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Confederated Tribes and Bands of the Yakama Nation

Established by the Treaty of June 9, 1855

February 2, 2011

Shawn Barndt
Bonneville Power Administration
3404 Swallow Ave
Pasco, WA 99301

RE: Adverse Effect to Site 45BN566 Memorandum of Agreement

Yakama Nation ER/WM has concerns regarding the development of a Memorandum of Agreement (MOA) with regards to the adverse effect to site 45BN566. Although the Bonneville Power Administration (BPA) leases the land easement and has taken full responsibility for mitigation and compensation of the ARPA violation, the Department of Energy (DOE) remains the land owners. As the land owner and lead Federal agency (DOE) could overwrite any agreement developed with BPA.

ER/WM has determined to develop a MOA with BPA without the involvement of DOE as a signatory would not serve the best interest of the Yakama Nation. While we realize the importance of an MOA, it must be a solid document, with the participation of the land owner (DOE) as the responsible Federal agency as outlined in 36CFR800.9. Ultimately the goal is to properly and comprehensively mitigate past damaging actions on DOE owned land, in the interest of Treaty right protection. This can best be accomplished with the participation of the Federal agency in the MOA.

We look forward to working with BPA and DOE in developing a MOA that will preserve and protect precious cultural resources as well as mitigate damages already sustained to site 45BN566. If you have any questions please contact ER/WM cultural staff Leah Aleck, Dana Miller or Rose Ferri at 509-452-2502.

Sincerely,

Russell Jim
Yakama Nation ER/WM
Program Manager

cc:
Jill Conrad, DOE
Andrea Spencer, YN DNR
Donald Isadore, RHWC
Sam Jim Sr., RHWC
Warren Spencer, RHWC
Lavina Washines, RHWC
Marlene Shavehead, YN ER/WM
Wade Riggsbee, YN ER/WM
Rob Whitlam, DAHP
Administrative Record

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