

**HANFORD REACH NATIONAL MONUMENT
FEDERAL PLANNING ADVISORY COMMITTEE**

**Final Meeting Summary: Session # 8
Wednesday, August 14, 2002
Consolidated Information Center WSU Tri-Cities Campus
Richland, WA**

The Hanford Reach National Monument Federal Planning Advisory Committee met on Wednesday, August 14, 2002 from 9:30 a.m. to 2:30 p.m. in the Consolidated Information Center on the WSU Tri-Cities campus in Richland, Washington.

The purpose of the meeting was to:

1. Hear from the treaty tribes and other Native Americans regarding the Hanford Reach National Monument; and
2. Hear from the planning team on the updated schedule for public scoping.

Welcome and Introductions

Greg Hughes, U.S. Fish and Wildlife Service (USFWS) Designated Federal Official (DFO) and Project Leader, Hanford Reach National Monument, opened the meeting and welcomed Committee members, the public, and other attendees. Mr. Hughes turned the meeting over to the Committee Chair, Jim Watts.

Jim Watts asked Armand Minthorn, Member of the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), to officially open the meeting with a prayer and traditional song. After the prayer and song, Mr. Watts explained the importance of the meeting and the role the Committee would play in listening to each entity present their information. He also reviewed the public comment process and reminded those that would like to make public comment that there was a five-minute time limit. A public comment sheet was available at the sign in table for those interested in giving comment. He also reviewed the Committee's purpose and charter.

Alice Shorett, facilitator, reviewed the day's agenda, noting that the purpose of the day's session was to hear from the treaty tribes and Native Americans regarding the Hanford Reach National Monument, and to hear a planning update on the scoping process from the planning team.

Greg Hughes introduced Lloyd Piper, the U.S. Department of Energy representative at the table, a position formerly held by Bob Rosselli. Mr. Piper gave a brief introduction of his role in the DOE and stated his enthusiasm to be involved with the Committee.

Meeting Minutes from Session #7

Jim Watts asked the Committee if there were any changes to the meeting summary from session #7 on May 29, 2002. There were minor changes suggested to the summary. A motion was made and seconded to edit the summary as suggested.

Action: Committee moved and seconded to amend meeting summary #7. The Committee adopted the summary as amended.

Background and presentations by treaty tribes and Native Americans about the Hanford Reach National Monument

Jim Watts welcomed the guests - representatives of the Yakama Indian Nation, Nez Perce Tribe, Confederated Tribes of the Umatilla Indian Reservation, and the Wanapum People. He stated that the Confederated Tribes of the Colville Reservation were invited, but were unable to attend.

Yakama Indian Nation

Mr. Russell Jim, Manager of the Environmental Restoration Waste Management (ERWM) program of the Yakama Indian Nation, thanked the Committee for the invitation to present to them. Mr. Jim began by explaining the Treaty of 1855 and the legal valid existing rights inclusive in that treaty, a contract with the U.S. government. He noted that the Yakama people approach the issues through the treaty which is tied to their culture and the natural foods and medicines. The Treaty rights include the government-to-government consultation process, and the element of protocol developed with U.S. DOE through the Agreement in Principle (AIP) of 1992. The AIP expired in 1999. The Treaty Tribes are not consultants to the federal government. Mr. Jim explained the difference between the public and the rights of other sovereign nations as defined by the Treaty. The Indian Treaties outline the role those nations will play in helping to determine the fate of these lands.

The resources in the Monument are relevant to the Yakama Indian Nation. The Yakama Indian Nation is concerned with respect to the safety of the site, particularly in Central Hanford, with the move to accelerate the cleanup plan. Reclassification of waste should not be acceptable. Mr. Jim noted that the federal court case in Idaho will go on and determine the relevance of re-classifying the waste (See *Natural Resources Defense Council v. Abraham*, D. Idaho, No. 01-CV-413).

The health of the Yakama Indian Nation depends on the health of the environment. The federal government has a fiduciary responsibility to uphold the responsibility of the lands they manage and any agreements with which they entered into those lands.

The Yakama people have been faced with different determinations and interpretations of their role in this and other activities at Hanford, including their existing rights. The responsibility of

trust can be corrected only if it is understood. The signers of the Treaty worked hard to uphold the protection of the natural and cultural resources for future generations. The Yakama people have upheld their responsibility to protect the land for future generations, and are asking the federal government to uphold their responsibility.

Q: Could you please clarify with whom you are being critical of the government to government process. Is there something this Committee can do to address that?

