

93050695

RECEIVED  
NOV 27 2007

0074527

6 May 93

NRDA Meeting

EDMC

Subject: Follow up to April 15 Trustee Meeting

Summary: Meeting was kicked off by Jim Bauer. Mr Wagoner conducted the welcoming and opening remarks. The purpose of the meeting was to begin dialogue with the potential trustees and create a starting point for future discussions.

The following key items presented were:

The background on Hanford programs

Hear from the individual agency's represented and their role regarding NR issues at Hanford

Have the representatives tour the site and discuss the natural resources and the various site operations and activities

The discussions regarding the natural resources, and the NRDA process went fairly well. Mr Wagoner indicated that we would be following the DOI regulations regarding the PAS and we would be integrating this activity into the RI/FS process for ER activities. We indicated that the NR issues may go beyond ER, however, we were investigating the impacts.

Trustees, for the most part appeared to be uninformed regarding NRDA issues. However, the Indian Tribes, NOAA and DOI regional representative appeared well informed. There was a perception by some that some of the trustees knew more than we did, including HQ.

During the roundtable discussions, a few important issues were tabled. These issues need to be addressed and perhaps a position established for the next meeting, tentatively set for June 24 in Richland. Those issues are as follows:

- 1) A concern that the Preassessment screen doesn't address baseline and the extent of injury. The Yakimas would like to see us do a damage assessment, to determine baseline and see if the cleanup alternatives are really working.

This same concern was also expressed by NOAA. They indicated that if we rely solely on the RI/FS process, we may be missing some things. The RI/FS only focuses on one end of the pathway. Additionally, we need to be sure that 404 of the CWA is complied with. What's not included in the RI work is mitigation planning. That can be a part of the NRDA plan. We may need to discuss this further and get more information from NOAA regarding their concerns for next meeting. I think this really relates to the Pre/Post 1980

position. DOE-RL needs to take a position on this. Some review of the ERDA 1975 EIS indicates that we committed 6,000 acres of land to waste disposal on the reservation due to radionuclide contamination. The fact that most of the releases (although unpermitted) occurred before 1980 and the commitment of land may give use the exclusions we need. The grey areas would be lost use of fishing, hunting, gathering rights to the Tribes and potentially reduced fishing down river as a result of the releases to the river. Additionally, injury as a result of the release and is an issue we need to resolve. Most likely, we're continuing to cause injury to the habitat as a result of the Pre 1980 releases. Perhaps we should focus on enhancement of the habitat rather than try to distinguish cost of bunnies, pocket mice, etc.

- 2) Funding was another issue. It has been an issue at the other sites as well. Should and/or could DOE pay for Technical Reviews under CERCLA 104 for trustees to participate. This was tabled by DOI (also by them at other sites). The Tribes, and the State are funded via grants and probably won't require additional funds. DOI is not. The TPA indicates that to do beyond a PNRS, DOI will be funded by DOI. There is an issues that if they don't get additional funding, they may not be able to participate. We would lose the value of their expertise. RL needs to state their position, what they will or will not do. We may need to develop a position paper on this, pros, cons, and address consequences of not funding technical review support (how has that affected other sites). We propably ought to have this ready by the next meeting.
- 3) Integration of NRDA trustee council with other groups (i.e., citizen forum, TPA negotiations, etc.) Trustees, by definition have a different role than the citizen forum although they have similar interests. What's important to note, is that the Tribes would like to use this as a means of gaining regulator status. It seems appropriate that we integrate the land use issues (enhancement programs) with trusteeship coordination. We may need to broaden NRDA to address land use. One questions tabled was "does land use planning drive trusteeship or does trusteeship drive land use planning? I'm not sure we can address the issue of integration until we can decide if there is going to be a trustee council, and what the charter of the council will be. Once we know that, we might look further into the integration. It's almost certain the council needs to be tapped into the other groups, but to what extent, is unclear.
- 4) Independent facilitator was another issue. Suggest that we recommend use of facilitators from the pool we are trying to obtain (BOA has been submitted). Suggest we give them a list of the available facilitators, their qualifications,

etc and let them decide if this is acceptable. Suggest we have a position on this for the next meeting.

