

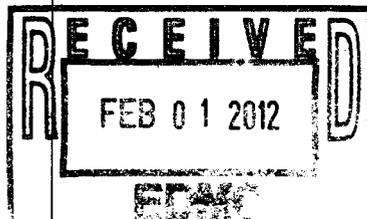
**Hanford Natural Resource Trustee Council  
Regular Meeting**

Tuesday-Thursday, March 15-17, 2011, 1:00 - 5:00 pm  
HAMMER, State Department Building, Richland, Washington

**MEETING SUMMARY, v4 - FINAL**

**Meeting Participants:**

Primary Trustees	Alternate Trustees	Others
<p>Barbara Harper, Confederated Tribes of the Umatilla Indian Reservation (CTUIR) - via telephone (Tues only)</p> <p>Dana Ward, U.S. Department of Energy (DOE)</p> <p>Russ MacRae, U.S. Fish and Wildlife Service (FWS)</p> <p>Charlene Andrade, National Oceanic and Atmospheric Administration (NOAA)</p> <p>Jack Bell, Nez Perce Tribe</p> <p>Paul Shaffer, State of Oregon</p> <p>Larry Goldstein, State of Washington (Department of Ecology)</p> <p>Jay McConnaughey, Yakama Nation</p>	<p>Joe Bartoszek, FWS</p> <p>Daniel Diedrich, NOAA</p> <p>Dan Landeen, Nez Perce Tribe</p> <p>John Carleton, State of Washington (Department of Fish and Wildlife)</p>	<p>Tom Post, DOE (Thurs only)</p> <p>Connie Smith, DOE - via telephone</p> <p>Steve Wisness, YAHS GS (contract support to DOE)</p> <p>Rico Cruz, CTUIR - via telephone (Wed &amp; Thurs)</p> <p>Laura Buelow, U.S. Environmental Protection Agency (EPA) - (Thurs only)</p> <p>Larry Gadbois, EPA (Tues only)</p> <p>Jen Kassakian, IEC, in person Tues, via telephone Wed &amp; Thurs</p> <p>Don MacDonald, MESL subcontractor to IEC (Tues only)</p> <p>John Mauro, IEC - via telephone (Tues only)</p> <p>John Styver, SC&amp;A subcontractor to IEC - via telephone (Tues only)</p> <p>Alix Van Geel, IEC (Tues only)</p> <p>Jonathan Matthews, Nez Perce Tribe - via telephone (Thurs only)</p> <p>Jean Hays, State of Washington (Department of Ecology)</p> <p>Brian Barry, Yakama Nation - via telephone (Tues &amp; Wed)</p> <p>Michael Calac, Yakama Nation - via telephone Tues, in person Wed &amp; Thurs</p> <p>Russell Jim, Yakama Nation (Wed only)</p> <p>Sherrie Duncan, Ridolfi, Inc (contractor to Yakama Nation) - via telephone (Tues &amp; Wed)</p> <p>Ruth Nicholson, Nicholson Facilitation &amp; Associates, LLC (contractor)</p>



Tuesday, March 15, 2001

### IEc Workshop on Toxicity Thresholds and Tests

The purposes of this half-day workshop were to:

- Further define the anticipated Trustee uses for the toxicity thresholds,
- Further clarify the intended applications of toxicity testing in the Natural Resource Damage Assessment (NRDA) process,
- Present the Phase II contractor's approach to threshold compilation and toxicity test identification, and
- Identify additional steps that may need to be taken subsequent to this effort to provide the Trustees with the broad range of tools and information that they need to plan and conduct the NRDA.

The Phase II contractor staff that were involved in the workshop were:

- Jen Kassakian, IEc
- Don MacDonald, MESL, subcontractor to IEc
- John Mauro, IEc (via telephone)
- John Styver, SC&A, subcontractor to IEc (via telephone)
- Alix Van Geel, IEc.

