

FINAL – June 16, 2006

**Hanford Natural Resource Trustee Council
March 15-16, 2006 Meeting**

Meeting Summary

Participants:

CTUIR	WDOE
Barbara Harper	Larry Goldstein
	Beth Rochette
NPT	WDFW
Dan Landeen	Doug Robison
Ryan Sedbury (phone)	
	YN
	Jay McConnaughey
ODOE	Wade Riggsbee
Susan Hughs	Ray Givens (phone)
Paul Shaffer	
USFWS	USDOE
Don Steffeck	Steve Wisness, RL
Lindsey Hayes	Dana Ward, RL
	Jamie Zeisloft, RL
USEPA	Kevin Clarke, RL
Larry Gadbois	Ed Hiskes, RL
Alicia Boyd	John Sands, RL
	Connie Smith, RL (phone)
USDOJ	Woody Russell, ORP
Mike Zevenbergen	
NOAA	Contractors
Mary Baker	Jill Thomson, WCH
Rebecca Arenson	Lynette Bennett, WCH
	Roger Dirkes, PNNL
USDOJ	Tom Bowden, Ridolfi
Shelly Hall (phone)	
Jean Rice (phone)	

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March 15th

Welcome Larry Goldstein

Initiate meeting and go around for introductions. There were five call-ins from legal representatives for various organizations. The agenda was reviewed and initially approved as is. A request later in the meeting by legal to change the agenda was turned down due to earlier scheduling arrangements with participants. It was, however, agreed to postpone the interest based training agenda item to a future meeting due to time constraints.

January meeting summary Dana Ward

The comments received on the draft January meeting summary were incorporated for the most part. One item for discussion was whether or not DOE has an NRDA strategy. Apparently a statement was made that they do not, however, it was believed to have been taken out of context. Jamie will revise wording to reflect appropriate context. It was agreed that it was fair to include this as a discussion point. Another item not revised was the discussion on Senior Management Meeting, whether it was to be a working meeting and whether or not topics should include the chairman, vice chairman, and representative sites. The summary will be changed and revised summary will be re-distributed for review/approval.
(ACTION # 107)

Action items review Dana Ward

Open action items, as described in the January 2006 meeting minutes, were reviewed and closed or cancelled as warranted. Those items remaining open, as well as new action items established during this meeting, are listed at the end of this summary.

Finding 06-01 – Reference Sites Steve Wisness, All

The vote for Finding 06-01 ended with 6 for and 1 against, with DOE voting “no” due to language in the finding that they considered too prescriptive and not reflective of EPA guidance. Discussion of the prescriptive language ensued, options to resolve the differences were explored, suggestions for revision were noted, and DOE took action to redraft Finding language and resubmit to HNRTC for review.
(ACTION # 108)

Legal Input Mike Zevenbergen, Ray Givens

Department of Justice requested a few minutes to introduce potential ways to avoid the litigation from negatively influencing the functionality of the HNRTC. It was suggested that some sort of a confidentiality agreement be struck between the parties such that discussions in the HNRTC meetings would be exempt from use in a court of law. YN legal, while supportive of the notion, pointed out that much of what is discussed in the HNRTC meetings is indeed related to the litigation and therefore such an agreement would be difficult to establish. It was agreed that dialogue between lawyers is appropriate and the DOJ legal would draft language for legal review.

FY 2008 Budget and CAP Steve Wisness, Larry Goldstein

An updated version of the Cost Account Plan for FY 2008 was distributed as well as a table of what was agreed to in the January HNRTC meeting. \$2.8 million was proposed for the FY08 submittal which is