A: Mr. Jim responded by saying that there is a general misunderstanding of protocol, as outlined in the AIP. The Committee should not go to the Yakama Nation Board without first speaking with Mr. Jim. He will convey issues to the Board to determine how they would like to address it through their policies.

Q: Can you please explain some of the documentation you referred to in your presentation, specifically the Agreement in Principal with DOE?

A: Mr. Jim responded by saying that it expired in 1999 and the Yakama Nation was asked to renew it. After diligent work on the agreement, it was refused at the DOE headquarters based on the notion that the DOE did not need another compliance agreement. There is a basic misunderstanding of the government to government consultation and the nature of treaties. The Yakama Nation responded by asking what is new about a 146-year old treaty.

Q: With respect to the Treaty of 1855, how do the Tribal Governments work with the Endangered Species Act relative to methods used today versus those used historically?

A: The Yakama Nation historically used methods of catching fish that were eventually outlawed. The Nation takes advantage of the modern ways of science and do not harvest resources to depletion. The Boldt decision in 1974 was based on a series of data available at that time. The basic premise was that entities did not want Federal judges to manage fisheries. There are many parts of the Endangered Species Act that go against the Treaty, but the Yakama Nation works to address those differences, and comply with the law. The Yakama Nation looks beyond the immediate future and into several generations in the future in planning for its resources.

Q: The Treaty gives you the right to harvest fish in your “usual and accustomed places.” Is there something this Committee should know with respect to your intentions in the future with regard to the Hanford Reach National Monument?

A: Mr. Jim responded by explaining that the rights to gather foods and medicines on the Hanford site are detailed in the Treaty. This area was our usual and accustomed wintering grounds. Each of those decisions would be made based on the needs and resources of the land, including the use of land on the Monument. Congress, when designating the Monument, did not void the Treaty rights. However, we were not compensated by the federal government like many of the private landowners. We

anticipate playing an integral role in the decisions made so that the Yakama Nation can determine how that correlates with their existing Treaty rights.

Nez Perce Tribe

Rico Cruz of the Cultural Resources Program of the Nez Perce Tribe addressed the Committee. He explained that in 1982 the Nez Perce were considered an “affected” tribe of the nuclear waste activities under the Nuclear Waste Policy Act. The main goal of the Cultural Resources Office of the Nez Perce Tribe is to protect and preserve the cultural and natural resources indefinitely into the future. That includes the soil, water, plants and fish and all other Treaty rights granted to them in the Treaty of 1863.

He introduced the staff with him: Antonio Smith (communications specialist), Kristie Baptiste (policy analyst), and Mae Taylor (community liaison and elder). He added that Kristie and Mae would address the Committee.

Kristie Baptiste gave background information on the video “Closing the Circle.” The video was produced by the Nez Perce Tribe Environmental Restoration and Waste Management Program, through a grant from the DOE, and was shown to the Committee.

Mae Taylor, elder, gave a historical rendition of her experience on the Hanford Reach, living on the land and harvesting the resources from it. She talked about how she used to swim in the water, how she used to live in one of the teepees along the banks of the river, and how they were stopped by armed security at one point trying to enter the land. The land was traditionally used as a communal resource for all the nomadic Indian people in the region. She described how for a few years her people were not able to enter the Hanford lands (during the Manhattan project). Her ancestors would store food in dugouts in the land for the use of future travelers to survive on during their travel.

Confederated Tribes of the Umatilla Indian Reservation (CTUIR)

Armand Minthorn, member, Board of Trustees, thanked the Committee for the opportunity to present to them, and introduced some of his coworkers. He explained there were several concerns he had previously expressed to this Committee, and would continue to express. Those were:

1. The CTUIR continues to try to understand the Committee’s role in developing a long-term management plan. They anticipate, and expect no less than being a co-manager within the Monument, based on Treaty rights, DOE Indian Policy and Dept of Interior’s Indian Policy. Mr. Minthorn explained that the Tribes want to work with the Committee, USFWS, and USDOE. The Tribes want to participate in and have a role in shaping the plan for the Monument. In the future, when the plan is done, Mr. Minthorn noted he would expect the CTUIR to have a role.

2. They expect to continue to exercise their rights on the Monument lands and be consulted through government-to-government relations.

He stated that there should be a capacity within the Department of Interior for the Tribes to be co-managers. He stated that the Tribes need to help manage, protect and preserve the resources their livelihood depends upon. Mr. Minthorn explained that he anticipates the Tribes will have a future role in the long-term management. The CTUIR expect no less than a co-management role for the future management of the Monument.

