

Draft Record of Discussion  
NATURAL RESOURCE TRUSTEE MEETING  
Shilo Inn - Rivershore  
February 17, 1994

**RECEIVED**  
FEB 17 2003

Attendees:

**EDMC**

Cynthia Abrams,	Pacific Northwest Laboratory
John Bascietto,	U.S. Department of Energy - Headquarters
Jim Bauer,	U.S. Department of Energy - Richland Operations Office
Mike Bauer,	Yakima Indian Nation
Rocky Beach,	Washington Department of Wildlife
Joe Beck,	Pacific Northwest Laboratory
Liz Block,	U.S. Fish and Wildlife Department
Kevin Clarke,	U.S. Department of Energy - Richland Operations Office
Ted Clausing,	Washington Department of Wildlife
Steve Cross,	Washington State Department of Ecology
Christopher Burford,	Confederated Tribes of the Umatilla Indian Reservation (CTUIR)
Jean Dunkirk,	Westinghouse Hanford Company
Dirk Dunning,	State of Oregon Department of Energy
Tom Ferns,	Westinghouse Hanford Company
Alden Foote,	U.S. Army Corps of Engineers
Steve Friant,	Pacific Northwest Laboratory
Larry Gadbois,	U.S. Environmental Protection Agency
John Hall,	Washington Department of Wildlife
Bob Holt,	U.S. Department of Energy - Richland Operations Office
Joel Jakabosky,	Bureau of Land Management
Kathy Leonard,	Westinghouse Hanford Company
Tara Lucas,	Pacific Northwest Laboratory
Geoff Tallent,	Washington State Department of Ecology
RueAnn Thomas,	Westinghouse Hanford Company
Linda C. Tunnell,	Westinghouse Hanford Company
Tom Wintczak,	Westinghouse Hanford Company

**WELCOME AND INTRODUCTION**

Mr. James Bauer, U.S. Department of Energy - Richland Operations Office (RL) welcomed participants and observers to the fourth meeting of the potential Natural Resource Trustees meetings.

Mr. Joe Beck, PNL, was introduced as the facilitator for the meeting.

Mr. Joe Beck introduced Tom Wintczak, WHC, who presented an overview of the Environmental Restoration (ER) Program at Hanford. Mr. Wintczak reviewed the scope of activities for FY 1994 and future decisions of FY 1995. An Executive Summary was available at the meeting and can be requested from Linda Tunnell at (509) 372-3166.

There was a concern about the North Slope/ALE project being left out of the ER presentation. Both projects were briefly discussed. The U.S. Army Corp of

Engineers is currently handling remediation activities for both the North Slope and ALE projects. Remediation will be completed by the end of FY 1994. There was a question of Trustee involvement with the Columbia River Impact Plan. A representative of The U.S. Environmental Protection Agency (EPA) commented that data will be compiled and workshops will be held. Trustees involvement is encouraged to discuss issues and identify concerns. Data will be available for trustees reviewing.

Concern was expressed about the advance state of the RI/FS process at many of the ER sites reviewed in the presentation; if we are so close to the ROD, where and when will NRDA issues and trustee concerns be implemented? DOE acknowledged this issue and stated that alternative integration steps of NRDA issues must be development (perhaps through the ROD). Sor

## **FACILITATOR STATUS**

Mr. Steve Cross, Ecology, discussed the status of the facilitator and scope of work. The facilitator document is currently in Westinghouse procurement. Ms. Kathy Leonard, WHC, is hopeful by April/May the group will have a facilitator.

The tasks of the facilitator will consist of:

- Facilitate Trustee Meetings
- Communicate and Coordinate between Trustees
- Administrative support

Attachment C, Evaluation Criteria, indicates that the members of this facilitator subcommittee will be among the group who will do the scoring.

Attachment E was added to help give bidders information regarding some issues the facilitator will be addressing.

In Section A, page 2, WHC reserves the right to terminate contract based on the judgement of WHC or any given trustee.

The subcommittee believes the current contract will give the trustees good framework and flexibility.

WHC will reserve the right to terminate the agreement made with the facilitator.