due to DOE-HQ in April. It was noted some dates have changed and values changed but the tasks have not changed from earlier versions. The cost account plan was updated to provide information for RL management so they could buy into it and champion it through the system. DOE reiterated a commitment to provide work schedules and baselines for various projects so that a more detailed update could be prepared. (ACTIONS 80, 103, and 104) Currently, \$1.4 million of the \$2.8 million proposal was going to HQ within target level, with remaining \$1.4 million in the over-target category. FY 2007 budget has not been approved by Congress so still some chance that \$1.7 million or portion there-of could be allocated to Trustees. DOE indicated there will probably be about \$850K in the FY 2007 budget to support Trustee work. One of the most difficult hurdles to overcome is the fact that Trustee proposal is competing with safety and TPA milestone activities and DOE feels that compliance driven justification is not there for this activity. Ecology and EPA have endorsed linking the Trustee budget proposal to TPA clean-up milestones, however DOE has opposed adding any additional TPA milestones. Letters from individual Trustee organizations to Keith Klein emphasizing importance of this work and its connection to TPA milestones could be beneficial. It was recommended that all trust organizations send similar letters emphasizing cost efficient clean up and the advantages of early injury assessments. It was agreed that the Council needs to start budget preparations in September at Lowell meeting for FY 2009 submittal.

Restoration sooner than later Don Steffek, Mary Baker

There was a preliminary discussion of the idea of moving forward with restoration before final remediation is completed. Intent is for table top discussions to look at possible options and focus on the process and the flexibility offered in this option; clearly not talking about a negotiated settlement or agreement at this point in time.

The regulations allow for flexibility and there does not necessarily have to be a formal process. DOI and NOAA regulations exist that provide good ideas from which one could choose, not restricted to one or the other. Handout provided by NOAA from earlier presentation to another group, was used to facilitate discussion. Restoration should match what damages are, discussions focused around what restoration would be appropriate for the kind(s) and scale of injuries that may have occurred. Identify what resources and resource services have been impacted and scale restoration with the injury. A 'reasonable worst case' assumption scenario is generally used with agreement of involved parties. Trustees are responsible for assuring damages are covered and resources are protected through this process.

Much general discussion ensued, primarily focused on potential benefits of moving restoration ideas forward, how to do it, potential funding sources and limitations on use of those funds, how injury scaling is accomplished, application of process, and how discussions of restoration options may help identify appropriate path forward. It was clear that there are many options and we are not tied to one way of proceeding. Purpose of this discussion was not to reach an endpoint, rather to put it on the table for consideration and possibly elevate the concept to senior management for discussion at that level.

Examples of what restoration options may exist at Hanford, include:

- Purchase land between Hanford Site and Yakima Firing Center, providing a corridor connecting large remaining shrub-steppe habitats
- Habitat restoration on ALE and other HRNM lands
- Acquire water rights and influence water use at Priest Rapids Dam by PUD to lessen impact of water level fluctuations on aquatic resources
- Purchase island(s) in Columbia River and/or restoration of island habitat
- Identify streams in riparian areas that have salmonids in Hanford area and identify those where restoration would be beneficial – Habitat Equivalency Analysis may be useful

- Screening of irrigation returns – protect from undesirable species
- Educational kiosks on various subjects emphasizing protection of resources
- Long term monitoring – effectiveness of clean-up and restoration activities
- Plan and implement long term maintenance of restored resources
- Native seed nursery onsite

This was a good discussion that created many questions, however, the concept is clearly preliminary at this point. Trustees were encouraged to present the general concept to their senior management, including limitations and information needs in order to be successful.

Interest Based Negotiation Training All

This agenda item was deferred and will be considered for future meetings.

Finalize Action Plans

Integration (Jay McConnaughey)

No progress has been made on this plan since the last meeting. A rough draft is done and could be made available to the Trustees. The group working on this action plan needs to get together via conference call to move forward towards a review draft. It was determined that a review draft would be made available to the HNRTC during May. (ACTION # 71)

Strategies and Priorities (Paul Shaffer)

Current draft is shorter, more focused, and reflects changes discussed in January meeting. The topic of 'issue manager' was moved to the How we Govern Ourselves Action Plan and discussion on 'issues manager' in that action plan is limited to a definition of what an issue manager is and does.

Discussions moved towards how the action plans are expected to be implemented. Is the plan the strategy or is it intended that these plans will be taken and the 'strategy' then developed from them? Need to set the broad strategy to define where we want to focus and become more proactive in areas agreed to be of most importance to HNRTC. The Council needs to escape from reactive mode as documents are coming out and set priorities on most important items.

