

DANA WARD



United States Department of the Interior

FISH AND WILDLIFE SERVICE

911 NE 11th Avenue
Portland, OR



APR 27 2005

See list of Addresses

Dear Fellow Trustees:

The votes for the proposed Hanford Natural Resource Trustee Council, Resolution 05-01 (Attachment 1) have been received from all Trustees. The results are:

Trustee	Support	Object	Abstain	Support w/separate opinion
State of Washington	✓			
State of Oregon	✓			
Yakama Nation	✓			
CTUIR	✓			
Nez Perce Tribe				✓
US Department of Energy		✓		
US Fish and Wildlife Service, DOI	✓			

Because we lack a consensus, this resolution is tabled. I suggest we discuss this resolution and potential similar future efforts at our May 24 and 25, 2005, Trustee Council meeting. The signature pages and any explanation of Trustee positions are attached (Attachment 2).

Please let me know if you have any questions or suggestions.

Sincerely,

Donald W. Steffek
Chair, Hanford Natural Resource Trustee Council

Enclosures



Addressees:

Larry Goldstein
Department of Ecology
P.O. Box 47600
Olympia, WA 98503

Laurie Vigue
WA Department of Fish and Wildlife
600 Capitol Way, North
Olympia, WA 98501-1091

Susan Hughs
625 Marion St NE
Salem, OR 97301-3737

Steve Wisness
P.O. Box 550, A2-15
Richland, WA 99352

Jay McConnaughey
Yakama Nation
P.O. Box 151
Toppenish, WA 98948

Barbara Harper
Confederated Tribes of the Umatilla Indian
Reservation
750 Swift, Suite 14
Richland, WA 99352

Dan Landeen
Nez Perce Tribe
Main St & Beaver Grade
P.O. Box 365
Lapwai, ID 83540

**HANFORD NATURAL RESOURCES TRUSTEE COUNCIL
RESOLUTION No. 05-01**

WHEREAS, the Department of Energy (DOE) at the Hanford Site is both a natural resource trustee and a potentially responsible party (PRP).

WHEREAS, Non-PRP natural resource trustees at Hanford include the State of Washington (Washington), State of Oregon (Oregon), United States Department of the Interior, Fish & Wildlife Service (USFWS), United States Department of Commerce, Nez Perce Tribe, Confederated Tribes of the Umatilla Indian Reservation (Umatilla Tribe), and the Confederated Tribes and Bands of the Yakama Nation (Yakama Nation), who are collectively referred to as the Non-PRP Trustees.

WHEREAS, together the Non-PRP Trustees and DOE make up the Hanford Natural Resource Trustees (Trustees), in which the United States Department of Commerce, National Oceanic & Atmospheric Administration (NOAA) has also participated.

WHEREAS, it is desire of the Trustees to conduct both CERCLA cleanup and injury assessment responsibilities at the Hanford Site in a cooperative manner.

WHEREAS, the Non-PRP Trustees have itemized and estimated the funding necessary for the work addressed herein in the attached Task 1 and Task 2 Cost Account Plans.

WHEREAS, Trustees desire to coordinate and prioritize their rights and responsibilities regarding natural resources.

NOW, THEREFORE BE IT RESOLVED that the Non-PRP Trustees, in coordination with DOE, will participate in and focus on the various Ecological Risk Assessments (ERA) being conducted by DOE. The Trustees are developing a matrix of potentially affected natural resources and potential studies to identify data gaps that should be filled to ensure that remedial decisions are protective of trust resources. Needed staff, technical work, and costs will be funded by DOE as part of a cooperative approach as set out in the attached Task 1 Cost Account Plan.

BE IT FURTHER RESOLVED that in addition to the ERA work, the Non-PRP Trustees will focus on cooperatively assessing injury to natural resources caused by the release of hazardous substances. The results from these assessments will be made available to the Tri-party agencies for integration into remedial decisions. Potential studies will be identified from the aforementioned matrix by the Non-PRP Trustees in coordination with DOE. Studies that are determined by the Non-PRP Trustees to be of significant data gaps through the ERA process will be conducted under the lead of the non-PRP Trustees in coordination with DOE.

Needed staff, technical work, and costs will be funded by the DOE as part of a cooperative approach as estimated in the attached Task 2 Cost Account Plan.

BE IT FURTHER RESOLVED that studies related solely to natural resource "damage" as opposed to "injury" of natural resources, will be addressed at a later date by the Trustees.