## **FACILITATED ACTIVITIES**

Mr. Joe Beck was introduced as the interim facilitator for this meeting and discussed the planning process for this meeting. This planning process is intended to establish the status of today - where the group is going - and how the group will get there. The group will define values and a vision. Ms. Cynthia Abrams, PNL, acted as assistant to Mr. Beck regarding issues of natural resources. Mr. Beck pointed out that his role is to assist trustees to construct an agenda for the next 5 years.

Trustees not represented at the meeting will be contacted by Mr. Joe Beck and their comments incorporated into the values and visions established by the group.

Mr. Beck described the process of "strategic planning." Part of the process includes:

- Strategic planning is a process that looks at the big picture
- Trustees will need to come to agreement on basic direction - come to agreement where you want to be in 5 years
- Facts are fine, but decisions based on fact without values to balance them are seldom successful

Stakeholder focused strategic planning requirements:

- A process not a product
- Requires vision or willingness to accept one
- Requires discipline following sometimes subtle planning protocols, cannot be done "quick and dirty," it is a major up-front commitment of time

**This process requires you to represent your constituency.**

Mr. Beck noted that a "parking lot" would be used in the event an item arises that is important but for which the group cannot come to agreement. The use of the "parking lot" identifies items that will need to be addressed later in the process.

#### MISSION

- What are we supposed to do?
- What is our function, for whom do we do it, how do we do it?
- Why are we doing it?

#### VISION

- A vision is designed to articulate a view of a realistic, credible, attractive future outcome
- What do we want to do
- Develop a clear view of where we want to go

#### GOALS AND OBJECTIVES

- The end to which an effort is directed. Likely to contain numerous facets and several objectives
- Identify what indicators have happened to show you that you have been successful
- Goals are targets
- Objectives are measurable outcomes

#### SITUATIONAL ANALYSIS

- Examines strengths weaknesses, opportunities and threats to vision
- Identifies stakeholders, internal and external
- Identifies assumptions for validity
- Evaluations existing strategies

#### IDENTIFY OBSTACLES TO SUCCESS

- Identify obstructing issues
- Prioritization of obstacles/issues
- Identify degree of risk associated with obstacles/issues
- Cost and opportunities represented by obstacle/issue resolution

#### IDENTIFICATION OF STRATEGIES

- Traits of effective strategy
- Responsiveness
- Focus
- Coherence
- Flexibility
- Commitment

If you don't identify strategy now, then later on when you're not there, someone else will get to identify their own strategy and criteria for success

Won't get through entire strategic plan today. Will get through values and vision and perhaps situational analysis.

STATEMENT OF DESIRED OUTCOME - WHAT DO YOU HOPE TO ACHIEVE

*The group was asked to verbalize their desired outcome of being on a trustee council. The following items were presented:*

Resource concerns addressed in a more proactive fashion, sooner instead of later

To get all trustees working together as a means to that end

Information gathering role: need information to present to tribal policy makers that would indicate to them whether this is a profitable pursuit - need an answer to the question - should we be here?

How will participating in this affect other processes we can or might be involved in - potential for impact

Restoration of natural resources

Compensation for losses

Everyone here shares a common value for natural resources on Hanford Site - We need to create a process for decision making with respect to remediation

Minimize resource damage

Maximize the restoration as soon as possible

Minimize the need for future litigation - reducing the cost for taxpayer

Incorporate natural resource sensitivity so additional damage is not done during the remediation process

Influence environmental activities. Environmentally sound cleanup. Sensitive to T & E species.

Create a technical process to fold the Trustees concerns and values into the ER program. Make better risk management decisions. Provide more information to make decisions

Minimize trustee liability

Redress some of the damages that have been done

Influence DOE to conduct environmentally sound clean-up

DOE needs to develop vocabulary as to what it means to be a NR trustee, DOE needs to know what that entails, trustees need to let DOE know what their job is

Fulfill our responsibilities under the law, minimize further injuries, assure that the public is compensated for lost resources, protecting taxpayers purse

against unnecessary liabilities by understanding what the law is, interested in creating a technical process that will allow us to the maximum extent possible to address all the trustee concerns and Natural Resource (NR) values and integrate them into the NR decision making process

