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Nez Perce

ENVIRONMENTAL RESTORATION & WASTE MANAGEMENT

P.O. BOX 365 · LAPWAI, IDAHO 83540-0365 · (208) 843-7375 / FAX: 843-7378

November 22, 1999

Mr. Bryan Foley
U.S. Department of Energy
Richland Operations Office, MS HO-12
P.O. Box 550
Richland, Washington 99352

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DOE-RL/DIS**

RE: 200 Areas Cleanup

Dear Mr. Foley:

The Nez Perce Tribe Environmental Restoration and Waste Management Program (ERWM) has supported the cleanup of the 200 Areas. Recently, we have been receiving information about the ongoing activities within the 200 Areas through the Groundwater/Vadose Zone (GW/VZ) Integration Project. Because the 200 Areas are only one part of this larger and more encompassing project, the GW/VZ Integration Project meetings are providing an insufficient level of detail about ongoing and planned activities of the ongoing cleanup of the 200 Areas. Additionally, these meetings are part of the public participation process while our participation should be government-to-government. To rectify the current situation, we are proposing that the Department of Energy Richland Operations Office (DOE-RL) meet with the Nez Perce Tribe ERWM on a regular basis to discuss the cleanup progress and future activities in the Central Plateau. Initially, we would like to discuss the progress being made at the B Pond and Gable Mountain Pond waste sites. We would also welcome participation by other government agencies such as Confederated Tribes of the Umatilla Indian Reservation Special Sciences & Resources Program, Yakama Indian Nation Environmental Restoration and Waste Management, U.S. Environmental Protection Agency, Oregon Department of Energy, and Washington Department of Ecology.

Since 1855, reserved treaty rights of the Nez Perce Tribe in the Mid-Columbia have been recognized and affirmed through a series of Federal and State actions. These actions protect Nez Perce rights to use their usual and accustomed resources and resource areas in the Hanford Reach of the Columbia River and elsewhere. DOE's American Indian Policy states that "*The Department will consult with Tribal governments to assure that Tribal rights and concerns are considered prior to DOE taking actions, making decisions or implementing programs that may affect Tribes*". Accordingly, ERWM has support from

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the U.S. Department of Energy (DOE) to participate in and monitor relevant DOE activities.

We are grateful for the DOE-RLs openness and willingness to discuss these issues so the Nez Perce Tribe ERWM can make informed recommendations to the Nez Perce Tribal Executive Committee. Accordingly, we are willing to discuss these and other issues with DOE-ORP. Please contact Stan Sobczyk at (208) 843-7375, (208) 843-7378 (fax), or stans@nezperce.org (email) to arrange acceptable times, dates, and locations.

Sincerely,



Patrick Sobotta
Interim ERWM Director

cc: Kevin Clarke, DOE-RL, Indian Programs Manager
Wade Riggsbee, YIN, ER/WM
J.R. Wilkinson, CTUIR, SSRP Manager
Keith Klein, DOE-RL, Manager
Mike Wilson, Ecology, Nuclear Waste Program Manager
Douglas Sherwood, EPA, Hanford Project Manager
Dirk Dunning, ODOE

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