

HANFORD NATURAL RESOURCE TRUSTEE COUNCIL
Agenda
February 13 - 14, 1997
Yakama Nation RV Park, Toppenish, Washington

Thursday February 13, 1997

- 9:00 - 9:15 Introduction, Action Items, Project & DQO Schedules
- 9:15 - 9:30 Hanford Site Technology Coordinating Group - Jamie Zeisloft
- 9:30 - 9:45 New Air Force Overflights in the Columbia Basin - Jake Jakobosky
- 9:45 - 10:15 1100 Area Preliminary Assessment Screen Contract
- 10:15 - 10:45 N-Springs Update - David Olson & Phil Staats
- 10:45 - 11:00 *Break*
- 11:00 - 11:30 1100 Area PAS Scope of Work
- 11:30 - 12:00 HRA-EIS General Discussion
- 12:00 - 1:30 *Lunch*
- 1:30 - 3:30 HRA-EIS- Tom Ferns
- 3:30 - 3:45 *Break*
- 3:45 - 4:45 Wildlife Projects - Scott McCorquodale

RECEIVED
NOV 26 2007
EDMC

Friday February 14, 1997

- 9:00 - 9:30 Prioritizing Natural Resource Restoration Needs
- 9:30 - 9:45 Creating an NRTC Home Page

Directions and Phone: (509) 865-2000.

From the North: Take I-82 through Yakima to Exit 37 (Hwy 97) approx 15 miles to Toppenish. Take Buster Road to Cultural Center, go past Cultural Center to RV Park.

From the South: Take Exit 50 off I-82, follow signs for Yakama Nation Cultural Center through Toppenish. At intersection of Hwy 97 turn right (north) and the Cultural Center is the first left hand exit.

The next HNRTC meeting is March 13-14 in Richland, Washington, at the Atrium, 639 Cullum, Room 129.

HANFORD NATURAL RESOURCE TRUSTEE COUNCIL
DRAFT Record of Discussion
February 13 - 14, 1997
Yakama Nation RV Park, Toppenish, Washington

Thursday February 13, 1997

Paul Ward opened the meeting and provided the phone (509-865-2000) and fax numbers (509-865-1801).

Action Item Update:

Action Item 011097-03 classes free to DOE are free to others, too.

Action Item 011097-05 is still open, Kay Kimmel to check back with Sherrie Krest.

Action Item 011097-08 was closed, however, Bob Lober will attend the March meeting to discuss the Cross-Site Transfer Line mitigation.

Project Schedules: The documents list was reviewed briefly. **It should be noted that Trustees may request these documents to review, they are not always automatically distributed.** The revegetation plan should be out shortly, John Carleton requested two copies. BRMAP and BRMIS should be available shortly. The revegetation manual may in the future be issued as a DOE document, tied into these two documents and used site-wide.

The CRCIA document is in internal review, Larry Gadbois and Paul Danielson are reviewing it, too. **Action Item:** Jamie Zeisloft to invite Bob Stewart to the May 8-9 meeting for a 3-hour presentation on the CRCIA document which will be published in April. Larry Gadbois noted that all known data on the Columbia River is compiled on diskettes in the back of the document. Jamie Zeisloft noted it is time to include the Trustees in planning any further studies, based on new policy from DOE Headquarters. This new policy directs DOE to include Trustee issues should more assessment work be done on the Columbia River. Trustees also need to be included in risk assessments. Larry Gadbois noted that the Tc-99 data was a surprise as plants uptake and bioaccumulate it to toxic levels. Jamie Zeisloft noted that Charlie Brandt has indicated that bioavailability information is negligible. Risk is not the only issue in natural resource assessments and should not be focused on exclusively. Larry Gadbois further noted that acid volatile sulfites had not been looked at on the site, and that toxic metals can be bound by sulfites to reduce their toxicity. This pathway is being looked at site-wide beginning this year.

Additional Information

Ken Gano reported that classes on restoration management and other topics which he just attended, through the Society of Ecological Restoration, are easily found on the internet. **Action Item:** Jamie Zeisloft took the action to provide the website address for Society of Ecological Restoration to distribute to the Trustees. **Action Item:** Anyone with additional training information should coordinate distribution to the other Trustees through Kay Kimmel.

Jamie-Zeisloft reviewed an article by Steve Hope on salmon in the Hanford Reach. The article notes that salmon redds require deeper gravels than those found in much of the Reach. Bill Beckley noted that all Tri-City Herald articles pertaining to Hanford are on the internet, <http://www.tri-cityherald.com/doe/index.htm>.

