

## HANFORD NATURAL RESOURCE TRUSTEE COUNCIL

## FINDING 98-03

The Hanford Natural Resource Trustee Council (NRTC) generally supports the U.S. Department of Energy's September 8, 1997, *Policy on Integration of Natural Resources Concerns Into Response Actions*. We applaud USDOE's common sense approach to addressing natural resource impacts through the cleanup process. Done properly, this approach can lead to improved stewardship of public lands, better cleanup decisions, lower total costs, and also minimize future claims against USDOE.

We also note USDOE's commitment to early and on-going involvement of other natural resource trustees through forums such as a trustee council. This commitment is essential to USDOE meeting the stated goals of the policy. Our experience has shown that the trustees working cooperatively can arrive at sound, appropriate, timely, and cost-effective advice on how to minimize or mitigate adverse impacts to natural resources. We also see opportunities to formally recognize areas where no natural resource injury of significance has occurred or where the injury has been fully addressed.

As a word of caution, while we believe the policy is sound, we note several pitfalls which could occur in its implementation.

- First, near-term cost and budget pressures create a very real risk that the up-front attention to natural resources this policy calls for may not get done. We recognize the importance of budget and schedule. Nevertheless, these near-term pressures should not cause USDOE to lose sight of the total costs of cleanup and the concept of building restoration into response planning.
- Second, with respect to irreversible and irretrievable impacts to resources, such disclosures must not be used simply as a maneuver to avoid responsibility for lost resources. Irreversible and irretrievable commitments of resources should be specific to the proposed remedial action and the resources affected by that action. Furthermore, the commitment should be defined as narrowly as possible. Finally, consistent with National Environmental Policy Act, USDOE should fully explore and implement appropriate mitigation measures for the lost resources.
- Third, the policy implicitly emphasizes the remedy of current and additional future injuries. While we agree with the emphasis, USDOE and other trustees must also consider past injuries. In its implementation, this policy can and should be used to study and address past injuries when appropriate.
- Fourth, as the policy recognizes, USDOE is both a trustee and a responsible party. At a minimum these are competing roles, at worst it is a conflict of interest. This policy will aid in addressing these two roles, but the issue warrants further exploration by USDOE and other trustees.

This policy indicates a growing commitment on the part of USDOE to fulfill its responsibilities as a natural resource trustee and steward of public lands. We look forward to continuing our collaborative relationship with USDOE and turning the words of this policy into concrete actions to address injured natural resources.

## CERTIFICATION

Finding 98-03 was adopted by consensus of the Hanford Natural Resource Trustee Council with two abstentions and no separate opinions.

RECEIVED  
DEC 19 2007

EDMC



July 14, 1998

**CHAIR:**

Geoff Tallent  
(360) 407-7112

**VICE CHAIR**

Jay McConnaughey  
(509) 736-3095

**ADMINISTRATIVE**

**SECRETARY:**

Melanie Preusser  
(509) 372-9108

**COUNCIL MEMBERS &  
REPRESENTATIVES:**

Confederated Tribes of  
the Umatilla Indian  
Reservation  
Chris Burford

Nez Perce Tribe  
Dan Landeen

State of Oregon  
Department of Energy  
-Susan Coburn Hughes

State of Washington  
Department of Ecology  
-Geoff Tallent  
Department of Fish and  
Wildlife  
-John Carleton  
-Jay McConnaughey

U.S. Department of  
Energy  
James Zeisloft, Jr.

U.S. Department of the  
Interior  
Preston Sleeper  
Bureau of Land  
Management  
-Jake Jakobosky  
U.S. Fish and Wildlife  
Service  
-Tom O'Brien

Yakama Indian Nation  
Wendell L. Hannigan  
Paul Ward

Mr. James Owendoff  
Acting Assistant Secretary  
Environmental Management  
US Department of Energy  
1000 Independence Ave. SW  
Washington, DC 20585

Dear Mr. Owendoff

Enclosed is a copy of the Hanford Natural Resource Trustee Council's Finding 98-03. The finding addresses the U.S. Department of Energy's September 8, 1997, *Policy on Integration of Natural Resources Concerns Into Response Actions*.

In brief, the Council generally supports this policy as a common sense approach to addressing natural resource impacts through the cleanup process. We also note several pitfalls that could occur in its implementation. The Council looks forward to our continued collaboration in pursuing this policy while avoiding the pitfalls.

If you have any questions on this matter, please phone me at (360) 407-7112.

Sincerely

Geoff Tallent, Chair

Enclosure

cc: John Bascietto, USDOE-HQ  
John Wagoner, USDOE-RL  
Hanford Natural Resource Trustees

HANFORD NATURAL RESOURCE TRUSTEE COUNCIL

SIGNATURE PAGE

Finding 98-03 addressing the U.S. Department of Energy's September 8, 1997, *Policy on Integration of Natural Resources Concerns Into Response Actions.*

Support

Object

Abstain

Support with separate opinion (below)

Signature: \_\_\_\_\_

Name: James Zesler

Trustee Organization: DOE

Date: 6/9/98

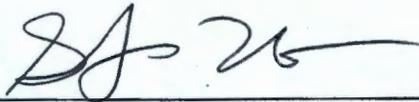
HANFORD NATURAL RESOURCE TRUSTEE COUNCIL

SIGNATURE PAGE

Finding 98-03 addressing the U.S. Department of Energy's September 8, 1997, *Policy on Integration of Natural Resources Concerns Into Response Actions.*

- Support  
 Object  
 Abstain  
 Support with separate opinion (below)

Signature: \_\_\_\_\_



Name: GEOFF TALLENT

Trustee Organization: STATE OF WASHINGTON

Date: 5/28/98

HANFORD NATURAL RESOURCE TRUSTEE COUNCIL

SIGNATURE PAGE

Findings 98-03 addressing the U.S. Department of Energy's September 8, 1997, *Policy on Integration of Natural Resources Concerns Into Response Actions.*

Support

Object

Abstain

Support with separate opinion (below)

Signature: \_\_\_\_\_

*Dan Landeen*

Name:

*Dan Landeen*

Trustee Organization:

*Nez Perce Tribe*

Date:

*5-28-98*

**HANFORD NATURAL RESOURCE TRUSTEE COUNCIL**

**SIGNATURE PAGE**

**Finding 98-03 addressing the U.S. Department of Energy's September 8, 1997, *Policy on Integration of Natural Resources Concerns Into Response Actions.***

- Support
- Object
- Abstain
- Support with separate opinion (below)

Signature: 

Name: *Wendell L. Hannigan*

Trustee Organization: *Yakama Nation*

Date: *July 10, 1998*

HANFORD NATURAL RESOURCE TRUSTEE COUNCIL

SIGNATURE PAGE

Finding 98-03 addressing the U.S. Department of Energy's September 8, 1997, *Policy on Integration of Natural Resources Concerns Into Response Actions.*

- Support  
 Object  
 Abstain  
 Support with separate opinion (below)

Signature: Susan C. Hughes

Name: Susan Coburn Hughes

Trustee Organization: OREGON

Date: 5-26-98

HANFORD NATURAL RESOURCE TRUSTEE COUNCIL

SIGNATURE PAGE

Finding 98-03 addressing the U.S. Department of Energy's September 8, 1997, *Policy on Integration of Natural Resources Concerns Into Response Actions.*

- Support  
 Object  
 Abstain  
 Support with separate opinion (below)

Signature: 

Name: *Christopher L. Burtford*

Trustee Organization: *C. T. U. I. R.*

Date: *8/18/98*