



# Nez Perce

ENVIRONMENTAL RESTORATION & WASTE MANAGEMENT  
P.O. BOX 365 • LAPWAI, IDAHO 83540-0365 • (208) 843-7375 / FAX: 843-7378

December 21, 2007

Ren Lohofener  
Regional Director  
United State Fish and Wildlife Service  
911 NE 11<sup>th</sup> Ave.  
Portland, OR

Polly Zehm  
Deputy Director, Dept. of Ecology  
State of Washington  
P.O. Box 47600  
Olympia, WA 98504-7600

Brooklyn Baptiste  
Chairman, Natural Resource Subcommittee  
Nez Perce Tribe  
P.O. Box 365  
Lapwai, ID 83540

Stuart Harris  
Director, Dept. of Science & Engineering  
Conf. Tribes of the Umatilla Indian Res.  
Old Mission Highway 30  
P.O. Box 638  
Pendleton, OR 97801

Michael W. Grainey  
Director, Dept. of Energy  
State of Oregon  
625 Marion Street NE  
Salem, OR 97301

Jeff Tayer  
Director, Dept. of Fish & Wildlife Region 3  
State of Washington  
1701 S. 24<sup>th</sup> Ave  
Seattle, WA 98902-5720

Phillip Rigdon  
Deputy Director, Dept. of Natural Resources  
Yakama Nation  
P.O. Box 151  
Toppenish, WA 98948

Dave Brockman  
Director, Richland Operations Office  
United States Department of Energy  
P.O. Box 450, MS: A7-80  
Richland, WA 99352

**RECEIVED**  
JAN 24 2008  
**EDMC**

Dear Senior Hanford Natural Resource Trustee:

I am writing as the chair of the Hanford Natural Resource Trustee Council (HNRTC) to ask you to review several decisions made at our December 12-13 meeting and to consider our recommendation to postpone the next Senior Trustee meeting until March, 2008.

At the December meeting, technical representatives of the Hanford Natural Resource Trustee Council (HNRTC) reached concurrence on several major issues. Reflecting that progress, council members agreed that it is probably unnecessary for the Senior Trustees to meet in January, 2008; we suggest postponing your meeting until March, 2008. Our

**RECEIVED**

DEC 27 2007



progress reflects the diligence and consensus building success by the HNRTC over the past several months.

As you are aware, the HNRTC scope and focus have evolved substantially, and reflect a new direction for the council that incorporates the Natural Resource Damages Assessment (NRDA) components of CERCLA. This evolution began with an agreement by federal trustees to start the NRDA process at Hanford, concurrent with ongoing CERCLA cleanup. To begin the injury assessment process, the Trustees developed a draft Scope of Work (SOW) for a contractor to support the Council in writing an Injury Assessment Plan. We have reached consensus on a final SOW and have asked DOE to release a Request for Proposals to acquire a contractor.

At the December meeting, we also reached consensus on a number of related issues that had been proposed your consideration at the January, 2008 Senior Trustee meeting. These include:

- The HNRTC should remain one, enhanced council, addressing both current CERCLA response and NRDA issues.
- The existing Memorandum of Agreement (MOA) needs to be revised to specifically include NRDA and governance issues, such as planning for early restoration, interactions of the Council with a project manager and NRDA contractor(s), decision making, and dispute resolution.
- Bids for contractor support to develop an injury assessment plan will be done using the GSA schedule.
- Planned allocation of the \$1.3 million budget provided by DOE for FY 2008 includes funding for the injury assessment plan contractor, hiring an NRDA program manager, partial support for trustees organizations to provide staff for our expanded (NRDA) work scope, and Council support (e.g., a facilitator and administrative support).

The council has established a sound path forward for 2008 and has started the injury assessment process. We believe that because we have reached consensus on these issues it is not necessary for the Senior Trustees to meet in January. We ask your concurrence with our decisions; if you disagree or believe the Senior Trustee meeting should take place as scheduled, please let me know as soon as possible so we can finalize plans for a January meeting.

By deferring your meeting until March, we will have several additional items ready for your consideration, enabling you to make key decisions. By March:

- Technical trustees will have reviewed proposals from bidders for the DOE contract to support development of an injury assessment plan, and we will have a tentative decision on a contractor. We will ask you as senior trustees to finalize selection of the contractor and to commit funds for that contract.
- We will have seen the President's 2009 budget proposal. Based on that budget, we will have a proposed budget for Council support for FY 2009.
- We will have developed a budget proposal to support Council activities in 2010. We will ask Senior Trustees to endorse that budget request and ask DOE management to include it in the 2010 RL budget request to DOE Headquarters.

In order for revision of the MOA for the Trustee council to move ahead, we ask that you request your counsel to begin contact with representatives from the other trust organizations as soon as possible. During the January meeting of technical trustees, we will identify and summarize issues we believe should be addressed in the revised MOA, and will provide those to you. If the attorneys can meet a March deadline, we would like to have a draft of a revised MOA ready for review and discussion at your March meeting.

The progress and development of the Council as we have begun to integrate CERCLA and NRDA activities has been gratifying. Members have worked diligently and cooperatively to make substantive progress on this important work.

Please let me know as soon as possible if you have concerns about the Council's decisions or plans that would require the senior trustees to meet in January. If you have any questions or want additional information regarding any of the issues noted above, please call me at your convenience at (208) 843-7375. Thank you for your time and understanding on this request. I hope to hear from you soon.

Sincerely,



Gabriel Bohnee  
Chairman, HNRTC  
Nez Perce Tribe

Cc; Don Steffek, USFWS  
Jim Hansen, USFWS  
Ken Niles, ODOE  
Paul Shaffer, ODOE  
Larry Goldstein, Ecology  
Charlene Andrade, WDFW  
Dan Landeen, Nez Perce Tribe  
Russell Jim, Yakama Nation  
Jay McConnaughey, Yakama Nation  
Barbara Harper, CTUIR  
Doug Shoop, DOE\  
Dana Ward DOE





Document: NA (NPT)  
 Document Date: 12/21/2007  
 Author: BOHNEE G  
 Addressee: DISTR,  
 BROCKMAN D

Actionee: Dana Ward  
 Due Date: ACTION

Title: Regarding Postponement of the Next Senior Trustee Meeting Until March, 2008

<u>DIR</u>	<u>DIV</u>	<u>NAME</u>	<u>DIR</u>	<u>DIV</u>	<u>NAME</u>
MGR		Rochelle, Diane	AMSE		
DEP		Henrich, Dianne		OOD	
AMRC		Ward, Dana (Actionee)		SED	
		Bowers, Liz		SES	
		Hathaway, Boyd	KBC		
		Wisness, Steve	PPRI	PIC	
		Zeisloft, Jaime		CMG	
AMCP				RPI	
OEC		French, Colleen	ORP		
		SiJohn, Francis A	PNSO		
OCC		Smith, Connie	RLCI		
		Wilcox, Deb			
AMA					
	BOP				
	FMD				
	HRM				
	PRO				

Comments:

Records Schedule Information:  
 ENV-1.j1  
 TBD (to be determined)

Scan?: Yes Sensitive?: No

Sensitive Attachments?:

IDMS Folder: RL General Corr

Date RL CC Rec'd: 12/27/2007