CERTIFICATION

Resolution 05-01 was adopted by consensus of the Hanford Natural Resource Trustees Council on _____, ____, 2005 with ___ abstentions and ___ separate opinions.

**HANFORD NATUAL RESOURCE TRUSTEES COUNCIL
SIGNATURE PAGE**

Signature indicates the vote of the trustee organization with the following:

RESOLUTION 2005-01 adopting 3-Point Resolution Option A to be funded at the levels set out in the Tasks 1 and 2 Costs Account Plans that were previously provided by the Trustee Council to all parties.

Support

Object

Abstain

Support with separate opinion (below)

Signature: 

Name (Print): LARRY COUSINS

Trustee Organization: WA Dept of Ecology

Date: 4/12/05

HANFORD NATUAL RESOURCE TRUSTEES COUNCIL

SIGNATURE PAGE

Signature indicates the vote of the trustee organization with the following:

RESOLUTION 2005-01 adopting 3-Point Resolution Option A to be funded at the levels set out in the Tasks 1 and 2 Costs Account Plans that were previously provided by the Trustee Council to all parties.

Support

Object

Abstain

Support with separate opinion (below)

Signature:

Susan C Hughes

Name (Print):

SUSAN C HUGHES

Trustee Organization:

STATE of OREGON

Date:

4-14-05

~~HANFORD NATURAL RESOURCE TRUSTEES COUNCIL~~

SIGNATURE PAGE

Signature indicates the vote of the trustee organization with the following:

RESOLUTION 2005-01 adopting 3-Point Resolution Option A to be funded at the levels set out in the Tasks 1 and 2 Costs Account Plans that were previously provided by the Trustee Council to all parties.

Support

Object

Abstain

Support with separate opinion (below)

Signature: Andrea J. Spencer

Name (Print): Andrea J. Spencer

Trustee Organization: YAKAMA NATION

Date: 4/22/05

HANFORD NATUAL RESOURCE TRUSTEES COUNCIL

SIGNATURE PAGE

Signature indicates the vote of the trustee organization with the following:

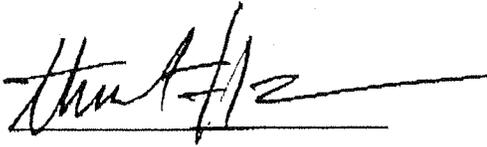
RESOLUTION 2005-01 adopting 3-Point Resolution Option A to be funded at the levels set out in the Tasks 1 and 2 Costs Account Plans that were previously provided by the Trustee Council to all parties.

Support

Object

Abstain

Support with separate opinion (below)

Signature: 

Name (Print): Stuart Harris

Trustee Organization: CTUIR

Date: 4-26-05

HANFORD NATUAL RESOURCE TRUSTEES COUNCIL

SIGNATURE PAGE

Signature indicates the vote of the trustee organization with the following:

RESOLUTION 2005-01 adopting 3-Point Resolution Option A to be funded at the levels set out in the Tasks 1 and 2 Costs Account Plans that were previously provided by the Trustee Council to all parties.

Support

Object

Abstain

Support with separate opinion (below)

We're a little uncomfortable with the overall tone of the resolution. We would like to see the overall tone of the resolution be more reflective of our efforts to work together with DOE.

The Nez Perce Tribe ERWM agrees with the overall concept of conducting injury assessment studies and for the need to obtain more funding. However, we can not support all of the proposed funding levels identified in the CAP. We suggest that we indicate in the resolution that we agree that more funding needs to be made available to fulfill NRDA trustee responsibilities but that we will all work cooperatively with DOE to determine what those funding levels should be. We would suggest that we need to be clear to DOE that the proposed CAP is a living document and is the basis to start meaningful budget discussions and that we do not necessarily think that changes to the CAP can not be made.

Signature: Dean Landron

Name (Print): Dean Landron

Trustee Organization: Nez Perce Tribe

Date: 4-26-05

HANFORD NATURAL RESOURCE TRUSTEES COUNCIL

SIGNATURE PAGE

Signature indicates the vote of the trustee organization with the following:

RESOLUTION 2005-01 adopting a three point proposal for Hanford Natural Resources Trustees coordination and cooperation.

Support

Object

Abstain

Support with separate opinion (below)

Signature: 

Name (Print): KEITH A. KLEIN

Trustee Organization: DOE-RL

Date: 4/21/05

HANFORD NATURAL RESOURCE TRUSTEES COUNCIL

SIGNATURE PAGE

Signature indicates the vote of the trustee organization with the following:

RESOLUTION 2005-01 adopting 3-Point Resolution Option A to be funded at the levels set out in the Tasks 1 and 2 Costs Account Plans that were previously provided by the Trustee Council to all parties.