The next steps for this Action Plan are to refine and adopt it, propose priorities, create HNRTC baselines, and implement the strategies. Also need to define how individual action plans relate to other plans and to a core funding strategy. For all plans, Trustees identified a need to cross-reference action plans or develop some other mechanism to assure the fact that there are 4 interrelated action plans is not lost. Acronyms will be spelled out the first time they are used so this will be meaningful to future users. The draft will be modified and redistributed to HNRTC for additional review and comment. (ACTION # 71)

Resources and Budget (Larry Goldstein)

Revisions have been made based on discussions during the January HNRTC meeting. Changes included the elimination of time-specific information to make it more generic, replacement of 'damage' with 'injury', and clarification of limitations. HNRTC would like to have a written position statement from DOE on the integration of risk assessments at Hanford. What does DOE mean when they say they are

going to integrate? DOE's NRDA Policy is valid, enforced, and HQ expects sites to abide by it. RL is to clarify policy, such that it can be applied consistently. (ACTION # 109) YN staff stated that it was premature to discuss restoration when there is a need to thoroughly understand the extent of risk and injury to natural resources as well as risk to the Yakama people. Suggestions for revisions included rearranging bullets under restoration, linking milestones with enhanced decisions, and add specific text on TPA milestones. EPA would support the approach of linking to TPA milestones, however, it is unlikely that they have funding to review all plans and linkages. A revised version of the Plan will be provided to the HNRTC as soon as possible. (ACTION # 71)

March 16

YN legal requested some time to comment about some thoughts from yesterday. Ray Givens noted that we are now in litigation and opportunity to negotiate further is gone. When the HNRTC discusses things that relate to the litigation, it is problematic. What council can talk about and/or do may be limited. It may be necessary for lawyers to talk before next meeting to set ground rules on how council can proceed. Also, it may be beneficial for lawyers to review agenda items before meetings to avoid contentious issues. Admissibility agreement may be useful, however, it would not likely cover everything discussed by the HNRTC. Difficulty lies in what is and what is not related to litigation and therefore off-limits. Clearly, the litigation has a significant impact on the HNRTC.

Action Plans (Continued)

Governance (Susan Hughs)

Susan Hughs has taken lead in light of Lauri's new responsibilities. Current draft reflects discussions from January meeting and is a simplification of earlier drafts and not a policy statement. It is apparent that it is time to review and revise Memorandum of Agreement (MOA) and the HNRTC By-Laws as the HNRTC has matured. There is a need to disengage the two, streamlining the MOA and moving lower level detail into By-Laws. Revisions to MOA will require input from senior management as well as legal, while By-Laws could move forward at council level with agreement from Trustees. The decision making process needs to be updated, reflecting graded approach and need for consensus on policy level decisions only. Details are in revised plan, however, some topics may be off limits in light of litigation. Current draft identified need for 'master schedule' of activities (in one place) that HNRTC feel they need to be involved in. It was acknowledged that the draft presented is confusing because it blends "action" and "implementation". The Governance work group will revise the draft, remove the implementation language, and submit a clear action plan for council consideration. Revisions to the MOA and By-Laws will be addressed by a work group under the implementation phase. These proposed revisions may require consideration by senior managers and/or legal counsel.

A revised draft of the Governance Action Plan, as well as the Resources and Budget, and Strategies and Priorities Action Plans, will be provided to HNRTC for review by the close of business, March 23, 2006. Comments are due back to respective committee leads by April 7, 2006. The draft Integration Action Plan is due to Trustees by May 19, 2006 for discussion and adoption during the next meeting. (ACTION # 71)

