discussed the remaining priorities for FY12 funding, including data management, the upwelling study, and the aquatic habitat study (which has been deferred for now). The Council also discussed how to address trustee participation costs in the FY13 budget in light of anticipated budget reductions and the effects of participation costs on funding availability for the technical work needed by the Council. The Council members discussed elevating this issue to the senior trustees.

**ACTION 2012-:** Jack will prepare a draft issue paper outlining options for addressing participation funding. Council members will have the opportunity to review it and of adding a recommendation on behalf of their government to be included in the paper. The draft will be available in a week.

**DECISION 2012-211:** Dana made a motion to elevate the issue of how to manage the trustee participation budget and develop a realistic budget for FY13 and future years to the senior trustees, including tasking the Council chair to develop a briefing paper framing the issue and providing options for solution. The motion was seconded by Wade Riggsbee, YN. The motion passed unanimously.

## Fiscal Year 2014 Budget Request, Part 2

The Council worked on refining the line items in the Council's operating budget (left side) for the FY14 budget request.

The meeting was adjourned at 3:33 p.m.

Thursday, March 15, 2012

### Overview of the Meeting

Larry opened the meeting at 8:05 a.m.

### Trustee Organization Attorney Discussion

The Council discussed the need for engaging trustee government attorneys in conversation at this point in time, including the potential establishment of an attorney TWG. NOAA, WA, and DOE were not in favor. OR commented that this was a topic for the senior trustees, and it was not in favor of the idea. CTUIR was in favor of the idea, and FWS commented that once the PED was issued this might be necessary. The NPT and YN have not yet talked to their legal staff about the idea. The Council decided to table the issue.

### Data Management

DOE reported on an internal evaluation of data management options. Mission Support Alliance (MSA) is the preferred provider. Further clarification of the federal cloud approach was provided. NOAA commented that it could also do this work with one of its contractors. The Council asked DOE to get a quote from MSA, and it will take this issue up at its April meeting.

Alex Nazarali raised the issue of the need for a project control specialist to help guide us and get us on a more rigid schedule. We are flailing around a little bit in the Council grasping for studies. Also, DQO must be employed because that will help guide our work and help us figure out what is needed.

### Fiscal Year 2014 Budget Request, Part 2

The Council grouped 16 studies identified at the February meeting into categories or suites of studies for the purposes of developing the FY14 budget request. The groups are listed here in priority order they appear in the FY14 budget request:

1. Group 1: Contaminant Upwelling and Exposure
  - Upwelling - project #11023
2. Group 2: Contaminant Comparison with Effects and Thresholds
  - Invertebrate tissue - project #12004
  - Avian and wildlife impacts - project #12031
  - Water quality - project #12001
  - Fish tissue - project #12005
  - Soil toxicity - project #12029
  - Historic contamination (chromium) - project #11013
3. Hydrogeologic/Vadose Zone
  - Groundwater plume - project #12019
  - Riverbed geology - project #12022
  - Impact of river stage on groundwater geochemistry injury - project #12022
  - Vadose zone - project #12014

4. Aquatic Exposure and Effects
  - o Aquatic habitat - project #11039
  - o Sediment toxicity - project #12003
  - o Slough study - project #12045
5. Service Determination, Including Tribal And Human Services
  - o Nez Perce document review - project #12046
6. Remedial Impacts
  - o Remedial impacts - project #12028

**DECISION 2012-212:** Larry made a motion to approve the proposed FY14 budget request for contract and technical support of the Council in the amount of \$3.6 million. The motion was seconded by DOE. The motion passed unanimously.

**ACTION 2012-36:** Russ and Charlene will provide Dana with a written description of the three items under assessment planning: development of the phase-3 IAP, development of a draft report of the assessment, and development of the Resource Compensation and Determination Plan (RCDP). This explanation will be used to help develop the Council's FY14 budget request narrative.

**ACTION 2012-37:** Jack will clean up the spreadsheet and distribute it to the Council. He will add in the Yakama budget numbers on March 21 following the Yakama Nation's consultation meeting with DOE. A conference call has been tentatively scheduled for 2:00 p.m. Thursday, March 22, 2012 to review the final spreadsheet.

**ACTION 2012-38:** Ruth will send out a list of potential topics for the April meeting.

The meeting adjourned at 12:00 noon.