

START 9713537.0157

0047068

2

DEPARTMENT of
NATURAL RESOURCES

Special Sciences
and Resources
Program



CONFEDERATED TRIBES
of the

Umatilla Indian Reservation

P.O. Box 638
PENDLETON, OREGON 97801
Area code 503 Phone 276-0105 FAX 276-0540
Fed Ex: Old Mission Hwy 30, Pendleton, OR 97801



July 30, 1996

Patrick W. Willison
Department of Energy
Richland Operations Office
A4-52, P.O. Box 550
Richland, Washington 99352

Dave Nichols
Jacobs Engineering Group, Inc.
3250 West Clearwater
Kennewick, Washington 99336

Stan Sobczek
Nez Perce Tribe
ERWM Program
P.O. Box 365
Lapwai, Idaho 83540

Carolyn Haass
Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

Bob Cook
Yakama Indian Nation
ERWM Program
1933 Jadwin, Suite 110
Richland, Washington 99352

Geoff Tallent
Washington Department of Ecology
P.O. Box 47600
Olympia, Washington 98504

Subject: Record of conversations regarding treaty rights language in TWRS-EIS

Dear Colleagues:

A misunderstanding has existed for some time between staff for the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), U.S. Department of Energy (DOE) staff and staff for Jacobs Engineering Group, Inc. (Jacobs) concerning certain language contained in the Tank Waste Retrieval System (TWRS) Draft Environmental Impact Statement (DEIS). In phone conversations yesterday, staff for the CTUIR, DOE, Jacobs, the Yakama Indian Nation and the Nez Perce Tribe resolved this disagreement. The purpose of this letter is to memorialize these conversations.

CTUIR staff have been concerned about a sentence which appears in the TWRS DEIS text at sections 4.5.3, 4.7.1.3 and I.5.3. This sentence states (with only minor variation), that in the opinion of DOE, Hanford is not "open and unclaimed land" on which the tribes have the

TREATY JUNE 9, 1855 + CAYUSE, UMATILLA AND WALLA WALLA TRIBES

treaty-reserved right to hunt, gather plants and pasture livestock. CTUIR staff believe this sentence should be removed from the various locations in which it appears in the EIS.

In a letter (post?-)dated June 27, 1996, and sent to the CTUIR, the Yakama Indian Nation, and perhaps the Nez Perce Tribe, Ms. Haass offered to insert into the text of the TWRS final EIS a few sentences from the tribes. These additions would present the tribes' opinions regarding the "open and unclaimed land status" of Hanford. This text would appear near to, and in contrast to, the sentence recording DOE's opinion. Subsequent to receiving this letter, I have had conversations with each of you in which I reiterated the preference of CTUIR staff that the final EIS simply delete the objectionable sentence, rather than add sentences demonstrating a contrasting opinion on behalf of the three tribes.

In telephone conversations conducted yesterday, we reached the following agreement: Mr. Willison agreed to the deletion of the sentence objected to by the CTUIR from the various sections in which it appears in the EIS, provided that the tribes do not insert language of their own stating their opinions regarding the open and unclaimed land status of Hanford. Mr. Sobczek agreed that this would be an acceptable way to deal with this problem. Mr. Cook stated that the Yakama Indian Nation did not object to resolving this issue in this manner. I left a voice mail message with Mr. Willison conveying the views of Mr. Sobczek and Mr. Cook, and informing him I would pass word on to the Jacobs staff regarding this resolution. I then spoke with Mr. Nichols conveying this same information.

I trust that we have now resolved our conflict over this portion of the text of the TWRS EIS. Please let me know if you have any disagreement with my account of our conversations or of the terms of the agreements reached. I can be reached at (541) 278 - 5209.

Sincerely,



Christopher L. Burford
Policy Analyst

cc:

Antone Minthorn, Board of Trustees, CTUIR
J. R. Wilkinson, Manager, Special Sciences and Resources Program (SSRP), CTUIR
Stuart G. Harris, Natural Resources Specialist, SSRP, CTUIR
Kevin Clarke, Indian Programs Manager, DOE/RL