

**Hanford Natural Resource Trustee Council  
Senior Trustee Meeting**

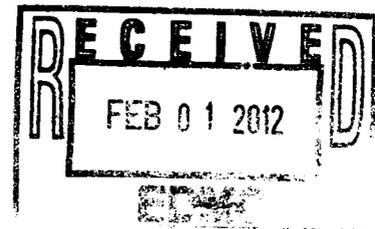
Wednesday, October 13, 2010  
9:30 am - 1:30 pm

Student Union Building, Room 201  
Central Washington University, Ellensburg, Washington

**MEETING NOTES - v5 FINAL**

**Meeting Participants:**

- Charlene Andrade, National Oceanic and Atmospheric Administration (NOAA)
- Brooklyn Baptiste, Nez Perce Tribe
- Jack Bell, Nez Perce Tribe
- Gabriel Bohnee, Nez Perce Tribe
- David A. Brockman, U.S. Department of Energy (DOE), Office of River Protection
- Larry Goldstein, State of Washington
- Stuart Harris, Confederated Tribes of the Umatilla Indian Reservation
- Greg Hughes, U.S. Fish and Wildlife Service (FWS), Pacific Region
- Mike Lopez, Nez Perce Tribe Office of Legal Counsel
- Russ MacRae, U.S. Fish and Wildlife Service (FWS)
- Jay McConnaughey, Yakama Nation
- Matt McCormick, U.S. Department of Energy (DOE), Richland Operations Office
- Ken Niles, State of Oregon
- Craig O'Connor, National Oceanic and Atmospheric Administration (NOAA)
- Philip Rigdon, Yakama Nation
- Paul Shaffer, State of Oregon
- Janis Ward, U.S. Department of Energy (DOE)
- Polly Zehm, State of Washington
- Ruth Nicholson, facilitator



**Opening and Introductions**

Russ MacRae, chair of the Hanford Natural Resource Trustee Council (Council), opened the meeting and reviewed the agenda. He gave a brief overview of the issues to be discussed and decisions that needed to be made to set the context for the meeting. Most of the senior representatives of the trustee organizations also added their thoughts for the context of the meeting which included:

- Frustration at recent Council meetings, including difficult group dynamics and the view that more should be accomplished,
- Concern that the senior trustees have not met very often over the past 1-2 years and that there is a need for a more effective leadership role from the senior trustees as the injury assessment begins,
- Concern regarding how the Council and the senior trustees operate when not all parties are in agreement ,and

- Clarifying that this meeting of the senior trustees is largely to resolve administrative issues in order to assist and support the Council in its substantive work.

### Council Decision-Making Process

The group quickly moved from opening remarks into discussion of the Council's decision making process. There was discussion of what constituted formal and informal decisions. For some topics, this distinction needs to be made on a case by case basis. The Memorandum of Agreement (MOA) says that in the event consensus cannot be reached by the Council, a matter may be elevated to the senior trustees for resolution. The group noted that since the senior trustees had not met face-to-face in about two years, and had only had one conference call concerning the DOE 2012 budget request, that it was difficult for this provision to be exercised. The lack of regular engagement has meant that issues and decisions that needed elevation and resolution have often been in limbo.

The Council meets in person six times a year (every other month) and has conference calls in the alternate months. A proposal was made that the senior trustees meet in person with the Council multiple times a year in order to be briefed and to discuss and resolve potential issues. Discussion of the proposal included:

- Concerns regarding what issues and how many issues might be elevated to the senior trustees
- Can a single party raise an issue from the HNRTC to the senior trustees?
- A desire to understand what was making resolution of issues difficult right now and encouraging the Council to effectively reach out to parties with dissenting perspectives. There was general agreement that if the senior trustees became more engaged, they could identify trends, issues, and process improvements that could better support the Council and its decision making.
- A desire to not further slow down the Council decision making process and to also keep decisions and issues from getting stuck in limbo without resolution in a timely manner
- Confirmation that other trustee councils operate with an elevation process between technical working group(s) and the senior trustees
- Requests from the Trustees that the senior trustees clarify the distinction between formal and informal decisions, specifically
  - The initial commitment of resources
  - Selection and hiring of specific contractors
  - Evaluation of contractor performance
- Encouraging communication between Council members and senior trustees between meetings so that issues do not lag and fester unnecessarily.

The senior trustees decided that:

1. The "extensive, good faith discussions" required by the MOA would mean at least but no more than two consecutive Council in-person meetings.
2. Two types of issues may be raised by the Council to the senior trustees:
  - a. Formal decisions for which the Council cannot reach consensus after meeting the "extensive, good faith discussions" criteria in the MOA.
  - b. Informal decisions which have come to a vote and for which one or more parties have significant concerns.
3. Formal decisions include the initial commitment of resources.
4. Informal decisions include selection and hiring of specific contractors and contractor performance. However, concerns regarding these issues may be elevated to the senior

trustees on a case-by-case basis. The group assumed that Council members would be in regular communication with their senior trustee representatives to elevate significant concerns in a timely manner.

