

2.0 Public Involvement at Hanford



J. P. Duncan

A number of federal, state, and local governmental agencies; tribal governments; advisory boards; activist groups; and individuals exercise various roles with respect to the U.S. Department of Energy's (DOE's) mission of waste cleanup and management, development and deployment of new technologies, and protection of public health and safety at the Hanford Site. For example, federal and state agencies exercise a regulatory role over contaminant releases and concentrations of contaminants in various media, and several tribes assure, through a government-to-government relationship with DOE, that treaty rights and other values important to Native Americans are taken into account. The roles of the regulatory agencies, organizations, and the public are addressed in the following sections.

2.0.1 The Role of Indian Tribes

K. V. Clarke

The Hanford Site is located on land ceded to the United States government by the Yakama Nation and the Confederated Tribes of the Umatilla Indian Reservation in the Treaties of 1855. These tribes, as well as the Nez Perce Tribe, have treaty fishing rights on portions of the Columbia River. These tribes reserved the right to fish at all usual and accustomed places and the privilege to hunt, gather roots and berries, and pasture horses and cattle on open and unclaimed land. The Wanapum are not a federally recognized tribe; however, they have historic ties to the Hanford Site as do the Confederated Tribes of the Colville Reservation, whose members are descendants of people who used the area known as the Hanford Site.

The Hanford Site environment supports a number of Native American foods and medicines and contains sacred

places important to tribal cultures. The tribes hope to safely use these resources in the future and want to assure themselves that the Hanford environment is clean and healthy.

American Indian tribal governments have a special and unique legal and political relationship with the government of the United States defined by history, treaties, statutes, court decisions, and the U.S. Constitution. In recognition of this relationship, DOE and each tribe interact and consult directly. Tribal government representatives from the Yakama Nation, Confederated Tribes of the Umatilla Indian Reservation, and Nez Perce Tribe participate in DOE-supported groups such as the State and Tribal Government Working Group, the Hanford Natural Resources Trustee Council, the Hanford Cultural Resources Program, and provide review and comments on draft documents. Both the Wanapum and the Confederated Tribes of the Colville Reservation also are provided an opportunity to comment on documents and participate in cultural resource management activities.

The DOE *American Indian and Alaska Native Tribal Government Policy* (DOE 2000, revised in November 2000) guides DOE's interaction with tribes for Hanford plans and activities. The policy states, among other things, "The Department will consult with any American Indian or Alaska Native tribal government with regard to any property to which that tribe attaches religious or cultural importance which might be affected by a DOE action." In addition to the DOE American Indian and Alaska Native Tribal Government Policy, laws such as the *American Indian Religious Freedom Act*, the *Archaeological Resources Protection Act*, the *National Historic Preservation Act*, and the *Native American Graves Protection and Repatriation Act* require consultation with tribal governments. The combination of the Treaties of 1855, federal policy, executive orders, laws, regulations, and the federal trust responsibility



provide the basis for tribal participation in Hanford Site plans and activities. DOE provides financial assistance through cooperative agreements with the Yakama Nation, Confederated Tribes of the Umatilla Indian Reservation, and Nez Perce Tribe to support their involvement in environmental management activities of the Hanford Site.

2.0.2 Consultations and Meetings with Tribes, Interested Parties, and the State Historic Preservation Office

D. W. Harvey

DOE conducts formal consultations with the Washington State Historic Preservation Office, tribes, and interested parties for cultural resource reviews in order to comply with *National Historic Preservation Act* Section 106 and the *National Environmental Policy Act*. In 2004, DOE consulted with the Washington State Historic Preservation Office on four cultural reviews, and with tribes on four cultural reviews. Two consultations occurred with interested parties.

The Hanford Cultural and Historic Resources Program also holds meetings with tribal cultural resource representatives to discuss cultural resource reviews and issues that concern the protection of cultural resources on the Hanford Site; six meetings were held in 2004. A main issue discussed focused on the development of a programmatic agreement for DOE's planned transfer of the Hanford Reach National Monument to the U.S. Fish and Wildlife Service.

There were no public meetings with interested parties in 2004.

2.0.3 Hanford Natural Resource Trustee Council

D. C. Ward

The President of the United States, by Executive Order 12580, *Superfund Implementation* (52 FR 2923), has appointed the heads of some federal departments to

act on behalf of the public as trustees for natural resources when natural resources may be injured, destroyed, lost, or threatened as a result of a release of hazardous substances. For example, the President appointed the Secretary of Energy as the primary trustee for all natural resources located on, over, or under land administered by DOE, including the Hanford Site. Other designated federal trustees for Hanford natural resources include the U.S. Department of the Interior represented by the U.S. Fish and Wildlife Service and the Bureau of Land Management and the U.S. Department of Commerce represented by the National Oceanic and Atmospheric Administration. The *Comprehensive Environmental Response, Compensation, and Liability Act* (CERCLA) authorizes state governors to designate a state trustee to coordinate all state trustee responsibilities. CERCLA further states that chairmen (or heads of governing bodies) of Indian tribes have essentially the same trusteeship over natural resources belonging to or held in trust for the tribe as state trustees. In that regard, Indian tribes and state organizations have been designated as natural resource trustees for certain natural resources at or near the Hanford Site by the *National Oil and Hazardous Substances Pollution Contingency Plan* (55 FR 8666) and Executive Order 12580 (52 FR 2923). Indian tribes include the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, and the Nez Perce Tribe. State organizations include the Washington State Department of Ecology, Washington Department of Fish and Wildlife, and Oregon Department of Energy.