Look at resources from a state perspective, there is a lot preserved, don't look at Hanford as piece of pie to be divided up, look at it holistically

We have tended to look at threatened/endangered species, the goal should be to prevent species from getting threatened

Don't create a decision and then retrofit NR values into the decision

Start looking now where we know there will be an impact to NR - minimize impact from the start, before a resource is damaged

When you look at the site, impacts that will occur to groundwater, if they aren't treated in comprehensive approach, because of so many different regulations

DOE will face liability for damages caused. This is an unavoidable fact. DOE needs to move beyond this. DOE-HQ is interested in protecting natural resources and the restoration of lost resources and the services they provide. DOE needs "proactive" restoration. Litigation isn't an issue to focus on. (It will occur.) The question is what can we do here and now to restore resources and services and mitigate further avoidable NR injury.

TPA is only part of clean up program - there are a lot of clean up actions going on outside of the TPA

May have situation where trustee is forced to bring up a lawsuit before they are ready because if they don't they may cut themselves out of a suit later - the 3-year statute of limitations is vague when applied in the Hanford site situation

If we collectively combine our forces, then we will have a proactive influence on decision making, communication

Insure that all the information that can be used and exists is made available to trustees

Would like control over the 6500 acres of BLM land at Hanford

Look at Hanford on a large scale. There is a lot preserved at Hanford and should be protected. Hanford should be looked at as a whole and not divided up. Ecosystem Level. Try to prevent species from becoming T & E. Highlight resource concerns early in the process. Values in to be addressed in the planning phase and not after. Start looking now at enhancing resources. Minimize impacts. Restoration is not easy. It might be easier to avoid the impact rather than try to restore resources later. May lose a lot more species in the long run.

There was a question raised by YIN on the statute of limitations. Is the clock running out?

Is Hanford one CERCLA site or many operable units?

The question now is what can the Trustees do in terms of restoration and prevent further injury

Mr. Bob Holt (DOE-RL) stated in order to accomplish immediate involvement and have an impact on natural resources the group needs to agree to becoming a formal council

It was suggested that the Trustees use all available information

Mr. Bascietto (DOE-HQ) requested that all MOU's between Colorado state, DOE and EPA be disregarded and not referenced

*Italics* The Trustees broke off into working groups to establish values: *bold*

- protection of the Columbia and Yakima rivers (whole system)
- represent holistic view point. Not restricted to just Hanford boundaries - management, protection, and restoration on a landscape basis
- avoid harm
- in the future full restoration and on the way avoid short term harm
- provide effective and efficient communication
- take advantage of opportunities. Use the system wisely
- consider priorities - what is happening now
- use sound science and economics. Recognize gaps and uncertainties. Do not try and fill in gaps with guesses because the data is not there.

Mr. Beck pointed out that the representatives need to be able to take information back to their respective agency (i.e., representative of the tribes take information back to tribal policy makers) in order for decisions to be made. The group recognized and supported this method of operation.

*Italics* In order to function effectively, the group identified the following items as important factors:

- credibility, integrity, effectiveness
- consensus decision making when possible (contingencies where consensus is not possible)
- appropriate representation and support
- recognize sovereign status
- in communication as council must have shared openness - risk taking - laying cards on the table
- non-protective approach
- clearly identify consensus
- tolerance for other stakeholders positions
- collaboration on responsibilities, help each other
- accept decisions as tentative until formal approval - must be able to take materials to constituency can approve - under acceptable time constraint

- meetings must be open to public - a protocol should be created for public involvement- ask DOE and state counsel regarding what the legal formalities are regarding public involvement- acknowledge every trustee is involved with its own constituency and obligations to notify constituency - if we have a fully open process -Idaho - Oregon - we may need to move the meetings around
- we are here to concentrate on collective interest
- how can we help DOE and trustees (empower themselves) - succeed in natural resource related issues
- how does this group leverage itself, make sure its view are well known, and interact with other groups (this is a strategy) strategy to maximize power
- communicate with other influence groups for maximized impact
- if trustee council becomes an influence group, YIN will probably pull out because CERCLA gives trustees more power than other groups may have
- trustees acting in their own capacities are light years ahead of others on other influence groups - and trustee council is not a group of trustees in order to beat up on PRP

*Italics*  
The Trustees broke into groups to create a vision for their group. This consists of a number of statements that will reflect what Hanford Site future will look like 5 years from now:

#### Group 1

A site-wide plan for restoration of natural resource services has been integrated into all activities on Hanford activities and several pilot clean up projects have demonstrated success. DOE procurement has demonstrated a commitment to reducing the impact to environmental clean up and development by implementing a comprehensive integration plan.

