

**MEMORANDUM OF AGREEMENT  
U.S. DEPARTMENT OF ENERGY - HANFORD SITE**

This Memorandum of Agreement (MOA or the "Agreement") is among the United States Department of Energy, United States Department of the Interior, Nez Perce Tribe, State of Oregon, Confederated Tribes of the Umatilla Indian Reservation, State of Washington (including the Departments of Ecology and Fish and Wildlife), and the Confederated Tribes and Bands of the Yakama Indian Nation, (collectively referred to as the "Trustees").

**I. PURPOSE**

This MOA is intended to facilitate the coordination and cooperation of the Trustees in their efforts in restoring, and minimizing impacts to, natural resources injured as a result of, or during clean up of, releases associated with the Hanford Site.

**II. AUTHORITY**

The following officials are the signatories to this MOA, and they, or their designees, are authorized to act on behalf of the public as trustees for natural resources under applicable federal laws and regulations:

1. Manager, Richland Operations Office, for the U.S. Department of Energy
2. Director, Office of Environmental Policy and Compliance, for the U.S. Department of the Interior.
3. Chairman, Tribal Executive Committee, for the Nez Perce Tribe.
4. Director, Oregon Department of Energy, for the State of Oregon.
5. Director, Department of Natural Resources, for the Confederated Tribes of the Umatilla Indian Reservation.
6. Director, Department of Ecology, for the State of Washington.
7. Director, Department of Natural Resources for the Confederated Tribes and Bands of the Yakama Indian Nation.



### **III. SCOPE**

This MOA is intended to help coordinate decisions and actions made by the trustees pursuant to their legal authority to address natural resources impacted by Hanford Site releases of hazardous substances.

The Hanford site includes 560 square miles of land in South Central Washington. The geographic area under consideration by the Trustee Council includes all of the Hanford site, and offsite areas, as appropriate, such as areas impacted by aerial releases of hazardous materials, and portions of the Columbia River.

### **IV. TRUSTEE COUNCIL**

In order to facilitate cooperation and coordination, the parties to this agreement hereby establish the Hanford Natural Resource Trustee Council ("Trustee Council"). The Trustee Council will be a collaborative working group. The general objectives of the Trustee Council are as follows:

1. To help ensure that natural resource values are fully considered in decision-making related to the Hanford site.
2. To integrate, to the extent practicable, natural resource restoration into remedial actions taken at the Hanford Site; and to minimize resource injury during remedial action.
3. To encourage the development and implementation of sitewide natural resource planning which supports mitigation, restoration, and management goals, and encompasses good stewardship practices.
4. To provide the Department of Energy and regulatory agencies the information necessary to achieve objectives 1-3 above.

## V. DECISION MAKING

The Trustee Council established under this MOA is intended to be a cooperative effort to achieve the common goals of the trustees. Therefore, all decisions made by the Trustee Council shall be by consensus. While each trustee may have more than one member participating on the Trustee Council, only one member of each trustee which is a signatory to this agreement will be designated by that trustee as a voting member of the Council. Consensus agreement on a Trustee Council action is reached only if all voting members agree on the proposed action. In the event that consensus is not reached by the voting representatives of the Trustee Council, the Council should conduct extensive good faith discussions directed toward obtaining consensus among all Trustees. The voting representatives will adopt by-laws to direct the process to arrive at a consensus agreement.

In the event consensus cannot be reached, the matter in dispute may be presented to higher level officials of the Trustees for resolution. The Trustees may adopt further procedures for resolving disputed matters. If consensus is not reached, no trustee or trustees will be precluded from taking individual positions or actions on its or their own behalf, but such individual positions or actions shall not be presented as the positions or actions of the Trustee Council.

## VI. MISCELLANEOUS PROVISIONS

- A. Effective Date; Amendment and Termination. This agreement shall be effective when executed by all of the Trustees listed in Section II and may not be amended except by written agreement of those Trustees. This Agreement shall continue in effect until termination by agreement of those Trustees; and withdrawal of any trustee shall not effect the validity of the Agreement with respect to those remaining trustees.
- B. Commitment of Resources. Nothing in the Agreement shall be construed as obligating the United States, the States, the Indian Tribes, their officers, agents or employees, to expend any funds in excess of appropriations authorized by law.
- C. Reservation of Rights. It is recognized that each Party to this agreement has and reserves all rights, powers and remedies now or hereafter existing at law or in equity, or by statute or otherwise, and that nothing in this Agreement waives or forecloses the exercise of any such rights, powers or remedies.
- D. No Member or Delegate to Congress shall be admitted to any share or part of this Agreement, or to any benefit that may arise from this Agreement.

The Department of Energy hereby approves the Memorandum of Agreement among the Hanford Natural Resource Trustees.

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John Wagoner  
Manager, Richland Operations Office  
United States Department of Energy

Date

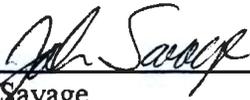


The Nez Perce Tribe hereby approves the Memorandum of Agreement among the Hanford Natural Resource Trustees.

*Samuel N. Penny*  
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Samuel N. Penny  
Chairman, Nez Perce Tribal Executive Committee  
Nez Perce Tribe

*8-10-95*  
\_\_\_\_\_  
Date

The State of Oregon hereby approves the Memorandum of Agreement among the Hanford Natural Resource Trustees.

  
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John Savage  
Director, Oregon Department of Energy  
State of Oregon

*August 8, 1995*  
\_\_\_\_\_  
Date

The Confederated Tribes of the Umatilla Indian Reservation hereby approve the Memorandum of Agreement among the Hanford Natural Resource Trustees.

*Michael J. Farrow*

*June 20, 1996*

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Michael J. Farrow

Date

Director, Department of Natural Resources

Confederated Tribes of the Umatilla Indian Reservation

The State of Washington hereby approves the Memorandum of Agreement among the Hanford Natural Resource Trustees.

*Mary Riveland*

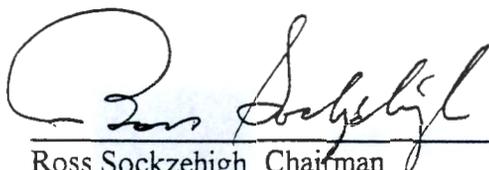
*7/24/95*

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Mary Riveland  
Director, Department of Ecology  
State of Washington

Date

The Confederated Tribes and Bands of the Yakama Nation hereby approve the Memorandum of Agreement among the Hanford Natural Resource Trustees.



Ross Sockzehigh, Chairman  
Yakama Tribal Council

9/9/96

Date

Memorandum  
of

Agreement

(MOA)