He would like some clarification from the Department of Interior on the source of funding available in the future. Groundwater contamination should be recognized in the Management Plan. Mr. Minthorn stated that groundwater contamination in the area of the Monument is a huge problem. He asked the Committee if the Hanford Reach National Monument Comprehensive Conservation Plan will address groundwater contamination. He noted that the U.S. Department of Interior is not in the business of cleaning up radioactive waste and the contaminated groundwater will be there for thousands of years. Instead, the role of the USFWS is to manage, protect and preserve the fish and wildlife resources of the land, not to clean up the land. He asked for clarification on the USDOE's role. Mr. Minthorn asked that the Comprehensive Conservation Plan clearly and concisely address the issue of groundwater contamination.

The U.S. Department of Interior and the U.S. Department of Energy need to comply with the Endangered Species Act. Mr. Minthorn identified the salmon as a Treaty resource and the CTUIR could help manage the resource and the Reach.

The CTUIR has archeological sites, burial sites, and gathering sites within the Monument. The management plan needs to let the CTUIR know how management will protect their resources. There are current laws that can be used in the management plan, but they are worthless laws without enforcement.

The DOE accelerated cleanup plan needs to be factored into the future management of the Monument. This will need to be specifically explained by the DOE. Mr. Minthorn offered to partner with the Comprehensive Conservation Plan. He noted that the Tribes have scientists, archaeologists, hydrologists and stated that the Tribes want to help create this plan. He noted that currently, some activities on the Hanford Reach may be putting Treaty resources at risk, such as the Priest Rapids dam pool fluctuation. He stated that stranding of salmon redds and erosion of ancestral remains is unacceptable.

Access to the Reach needs to be limited in order to have less impact on Treaty resources. In closing, Mr. Minthorn stated that the Hanford Reach National Monument Comprehensive Conservation Plan needs to be comprehensive and include all of the interests and all of the

resources. There are issues raised at today's meeting and this is a good opportunity to educate one another. Mr. Minthorn closed by thanking the Committee for the opportunity to speak with them and he invited the Committee to come meet with the people of the CTUIR. He stated that he truly appreciates Rex Buck's representation on the Committee and he will depend upon Mr. Buck to assist in the government-to-government discussions.

Q: A third issue you did not mention was the slumping of the White Bluffs. Who should be responsible for that? Is this issue important?

A: Mr. Minthorn answered that the issue of slumping at White Bluffs stating the slumping of the White Bluffs is a serious issue. The CTUIR understand the issue with erosion and raised water levels and the Tribes commit to addressing the issue with USFWS and USDOE.

Q: Would the CTUIR also be in support of managing the dams through a more natural flushing of the Reach, particularly in spring time?

A: We would support something representative of a natural spring surge.

Wanapum People

Rex Buck thanked the Committee for giving him the opportunity to address them regarding Wanapum People and their interests in the Monument. He introduced members of his family in attendance, as well as other members of the Wanapum People that attended to listen to Indian people concerns. Mr. Buck said he would be addressing the Committee and then showing a video entitled "Disturbing the Dreamers", produced by the Wanapum. The video represents the ancient, how they live in the present and how they will live in the future.

Mr. Buck also acknowledged all of the Tribes' presentations and said he respected the education they were giving to the Committee. He maintained that he will continue to be an effective Native American representative on the Committee, and invites all others to come to him with any concerns, opportunities and issues in the future.

The Wanapum People lived, and still live in the Monument land. They were not put on this land by someone, rather the land put them here. Their experience with this land goes well beyond recorded history. Oral history has passed from generation to generation. The Wanapum want to continue to stay on this land as they have traditionally and historically done, and utilize the resources to which they have historically had access. In recent history, 200 years ago, when Alexander Ross named Priest Rapids he did so because the people were in prayer. In 1943 with the Manhattan Project the government took the Wanapum People away from their campsite. The Wanapum have never moved their lives and traditions to a designated area, and they want to remain there. They have a history of working with the federal government and continue to do so. There is a real need to continue to educate each other on the most effective way to protect the resources for future generations.

After the Committee viewed the video, “Disturbing the Dreamers”, Mr. Buck thanked everyone for their attention and closed by saying that the Wanapum People look forward to working with the federal government and other interests on the long-term management of the Monument. Mr. Buck said that the Committee has an opportunity to come together and protect our resources, respect one another and do the right thing in creating a plan. He told a story of a Wanapum elder wanting to build a monument. He stated that when he would pass away, others would want to make a monument for him, but he said, if anyone is recognized it should be our children and our grandchildren. The Hanford Reach National Monument can do well by protecting the future resources of our children’s children well into the future.