#### Group 2

Reform activities at Hanford in the following ways:

- Fully integrate NR values in the Hanford activities
- Create a division of Natural Resources at DOE/RL
- Preserve and expand healthy areas and local gnomes
- Restore safe tribal treaty use of the Natural Resources in some areas
- Have performed some restoration
- Established a mitigation/restoration policy: establish an assessment and accounting principle that, to the extent practical, is integrated with the CERCLA RI/FS process for the purposes of determining injuries to natural resources.

The group agreed that both visions are valid. It concurred that Joe could collapse the two visions and create a composite vision incorporating both.

The Trustees broke into groups again to establish a check list (goals) so they will know they have succeeded because they accomplished:

#### Group 1

- Tolling agreement
- Minimally restricted access to the site
- Nursery for propagation of native stocks
- Successful completion of pilot restoration projects
- Documented procedure for determining habitat value
- Establishment of interdisciplinary terms for Hanford projects and decisions
- Implement a procedure for mandatory direct consultation with trustee and other NR technical assets at the earliest stage of Hanford project definition
- Institutionalized division of NR within US DOE/RL
- There will be a comprehensive site-wide ecological/cultural resource management and implementation plan
- GIS (ARC INFO) with multiple layers; habitat cleanup, land use, contaminate, ... and site resources
- Tribal members using areas of the site in exercise of treaty reserved rights.
- The Hanford trustee council is recognized as a national asset for federal facility clean ups
- Documented mitigation plan
- Documented restoration plan
- Effective groundwater remediation policy
- Asset evaluation for mitigation purposes (natural resource remediation)
- Separate "ads" sheet level funding for trustee involvement and division of natural resources at DOE-RL
- Trustee charter and bylaws established and council formed.

## Group 2

In 1999:

- Site conceptual model completed
- Initiated a restoration action at a waste site
- Initiated a restoration action away from a waste site under a comprehensive mitigation plan
- High natural resource value areas are protected and enhanced through transfer to non-DOE entity for NR management purposes.
- Identified and evaluated unavoidable losses of resources
- Clarified the statute of limitations
- Clarified the "onset of injuries" issues
- Clarified whether "lost use" is due to releases or security measures
- Developed an understanding of how Hanford at the "landscaped" level, fits into a broader context of regional and national NR management issues (i.e. ALE, Hanford Reach, Shrub-Steppe habitat, White Bluff, etc.)
- All DOE citing evaluation reports incorporate NR values as part of the citing criteria
- A site-wide biological resource management plan is developed, integrated with the cultural resource management plan, and implemented.
- The RL Natural Resources division is in place and answers to manager RLO.

- Trustee council has effectively coordinated among the trustees, i.e. prevented duplication of effort and accomplished most, if not all of the above (and still exists!) and has refined its by-laws and protocols.

At the end of the day, Mr. Beck announced the Trustees had successfully completed one third of the strategic plan. The group has expressed a vision. Draft minutes will be sent out to Trustees.

The trustees and observers left the meeting feeling very positive about the group's work and where they will be going.

The next meeting will be Monday, March 28, 1994, at the Shilo Inn-Rivershore in Richland, Washington. Another meeting will be scheduled April 25. This meeting schedule is to allow constituency to have time review, input information, and approve proceedings of the meetings. The meetings will start on the dot at 9:00 a.m. from now on.

The next meeting the Trustees will discuss strengths and weaknesses and assemble strategies.

If there are questions or concerns about the minutes please let Ms. Kathy Leonard (WHC) know.