Jamie Zeisloft shared a letter which provides a mechanism to obtain funding for long-term monitoring of revegetation projects.

Jamie Zeisloft reviewed the recent GAO report, copies of which were provided on Friday. He pointed out some of the issues noted in the report concerning Hanford.

Paul Ward noted he has an IG letter on disposal of land "Information: Report on "Audit of the US Department of Energy's Identification and Disposal of Nonessential Land" which anyone is welcome to read.

Larry Gadbois noted a new option: If a federal agency begins the process of excessing property to GSA, USFWS has the option to obtain the land if it is at risk of being compromised.

Hanford Site Technology Coordinating Group: The HSTCG is part of Technology Development (EM-50) who provides

funds to demonstrate new technologies. Jamie Zeisloft noted this Group would like to better coordinate with the Trustee Council. Jay McConnaughey noted that Rico Cruz of the Nez Perce Tribe had requested Trustee Council representation and that Jay was the designated trustee. He had attended some of the meetings and was not made to feel welcome. Paul Danielson noted he would be attending a policy meeting next week with the HSTCG and could relay a message. Jamie thought they wanted to coordinate concerning ecological impacts of their technologies. Fred Serier is the ER contact; Shannon Saget is the Technology Development point-of-contact..

New Air Force Overflights in the Columbia Basin: Jake Jakabosky provided a copy of the Environmental Assessment for these overflights of the Columbia Basin. One-third of the time they will fly at about 300 feet. One pattern is over Rattlesnake Ridge. He noted that 48 C-17's will replace the C-141's and they will be used beginning Spring 1997. The C-17's basically have a broader wingspan. These bigger subsonic planes are supposed to be quieter. They are based at McChord but land at Moses Lake and use these practice flights to avoid radar. Jake wanted the Trustees to be aware of the flight activity. He noted Colonel Walters would be glad to make a presentation if any Trustee wanted more detail. He further noted there is a preference for wilderness area overflights. Paul Ward asked if flights were done for wildlife management at the site. Darci Teel noted that Scott McCorquodale had actually done some flights. Ken Gano clarified that any requests for flights are scrutinized heavily and there are fewer flights conducted than in the past.

N-Springs Update: David Olson and Phil Staats provided an update on the 100-NR-1 Operable Unit. David reminded us of his presentation at the January 1997 meeting and the four questions he and Phil Staats posed on contaminated soils along the N Area Shoreline. He noted that the same presentation was made to the Hanford Advisory Board; the HAB subcommittee responded with 50 questions and answered none of David's four. He provided a copy of the 50 questions. There was no agreement within the HAB on how to handle this situation. David noted that there is another HAB meeting February 19, 2:30 pm at 450 Hills is the next HAB ER Subcommittee meeting and he would like to have Trustee representation there. It was suggested that anyone with membership on the ER Subcommittee should talk in-house first, Trustee to committee member, before Trustees attend the meeting officially. Geoff further noted Trustees also need to talk together on what they would like to say at such a meeting.

Phil noted that there were no clear objections to designating the N-Area Shoreline as a separate waste site, however, the issue was not resolved. He noted his objective in coming to the Trustees again is to: explain what is going on in the HAB; say thanks for answering the first question to the Trustees; and ask if Trustees have an answer for the other three questions. Jamie Zeisloft noted that while there is potential harm to human health, the environmental impacts are more significant at this site. Asked if CRCIA findings were being factored into these scenarios, David noted that CRCIA is not finding Sr as an ecological risk driver, although they appeared to use terrestrial pathways only. Jay McConnaughey noted that one of the four questions originally asked is, "have we adequately identified and addressed the risks?" The answer is no, Trustees need more information, one of which is what aquatic receptors have been used. The 100 Area Focused Feasibility Study may address some of this information. The N Area Shoreline is unique because whatever is done to protect the river will impact what is done with the soils. The alternatives are: rural residential (requires removal of soil); recreational use (could have a cap); solidification, institutional control. Geoff Tallent noted that categories of impacts would be more of concern to the Trustees with an adequate review of the impacts, such as what species or natural resource would be impacted and how would it be impacted. David noted he is concerned with removing and replacing contaminated soil which would then lead to land instability, erosion and sediment loads to the river. Currently, there is not enough information to say there is no ecological risk and no injury. Chris Burford noted that the soils themselves are a natural resource and would have to be looked at. Geoff suggested looking at the DOI NRA regulations (43 CFR 11) which informs the projects what resources are important. Geoff recapped the discussion: there are concerns with soil stability, sediment loading, and geologic impact to change the face of the bluff. Heavy equipment also disturbs waterfowl. Paul Ward asked if agricultural practices from the other side of the River would change the way water moves in that area. David believes that N Area is more isolated from the agriculture. Geoff needs more information before he can make a decision on whether a full fledged risk assessment would need to be done. Phil and Dave agreed to look at the impacts of the alternatives on the environment. Resources to look at include: geologic down to groundwater; additional geologic down to surface water, air, and biological resources.