RL agreed to take on the coordinating role of this group. For the next meeting, the trustees are to revisit their role's and identify their trust resource responsibility. It was also agreed to that we would coordinate a training module for the trustees with DOI and NOAA.

Mr. Charles Polityka  
U.S. Department of Interior  
Regional Environmental Office  
911 NE 11th Avenue, Suite 354  
Portland, Oregon 97232-4182

Mr. Wilferd Yallup, Tribal Chairman  
Yakima Indian Nation  
P. O. Box 151  
Toppenish, Washington 98948

Lt. Colonel Robert D. Voltz  
Commander U.S. Army Engineering District  
Walla Walla  
Bldg 602, City County Airport  
Walla Walla, Washington 99362-9265

Ms. Mary Riveland, Director  
State of Washington  
Department of Ecology  
P. O. Box 47600  
Olympia, Washington 98504-7600

Mr. E. H. Patawa, Tribal Chairman  
Board of Trustees  
Confederated Tribes of the Umatilla  
Indian Reservation  
P. O. Box 638  
Pendleton, Oregon 97801

(per Kevin Clarke this should be  
confederated not federated) OK

Mr. Sam Penney, Tribal Chairman  
Nez Perce Tribal Executive Committee  
P. O. Box 305  
Lapwai, Idaho 80540

(per Kevin Clarke Mr. Penney is the  
new Tribal Chairman) OK

Mr. C. McBaine  
Costal Resources Coordinator  
National Oceanic and Atmospheric  
Administration  
1200 Sixth Avenue, HW-113  
Seattle, Washington 98101

Mr. F. Hanson, Director  
Oregon Department of Environmental Quality  
811 S.W. 6th Avenue  
Portland, Oregon 97204-1390

Mr Jeff. Christensen  
Oregon Department of Environmental Quality  
Environmental Cleanup Division  
811 S.W. 6th Avenue  
Portland, Oregon 97204-1390

Mr. Z. Jackson, Tribal Council

(Should be cc)

Confederated Tribes of Warm Springs  
Reservation  
P. O. Box C  
Warm Springs, Oregon 97761

Mr Michael Grainey  
Assistant to the Director  
Oregon Department of Energy  
625 Marion St N.E.  
Salem, Oregon 97310



## Department of Energy

Richland Field Office

P.O. Box 550

Richland, Washington 99352

93062198

mm

93-RPA-235

JUN 21 1993

### Addressees

#### APRIL 15, 1993, HANFORD NATURAL RESOURCE TRUSTEESHIP MEETING MINUTES

This is to distribute the subject Meeting Minutes and to provide an update of upcoming activities. Under the topic of "Next Steps" on page 4 of the minutes, U.S. Department of Energy, Richland Operations Office (RL) indicated its willingness to serve as the lead trustee coordinator for follow-on meetings and to respond to trustee requests for information.

As indicated in the meeting, a training session and meeting are being planned for early August 1993. Due to other commitments by the U.S. Department of Interior personnel the June 24, 1993, date cannot be met. We will contact you regarding meeting dates, training agenda, and location in the near future.

RL proposes that the following items be discussed at the next meeting:

- Formation of a Trustee Council -- RL believes it is appropriate to the trustee relationship and develop a charter that clarify outlines the roles and responsibilities of each trustee and the relationship of trustee activities with other Hanford Site activities.
- Independent Facilitator -- As requested in the April 15, 1993, meeting, RL has explored options for independent facilitators for the trustee activities. Because of the increasing frequency with which independent facilitators are needed, RL is developing a contracting mechanism to have a slate of professional facilitators available under contract. The State of Washington Department of Ecology has agreed to assist us in selection of this slate of facilitators. The trustees could select a mutually agreeable facilitator from the available facilitators. This contracting mechanism is expected to be in place by late summer. RL will provide a list of the facilitators and their qualifications for trustee review when it is available.