Data matrix progress/findings on Chromium Mary Baker, Tom Bowden

A status of the document review was provided. Approximately 1000 to 1500 documents cited, with those found related to the 200 Areas being more general in nature like environmental surveillance annual reports and ecological summary documents. Effects related studies focused on plutonium, uranium, and

some chromium efforts. Ridolfi is still trying to obtain copies of some documents identified earlier. Roger D. has located some, and identified nearly half as presentations that are not likely to contain unique critical information and which are difficult to get copies of. The technical library was identified as a resource to track down documents as well as to conduct extensive literature searches of numerous environmental/ecological databases that may contain additional useful information. Mary Baker has discussed findings to date with Ridolfi and summarized some preliminary questions relative to the completeness, adequacy, gaps, and usefulness of information. Ridolfi feels it is unlikely that more information would significantly change status and that an extension of Mary's evaluation be done in a more objective, mechanical manner that includes queries of the database to identify strengths and weaknesses as an appropriate next step. Some concern still exists as to the completeness of the data/information gathering process to date and the importance of not overlooking information or identifying data needs where information exists. Concerns were also expressed that there does not seem to be adequate data (i.e., not much existing work) for several important issues, notably on sediment contamination, sub-lethal effects in aquatic organisms, and very little data for amphibians. The effort will move forward, beginning to evaluate information in databases as well as continuing to gather data as appropriate.

The upcoming Chromium Toxicology Workshop was discussed and several options for the arrangement of the workshop were debated along with who should be invited (what expertise), potential for more than one workshop, length of the workshop (1 – 2 days), and the expectations for the workshop. Eight 'experts' have been identified that are willing to participate however timing and logistics may be problematic. It was agreed that 2 days would be appropriate, possibly separating out histology for first day and chromium toxicological studies the second. (ACTION #99)

Feedback on two past workshops

Two workshops were attended by several trustees and are summarized below:

- **Central Plateau Ecological Risk Assessment** Paul Shaffer

This was a 2-day workshop addressing Phases 1 and 2 (first day) and Phase 3 (second day) of the CP ecological risk assessment. Phase 1 looked at the waste areas and B-pond, Phase 2 covered the BC Control Area and was sampled last summer, and Phase 3 is looking at buffer outside of areas, West Lake, and carbon tetrachloride in soil. Key activities/dates with short fuses include the issuing of the Phase 3 SAP for review on March 29, with a follow-up review workshop on April 12. Budget and timelines are driving the schedules for the SAP and concern was expressed that there are some important decisions being made with severely limited numbers of samples. A continuing concern and frustration is the lack of lead time to review plans and data sets and provide input into the SAPs. Other points of discussion included the concept of multi-increment versus grab sampling, the adequacy of background/reference location, level of effort in area outside of operating areas, and the use of PCB-contaminated oil on site roads and potential for biological impacts. The Trustees were encouraged to be prepared and participate in the workshops in spite of the short lead time.

- **Groundwater Workshop** Don Steffek

The overview of groundwater contamination was very informational and provided a good status of the complications, issues, and path forward. The efforts ongoing in the groundwater/river interface using aquifer tubes, the data from which provides a heads up to potential immediate impacts to the river were also summarized. In addition, far-field environmental surveillance activities on the near shore river and riverbank seep sampling, as well as various biota sampling,

were discussed. Efforts associated with the River Corridor Baseline Risk Assessment were also presented at the workshop. Efforts are also ongoing to continue to identify the sources of contaminants in the 100 Areas that are present in the groundwater, and where appropriate action is being taken to control these sources.

\$10M Earmark for GW Projects Larry Goldstein, All

Eight projects were selected for funding through a \$10 million congressional earmark. This opportunity is on a very fast track and there was no opportunity for input on the selection process, however, peer reviews on some are now taking place and there is some opportunity for input on those proposals. The YN representative stated that the process appeared to be another USDOE decide-announce-defend effort and the YN was not consulted from the conception. The list of peer reviewers, which was sent out, is relatively comprehensive, received some input from Ecology, and WDFW was somewhat comfortable the projects are undergoing peer review. The top 5 projects related to the river corridor were Sr-90 at 100N, Cr at 100D, Cr at 100K, U at the 300 Area, and the deep vadose Tc-99 issue. Mike Thompson has made significant effort to be available and responsive during the selection process. It may also be of interest for Trustees to track the peer review process. Steve W. will evaluate opportunities to set up conference call with Mike T. and/or identify other opportunities to discuss this topic, schedules, and milestones with the HNRTC. (ACTION #110)