The group discussed the anticipated uses of toxicity thresholds for the Hanford NRDA. The list of uses included:

- Identification of potential injury
- Looking beyond ambient water quality criteria for sensitive species
- Applicable or Relevant and Appropriate Requirements (ARARs)
- Lowest Observed Effect Levels (LOELs) and No Observed Effect Levels (NOELs)
- Level of sensitive measurement endpoints for species per identified in 43 CFR Part 11
- Preliminary Estimate of Damages (PED)
- Formulation of "reasonable worst case assumptions"
- Modeling of contaminants and relative injury in Habitat Equivalency Analysis (HEA) and Resource Equivalency Analysis (REA) settings.

Group discussion included issues related to how much energy should be put into "new" science, addressing sites with multiple contaminants, and the concepts of interpolation and extrapolation to make the maximum and most efficient use of data. The group also discussed a possible way of looking and judging damage using "the window" that lies between the level of no effect and the level above which an asset, such as a fishery, has been destroyed.

As a part of the discussion, the group also identified media types and receptor groups.

Media Types:

- Biota
- Five categories of natural resources per 43 CFR Part 11
- Tissue
- Sediment (aquatic)
- Water
  - Pore water
  - Surface water
  - Ground water

- Soils (upland)
  - Wetland and riparian soils
- Buildings in which animals become exposed and what role these might play in NRDA

Receptor Groups (this list is similar to the list at other sites):

- Aquatic plants
- Fish
- Invertebrates

Further group discussion touched on the concept of “thresholds of avoidance” which is an issue with radiological thresholds in which there may be an avoidance of use even if there is no risk associated with use. It is a stigma that can translate into lost use. The question is how to assign damages when there is a fear of using a resource.

The discussion of toxicity tests centered on near-term needs, such as deciding on species, developing lists of tests and their end points, the potential use of bioassay data to determine injury v. quantification of injury, and literature reviews. The two species that are near-term priorities for toxicity tests are mussels and Chinook salmon.

Looking forward, PCBs may not be a top priority for NRDA work as expressed by a few trustees. Chromium is of greater importance to the Council. Within a couple of months, there will be information from the remediation side of Hanford on NOELs and LOELs that could help identify gaps of concern to the NRDA side of Hanford.

Thresholds are a tool to form early actions such as toxicity tests and study designs.

A complete summary of the workshop will be provided by IEC.

**Wednesday, March 16, 2001**

### **Budget**

DOE noted that quarterly reports and other paperwork related to funding for the Trustee organizations is coming in but not as fast as DOE would like.

For Fiscal Year (FY) 2012, DOE requested \$6 million for Hanford NRDA work. It is anticipating a lower level of funding due to Congressional action on the President’s requested budget. For FY2011, DOE requested \$4.5 million and is not expecting to receive all of it. The implications for funding studies in FY2011 and FY2012 are unclear.

The group spent most of the day working on the FY2013 budget request. Russell Jim read a statement from the Yakama Nation expressing its perspective on NRDA at Hanford. Copies were shared with all meeting participants.

After considerable discussion, the Council came to consensus on a two-tiered budget request for FY2013. The Tier I request was \$7,860,315, and the Tier II request was \$9,331,815. This two-tiered approach was developed in response to issues regarding differing levels of complexity and scope of high-priority studies as well as concerns about the federal contracting process as it applies to multi-year contracts and work. The Yakama Nation

expressed concern about the mechanism of annually funding a portion of work as being proposed in Tier I instead of fully funding the work as proposed in Tier II recognizing significant procurement issues with the Tier I approach.

The group discussed the particulars for each of the eight major chunks of the FY2013 budget request. At the end of each of the eight discussions, there was a round robin check in with each Trustee organization to validate its support of the proposed numbers. There was full agreement on the Assessment Planning (including the Preliminary Estimate of Damages at \$200,000 and Tribal human uses at \$200,000), Studies (three studies including baselining at \$1.5 million, upwelling at \$1.6 million, and mussels at \$750,000), Restoration Planning, Technical Analysis (not including Trustee organization participation numbers), Project Management (not including Trustee organization participation numbers), Information Management, Administration, and Pass-Through sections. Several trustees expressed an interest in leading the PED effort. The Yakama Nation also expressed interest in leading the information and data management work.

