



Confederated Tribes and Bands
of the Yakama Nation

1222861

Established by the
Treaty of June 9, 1855

December 23, 2013

Matt McCormick
Department of Energy
Richland Operations Office
P. O. Box 550
Richland, WA 99352

RE: Decline further participation/consultation with project HCRC 2010-100-111a

Dear Mr. McCormick;

On December 17, 2013, YN ERWM staff participated in a conference call regarding finalizing a Memorandum of Agreement (MOA) for the remediation of the 100-N-96 Waste Site on the Hanford Site. The ERWM cultural staff had submitted comments on this MOA that were not adapted in the final version. The Washington State Historic Preservation Officer had also submitted comments on the draft document, many of which were not incorporated into the final document. The requested edits/additions to the MOA were minor and are of the type routinely incorporated into other such federal documents.

The Department of Energy representatives on the call had stated the purpose of the call was to go over the edits they would be making to the document. The ERWM archaeologists requested the edited version be sent for review and comment, however, she was informed there would be no further opportunity for comments, the edits would be in the form of an addendum and would be final. In March 2013, YN Tribal Historic Preservation Officer Kate Valdez and ERWM archaeologist Rose Ferri met with members of your staff, Jill Conrad and Mona Wright to discuss the need for a 30 day review period of any changes made to an agreement document. It was the understanding of YN after that meeting YN would have 30 days for review, yet staff were informed on the conference call this would not be the case.

YN values meaningful consultation with all Federal agencies. During the conference call a DOE representative was screaming and shouting at what he thought was an YN representative (Rose Ferri), when in actuality it was Allyson Brooks (SHPO). This type of behavior is not meaningful or productive.

Under the circumstances, YN formally declines any further participation on this project and **request Washington SHPO office to terminate consultation.** Our expectations are; consultation should be professional, meaningful, and result in an agreed action for the protection of cultural resources. It is clear DOE is not willing to work with YN any further on this project in a positive way and further consultation will not be productive.

If you have any questions or comments please contact Russell Jim, Rose Ferri, or Dana Miller at 509-452-2502.

Sincerely,


Harry Smiskin, Chairman
Yakama Nation Tribal Council

Cc

Warren Spencer

Sam Jim Sr.

Ruth Jim

John Eddins, ACHP

Allyson Brooks SHPO

Phil Rigdon

Administrative Record

Vivian Babs George

Stella Washines

Rob Whitlam, SHPO

Tom McCulloch ACHP

Reid Nelson ACHP

Kate Valdez