



Nez Perce

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

May 12, 2003

Mr. Brian Foley
Department of Energy
PO Box 550, A5-13
Richland, WA 99352

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EDMC

RE: 200 Area Ecological Evaluations

Dear Mr. Foley:

Since 1855, reserved treaty rights of the Nez Perce Tribe in the Mid-Columbia have been recognized and affirmed through a series of Federal and State actions. These actions protect Nez Perce rights to utilize their usual and accustomed resources and resource areas in the Hanford Reach of the Columbia River and elsewhere. Accordingly, the ERWM responds to actions that impact the Hanford ecosystem.

The reason for this letter is to reiterate our support of conducting ecological sampling at waste sites at Hanford as they are being cleaned up. In recent discussions with the Washington State Department of Ecology they have indicated that DOE may not be willing to conduct ecological sampling as part of the 200 Area Ecological Evaluation and Risk Assessment. According to the current schedule a DQO is starting this month and to our knowledge there has been little or no coordination with the Hanford trustees per the CERCLA statutes (42 USC Sect 9604) which require trustee coordination.

One of the main issues that the ERWM has actively pursued since 1994 has been the idea of instituting some minimum level of ecological sampling as sites are being cleaned up at Hanford. Currently at Hanford, statements are continually made that a given cleanup action is "*protective of human health and the environment*". The assumption is made that if a cleanup action is protective of human health then it is also protective of the environment. Based on what we have learned at Horse Shoe Landfill in the 1100 Area, this is a faulty assumption. It has long been the contention of the ERWM that in the absence of any biological data that we cannot assume that remedial actions are indeed being protective of the environment.

Biological samples should be collected pre and post cleanup. In some instances it may be determined that some minimum level of long term biological monitoring should be instituted. As biological data is collected and analyzed we would be in a position to make more accurate statements about the state of contaminants and their associated risk that are being incorporated

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DOE-RL/RLCC

into the Hanford ecosystem. Data collected would be available for use for ecological modeling purposes and we would be in a more credible position to inform the public that a given remedial action is indeed protective of the environment.

We would also like to remind DOE that a lack of ecological sampling for this project has the potential to initiate the Natural Resource Damage Assessment (NRDA) process by a trustee organization as stipulated under CERCLA. We believe that it is in the interest of all parties and the resources of concern to incorporate ecological sampling into the overall project in order to avoid proceeding with NRDA actions that can be costly and time consuming.

If you have any specific questions regarding these comments, please contact Dan Landeen of my staff at (208) 843-7375.

Sincerely,



Patrick Sobotta
ERWM Director

Cc: Kevin Clark (DOE)
John Price (Ecology)
Dennis Faulk (EPA)
Tom Zeilman (Yakama)
Susan Hughes (Oregon)
Larry Goldstein (Ecology)
Laurie Vigue (Washington)

Larsen, Astrid P

From: Larsen, Astrid P
Sent: Wednesday, May 28, 2003 10:47 AM
To: Ward, Dana C; Foley, Bryan L
Cc: Larsen, Astrid P
Subject: RE: INFO CORR/NA/RMIS Doc: 200 AREA ECOLOGICAL EVALUATIONS

As a reminder, DOE under Dana's program is doing extra analysis at Horse Shoe landfill, at the request of the Nez Perce.

-----Original Message-----

From: Ward, Dana C
Sent: Wednesday, May 28, 2003 10:25 AM
To: Larsen, Astrid P
Subject: FW: INFO CORR/NA/RMIS Doc: 200 AREA ECOLOGICAL EVALUATIONS

FYI...NRD threat at end of letter.

-----Original Message-----

From: Foley, Bryan L
Sent: Wednesday, May 28, 2003 9:26 AM
To: Ward, Dana C
Subject: FW: INFO CORR/NA/RMIS Doc: 200 AREA ECOLOGICAL EVALUATIONS

Dana,

I am forwarding this to you for your information. This letter from Pat Sobotta of the Nez Perce refers to the need for "some minimum level of long term biological monitoring". I am hoping to kick off a DQO in the next few weeks to discern what kind of additional ecological sampling is required to support remedial action decisionmaking using CERCLA RODs.

I'd like to talk with you briefly about this and will plan to give you a call in the next day or so.

Bryan

-----Original Message-----

From: Ghuman, Beeba K
Sent: Monday, May 19, 2003 2:34 PM
To: Foley, Bryan L
Cc: Sanders, George H; Castleberry, Connie J; Clarke, Kevin V
Subject: INFO CORR/NA/RMIS Doc: 200 AREA ECOLOGICAL EVALUATIONS

Doc # / Identifier: NA
Title / Desc: 200 AREA ECOLOGICAL EVALUATIONS
Originators / Name: SOBOTTA P
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