The Council was unable to complete work on Trustee organization funding requests for FY2013 as the Yakama Nation is still deliberating on its participation budget and has not yet been able to share its requested budget. The group agreed to have a conference call on Wednesday, April 6<sup>th</sup> from 10:00 am - 12:00 noon to complete this portion of the budget and confirm agreement on its request for FY2013 NRDA funding. Specifically, the three topics of discussion will be the FY2013 Trustee participation budget, the FY2013 budget narrative, and the letter regarding FY2012 funding.

### **Contaminants of Concern (COC) and Species of Concern Profiles**

These profiles have been developed in two groups. One of the groups of profiles is still under development. The Council decided to defer approval of the profiles to the May meeting at which time all the profiles should be completed. The Yakama Nation and CTUIR expressed concern of what the threshold deliverable would entail and would like more clarity on that issue prior to approving the COC profiles. It was hoping to see more detail in the COC profiles than what was provided by IEc on concentrations for sensitive measurement endpoints. Only general information was provided. As it stands, the COC profiles do not provide that level of detail for sensitive measurement endpoints to where the Council could begin framing study proposals.

### **IEc Service Flows Document**

There are a number of items that need discussion regarding this document. Jean Hays was asked to frame the issues for the group. This will be a major topic on the Council's April 18<sup>th</sup> conference call.

### **NRDA Integration Letter**

Russ distributed a draft of this letter. He explained that he needs help from the Council regarding specific examples and suggestions to improve the letter. He asked Paul Shaffer and Joe Bartoszek to help in identifying specific project examples. The letter will be one of the topics on the Council's April 18<sup>th</sup> conference call.

## Guiding Principles for Protection of Natural Resources Paper

John Carleton shared two versions of this paper with the group. The group agreed to finalize the paper on its April 18<sup>th</sup> conference call or at its May meeting at the latest. John requested input from other Council members and will have a revised version available on April 11<sup>th</sup> in preparation for the April 18<sup>th</sup> conference call.

## Public Involvement Plan

The Yakama Nation requested that this issue be on the agenda because it is unsure how much time it will need to review and approve this document internally. Jay McConnaughey noted that tribal staff cannot speak for the Yakama Nation or its media committee. The group discussed if the plan was a public document that would need to go out for public review. DOE clarified that under the contract task order, this is a recommended plan and internal guidance document for the Council. Comments on the document are due to Larry Goldstein on April 7<sup>th</sup>. He will transmit the Council's consolidated comments to IEC on April 21<sup>st</sup>.

Thursday, March 17, 2001

## FY2013 Budget Narrative

The Council discussed the key points that needed to be included in the budget narrative for the FY2013 request, including:

- Updating the narrative used for the FY2012 budget request
- An explanation of the two-tiered approach for FY2013
- A short description of the studies proposed
- An explanation that as the NRDA process becomes more involved in the assessment phase, budget requests are anticipated to increase
- The relationship of NRDA budgets from year to year and the importance of an orderly flow of funding to complete the work.

The Council also discussed a letter to DOE regarding funding for FY2012. It would contain similar themes. In addition, the group wanted to emphasize the importance of making investments in NRDA pay off in light of the Injury Assessment Plan.

Steve agreed to draft the FY2013 budget narrative by April 1<sup>st</sup>.

## 100-C-7 Briefing

Laura Buelow and Tom Post presented information on the 100-C-7 remediation project. The final Records of Decision (RODs) for the 100-B/C Area are expected in 2012. Protection under aquatic life standards (for hexavalent chromium) is driving the project. Currently, the work is being performed under interim RODs. The site is about ½ mile from the river and is the last known waste site in the B and C Area that requires remediation. The contaminant of concern is chromium. It is a large excavation project on a 42.5 acre site. The agencies are unsure how deep they will have to dig to complete it. The general concept is to bring the site back to the original grade when the project is complete. There is no groundwater remediation being done right now. Laura and Tom will send a copy of their presentation to Steve for distribution to Council members.

