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DEPARTMENT of
NATURAL RESOURCES

Administration

CONFEDERATED TRIBES
of the

Umatilla Indian Reservation

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DEPARTMENT OF ENERGY

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April 10, 2000

Susan Coburn Hughs, Chair
Hanford Natural Resources Trustee Council
625 Marion St. NE
Salem, OR 97310

Dear Ms. Hughs:

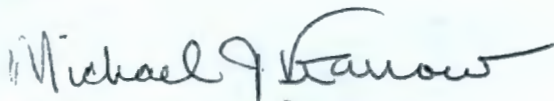
As the delegated Natural Resource Trustee for the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), I want to thank-you for your March 8, 2000, letter regarding the Tribe's representative to the Hanford Natural Resource Trustee Council. I want you to know that the actions and authorities of the Council are serious matters and that I have taken action to resolve the representative dilemma since Chris Burford left the Department of Natural Resources' Special Sciences and Resources Program (SSRP). The document reviews, study designs, briefings and implementation plans regarding restoration actions are critical components of maintaining and protecting the rights, resources and responsibilities of the CTUIR. I want to share with you however the following observations.

1. The funding for Trustee administrative support services and document reviews is sadly lacking, especially in light of the Hanford Advisory Board's budget, meeting schedules and number of Board members. This is particularly bothersome when compared to the legal mandates for Trustees to conduct the reviews under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). My challenge here is meant not to diminish the important contribution of the Board to the Pacific Northwest but to note the clear distinction between a non-mandated Federal Advisory Committee Act group as opposed to a legally driven group, the Trustees. In my opinion the purpose of the Council is to not only restore the resources potentially injured by unplanned releases but to also reduce overall restoration costs and to increase remediation effectiveness.
2. It is important for the Council to not only review the technical demands of determining injury, or the lack thereof, but to identify issues requiring policy review and changes, if necessary. The need to conduct the technical review of ongoing studies or initiate them as needs dictate is critical but I also believe that policy issues, such as changes or modifications in remediation designs or implementation plans, should be identified in parallel and delivered to responsible agents.

3. A DOE/Headquarters representative and trainer provided clear input during the initial stages of formulating the Trustee Council. His point was that increased "clean-up" costs could likely decrease restoration costs and these "extra" up-front expenses were a net benefit to long range planning, costs and effectiveness of restoration. In essence, increased remediation effectiveness can lead to decreased restoration and injury determination expenditures.
4. Given the preceding issues the Council, in concert with the Department of Energy as a Trustee, should seriously consider taking actions to increase the viability and effectiveness of the Trustee Council. If this means more meetings, policy level briefings and further outreach, visibility and education to the broader Hanford community then these actions should be considered. Obviously, any contemplated actions should be within the confines of the legal mandate, authority and Bylaws of the Trustee Council.
5. The current DOE representative to the Trustee Council provides positive contributions to the deliberations of the Council. I remain concerned however that the DOE is still suffering under the yoke of being a Trustee as well as a Potentially Responsible Party and I believe that this fundamental conflict leads to unnecessary differences of opinion. I suggest that the Council, in concert with the DOE representative, reach a common understanding with Richland Operations that the DOE representative should be an independent spokesperson for Trustee Council. The Trustee Council/DOE representative is important particularly during internal DOE discussions in light of tight budgets, planning actions and participation in remediation design and implementation.

In conclusion, I am appointing J.R. Wilkinson as the CTUIR Trustee representative until further notice and I commit to supporting the Trustee Council in whatever manner protects the resources of the CTUIR.

Sincerely,



Michael J. Farrow, Director
Department of Natural Resources
Confederated Tribes of the Umatilla Indian Reservation

Cc: J.R. Wilkinson, SSRP Program Manager
Audie Huber, DNR Acting Deputy Director