

August 29, 1994

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John Wagoner
U.S. Department of Energy, Richland Operations Office
Mail Stop A7-50
P.O. Box 550
Richland, WA 99352

Chuck Clarke
U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, WA 98101

Mary Riveland
Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600



Dear Mr. Wagoner, Mr. Clarke, and Ms. Riveland:

The Hanford Natural Resource Trustees (Trustees) have been meeting informally over the past several months. The responsibilities of the lead response agency under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) are to cooperate with the Trustees in consultation and coordination of remediation/restoration activities including assessments, investigations, and planning. As a group, we believe that one of the current roles of the Trustees is to provide recommendations to U.S. Department of Energy (USDOE) and other Tri-Party Agreement (TPA) representatives on ways to prevent or reduce injuries to natural resources.

The Trustees wish to call your attention to upcoming and ongoing projects in the 200 Area which have the potential to destroy, fragment, or degrade mature shrub steppe vegetation providing high quality habitat. CERCLA requires the restoration and/or replacement of injured resources resulting from the release of a hazardous substance, and from cleanup actions related to the release, such as construction projects. While injuries and related damages can be addressed by providing compensation for the injuries, the Trustees wish to inform USDOE that we believe compensatory mitigation for the loss of high quality mature shrub steppe would be, at best, very expensive, and at worst, not technically possible. The Trustees believe that injuries to natural resources can be minimized by concentrating intensive waste management activities in areas of much lower habitat value. Appropriate planning and execution of cleanup activities would avoid injuries to the high quality habitat which is primarily concentrated in the southern portion of the plateau.

Currently, high quality mature shrub steppe on the 200 Area plateau may be at risk from the cumulative impacts of a number of projects, including the Environmental Restoration Disposal Facility, the Tank Waste Remediation System, the Solid Waste Management Program, construction of the proposed 240 Access Road, and the cleanup of the BC

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Controlled area. Construction of roads, rail lines, and pipelines are of particular concern. Linear disturbances create a pathway for invasion of noxious weeds, which seriously impact native shrub steppe understory species. Linear disturbances also fragment the blocks of habitat, reducing the habitat value for those species which require unfragmented habitat. Cumulative impacts to the 200 Area plateau should be considered on a plateau-wide basis. The Trustees recommend that habitat quality should be assessed throughout the 200 Area plateau so that informed decisions can be made to site projects. In this way, future injuries to natural resources are minimized and cost effectiveness of projects is maximized. The Trustees further recommend that, if projects are sited in high quality mature shrub steppe habitat, USDOE ensure that viable options are available to mitigate injuries before 200 Area projects are implemented so that injuries will be avoided or minimized.

The high quality mature shrub steppe vegetation with an understory of primarily native species (hereafter referred to as the "200 South area") is of critical importance for both natural resource management and successful restoration of already degraded vegetation for the following reasons:

- Fire has eliminated the majority of the mature shrub steppe vegetation on the Hanford Reservation. The mature shrub habitat of the 200 South area is unique, having escaped the devastating fires of the 1980s. The 200 South area serves as a critical refuge for those plants and animals which can survive only in mature shrub steppe vegetation.
- Centrally located in a large tract of relatively undeveloped land, the 200 South area provides a core of high quality habitat from which plants and animals can disperse into the surrounding areas.
- In some parts of the 200 South area, the understory vegetation is very diverse and relatively unimpacted by noxious weed species. Avoidance of impacts to the 200 South area will be critical for maintaining the natural diversity of the Hanford shrub steppe ecosystem.
- The 200 South area provides habitat for State and Federal candidate bird species such as the loggerhead shrike and the sage sparrow. USDOE has agreed to manage candidate species as if they had already been listed for protection. Preservation of high quality habitat may help prevent listing of these species.
- The 200 South area has the potential to be used as a model from which to formulate restoration goals, so that future restoration projects can successfully provide appropriate habitat services.
- In the coming years, there will undoubtedly be a large number of restoration projects at Hanford. This remnant ecosystem will be a prime source for gathering seeds adapted to Hanford conditions. Such seeds will be an essential requirement for successful natural resource restoration elsewhere at the site.

The distinctive features of the 200 South area, and the services it provides to its inhabitants and to the surrounding areas would make compensatory mitigation for injuries due to habitat

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destruction extremely difficult. One possible option to mitigate for habitat destruction would be to provide protection for on-site land. Generally, "acquisition of the equivalent" is acceptable only when the area to be protected is under immanent threat of destruction, and since Hanford land is currently under a protected status, this option may not be acceptable. Additionally, comparable habitat does not exist in the Hanford core area. While off-site mitigation may be an option, shrub steppe vegetation associated with sandy or loamy soil, such as exists at the 200 South area, has largely been converted to agriculture throughout Washington. Acquisition of a suitable mitigation site is thus unlikely. As a result, it may be impossible to replace or acquire equivalent natural resources in compliance with the options listed under CERCLA § 107(f)(1). The other CERCLA-authorized option is restoration of the habitat. The state of knowledge and techniques for restoration of shrub steppe vegetation in a low precipitation zone such as Hanford simply are not adequate for creating or restoring the values and services inherent in the high quality habitat of the 200 South area.

Since mitigation options for injuries to high quality mature shrub steppe habitat are few and costly, the Trustees recommend that TPA representatives, if at all possible, avoid developing any projects in areas of valuable habitat. If waste management activities are concentrated in lower quality habitat, USDOE would accrue the following benefits; 1) achieve cost effective cleanup by reducing mitigation/restoration costs, 2) reduce injuries to natural resources, and 3) function in a proactive fashion to fulfill its roles as a steward for natural resources and as a natural resource trustee, as well as a lead response agency for cleanup. This approach is also consistent with Ms. Tara O'Toole's commitment wherein she directed that USDOE would recognize and correct past land and facility use practices and promote environmental protection using ecosystem management principles.