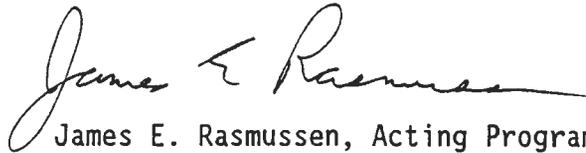
Addressees  
93-RPA-235

-2-

JUN 21 1993

If you have additional items to propose for the meeting agenda or any questions, please contact Ms. Kathleen Leonard of Westinghouse Hanford Company on (509) 376-7065 or Mr. Alex Teimouri of my staff on (509) 376-6222.

Sincerely,



James E. Rasmussen, Acting Program Manager  
Office of Environmental Assurance,  
Permits, and Policy

EAP:AET

Attachment

cc w/attach:

J. Bascietto, EH-231

G. W. Jackson, WHC

## MEETING MINUTES

Subject: NATURAL RESOURCE TRUSTEES MEETING

---

TO: Distribution

---

FROM: James D. Bauer, DOE

---

MEETING DATE/PLACE: April 15, 1993/Richland City Hall

---

Attendees:

---

Ann Aldrich, Bureau of Land Management  
Don Alexander, RL  
Jay Augustenborg, RL  
John Bascietto, DOE, HQ  
Michael Bauer, Yakima Indian Nation  
James Bauer, RL  
Kate Benkert, U.S. Fish & Wildlife  
Theresa Bergman, WHC  
June Boynton, Bureau of Indian Affairs  
Christopher Buford, Confederated Tribes of the Umatilla  
Dean Caldwell, Bureau of Mines  
Dennis Cannon, U.S. Army Corps of Engineers  
Jeff Christensen, DEQ Oregon  
Kevin Clarke, RL  
Bob Cook, Yakima Indian Nation  
Steve Cross, EPA  
Dirk Dunning, DEQ  
Julie Erickson, RL  
Steve Friant, PNL  
Larry Gadbois, EPA  
Joel Jakabosky, Bureau of Land Management  
Russell Jim, Yakima Indian Nation  
Nancy Lane, WHC  
Kathy Leonard, WHC  
Raimo Lias, U.S. Army Corps of Engineers  
Patrick Mackey, WHC  
Christopher Mebane, NOAA  
Paul Minthorn, Confederated Tribes of the Umatilla  
Tom O'Brien, U.S. Fish & Wildlife  
George Sanders, RL  
Preston Slegger, Department of Interior Regional Office  
Jeanette Smith, WHC  
Robert Taylor, NOAA  
Alex Teimouri, RL  
John Wagoner, RL  
James Wilkinson, Confederated Tribes of the Umatillas  
Pat Willison, RL  
Rick Wotjasek, WHC

## WELCOME AND INTRODUCTION

The meeting opened with a welcome from John Wagoner, Manager, U.S. Department of Energy, Richland Operations Office (RL). His key points were:

- Natural resource issues will become increasingly more important as we proceed with Hanford cleanup.
- RL expects this to be the first of many discussions that are held on natural resource issues over the next several years. This meeting is to begin a dialogue with the trustees in order to resolve natural resource issues in a mutually acceptable manner.
- RL intends for the trustees to get enough information about Hanford natural resource issues so that each agency can make a decision about what role it chooses to have in future discussions.

James D. Bauer, RL Program Manager for the Office of Environmental Assurance, Permits, and Policy gave an overview of Hanford history and operations.

John Bascietto, DOE Headquarters, gave a briefing with descriptions of DOE's approach to natural resource evaluations. DOE's desire is to include pre-assessment screening requirements in the ecological risk portion of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) documents. The goal of natural resource trusteeship activities is to restore natural resources and services to a baseline condition or other condition agreed upon by the trustees. One of the concerns mentioned was that U.S. Environmental Protection Agency (EPA) (in other regions around the country) did not always agree with inclusion of natural resource evaluations in CERCLA documents.