Planning Team Update on Scoping

Greg Hughes explained that the planning team is assembled and is moving ahead as planned. He explained that the Service would like the Committee’s participation at the scoping meetings. This is an opportunity to hear from all the constituents that each member represents by sitting on this Committee.

Mr. Hughes introduced both Glenn Frederick and Dan Haas and explained their roles on the planning team. Mr. Frederick explained where the planning team is in the process of scoping. He pointed to the Notice of Intent in the Committee packet that was published in the Federal Register. The intensive public scoping period is from June 12, 2002, when the Notice was published, to October 12, 2002.

Glenn Frederick described the reviews the Service had conducted, including the various teams they had assembled to discuss some issues and opportunities surrounding the resources of the Monument. To date, the Service has conducted reviews with field trips on the Monument lands focusing on Wildlife and Habitat, Public Use and Visitor Services, Cultural Resources, and Geological and Paleontological Resources. Each review team will produce a report and these reports will be ready for presentation to the FACA Committee at its October session.

The public scoping meetings will be an opportunity to hear from the public, meet the staff and Committee members, and educate those attending. There are a variety of opportunities for the public to provide comment on the management of the Monument. The format will be open house with stations and displays describing Monument resources. The public scoping meetings are scheduled as follows:

- Wednesday, August 28, 6-9 p.m., Mattawa
- Thursday, September 5, 6-9 p.m., Seattle
- Monday, September 9, 4-9 p.m., Richland
- Tuesday, September 17, 6-9 p.m., Yakima

The Service also had an initial meeting with Cooperating Agencies. Of thirteen invited agencies, three have accepted (Bureau of Reclamation, Bonneville Power Administration, Corps of

Engineers), three have declined (National Park Service, South Columbia Basin Irrigation District, National Marine Fisheries Service), and seven others are still considering their role with respect to Cooperating Agency status.

The government-to-government consultation protocol is currently being assembled. That consultation will take place throughout the planning process.

Q: Did the National Marine Fisheries Service (NMFS) give reasons why they are not participating?

A: Mr. Hughes answered that they explained a lack of resources for reasons to not participate. While the fisheries in the Reach are some of the most productive on the Columbia, the fall Chinook of the Columbia Evolutionarily Significant Unit (ESU) are not a listed species, and therefore do not warrant intensive NMFS involvement.

Members of the Committee felt that perhaps something should be done to address this issue, as they see the NMFS as a major player in the fisheries on the Monument. The Chairman recognized the request.

Q: What is the purpose of the division of the Monument into six management units?

A: At this point, it is particularly useful for administrative purposes and for planning. The Monument planning effort is considering the Monument as an entire management unit. The units are geographical, for planning purposes.

Mr. Frederick further explained the definition of a Cooperating Agency. He explained that two factors identify a Cooperating Agency: (1) those with jurisdiction, or (2) those with special expertise that the Lead Agency could benefit. He also clarified that although there may be agencies that decline the invitation to be a Cooperating Agency, it does not mean they would not be involved in the process. For example, they would all review the draft plan.

Q: What point is the Service at in officially implementing the government-to-government consultation?

A: Mr. Hughes responded by saying that the consultations have begun. Meetings are being scheduled, although it has been challenging to coordinate calendars of all those involved.

Tom Miller of the Columbia River Inter Tribal Fish Commission (CRITFC) introduced himself and stated that CRITFC would have an internal meeting to discuss their involvement on behalf of the Indian people they represent, and will get back to the Committee with that information.

Recap and Next Steps

Jim Watts addressed the Committee's schedule as planned through November. Mr. Watts asked the Committee, based on the scoping schedule and the desire to have Committee members at the

scoping meetings, if the Committee would be willing to cancel the scheduled September 10th meeting. It was moved and seconded to cancel the September 10th meeting.

Action: The Committee officially canceled the September 10th scheduled meeting.

Greg Hughes presented to the Committee some topics of daily Monument management. He explained to the Committee that five Native American entities were invited, and because one entity did not show, that explains the time savings in the schedule. He covered the intense effort the planning team has embarked on to get the Planning Workbook together and organize the scoping meetings. The Monument did secure another fire truck, and other heavy machinery. Signs and brochures are almost complete and will be placed out on the Monument as soon as they are complete. An internal USFWS team has been formed to look at and comment on the Federal Energy Regulatory Commission Priest Rapids Dam re-licensing project. The Service may have the opportunity for a research biologist available for the entire Columbia Basin based on a proposal written by the Monument and Regional Office staff.