Al Alm has just issued a policy to look at natural resources when doing analyses, so now the DOE project manager must take these into consideration. And restoration must be taken into account. Identifying the impacted resources would assist the trustees in working together on minimizing, avoiding and restoring a natural resource. Action Item: *Jamie Zeisloft to fax Al Alms NRDA policy to Jay McConnaughey.*

Phil noted the shoreline impacts have not been evaluated as they would if it were a separate waste site. He read off a list of impacts to be looked at for the Trustees to cover Trustee concerns:

- 1) include an aquatic receptor
- 2) include categories of impacts in the documents, i.e., ecological
- 3) soils erosion (remove and dispose) vs ecological/terrestrial impacts
- 4) cultural resource considerations in the shoreline area
- 5) impacts of the river level fluctuations on the alternatives
- 6) current threat/conditions which exist at the shoreline vs the resulting conditions post alternative implementation
- 7) include NRDA criteria as part of the alternative impact analysis

David noted that he would like the Trustees to review the draft CMS and provide him comments.

1100 Area Pre-Assessment Screen (PAS): HNRTC Resolution 97-01 was handed out. It is the forum for agreement on writing the Inter-Agency Agreement (IAG) between DOE and the USFWS. The PAS IAG was discussed and modified to be acceptable to all, including more time for USFWS to write the first draft. John Carleton accepted the Task Team Lead position established in the IAG. Jamie Zeisloft noted he had talked with Dan Audet at USFWS and that USFWS is agreeable to this IAG. They are able and available to do this work. After the Trustees agree on the IAG, DOE procurement should be able to process it in two weeks. Jamie noted he will deliver the IAG and the three boxes of documents to USFWS as soon as the paperwork is signed. If preparation of the document, including internal approvals, goes into the next year there should be minimal effect. A tolling agreement could be looked into at that point if necessary. **Action Item:** Jamie Zeisloft will provide a copy of the table of contents for the 1100 Area Administrative Record to the USFWS for use in the 1100 Area PAS.

HRA-EIS Discussion: Tom Ferns and Paul Krupin provided an update on the Draft HRA-EIS. Tom noted various parts of the EIS were being removed: Appendix B, Chapter 5 on risk assessment, cost information, and waste volumes--in fact, all remediation information. Borrow site discussions are deleted, but the potential sites are still included. ALE and North Slope are being retained under the preservation area. DOE's new direction, based on many comments, is to focus on land use. He noted many local government agencies responded with comments. The DOI asked to become a cooperating agency. Benton and Franklin Counties, the City of Richland, and others have asked to be cooperating agencies. The Nez Perce Tribe also requested this status. Tom provided copies of the NEPA rules for cooperating agencies, found at Section 1501.6, along with information from the CEQ's 40 Questions. He also provided a Summary of Major Comments Received for the Draft Hanford Remedial Action Environmental Impact Statement and Comprehensive Land Use Plan.

Tom Ferns reviewed the information packets he provided. Map 7, Critical Areas Working Map, was discussed. This has no Trustee input and DOE would like to get a map from the Trustees. Tom noted that the Tribes have the option to put together tribal maps. These maps would be conceptual for 50 years from now and beyond. DOE envisions four maps will be put in the next draft of the EIS: DOE map, Local Government map, Trustee map, and Tribal map. The base map is the GIS map. Chris Burford asked who and what would modify the DOE map. Paul Krupin noted that much of the undesignated sites would be considered for preservation and managed as such. Tom noted he is visiting the BLM in Spokane next week, he visits the counties, and uses teleconferencing to keep in touch with commenters. Paul Krupin asked if Trustees will cooperate in creating a map. Geoff Tallent noted his concern that, with recreational or agricultural use 50 years down the road, that DOE would no longer be an owner and shouldn't be planning for such land use. Tom clarified that the 50 year time period is for planning so that vegetation goals can be met.