300 Area PAS Barb Harper, Steve Wisness

The Preliminary Assessment Screen (PAS) is part of the CERCLA process, reviews existing data, and if five criteria are met it is appropriate to continue through the NRDA process. Concerns were raised about the future of the 300 Area, and how restoration might be affected by possible plans to transfer land to the City of Richland. The 300 Area is also of concern because final RODs are coming up and HNRTC wants to take advantage of opportunities to influence planning to integrate restoration with remediation. There is currently no tolling agreement and it is unclear whether or not statute of limitations clock has started. Various questions regarding the purpose, spatial scale, timing, and need for a PAS were discussed. A PAS could be extremely detailed and long or it could be as simple as a 4-5 page effort. The 300 Area, with 3 Operable Units, is unique and in addition, the 300 area is also included in the River Corridor Baseline Risk Assessment so there is opportunity to weigh in. Several options appear to be available to the Trustees. Trustees also expressed an interest in a site-wide PAS given the co-mingling of contaminants in groundwater and past air releases. This topic needs additional internal discussion and strategic thinking. It was agreed that this would be carried over as an agenda item in the next HNRTC meeting. (ACTION # 111) It was also noted that there was an assessment plan put together by the USFWS and finalized by the HNRTC back in the 1997 time frame that the Trustees should resurrect and review as appropriate. (ACTION # 112)

Lessons Learned on BC Pilot DOE

The status of the BC Pilot assessment was provided indicating that Draft B is due out this summer while the 100/300 Area Risk Assessment, Draft A, is scheduled to be out the summer of 2007. There will not be phases to the 100/300 Component of the River Corridor Baseline Risk Assessment (RCBRA). A question was raised about the availability of comments online for the BC Pilot assessment and it was determined that they were now available online. WDFW indicated there were major comments on the BC Pilot Assessment and expressed concern that comment responses may not have been complete enough or enough action had been taken. State of Oregon expressed a view that the BC Pilot had some benefit to the 100/300 Component, but that it did not capture all concerns. The 100/300 Component of the RCBRA, including Appendix B on salmon, which was put back in, would be available in the next few weeks. Decisions were made using multiple lines of information. USFWS is concerned that the review may not

have been comprehensive enough (history review and walk-downs) to catch all sites. The end states Final Closure Plan is scheduled to be presented on June 7, 2006 and a conference is planned during June as well. An action was taken to more fully brief the HNRTC on WCH scope related to End States and Final Closure, including: 1) long-term stewardship plan, 2) integration strategy, and 3) interim areas, during the summer meeting when the baseline would be final. (ACTION # 113)

Meeting Recap All

It was clarified that there was \$1.4 Million within the FY08 baseline submittal with \$850K allocated for the Matrix, Technical Assistance, and Ecological Risk Integration Tasks. It was agreed to make corrections to the January meeting summary, distribute the revised January Meeting Summary to the Trustees in the near future, and attempt to approve them online. (ACTION # 107)

Next Meeting All

The next meeting was scheduled for June 7-8, 2006 in Richland. This fall's Lowell meeting was scheduled for September 13 and 14.

