

971031263  
FAX

0075032

**FAX****RECEIVED**  
DEC 20 2007**EDMC****CHAIR:**Geoff Tallent  
(360) 407-7112**ADMINISTRATIVE****SECRETARY:**Melanie Preusser  
(509) 372-9108**COUNCIL MEMBERS &  
REPRESENTATIVES:**Confederated Tribes of  
the Umatilla Indian  
Reservation  
Chris BurfordNes Pelee Tribe  
Dan LandeenState of Oregon  
Department of Energy  
-Susan Coburn HughesState of Washington  
Department of Ecology  
-Geoff Tallent  
Department of Fish and  
Wildlife  
-John Carleton  
-Jay McConaughyU.S. Department of  
Energy  
Jace Punnook  
James Zeisloft, Jr.U.S. Department of the  
Interior  
Preston Sleeper  
Bureau of Land  
Management  
-Jake Jakobosky  
U.S. Fish and Wildlife  
Service  
-Richard RoyYakima Indian Nation  
Wendell L. Hannigan  
Paul Ward**DATE:** October 31, 1997**FROM:** Geoff Tallent - Ph. (360) 407-7112

<b>TO:</b>	Chris Burford	(541) 278-5380
	John Carlton	(360) 902-2938
	Barbara Harper	(509) 943-8555
	Dan Landeen	(208) 843-7378
	Larry Gadbois	(509) 376-2396
	Susan Coburn Hughes	(503) 373-7806
	Jake Jakobosky	(509) 536-1275
	Melanie Preusser	(509) 372-9447
	Jay McConaughy	(509) 736-3030
	Rick Roy	(509) 765-9043
	Preston Sleeper	(503) 231-2361
	Darci Teel	(509) 372-9447
	Paul Ward	(509) 452-2503
	Jamie Zeisloft	(509) 376-7818

**SUBJECT:** ERDF Finding**NUMBER OF PAGES (INCLUDING COVER SHEET):** 2**COMMENTS:**

As promised, attached is a draft ERDF finding. I chose a very supportive tone, but attempted to make it clear that the finding is limited to the phase 2 expansion. I also tried to cast the mitigation as an expectation for new construction in sensitive areas. I put reduction of NRDA liability as a secondary benefit. Although the finding clearly states that the mitigation would lessen any liability, it is purposefully non-committal in how much that reduction would be. Finally, throughout the finding I made regulatory and policy ties to show USDOE project managers that this type of mitigation is appropriate and supported by the agency.

I'm sending this out as a review draft. **Please provide me with your comments by Monday, November 10.** I will then incorporate changes and send out a final version with a signature page and two-week notice.

Give me a call if you have any questions.

-Geoff



# DRAFT - 10/31/97

## HANFORD NATURAL RESOURCE TRUSTEE COUNCIL

### FINDING 97-02

The Hanford Natural Resource Trustee Council (NRTC) strongly supports the U.S. Department of Energy's (USDOE) planned mitigation for the Environmental Restoration Disposal Facility (ERDF) Phase 2 expansion. Under the plan, 200 acres of naturally damaged shrub-steppe habitat on the Arid Lands Ecology Reserve will be restored using locally derived sage seed and tubelings. We find this to be appropriate mitigation for the loss of shrub-steppe habitat from construction of ERDF expansion.

This will be another in the increasing number of actions being taken by USDOE to mitigate for natural resource impacts from new construction. Such actions are consistent with the National Environmental Policy Act (NEPA) and the principals of stewardship embodied in USDOE's secretarial Land and Facility Use Policy. Specifically, the ERDF Phase 2 Expansion mitigation meets the project goals of integrating NEPA values into the Comprehensive Environmental Repose Compensation and Liability Act (CERCLA) decision making process. The mitigation is also consistent with the Hanford Site Biological Resources Mitigation Strategy.

More than good practices for new construction, the success of this restoration will clearly reduce the loss of habitat and related services that will result from the Phase 2 Expansion. That, in turn, will lessen any damages for which USDOE may be liable under the Natural Resource Damage Assessment provisions of CERCLA. By consulting with the NRTC and undertaking the mitigation, USDOE is furthering the trustees' mutual goal of reducing natural resource injuries early and cooperatively. In taking these actions, USDOE's Richland Operations Office is also complying with the recent Policy on Integration of Natural Resources Concerns into Response Actions.

The trustees look forward to the success of this and future mitigation and restoration projects.

### CERTIFICATION

Finding 97-02 was adopted by consensus of the Hanford Natural Resource Council on \_\_\_\_\_ with \_\_\_\_ abstentions and \_\_\_\_ separate opinions (attached).