Johnson Meninick, an elder and Cultural Resources Manager with the Yakama Indian Nation, explained that if/when the land is excessed it should go to the Yakama Nation. The Yakama Nation are on the cleanup mission to have the land cleaned up and returned. He noted they had filed a claim on the ALE, only to find that the land was turned over to USFWS. The Tribes did not sign off on that agreement. He noted the federal agencies are fighting over the land. Yakama Nation has a vested interest in this land, DOE should have talked with the Nation first, and gone to the public later. Tom noted that discussions are not being held with the public as yet. Johnson clarified that they are not interested in "parcels," that how the river flows from the mountain, meanders and goes to the seas is important and a part of their use area.

Another Tribal member spoke, noting that history is extremely important to understanding the Indian way, and the promises that were made. The treaty is with the U.S., not a state, or any agency. The Tribes should have been made party to the TPA. The Nation is only after what has been reserved to them, and they are willing to work with others to co-manage the land.

Bill Beckley asked how comments that the CLUP has not gone through a proper scoping process will be responded to. Paul Krupin noted that September 1995 signed into law the requirement for a final future use plan. DOE doesn't feel that they have the capability to start the whole process again. Geoff sees that DOE has a schedule to fulfill the congressional

request, they don't have much time, and he doesn't see that natural resource impacts will be analyzed in the needed detail. Trustees see, and have seen all along, that the decisions are made in the CLUP process, that this is the real process. Trustees have many concerns on land uses. Trustees expressed confusion on why DOE is asking others to develop DOE's plan. Johnson noted that Native American recreation is never included in the recreational scenario. Paul Krupin sees the Trustee Council as having a major role in reflecting Tribal and natural resource values.

There are many issues for the Trustees to consider and work out among themselves, which process does not lend itself to the schedule DOE is on. Geoff noted that Trustees have developed a wish list which would require much analysis in a CLUP, such as basalt borrow areas, which he doesn't see on a schedule. Paul Krupin noted that a map is what will be decided upon, not analyses to support the map. Trustees agreed that the EIS analysis has not been properly done, and that DOE should take responsibility for any maps provided and must be able to say why various boundaries are drawn. There was much discussion on: producing a map, pros and cons; the invitation to become a cooperating agency; borrow sites; and recreation categories. Tom noted that I&I will be done in the RCRA/CERCLA documents. Trustees believe that I&I should be done on a site-wide basis.

Consensus reached last night by a few Trustees was that Trustees should not provide a map. The rationale is that DOE needs ownership of each of the alternatives, as well as the probable inability of the Trustees to reach consensus on a map in such a short time frame. It is possible that BRMAP provides the necessary maps, although Trustees have not reviewed BRMAP and were not aware that it contained habitat quality maps.

Trustees would like provide recommendations in some way, maybe in the form of an alternative. The problem with a combined Trustee map is that there is no common Trustee position. It was agreed that the Trustee Council will provide recommendations, although not in the form of a map. A primary weakness of the preferred alternative map is the lack of analysis or record to support it. A GIS map is not an analysis. DOE will not be able to complete a legal CLUP until they do the proper analysis. Land use planning is important, and Trustees have participated in this process, and will continue to provide this support to DOE. Jay noted a strong concern that borrow sites should be removed since remediation is removed. Trustees want to be on the record that we have and will continue to provide assistance. DOE needs a defensible land use planning process. Draft a letter reiterating the above points. There are many different interests and they are all very articulate. Trustees recommended that DOE develop a method for dealing with these interests, reform their process to get back up and running and on the road to a better document even though it will be behind schedule.

Action Item: *Chris Burford will draft a letter responding to Paul Krupin's (DOE) request to provide a map in the HRA-EIS, to include the discussed themes, and attach a description of what a defensible land use plan contains. He will fax the letter out and hold a conference call on Thursday Feb 20 at 2:00 pm to discuss it. Action Item: Conference call to include Jay McConnaughey, Jake Jakobosky, Paul Ward, Bill Beckley, Geoff Tallent, Chris Burford, and Susan Hughes. The letter should be a Council letter, since the Council is responding to the DOE request. It was noted that this letter would be expressed as a "finding" per the by-laws.*

By-Laws: DOE has adopted the by-laws, Nez Perce are official, others are close. Once adopted we can develop letterhead and correspondence for the Council. State is almost ready, Yin and CTUIR still out. Chris Burford expects sign-off before the April meeting. Jake noted that DOI in HQ has not signed off on the by-laws and they have not designated a voting representative.