5. The senior trustees will meet in person with the Council three times a year on the last day of every second regular meeting in order to be briefed on issues, accomplishments, projects in progress, and decisions that need review or resolution at the senior trustee level.

### **2012 Budget Request**

The Council did not previously come to consensus on a budget request for Fiscal Year 2012 (FY12). It ended up with two possible budgets which differed in total budget amount, as well as issues surrounding staffing, planning, and studies. The range discussed at this meeting was \$6 - 13.9 million. The larger of the two was described as unconstrained. Some of the senior trustees had previously expressed concern about their organization's ability to spend a large sum of money in light of contracting, staffing, and other concerns. Others expressed frustration at the delay in getting field studies underway which are essential to get to responding and restoring important natural resources.

Since the Council did not have agreement on an FY12 budget request, DOE included a \$6 million placeholder in the budget request it had to submit in spring 2010. Given the rules and agreements under which the Council operates, DOE could have requested no monies in light of the lack of Council consensus. Senior trustees were grateful that DOE included a placeholder request. DOE noted that the FY12 budget is not expected to be "healthy".

The next opportunity to request money will be for the Fiscal Year 2013 (FY13) budget. That request needs to be made in May 2011. The senior trustees discussed what needed to work better so that the process for this request is improved. DOE noted that it can request the budget that the Council agrees on. The parties admitted that Council discussions have become difficult and contentious, often arguing over little things. In some cases, this has been due to personality conflicts.

The senior trustees discussed the budget request process, including the desire to ask for enough - or even more - funding. There was general agreement that there needed to be more attention put on substantive issues and on making progress. The group also discussed the need for a clearer, more long-term vision that would include FY13 and extend beyond that into the future.

The group discussed the importance of the senior trustees setting clear expectations and a clear vision. There was a sense in the group of the need for the senior trustees to take more of a leadership role and support the Council's work more effectively. There was excitement about having a Phase II contractor and the sense that the work is moving forward into a new planning stage.

The senior trustees decided to:

1. Include the FY13 budget request process on both the Council and the senior trustee meeting agendas for their November 2010 meetings
2. Work on developing a vision for FY13 and beyond that includes the pace of studies and other projects as well as a clear vision of what a successful FY13 would look like in

terms of substantive accomplishments. This work will begin at the November Council and senior trustee meetings.

3. Meet in conjunction with the Council meetings in November 2010, March 2011, and July 2011. Since the DOE budget request is due in May 2011, there may be a need for an April 2010 senior trustee meeting focused on the FY13 budget request if consensus cannot be reached by the March 2011 meeting.

### **Hiring of a Facilitator**

The senior trustee representative from the Nez Perce Tribe had to leave at 1:00 pm. He was replaced at the table with one of the representatives from the Nez Perce Tribe Environmental Restoration and Waste Management Program.

Ruth Nicholson stepped out of the meeting room for this discussion in order to enable the group to talk candidly about its needs and how it wants to proceed with this hire.

The senior trustees agreed that this was an "informal decision" that should be decided by the Council - by majority vote if it could not reach consensus. However, one Trustee organization expressed strong concerns about moving forward with a majority vote on this particular issue. After considerable discussion, the senior trustees agreed to move forward with selecting a new facilitator to work with the Council. Candidates will not be considered if they are unacceptable to one or more trustees, but the selection of the individual will be by informal (majority) decision.

### **Hiring of a Project Coordinator**

The senior trustees reaffirmed that the Council had already come to consensus that the FWS would hire a Project Coordinator. An issue arose when FWS came back to the Council with a position description and statement of work, specifically relating to language concerning that position's potential work with settlement discussions. The federal agencies clarified that a position description is something required by federal hiring rules. The federal hiring process is complicated. FWS needs to develop a position description that will best meet agency policy, classification and grade requirements, and other federal government factors such that it can navigate the hiring process expediently without complications or delays. FWS indicated that it would go forward with the hiring for this position with the existing position description which is seen as the most expedient way forward. The seniors agreed to this approach. The senior trustee from the Yakama Nation agreed to discuss his concerns about the position description and work plan directly with FWS and acknowledged that the project coordinator was a position that the Council needed.

### **Hiring of a non-governmental organization**

The senior trustees reaffirmed the earlier Council decision to hire a non-governmental organization to support the Council's work, especially in light of the group's work earlier in the day in clarifying what constituted formal and informal decisions. FWS will handle this.

### **Wrap Up and Closing**

Prior to adjourning, the senior trustees thanked Dave Brockman for his leadership with the senior trustee group and the Council. This is his last senior trustee meeting as he has moved

to a new position with DOE Office of River Protection. Matt McCormick has assumed the senior trustee role for DOE in his new position with DOE Richland Operations Office. Mr. Brockman encouraged the group not to lose sight of what has been already been accomplished.

The meeting was adjourned at 1:45 pm.