## ISSUES AND CONCERNS

An informal roundtable discussion was held where each trustee representative discussed their potential role as a trustee and asked questions.

Key points were:

Department of Interior Regional Office (DOI) -- DOI is interested in supporting RL during the pre-assessment screening stage. It is DOI's desire to come to an agreement with trustees and the responsible and the lead response agency rather than to have to pursue legal action. However, DOI (and its daughter agencies) would need funding through an Interagency Agreement to provide technical support due to their limited budget.

Bureau of Land Management (BLM) -- BLM is interested in supporting technical reviews because part of the Hanford site will revert to BLM when RL determines it to be surplus to their needs.

U.S. Fish and Wildlife Service -- Fish and Wildlife will support technical reviews because they have specific responsibilities toward some of the resources. They also have management responsibilities for a part of the site (Columbia National Wildlife Refuge on the North Slope). Their participation in the Hanford Reach Environmental Impact Statement also gives them some responsibilities for the resources on the site. Fish and Wildlife is not interested in pursuing a Damage Assessment and is hopeful that the trustees can come to a mutual agreement.

Bureau of Indian Affairs (BIA) -- The BIA representative was unfamiliar with the site and had no prior involvement on Hanford issues. BIA will uphold its trustee responsibilities to the affected tribes, but is unclear about how or if that role extends to include natural resource trustee responsibilities.

Bureau of Mines -- The Bureau of Mines is responsible for mining safety and health issues. They do not have any trustee role at the site, but will be available as needed to provide technical support.

U.S. Army Corps of Engineers -- The Corps of Engineers has specific trustee responsibilities for navigable waterways and wetlands along the Columbia River. They are also involved in supporting RL in Hanford cleanup.

Oregon Department of Environmental Quality (DEQ) -- DEQ has had very limited involvement with Hanford issues, but they are delegated by the governor as the trustee for the State of Oregon. They have a great interest in natural resource issues associated with the Columbia River and they will work through the Oregon Department of Energy in supporting Hanford issues.

Oregon Department of Energy (ODOE) -- ODOE's primary interest is getting the Hanford site cleaned up as quickly as possible. They are concerned about potential continuing releases that impact the Columbia River. They are also concerned about the definition of the "baseline" for natural resource services.

Yakima Indian Nation -- The U.S. government has trust responsibilities to the tribes because of the treaties of 1855. Many federal officials do not understand what the trust responsibilities entail. The Yakima's are specifically concerned that:

- resources associated with viable use of soils, groundwater, and surface waters be protected;
- the BIA does not protect resources held in trust for the tribes;
- it is essential to convince EPA to allow inclusion natural resource issues in CERCLA documents to assure that they get properly addressed in cleanup decisions and to avoid unnecessary duplication of efforts;
- there be an understanding of which trustees are responsible for which resources;

- a baseline of natural resource services with the appropriate time frame be available for comparison;
- there be a clear understanding of what irreversible and irretrievable commitments of natural resources have already been documented in past environmental impact statements; and
- there be appropriate compensation for lost uses.

Confederated Tribes of the Umatilla Indian Reservation (CTUIR) -- The CTUIRs primary interest is protection of the cultural and political integrity of the confederated tribes, including protection of the environment, fisheries, and the reservation. The CTUIRs expressed concerns in the following areas:

- transportation of Hanford wastes and radioactive/hazardous materials across the reservation;
- unfamiliarity of many of the trustees with Hanford issues and their lack of understanding of the impacts that cleanup and natural resource decisions will have; and
- that trustee activities be integrated with other activities on the site, such as upcoming Tri-Party Agreement negotiations, land use decisions, and site-specific advisory board development.

State of Washington Department of Ecology -- Ecology has been delegated by the governor to serve as trustee for the state. In that capacity they represent other state agencies in trusteeship activities. Ecology also has the responsibility to regulate cleanup activities under the Tri-Party Agreement.

