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20 June, 2000

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Dennis Faulk
U.S. Environmental Protection Agency
712 Swift Blvd., Suite 5
Richland, WA 99352

HANFORD PROJECT OFFICE
JUN 22 2000
ENVIRONMENTAL PROTECTION AGENCY

Dear Mr. Faulk:

Subject: Comments on the *Proposed Plan for the 100 Area Burial Grounds Interim Remedial Action*, DOE/RL-99-59, Rev.1.

The Washington Department of Fish and Wildlife (WDFW) appreciates the opportunity to comment on the aforementioned document. We also referenced the *100 Area Burial Ground Focused Feasibility Study* in our review. We conclude that there has been insufficient biological characterization of the 100 Area Burial Grounds to allow us to determine an appropriate remedial response.

A portion of the Hanford Site was designated a National Monument by the President of the United States under the authority of the Antiquities Act on 9 June, 2000. The Monument's boundary includes lands on the west bank of the Columbia River. Several of the waste sites may be within this designation. The U.S. Environmental Protection Agency (EPA) and U.S. Department of Energy (USDOE) staff need to consider the ramifications of this designation in the Proposed Plan. In addition, the President issued a memorandum for the Secretary of the Energy directing the Secretary to manage Central Hanford to protect important values of similar scientific interest found there as those being protected under the designation where practical (see enclosure), and to consult with the Secretary of the Interior. We would interpret this to mean that clean-up actions should be protective of biological resources for which the National Monument was created.

Several anadromous fishes have been federally listed recently, and the National Marine Fisheries Service (NMFS) has issued final rules on designated critical habitat for these species as well as defining "harm". Please refer to our letter addressed to Mr. Doug Sherwood on 24 May, 2000. Ground water is being contaminated by at least one waste site within this proposed action. This contaminated ground water may be adversely impacting federally listed species. Therefore, EPA and USDOE need to consult NMFS

and U.S. Fish and Wildlife Service on this action under Section 7 of the Endangered Species Act (ESA) to ensure that the proposed action is not likely to jeopardize the continued existence of any listed species (16 U.S.C. Sec. 1536 (a)(2)). The consultation requirements of section 7 are nondiscretionary and are effective at the time of species' listings regardless of whether critical habitat is designated.

WDFW believes that an ecological exposure/assessment is needed to formulate a conceptual model of the burial grounds and to ensure adequate protection of biota. Our concerns about an ecological assessment were initially expressed in our comments on the *100 Area Burial Ground Focused Feasibility Study* and still remain. We believe it is imperative that adequate biological characterization occurs prior to any interim action. By initiating an ecological assessment consistent with EPA guidance, USDOE can demonstrate that it is being compliant with federal laws such as the ESA and Migratory Bird Treaty Act. In addition, USDOE can demonstrate whether it's been successful in eliminating pathways that pose injury to fish and wildlife and protective of the valuable resources for which a National Monument was designated.

WDFW believes that the Tri-Parties need to reassess the current characterization approach and re-align with EPA's ecological assessment guidance. This guidance presents an approach, which includes problem formulation, exposure assessment, ecological effects assessment and risk characterization (enclosure, Figure 1 from ECO update). These elements are integrated early into the Remedial Investigation/Feasibility Study process and are conducive to a decision that is protective of fish and wildlife (enclosure, figure 2 from ECO Update). EPA in Region 8 has implemented this approach successfully at the Rocky Mountain Arsenal. Given the National Monument designation and the President's directive, implementation of an ecological exposure/effects assessment would appear appropriate now at the Hanford Site.

Additional biological characterization is needed. An ecological exposure/effects assessment will assist in determining whether proposed remedial responses are compliant with the ESA and MBTA and protective of resources identified in the designation of the Hanford Reach National Monument. This assessment approach has been successfully used at other federal facilities.

Thank you for the opportunity to comment. If you have any questions regarding these comments, please contact me at (509) 736-3095.

Sincerely,

Jay McConnaughey
Habitat Biologist, Hanford Site

Enclosures (3)

cc:
Hanford Natural Resource Trustee Council
Susan Hughs, Chair
G. Goldberg, USDOE
S. Landino, NMFS
G. Hughes, USFWS
G. Jackson, USFWS
L. Cusack, Ecology
J. Hedges, Ecology
T. Clausing, WDFW
100 Area Administrative Record