## **FY2012 Budget Letter**

The Council discussed the importance of communicating its concerns about adequate funding for FY2012 and beyond. Russ agreed to draft a letter to DOE by April 1<sup>st</sup>. The group identified the following key ideas to include in the letter:

- Emphasizing the statutory responsibilities associated with the NRDA process
- The timing of upcoming Hanford RODs and the draft DOE integration policy
- Tiering of NRDA work off of past investments
- The importance of maintaining continuity in studies
- Building momentum in the Council's work and the progress being made in developing the Injury Assessment Plan by the Phase II contractor
- The consensus-based budget process used by the Council

## **Council Meeting Support**

The Council unanimously approved the expenditure of funds to purchase a dedicated conference call phone to support Council meetings. DOE will purchase the phone on behalf of the Council. In addition, Ruth will put together a meeting kit containing markers, masking tape, and other general meeting supplies.

## **January and February Meeting and Conference Call Summaries**

Jay made a motion that the January 2011 meeting summary be approved with minor revisions. Larry seconded the motion. The motion for approval was unanimous.

Jay made a motion that the February 8, 2011 meeting summary be approved with minor revisions. Jack seconded the motion. The motion for approval was unanimous.

Paul made a motion that the February 23, 2011 conference call summary be approved with minor revisions. Jay seconded the motion. The motion for approval was unanimous.

## **Independent Notetaker**

This issue was placed on the agenda due to the concern that the Council does not currently have a system that produces detailed notes for its meetings as called for in the by-laws. The group has discussed this issue in the past. Steve shared estimated costs for a dedicated notetaker, a court reporter and transcription, and audio recording of meetings. Jay made a motion to purchase an audio recorder to capture draft minutes of Council meetings at a cost of \$100-200. The motion failed for lack of a second.

## **Data Management Plan Deliverable Date Adjustment**

Iec had requested an extension of the deadline for the Data Management Plan deliverable. Jack made a motion to recommend to DOE that this request be approved. Paul and Rico both seconded the motion. The motion passed with one abstention from the Yakama Nation.

## Technical Working Group (TWG) Reports

### **Groundwater**

The Groundwater TWG has redrawn the plume maps for contaminants in the 100-B/C Area to assess uncertainty and level of detail in existing DOE maps. There are some participation issues in the TWG as a few people are participating and doing most of the work; there is currently no active DOE participation.

### **Aquatic**

They have used the species profiles to draft a 1-2 page white paper to develop a list of studies that can be prioritized. The group had some questions for the Council:

- Will there be a TWG chairs meeting and coordination on IEC deliverables in coordination with Council meetings?
- How should the ongoing data access problem be addressed?
- What is the status of the sturgeon expert panel review?
- What is Task 5.3: Expert Panels and Workshops?
- What is the status of the Study Selection Criteria? This would help in prioritizing studies.

### **Data Management**

There has been no activity from the TWG itself recently. However, there are still access issues regarding acquiring digital data. The Google site is still the primary site for information. The next issue for TWG work will be a straw proposal from IEC on data management. Another significant issue that needs to be addressed is coordinated access to data, consolidation of information, map generation, and the need for increased coordination between TWGs. Charlene took the lead to schedule an all-TWG chairs meeting with the Council participation in some or all of it, as well as an all-TWG meeting.

### **Human Use**

There will be an IEC workshop on April 14<sup>th</sup> from 1:00-4:00 pm to identify tribal data gaps. Jean needs to know how many people are coming. Right now, they have a room that will hold 16 people reserved at the Department of Ecology offices. One of the issues of concern is the protection of tribal knowledge.

### **Restoration**

The revegetation plan is in draft and may be out this summer. Dan Landeen has the lead on the noxious weed issue. The primary focus of the TWG is the evaluation of projects in terms of selection and evaluation criteria and in terms of currency credit methods. The next meeting will be in April, and the TWG anticipates bringing selection criteria and currency crediting information to the Council in August.

## **Source and Pathway**

A revised inventory for carbon tetrachloride releases to Hanford soils has been prepared and is about at a point where it should be shared. In April, the TWG will be looking at getting big chunks of chemistry data for the river. This could overlap the work of the Aquatic and Data Management TWGs. The Source and Pathway TWG is interested in knowing what other TWGs need from it and in what timeframe. Similar to the Groundwater TWG, this TWG is people resource limited right now.

## **Terrestrial**

The TWG is doing some additional profiles, and literature searches are finding other useful information. There has been no feedback yet on the Study Selection and Species Selection Criteria that was sent out. The TWG is seeking comments on both.