Support

Object

Abstain

Support with separate opinion (below)

Signature: Donald W. Steffack

Name (Print): Donald W. Steffack

Trustee Organization: U.S. Fish and Wildlife Service, Department of the Interior

Date: 4/22/05



Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

05-AMRC-0229

APR 21 2005

Mr. Donald W. Steffeck, Chair
Hanford Natural Resources Trustee Council
U.S. Department of the Interior
Fish and Wildlife Service
911 NE 11th Avenue
Portland, Oregon 97232-4181

Dear Mr. Steffeck:

HANFORD NATURAL RESOURCES TRUSTEE COUNCIL RESOLUTION NO. 05-01 FOR
COUNCIL ACTION

We are in receipt of Resolution No. 05-01, transmitted by electronic mail on April 11, 2005, for formal council action. The U.S. Department of Energy, Richland Operations Office's (RL) position on this resolution was reiterated at the March 24, 2005, Senior Trustee meeting and the April 7, 2005, special Trustee Council meeting in Portland, Oregon. As stated previously in our March 23, 2005, letter to you, RL objects to the resolution as written due to significant policy and legal issues. Therefore, RL votes to object to this resolution as written.

It is disappointing that a formal action is being taken on this resolution considering the Trustees were still working on a resolution that would be mutually agreeable to all participants. In fact, one of the actions from the March 24, 2005, Senior Trustee Meeting was to work together on a revised alternative.

The enclosed alternate resolution, which was also provided to you by letter dated March 23, 2005, is the proposal that RL would prefer the council support.

If you have any questions, you may call me or your staff may contact Leif Erickson, Assistant Manager for the River Corridor on (509) 376-7272.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith A. Klein".

Keith A. Klein
Manager

AMRC:DCW

Enclosure

cc w/encl: See Page 2

Mr. Donald W. Steffek
05-AMRC-0229

-2-

cc w/encl:

M. Baker, NOAA

L. Gadbois, EPA

L. Goldstein, Ecology

S. Hughs, ODOE

S. Harris, CTUIR

D. Landeen, Nez Perce

J. McConnaughey, YN

J. Price, Ecology

L. Vigue, WFWS

**HANFORD NATURAL RESOURCES TRUSTEE COUNCIL
RESOLUTION No. 05-01**

WHEREAS, the United States Department of Energy (DOE) at the Hanford Site is both a Natural Resource Trustee and lead cleanup agency;

WHEREAS, to enhance coordination and cooperation among Trustees early in the Hanford cleanup, DOE established the Hanford Natural Resources Trustee Council;

WHEREAS, other natural resource trustees include the State of Washington (Washington), State of Oregon (Oregon), United States Department of the Interior, United States Department of Commerce, Nez Perce Tribe, Confederated Tribes of the Umatilla Indian Reservation (Umatilla Tribe), and the Confederated Tribes and Bands of the Yakama Nation (Yakama Nation), collectively referred to as the Non-DOE Trustees;

WHEREAS, the Trustees desire to accomplish their respective Trustee responsibilities at the Hanford Site in a cooperative and coordinated manner;

NOW, THEREFORE BE IT RESOLVED that the Non-DOE Trustees, in coordination with DOE, will participate in and focus on the various Ecological Risk Assessments (ERA) being conducted by DOE. The Trustees are developing a matrix of potentially affected natural resources and potential studies to identify data gaps that may need to be addressed to ensure that remedial decisions are protective of natural resources. The potential studies and data gaps identified by the Trustees will be considered by DOE for inclusion in ERAs through the Data Quality Objective process. DOE may provide funding, subject to availability, and determination of need to the Trustees for technical assistance in fulfilling DOE's ERAs and other cleanup responsibilities. Specific tasks and deliverables for technical assistance by the Non-DOE Trustees will be identified in individual cooperative agreements or other appropriate funding mechanisms with the Trustees.

BE IT FURTHER RESOLVED that during the ERA process the Non-DOE Trustees may identify additional data gaps related to potential natural resource injury. With agreement and approval of DOE as to the need and feasibility of collection of additional data, such collection may be integrated into the ERA process. DOE may also fund, subject to availability and DOE determination of need and feasibility, technical assistance to DOE by the Non-DOE Trustees to accomplish such additional data collection.

BE IT FURTHER RESOLVED that data collection or studies that exclusively support the natural resource damage assessment process will be addressed later.