Resolution 97-01: The resolution, as amended, was adopted by consensus of all Trustees, including OR Department of Energy, who is voting in absentia. **Action Item:** *Geoff Tallent will revise Resolution 97-01 as final. Dan Landeen wanted to check with other Nez Perce before giving an OK. DOI, YIN, Nez Perce are all question marks on whether their organizations will sign.*

Wildlife Projects: Scott McCorquodale presented an overview of the reservation and some of the Tribe's capabilities. He noted that natural resource management is very important to the Nation so they have a well developed and staffed program. The open area is rangeland and urban areas. The closed area is closed to the non-Indian public and contains more wilderness areas. Yakamas were able to choose the reservation land and it is original homeland. Even-age management was chosen for the logged forest, which activity provides the income for the Tribe. One large project is with the northern spotted owl and even-aged vs. uneven-aged tree management schemes. Uneven-aged management seems to help the owls to fare better. Aggressively managed lands are harder on the owls. He noted that as the nature of a stand is changed, spotted owls become subject to predation and there are impacts to their prey base. An old growth stand protects the owls the best.

Scott provided an overview of the Klickitat Basin Deer Study. It is the largest and longest of any deer study in Washington. Another project is looking at elk ecology, specifically the ecology of mature bulls. None of the elk they have marked have been found at the feeding stations even though the Tribe does not feed the elk. Yakama means place of many bears, so there is also a study on the ecology of the black bear. Many Indian families have a taboo against harvesting bear. They do have habitat/population management programs ongoing.

CERCLA Update: Chris Burford provided background information on the Reauthorization of CERCLA, and reviewed the Republican bill. Chris noted some minor improvements on NRD issues, such as no recovery for non-use values, and only money to restore to baseline plus assessment costs. However, CERCLA itself is not much improved. Jamie Zeisloft thought that EPA was asked to issue regulations for NRD. Chris was not aware of that, he still thought it was DOI. Chris and others feel Trustees need to be given some real power on making decisions if there is only one opportunity to assess for damages. The PRP would be able to force the Trustees to get together and make decisions. This new bill makes the Trustees get together but does not provide authority. Other language provides for a single federal agency, decision making Trustee. The Democrat bill that Chris likes better includes language on the Tribes, that decisions must be based on an administrative record, and Trustees decide who will be the lead trustee. Bottom line, he sees: Trustees being forced to work together; stepping away from economics and focusing on restoration; Republicans will push for no restoration on non-use values. There was a discussion on non-use values, how important these values are, and how difficult it is to quantify these. Chris was willing to provide copies of the two documents. He noted the House has done nothing on this issue.

NRTC Home Page: There was discussion on what the Trustees would like to put on the internet for browsers to access.

Action Item: *Kay Kimmel to develop an internet Home Page to include: by-laws, MOU, calendar, Trustee phone/address list, resolutions, findings, and a counter to track the number of browsers.*

Prioritizing: How and where do we start a PAS? Many actions at Hanford are interim making it difficult to find a starting point for a PAS. Should we do a quick and dirty PAS and call DOE on continuing releases? If an injury is seen in the field, then yes we will need to go through a PAS. Much discussion on when to initiate a PAS. Can NRDA be used to prioritize remedial actions where injury is continuing post interim action?

Trustees discussed doing a PAS on chromium in the river vs. a PAS on the river. Jamie noted there are two timing issues at Hanford: areas where the CERCLA process has come to an end, such as on D reactor; and areas where it is still possible to meld NRDA and CERCLA. John stressed the need to assess the whole river and provide DOE a heads up on potential injuries. Studies done before further remediation can demonstrate an injury. However, if this opportunity is lost, there is no further opportunity to gauge, in the field, that an injury occurred. Jay further noted that fluoride in the Columbia River may be a Trustee issue since fish avoid fluoride areas, which may lead to lowered spawning areas. Jamie noted that a site specific chromium standard needs to be determined. John clarified that he does not necessarily want all issues from a PAS fixed by DOE all at once. There is urgency on the chromium but it is not the only issue in the Columbia River.

Action Item: *Jamie Zeisloft to draft a letter for the Council on chromium in the river.*