Of immediate concern is the Environmental Restoration Disposal Facility (ERDF). This project, as currently proposed, would destroy 1.6 square miles of mixed high and medium quality mature shrub steppe habitat. Original site alternatives were developed using an estimated size of six square miles. ERDF was sited with minimum consideration of habitat quality or natural resource values as selection factors. Following downsizing of the project, site selection was not revisited.

Though parts of the central plateau may be suitable for waste handling, processing, and storage facilities, the Trustees strongly recommend that the TPA representatives revisit site selection of the ERDF project. It is not the intent of the Trustees to delay the cleanup process. We agree that it is an urgent priority to remove contaminants from the vicinity of the Columbia River. However, it is the responsibility of the Trustees to inform USDOE that, in the Trustees' opinion, action on this recommendation is warranted by the likelihood that the potential loss of natural resources and injuries which would occur under the current siting option could be mitigated only with great difficulty and at great expense. The project assessment should include both remediation and restoration costs; and in some cases, increased expenditures for remediation may be justified by greatly reduced restoration costs. The Trustees propose that the TPA representatives consult further with the Trustees regarding the ERDF project, the site selection process, and how habitat quality would be used as a selection factor in this process.

Additionally, the Trustees wish to explore with the TPA representatives how the Trustees can best provide input to Hanford cleanup and construction projects. The Trustees intend to

continue providing consensus-based recommendations to USDOE that will benefit both its trustee role and its lead response agency role through minimizing natural resource injuries. This assistance can be rendered much more efficiently and cost effectively if Trustee recommendations are provided during project planning phases.

The Trustees look forward to discussing these issues with the TPA representatives. We hope to be able to arrange a meeting in the near future so that any possible delays to ongoing projects will be minimized. The Trustees propose to meet with the ERDF technical staff on September 27, 1994. Please contact Bob Holt, USDOE trustee representative, regarding details of this meeting. Finally, please note that this correspondence represents the consensus opinion of the signing Trustees.

Sincerely,

The Hanford Natural Resource Trustees

Ann Aldrich
Border Area Manager
U.S. Bureau of Land Management

Chris Drivdahl
Assistant Director, Habitat Program
Washington Department of Fish and Wildlife

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

David C. Frederick
State Supervisor
U.S. Fish and Wildlife Service

Donna Pawaukee
Manager, Environmental Restoration and Waste Management Department
Nez Perce Tribe

Russell Jim
Program Manager, Environmental Restoration/Waste Management Program
Yakama Indian Nation

John Savage
Acting Director
Oregon Department of Energy

cc:

U.S. Department of Energy

Hazel O'Leary

Tara O'Toole

Tom Grumbly

John Bascietto

James Bauer

Robert Holt

Charles Pasternak

U.S. Environmental Protection Agency

Randall Smith

George Hofer

Doug Sherwood

Pamela Innes

Washington Department of Ecology

Dan Silver

Dru Butler

Jeff Breckel

David Lundstrom

Geoff Tallent

Norman Heppner

U.S. Department of Interior, Preston Sleeper

National Oceanic and Atmospheric Association, Chris Mebane

Hanford Advisory Board, Sue Gould

Bechtel Hanford Incorporated, Fred Roeck

HANFORD NATURAL RESOURCE TRUSTEE
SIGNATURE PAGE

Signature indicates concurrence with the following:

Subject: Accompanying letter
Date: August 29, 1994
To: Mr. Wagoner, Mr. Clarke, and Ms. Riveland
From: The Hanford Natural Resource Trustees

Regarding:

- Potential cumulative impacts to high quality mature shrub-steppe habitat in the 200 Area
- Siting of the Environmental Restoration Disposal Facility
- The advantages to be gained from involving the Trustees early in the project planning process
- Recommendations that the Trustees and Tri-Party Agreement signatories meet to discuss these issues.



9/8/94

Ann B. Aldrich
Border Area Manager
Spokane District
Bureau of Land Management

Date

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Chris Drudeal

Sept 6, 1994

Washington Department of Fish and Wildlife

Date

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Michael J. Farrow

August 26, 1994

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

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for Nancy J. Gleman

David C. Frederick
State Supervisor
U.S. Fish and Wildlife Service
Washington State Office
3704 Griffin Lane SE, Suite 102
Olympia, Washington 98502
206\753-9440

Sept. 1, 94

September 1, 1994

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Regarding:

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2. Siting of the Environmental Restoration Disposal Facility.
3. The advantages to be gained from involving the Trustees early in the project planning process.
4. Recommendations that the Trustees and the Tri-Party Agreement signatories meet to discuss these issues.



Donna L. Powauke, Manager

Nez Perce Tribe

Department of Environmental Restoration and Waste Management

8/29/94
August 29, 1994

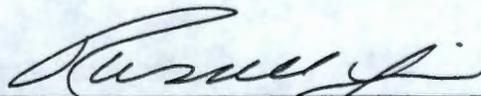
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Russell Jim, Manager
ER/WM Program
Yakama Nation

9-6-94

Date

HANFORD NATURAL RESOURCE TRUSTEE
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Subject: Accompanying letter

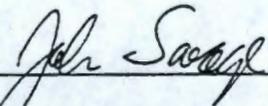
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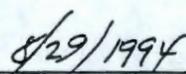
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State of Oregon, Department of Energy



August 29, 1994