Kris Watkins briefed the Committee on Housing and Urban Development grant money the Tri-Cities Visitor and Convention Bureau received to look at the economic impacts of the Monument. A Committee has formed with a representative from each of the surrounding counties and cities, as well as some members at large, to look at this information. She explained that the result of the effort would be a tourism master plan to include education elements on how to interpret the Hanford Reach. While preparing the tourism master plan, the participants want to ensure they are in line with the scoping process, and Ms. Watkins will keep the FACA Committee informed of progress. They have four years to complete the study.

Public Comment

There were no public comments.

Greg Hughes adjourned the meeting at 2:30 p.m.

Certified By:

Greg Hughes, DFO

Jim Watts, Chair

MEETING ATTENDANCE

Committee Seat	Member	Alternate
K-12 Education	Karen Weida	Royace Aikin
Cities	Bob Thompson	<i>vacant</i>
Conservation/Environmental	Rick Leumont	Mike Lilga
Counties	Leo Bowman	Frank Brock
Economic Development	Jim Watts	Harold Heacock
Outdoor Recreation	Rich Steele	
Public-at-Large	Kris Watkins	
Scientific/Academic		Eric Gerber
	David Geist	
	Gene Schreckhise	Ed Rykiel
State	Jeff Tayer	Ron Skinnarland
Tribal	Rex Buck	<i>vacant</i>
Utilities/Irrigation	Nancy Craig	<i>vacant</i>
Designated Federal Official	Greg Hughes	

Participants and Invited Speakers

U.S. Department of Energy	Lloyd Piper
U.S. Fish and Wildlife Service	Glenn Frederick
Yakama Indian Nation	Russell Jim
Nez Perce Tribe	Kristie Baptiste
Nez Perce Tribe	Rico Cruz
Nez Perce Tribe	Mae Taylor
CTUIR	Armand Minthorn

Facilitators

Triangle Associates, Inc.	Alice Shorett	Derek Van Marter
---------------------------	---------------	------------------

Meeting Support

U.S. Department of Energy	Peggy Terlson
---------------------------	---------------

Observers

U.S. Fish and Wildlife Service	Paula Call
U.S. Fish and Wildlife Service	Don Voros
U.S. Fish and Wildlife Service	Scott Aikin
U.S. Fish and Wildlife Service	Joe Hostler
U.S. Fish and Wildlife Service	Mike Marxen
U.S. Fish and Wildlife Service	Dan Haas
U.S. Fish and Wildlife Service	Jenna Gaston

U.S. Department of Energy	Dana Ward
U.S. Department of Energy	Paul Valeich
U.S. Department of Energy	Kevin Clarke
U.S. Department of Energy	Connie Smith
U.S. Department of Energy	Tom Ferns
U.S. Department of Energy	Annabelle Rodriguez
U.S. Department of Energy	Steve Wisness
Nez Perce Tribe	Antonio Smith
CTUIR	Althea Huesties-Wolf
CTUIR	Stuart Harris
CTUIR	Ted Repasky
Wanapum	Mike Squeoch
Wanapum	Lester Umtuch
Wanapum	Lenora Buck Seelatsee
Wanapum	Reamona Buck
Congressman Hastings Office	Joyce Olson
WA State Dept of Ecology	John Price
Benton County	Adam Fyall
Benton County Park Board	Donna Raines
Franklin County	Sue Miller
BPA	Mary Hollen
KAI	Tom Keefe
PNNL	John LaFemina
PNNL	Ellen Right
Fluor Hanford	Keith Tuosor
Fluor Hanford	William Millsop
Fluor Hanford	David Ottleg
Bechtel	Tom Marceau
CRITFC	Tom Miller
CRITFC	Matt Johnson
Energy Northwest	John Arbuckle
Backcountry Horsemen of WA	Everyll Davison
Richland Rod & Gun	Eddie Manthos
Richland Rod & Gun	Eugene Van Liew
Tri-City Herald	Mike Lee
B Reactor Museum Assoc.	Del Ballard
Public	Carol Brock

DISTRIBUTED MATERIALS

Committee's Packet of Materials

Meeting Agenda (August 14, 2002)

Draft Working Session Summary: Session #7 (May 29, 2002)

Letter from Jim Watts, Committee Chair (Advice #1)

Letter from Jim Watts, Committee Chair (B Reactor)

Letter from Keith Klein, DOE-RL (B Reactor response)

Letter from Keith Klein, DOE-RL (Lloyd Piper selection)

Letter from Lloyd Piper, DOE-RL (Advice #1 response)

Federal Register Notice for Upcoming FPAC Meetings

Federal Register Notice of Intent for CCP/EIS

Planning Update #1

Fact Sheets (ALE, Wahluke, Vernita, Saddle Mountain, River Corridor, and McGee Ranch)