DOE cooperates and coordinates with trustees' assessments, investigations, and planning and with devising and implementing restoration plans. The Hanford trustees signed a Memorandum of Agreement in 1996 establishing the Hanford Natural Resource Trustee Council. The primary purpose of the council is to facilitate the coordination and cooperation of the trustees in their efforts to mitigate the effects to natural resources that result from either hazardous substance releases on the Hanford Site or remediation of those releases. The council has adopted bylaws to direct the process of arriving at consensus agreements. During 2004, the trustees met as a formal council four times to discuss cleanup issues concerning the Central Plateau and Columbia River corridor. Information about the council, including its history and projects, can be found at <http://www.hanford.gov/public/boards/nrtc>.

The council worked on the development of a three-point agreement during the latter part of 2004. The agreement was initially developed as a high-level agreement among the trustees. It has been undergoing modification since its inception and has not received full approval by the council. The three points of the agreement are:

- focus on ecological risk assessments
- focus on incorporating potential injury assessment data into the ecological risk assessments in order to support remedial action decisions or as the collection of injury assessment data makes sense
- focus on injury assessment data that exclusively support natural resource damage assessments, at a later date.

2.0.4 Public Participation in Hanford Site Decisions

S. E. Chalk

Individuals may influence Hanford Site cleanup decisions through public participation activities. The public is provided opportunities to contribute their input and influence decisions through many forums including, but not limited to, Hanford Advisory Board meetings, *Hanford Federal Facility Agreement and Consent Order* (also known as the Tri-Party Agreement, Ecology et al. 1989) activities, *National Environmental Policy Act* public meetings on various environmental impact statements, and other involvement activities. DOE's Office of River Protection has an Office of Communications and DOE's Richland Operations Office has an Office of Organizational Effectiveness and Communication; these two offices coordinate the planning and scheduling of public participation activities for the Hanford Site.

During 2004, the Tri-Party Agreement agencies met with a broad representation of public interests to discuss the vision for Hanford Site surface water, soil, and groundwater following completion of cleanup – Hanford's "end state" vision. Three workshops focused on the 100, 200, and 300 Areas. Information on these workshops can be found at <http://www.hanford.gov/docs/rbes> (select TPA End State Vision, Public Workshop Outcomes).

The *Hanford Site Tri-Party Agreement Public Involvement Community Relations Plan* (Tri-Party Agreement Agencies

2002) outlines how public information and involvement activities are conducted for Tri-Party Agreement decisions (Section 3.0.1). The Washington State Department of Ecology, DOE, and U.S. Environmental Protection Agency (EPA) developed and revised the plan with input from the public. The plan was approved in 1990 and is updated on an as-needed basis; the most recent revision occurred during January 2002. The plan can be found on the Internet at <http://www.hanford.gov/crp/toc.htm>.

A mailing list of about 3,300 individuals who have indicated an interest in participating in Hanford Site decisions is maintained. The mailing list also is used to send topic-specific information to those people who have requested it. Information is provided on upcoming decisions to elected officials, community leaders, special interest groups, and the news media.

To inform the public of upcoming opportunities for public participation, a newsletter titled *The Hanford Update*, a synopsis of all ongoing and upcoming Tri-Party Agreement public involvement activities, is published approximately bimonthly and distributed to the entire mailing list. To allow Hanford stakeholders and others to access up-to-date information, documents from the Tri-Party Agreement's Administrative Record and Public Information Repository are available at <http://www2.hanford.gov/arpir>.

The public can obtain information about cleanup activities from the Washington State Department of Ecology's Hanford Cleanup Line at (800) 321-2008. The public can request information about public participation activities and receive a response by contacting the Office of Organizational Effectiveness and Communications (DOE Richland Operations Office) at (509) 376-7501. Also, a calendar of public involvement opportunities can be found at <http://www.hanford.gov/public/calendar/>.

2.0.5 Hanford Advisory Board

S. E. Chalk

The Hanford Advisory Board was chartered during January 1994 under the *Federal Advisory Committee Act* to advise DOE, EPA, and Washington State Department of Ecology on major Hanford Site cleanup policy issues.



The Hanford Advisory Board was the first of many such advisory groups created by DOE at sites across the nation involved in weapons production cleanup. The board consists of 31 members who represent environmentalists, local governments, public health organizations, businesses, tribal governments, and the public. Each board member has at least one alternate. Todd Martin, a member of Citizens for a Clean Eastern Washington, is the current chairman.

The board held five 2-day meetings during 2004. Members were engaged in discussions with representatives from the

Tri-Party Agreement agencies on major cleanup issues; plans to treat tank waste and the role of supplemental technologies; storage, treatment, and/or disposal of waste; and budget priorities. The board issued 14 pieces of consensus advice, engaged in a series of meetings, participated in several workshops, and engaged in informational exchanges with each other and representatives from the Tri-Party Agreement agencies. Information about the Hanford Advisory Board, including copies of its advice and responses can be found at <http://www.hanford.gov/public/boards/hab/>.