



Oregon

Theodore R. Kulongoski, Governor



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November 28, 2007

Mr. Bryan Foley
U.S. Department of Energy
P.O. Box 550, MA A6-38
Richland, WA 99352

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Dear Mr. Foley:

Oregon appreciates the opportunity to provide input to the planning for the U.S. Department of Energy's Supplemental Analysis (SA) for the Hanford Comprehensive Land Use Plan Environmental Impact Statement (CLUP). Since the CLUP was prepared in 1999, there have been a number of events on, and decisions made about, the Hanford Site that warrant consideration in your analysis of whether it is appropriate to revise or rewrite the 1999 CLUP. As a prelude to our comments on issues of concern to Oregon regarding the upcoming SA and the CLUP, we want to restate Oregon's values with regard to Hanford, and to reiterate our expectation that decisions arising from the SA will be faithful to these values. With regard to the Hanford Site, Oregon believes that:

1. The Columbia River must be protected from further contamination and degradation.
2. The health and safety of Oregon residents must be protected.
3. The treaty obligations of the U.S. Government with respect to Tribal Governments must be recognized and satisfied.
4. The important ecological, biological, geological, historical and cultural assets of the Hanford Site must be preserved.
5. DOE must plan so as to protect the ability to clean up the site and avoid the potential for conflicts between cleanup and listing of species as rare, threatened, or endangered. This means ensuring planning for the protection of sagebrush-steppe and other special habitats in advance to avoid creating future conflicts.

Issues that we believe need to be addressed in the SA include:

1. Oregon's most substantive concern with the CLUP lies not with the document *per se*, but with the manner in which DOE has previously used the document to limit decision-making at Hanford, as exemplified by facility expansion and the CERCLA risk assessment process. As noted in item 3 (below), the recent expansion of the Environmental Restoration Disposal Facility (ERDF) (including placement of overburden) and the ongoing construction of the

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new physical sciences facility in the 300 Area have led to significant, needless loss of mature sagebrush habitat. Although construction of these facilities has been consistent with land use designations for their respective areas, both projects were approved through a review process that gave deference to construction rather than to avoiding or minimizing habitat loss.

In the case of several recent CERCLA risk assessments (e.g., 300-FF-5 groundwater operable unit (OU), 200-ZP-1 groundwater OU, 200-PW-1/3/6 OU), DOE has cited land use designations in the existing CLUP to justify limiting the analyses conducted as part of risk assessments. As a result, the baseline assessments called for in EPA guidance were not performed for human health or the environment at these sites. Consequently, actual risks are unknown and the adequacy of proposed cleanup is questionable. Because land-use decisions are subject to change and because the stated lifetime of the CLUP designation is only about 50 years, a comprehensive baseline risk assessment is necessary as a part of every remedial investigation. Use of the CLUP to shortchange the risk assessment process is inappropriate and must be ended, regardless of possible amendment of the CLUP.

2. In 2000, a presidential proclamation established the Hanford Reach National Monument, which includes much of the land on the Hanford Site. The proclamation assigned management responsibility for the Monument to the U.S. Fish and Wildlife Service (FWS). Since then, the FWS has developed a comprehensive management plan for the Monument. The SA and revised CLUP need to recognize the establishment of the Monument and be certain that the revised CLUP is compatible and consistent with the FWS management plans.
3. Since the CLUP was adopted in 1999, the Hanford Site (including Monument land) has experienced several major fires, most notably the 24 Command fire in 2000 and the Wautoma Fire in 2007. These fires burned more than one-half the total acreage of the Hanford Site, and destroyed or severely damaged much of the mature sagebrush-steppe habitat at Hanford. This habitat is in significant decline throughout the Columbia Basin, and is classified as Level III resource in Hanford's Biological Resources Management Plan (BRMaP).

We urge DOE to fully protect this irreplaceable habitat by modifying land use designations to maximize protection of remaining sagebrush habitat. This would be consistent with (1) goals articulated in the BRMaP, (2) one of the major objectives in the creation of the Hanford Reach Monument (i.e., preserve and protect important shrub-steppe habitat), and (3) DOE's mission of environmental management. Specifically, we encourage DOE to re-designate land use on remaining mature sagebrush habitat on DOE-managed lands for preservation, with very limited exceptions for truly unavoidable damage. Recent activities on the site demonstrate that existing land use designations have not been effective in protecting scarce sagebrush habitat, and highlight the need to modify the CLUP. As examples, we note the recent Phase III expansion of ERDF and associated placement of overburden, and the ongoing construction of the new physical sciences facility for Pacific Northwest National Laboratory in the 300 Area. As an aside on this issue, we note also that BRMaP is overdue for review and updating; we recommend this document be updated concurrently with amendment of the CLUP.

4. Since the CLUP was adopted, the City of Richland has amended its land use plan, which now calls for mixed land use in the Hanford 300 Area. We urge DOE to adopt this designation for the area, as it will provide consistency in plans between DOE and the City of Richland. More importantly, redesignation will prompt a thorough risk assessment for the 300 Area and will presumably result in cleanup of the area to an unrestricted use standard. Cleanup will enhance the value of the 300 Area, free DOE from an endless cycle of monitoring, CERCLA Five Year reviews, and Institutional Controls, and ultimately will better protect the Columbia River and Oregon residents from potential long-term damage from releases of 300 Area contaminants.
5. The U.S. Bureau of Reclamation has proposed building Black Rock Reservoir on lands west of Hanford's Central Plateau. If the reservoir is constructed, it would likely have significant impacts on the groundwater table and on groundwater flow regimes in and around the Central Plateau. It is unclear whether and how those actions might affect land use activities at Hanford, but the full range of possible conditions and effects needs to be addressed in the SA.
6. The revised CLUP should make clear that the CLUP and supporting documents (e.g., BRMaP, Hanford Site Biological Resources Mitigation Strategy) represent plans and policies that will be respected by all present and future land managers on the site. Staff from the Pacific Northwest Science Office have made several recent comments to Hanford Natural Resource Trustees indicating that they do not believe they have an obligation to adhere to BRMaP or BRMiS.

We look forward to working with DOE as the Supplemental Analysis is performed and as the Hanford CLUP is amended to bring it up to date. Should you have any questions or wish to discuss any of our comments, please contact Paul Shaffer at 503-378-4456.

Sincerely,



Ken Niles
Assistant Director

cc: Nick Ceto, U.S. Environmental Protection Agency
John Price, Washington Department of Ecology
Steve Wiegman, U.S. Department of Energy, Office of River Protection
Hanford Natural Resource Trustee Council
Susan Leckband, Chair, Hanford Advisory Board