U.S. Environmental Protection Agency (EPA) -- EPA is not a trustee, but they have numerous responsibilities under CERCLA. They are amenable to including natural resource information in CERCLA documents if it will improve cleanup decisions. They are concerned about potential delays in the CERCLA process caused by the need to get a lot of new information.

National Oceanographic and Atmospheric Administration (NOAA) -- NOAA has trustee responsibilities for the anadromous fish population that inhabits the Hanford Reach. They can also provide considerable technical support for pre-assessment screening because of their experience with Commencement Bay. NOAA representatives offered the following comments:

- Hanford wouldn't necessarily need a formal Natural Resource Damage Assessment (NRDA), but if we rely solely on CERCLA documents, we may run into the bias of remediation project managers to stop releases as quickly as possible without concern for potential natural resource impacts.
- Trustees need to make sure that applicable or relevant and appropriate requirements (ARAR) include natural resource regulations that apply.

- Congressional appropriations may limit environmental restoration funding to remediation only and may not allow their use for damage assessments. (RL confirmed that limitation, but indicated that environmental restoration funding can appropriately be used to address some natural resource issues as part of the CERCLA process).

## NEXT STEPS

Roger Freeberg, Director of RL's Environmental Restoration Division indicated that RL will be willing to serve as the lead trustee coordinator, which will include arranging for meetings and responding to trustee requests for information. The exact nature of the coordinator's responsibilities is not completely defined, but will have to be developed as trustee activities evolve.

Formation of a Trustee Council was raised as an option for continued trustee communication. J. R. Wilkinson of the CTUIR suggested that such a council would be appropriate if an independent facilitator were hired to help the council develop a charter to make sure all interests are appropriately represented. Mr. Wilkinson also suggested that additional training on natural resource issues and trusteeship be made available to potential trustees.

DOI and NOAA agreed to pursue making their specialists available for trustee training.

Attendees agreed that June 24, 1993, would be the target date for the next meeting and that RL would work with DOI and NOAA to have training available prior to that meeting.

RL -- would like a damage assessment to determine a baseline and to see if cleanup is really working. RL needs to address land use issues and broaden NRDA to address land use.

## REMAINING QUESTIONS AND ISSUES

What irretrievable and irreversible impacts have been identified in previous environmental impact statements?

Does land use planning drive trusteeship or does trusteeship drive land use planning?

Will there be a role for the trustees in the upcoming Tri-Party Agreement (TPA) negotiations? Should milestones on trusteeship and natural resource issues be added? Will trustee obligations and pre-assessment screening requirements affect existing CERCLA milestone dates? Should that be factored in during upcoming negotiations? How should trustee activities be integrated with other Hanford activities involving some of the same organizations, such as the TPA negotiations task force and the site specific advisory board? Is reduction of security forces/barriers an issue for the trustees to consider? Should the "baseline" be based on 1943 services or 1980 services? How does

the presence of security barriers limiting access to natural resources since 1943 affect the "baseline" of natural resource services available? Is funding available from RL for technical support by the trustees? Should an independent facilitator be hired to support operation of the trustee council? Is there a clear understanding of which trustees are responsible for what natural resource? Where there are overlapping responsibilities, how should the co-trustees coordinate their activities? What is the exact role of a natural resource trustee in relationship to cleanup decisions? How will additional trustee training and next meeting be organized?

Will the landfills be considered under NRDA?

How can we integrate this council or group with other groups, i.e., citizens' forum, TPA negotiations, and other public involvement groups (land use group)?

How will we know, if waste is left in place and has the potential for re-releasing into the environment, that we won't be dealing with the same or similar NRDA issues at a later time?

How will we define and who will define if cleanup is really working?

How will funding questions and issues be addressed?

How will NRDA activities affect Treaty Rights?

How will we know if we are going in the right direction in dealing with the trustees?

How can we come to an agreement on remediation of the site in a measurable fashion so we know that the site is, in fact, clean?

With such diverse trustees and interests, how can we make sure all interests are appropriately represented?