



IN REPLY REFER TO:

United States Department of the Interior

0075996

FISH AND WILDLIFE SERVICE

911 NE. 11th Avenue
Portland, Oregon 97232-4181

Mr. Tom Zeilman, Attorney
Yakama Nation Office of Legal Counsel
P. O. Box 151, Fort Road
Toppenish, Washington 98948

SEP 16 2002

Dear Mr. Zeilman:

Thank you for your letter of July 25, 2002, requesting technical assistance for possible natural resource damages against the Departments of Energy (DOE) and Defense (DOD) at Hanford Site's 1100 Area. As you are aware, the Fish and Wildlife Service is participating with the Yakama Nation, DOE, and other co-trustees in a cooperative damage assessment at the Hanford Site.

In response to your specific request for technical assistance for quantifying injury, identifying which documents should be submitted for Federal court review, and other questions related to litigation against DOE and DOD, we must respectfully decline. The Fish and Wildlife Service cannot be a plaintiff in any suit against the United States DOE, or DOD. Therefore it would be inappropriate for this agency to play an active role or otherwise assist in the development of such litigation. We can provide you with any available published information, and will continue to work with you on the Hanford Trustee Council as part of the cooperative damage assessment process that includes DOE.

We look forward to continuing to work with the Yakama Nation as a co-natural resource trustee regarding cleanup and damage assessment issues associated with Hanford, in a cooperative manner with all the other co-trustees. If you have any questions or would like to discuss this issue further, please contact Don Steffek our Regional Office Chief of Environmental Contaminants at (503) 231-6223, or for legal issues Barry Stein in Regional DOI Solicitor's Office at (503) 231-2173.

Sincerely,

Regional Director

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