

1249651  
[0005138H]

## HANFORD 100 D/H ROD DISCUSSION

DOE/EPA/ECOLOGY  
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### Cultural Concerns

#### No potential to Cause Effects Projects

Between the years 2003 through 2011 many projects went forward under the classification of No Potential to Cause Effect (NPCE).

These projects did not go through a complete Section 106 process to include tribal consultation.

D Area had NPCE 82 projects, and H area had 44 such projects

Many of these projects were ground disturbing including such activities as; waste site remediation, well installation, confirmatory sampling and characterization, upgrades to support infrastructure, and the development of project support staging areas.

36 CFR 800.3 (1) defines an NPCE as "if the undertaking is a type of activity that does not have the potential to cause effects on historic properties, assuming such properties were present". As the area along the River is known to be culturally sensitive with many archeological sites, it is reasonable to assume presence and is highly probable ground disturbing activities would have effected cultural resources.

It is necessary to review these projects to determine if activities adversely effected cultural resources and to mitigate for adverse effects per 36 CFR 800.5-.6.

#### Traditional Cultural Property Concerns

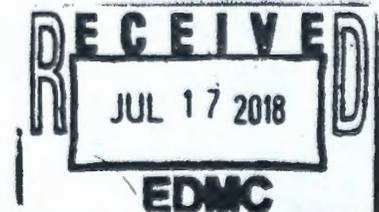
YN currently conducting a site wide TCP study in which preliminary evidence shows TCPs in the D and H areas.

These areas must be further investigated to determine the effects of Federal undertakings/decisions on the historic properties (36 CFR 800 and EPA Guidance Document Section 4)

YN is concerned with the longevity of the effects to the historic properties based on the Proposed Plan and selected Preferred Alternatives.

Any adverse effects must be mitigated in consultation with YN.

YN proposes a Memorandum of Agreement may need to be developed and attached to the final ROD to mitigate for adverse effects.



Step by step how the 106 review should be performed taken from the 36CFR800, showing at what level consulting parties should be included, survey and field work and review time limits.

### Section 106 Review Process

Where DOE has been stopping the Process	1. Establish Undertaking	36CFR800.3(a)
	NPCE=undertaking that has no potential to cause effect on historic property	.3(a)(1)
	2. Coordinate with other reviews....NEPA, NAGPRA, AIRFA, ARPA	36CFR800.3(b)
	3. Identify appropriate SHPO/THPO	36CFR800.3(c)
	4. Conduct Consultation with SHPO/THPO	36CFR800.3(c)(3)
	5. Consult with tribes who wish to be a consulting party	36CFR800.3(c)(4)(f)
	6. Identification of historic properties in consultation with SHPO/Tribes	36CFR800.4(a)
	7. Define APE	36CFR800.4(a)(1)
	8. Review existing information	36CFR800.4(a)(2)
	<b>Including data concerning possible historic properties not yet identified</b>	
	9. Seek information from consulting parties or others likely to have information	36CFR800.4(a)(3)
	10. Gather information from Indian tribes	36CFR800.4(a)(4)
	11. Agency shall take steps necessary to identify historic properties	36CFR800.4(b)
	Agency shall make a reasonable and good faith effort to include:	36CFR800.4(b)(1)
	Field investigation and survey to identify historic properties	
	12. If no historic properties present and/or affected:	36CFR800.4(d)(1)
	Documentation is submitted for 30 day review	Where ACHP and SHPO have stated the Process should be completed at the minimum for ground disturbance projects
	If there no objection section 106 review obligation is fulfilled	
	13. If historic properties are discovered: Evaluate historic significance	36CFR800.4(c)
	Apply National Register Criteria in consultation with SHPO and Tribes	36CFR800.4(c)(1)
	14. Determine if property is eligible	36CFR800.4(c)(2)
	15. Undertaking will affect the historic property:	36CFR800.4(d)(2)
	Agency notifies consulting parties to invite views on the effects	
	16. Assess adverse effects. Apply adverse effect criteria	36CFR800.5(a)
	17. Resolution of Adverse effect through consultation	36CFR800.6(a)
	Avoid--Minimize--Mitigate (MOA)	

The table below provides summary statistics taken from the Cultural Resources section of the annual *Hanford Site Environmental Report* for reviews over the past 8 years. Prior to 2003, reviews were not identified by type, generally only the total number of reviews was reported.

**Project Review Totals for 2003 Through 2010<sup>1</sup>**

Year	Total Reviews	Building PA Exemptions	NPCEs	CRRs	Post Review Discoveries
2010	269		230 (85.5%)	39 (14.5%)	2
2009	167		154 (92.2%)	13 (7.8%)	2
2008	113		103 (91.2%)	10 (8.8%)	0
2007	129		115 (89.1%)	14 (10.9%)	0
2006	165	6 (3.6%)	144 (87.3%)	15 (9.1%)	2
2005	190	6 (3.2%)	156 (82.1%)	23 (14.7%)	0
2004	166	20 (12.0%)	120 (72.3%)	26 (15.7%)	0
2003	142	21 (14.8%)	113 (79.6%)	8 (5.6%)	0
<b>Total</b>	<b>1341</b>	<b>53 (15.4%)</b>	<b>1135 (84.6%)</b>	<b>148 (11.0%)</b>	<b>6</b>

<sup>1</sup> DOE-RL, 2005, Section 8.15 "Cultural Resources Monitoring" In *Hanford Site Environmental Report for Calendar Year 2004*, Pacific Northwest National Laboratory, Richland, Washington.