Adjourn

ACTION ITEMS
03/15 – 16/2006
HNRTC MEETING

	ASSIGNEE / ACTION	Date Assigned	Date Completed
2.	WEB SITE: a) Update general information on Web page – D.Ward b) Review update, comment to D.Ward ASAP c) General Review by Trustees, comment to DWard d) Add ERA participation and link to BHI ERA website – J. Zeisloft e) Work Group to Update (SH, LV, BH, DS) f) Put changes into website for review ACTION: SH, LV, BH, DS	9/11/03 12/1/04 5/25/05 5/25/05 9/7/05 11/16/05 3/15/06	4 th Qtr 04 Ongoing Ongoing ongoing – review by Trustees
30.	Provide Ray (Austin) Johnson biological database electronically <ul style="list-style-type: none"> • Confirm completion • Confirm completion – D. Ward • Obtain CD of last update • Brief Council next meeting – J. Dorian • Agenda item for June meeting ACTION: D. Ward	12/2/04 2/23/05 5/25/05 9/7/05 11/16/05, 3/15/06	Ongoing
52.	Forward May 26, 2005 ERWG meeting summary notes - Paul Shaffer to forward summary ACTION: D.Steffeck, P. Shaffer	5/25/05, 9/7/05, 11/16/05, 3/15/06	Ongoing
71.	HNRTC Strategic Planning Action Plans: <ul style="list-style-type: none"> • How we govern ourselves: S. Hughs, B. Harper, D. Ward • Timeliness, effective, having an impact: P. Shaffer, M. Baker, S. Wisness (RL support) NOTE: moved into other action plans 11/17/05 • Budget/Resources: L. Goldstein, D. Steffeck, J. Price, S. Wisness • Strategy and Priorities: P. Shaffer, L. Goldstein • NRDA and Integration: D. Landeen, J. McConnaughey, L. Vigue, B. Harper, D. Steffeck a) Conference call September 29 @ 10:00am b) Draft Action Plans for November Mtg to council members for review by October 14 c) Revise plans per Nov meeting input – to council 12/9/05 d) Revise plans for March meeting e) Revised Governance, Budget, & Strategies to	 9/7/05 9/7/05 11/17/05 1/31/06	Ongoing Done Done Done Done

	ASSIGNEE / ACTION	Date Assigned	Date Completed
	HNRTC for review by 3/24/06, potentially to include legal and senior mgmt f) Comments back to Committee lead on Governance, Budget, & Strategies by 4/7/06 g) Integration to HNRTC for review by 5/19/06 ACTION: Team Leads	3/15/06 3/15/06	
72.	Governor's Conf call questionnaire – provide 17 questions w/answers to members ACTION: S. Wisness, L. Goldstein	9/7/05, 11/17/05, 03/15/06	Ongoing
80.	Provide work plan schedules for CP and GW Remediation to trustees - include budgets ACTION: S. Wisness	9/8/05, 11/16/05 3/15/06	Ongoing will continue to provide info.
84.	Senior Trustee Meeting: a) Council members provide best options for date of Sr. Trustee Meeting and DOE will finalize and send formal invitations b) Consider Risk Integration as agenda item for meeting c) Postponed, work for reschedule ACTION: HNRTC, D. Ward	11/16/05 11/16/05 3/15/06	Itrs. are ready to go out. Change date to later this week. Ongoing
99.	Through the DOE-NOAA contract invite outside experts to the chromium workshop on state of Cr in the environment - Expanded scope, postponed until January - Postponed to May. ACTION: D. Ward	1/31/06 3/15/06	Ongoing
101.	Telephone conference call with instructor of Collaborative Problem Solving to answer Trustee questions. - postponed, L. Vigue changed position ACTION: S. Hughs	1/31/06 3/15/06	Ongoing
103.	Copy of the River Corridor Baseline document to L. Goldstein and P. Shaffer. ACTION: S. Wisness, J. Zeisloft	2/1/06 3/15/06	Ongoing
104.	Copy of the Richland Operations Office baseline to L. Goldstein and P. Shaffer. ACTION: S. Wisness, D. Ward	2/1/06 3/15/06	Ongoing
107.	January Meeting Summary – revise, resubmit to HNRTC, approve online/email ACTION: D. Ward, HNRTC	3/15/06	
108.	Redraft Finding – reference sites – and distribute to HNRTC for review/comment ACTION: S. Wisness, D. Ward	3/15/06	

	ASSIGNEE / ACTION	Date Assigned	Date Completed
109.	RL clarification of DOE NRDA Policy (1997) ACTION: S. Wisness, D. Ward	3/15/06	
110.	Teleconference/meeting – M. Thompson and HNRTC to discuss \$10M earmark, schedule, milestones, etc ACTION: S. Wisness, D. Ward	3/16/06	
111.	Include 300 PAS as agenda item for June Meeting ACTION: D. Ward	3/16/06	
112.	Review 100 Assessment Plan (1997) prepared by USFWS for HNRTC ACTION: HNRTC members	3/16/06	
113.	Brief the HNRTC on WCH scope related to End States and Final Closure during the summer meeting ACTION: J. Sands, D. Ward	3/16/06	