

Meeting Record: Bradford Island

Subject: **Technical Advisory Group Meeting**

Date of Meeting: 7/11/2006

Location of Meeting: Grand Ronde Room, URS (111 SW Columbia, Portland, OR)

1. Participants:

Corps and Consultants to Corps (URS):

Mark Dasso, USACE	Mike Gross, USACE	Carolyn Schneider, USACE
John Wakeman, USACE	Jeff Hurt, USACE	Chris Moody, URS

Agency/Tribal Members:

Bob Schwarz, ODEQ	Alex Cyril, ODEQ	Jennifer Peterson, ODEQ
Patti Howard, CRITFC	Jeremy Buck, US FWS	Jeff Longwood, NOAA
Rose Longoria, Yakama Nation (part of the meeting)	Cliff Cassick, Yakama Nation (part of the meeting)	

2. Introductions and Today's Goals. (*Mark Dasso, USACE Project Manager*).

Mark stated that the 30% In-water Non-time Critical Removal Action Design will be the major focus of this TAG meeting.

3. Old or Ongoing Business

A. Minutes of Prior Meetings are available on the web site.

B. Status of Fish Sampling Efforts. The "opportunistic sampling" continues, using the juvenile bypass system, Oregon Bass and Panfish Club fishermen, and USGS to collect fish. A handout was provided to show the location of fish by species collected to date.

Discussion.

- Cliff Cassick and Rose Longoria of the Yakama Nation asked if any effort to collect fish or information from tribal fishers was planned. The Corps has been trying to get a fisherperson to provide fish. Also, the Corps proposed that the Yakama Nation provide information and suggested that this could be reimbursed; however, the Tribe declined.
- Cliff Cassick stated that the Tribe is concerned for lamprey. Ammocetes (larval forms) burrow in sediments, and remain in the river for 7 years before going to sea. He added that CRITFC and EPA, using data collected in the 1990s, stated that tribal fishers are at risk from a number of fish in the Columbia River.
- Rose asked if the Corps will monitor or interview tribal fishers. The Community Involvement contractor, Jones and Stokes, has interviewed a number of stakeholders including tribal members who may fish the area. The Corps

requested that the Yakama Nation accomplish research to assist in the risk assessment process. (It was not agreeable.)

C. Community Involvement Committee (CIC) Meeting – July 17 (Mark Dasso). Jones and Stokes has the Corps to set up the CIC, and it has had its first meeting. The next meeting is on July 17 in Cascade Locks' City Hall.

Discussion:

- Rose Longoria requested a list of CIC members, and asked if tribal fishermen are to be contacted? Mark replied that they will be contacted if their names are given the Corps, and said that people are welcome to come and express opinions.

3. Sediment Removal Action

A. Review of overall schedule for removal action -- (Jeff Hurt). 30% Design, which was issued June 21, 2006. The 95% Design will be released 14 September. The Corps hopes to have the final document in mid-October. The actual date for implementation is a discussion item below. Mark Dasso also said that the Biological Assessment will not be specific on the precise work window: it will state "October-March." October is somewhat before the normal environmental work window.

Cherokee has been selected, and this company is skilled in environmental work and knowledgeable of the area.

Discussion:

- The project implementation may, for a number of reasons, move from February to October 2007.
- Fish passage evaluation has shown that few fish are present in October. Cherokee raised safety and concerns that costs would be higher in February.
- ODFW has agreed that this schedule is reasonable. Bob Schwarz said that ODEQ supports the move because of the greater likelihood of a complete job due to better visibility and higher water temperatures.
- Jeremy Buck said that this additional time should guarantee the completion of the studies on clam and fish tissue that the Corps has committed to.
- Rose Longoria representing the Yakama Tribe noted that the Tribe has requested that the Corps delay the project until such time as it involves the Tribe and reimburses it as stated in letters.
- Regarding Corps' treatment of the Tribe, Rose noted Corps' late notification of the project, repeatedly not copying Yakama staff on letters even after this was requested in a meeting, and lack of consultation practices are continuing. She said that the response to comments on the EE/CA showed this lack of consideration/consultation.
- She said that funding discussions have not been fruitful, but the Tribe has requested that Corps fund it to hire a consultant to review the technical proceedings, clean up levels, and river-protective approaches. Johnson Meninick of the Tribe has stated that the Corps has no earnest intent to pursue funding and

consultation. She said that this does not meet the Corps' fiduciary responsibility to the Tribes under federal law. At issue are important tribal resources in the Columbia River; yet the cleanup has not appropriately engaged the Yakama Nation.

- Mark Dasso recounted the efforts to fund the Tribe, and the difficulty. The opinion of Corps' counsel is that it would be illegal to do so because of limiting language in the Appropriation that is used to pay for the work. He said that there are no separate funds for this work; it currently consumes about 10% of the Operations and Maintenance Budget for Bonneville Dam. As the appropriated funds are limited in the Congressional documents, the Corps may not use them for purposes that are restricted. Congress could change the restriction, and the Corps may neither lobby nor attempt to make such a change itself. The Corps has also attempted to get EPA to fund the Tribes, but with no luck to date. The only path towards funding that seems reasonable is for others to talk Congress and have the restrictive language removed from the funding bill.
- Patti Howard of CRITFC described that consultation must include technical staff as well as policy makers at the tribe (sometimes the Tribal governing body) in decisions affecting tribal resources. She noted that Confederated Tribes of Umatilla have also requested funding for technical involvement. She said that the tribal perspective on the project is not merely a technical perspective; the tribes must review the proposed actions in terms of their cultural perspective.
- Cliff Cassick said that the Corps needed to treat tribal governments with respect, and that Congress has already. Responding to Mark, he said that all 3 tribes need to be consulted Government-to-Government, separately. He said that the Executive Order is not as powerful as the Federal treaties with the tribes. He said that the Tribe requests the Corps to delay all actions until this is resolved.
- Rose said that the Yakama Nation will meet with other federal agencies, USFWS, NOAA, EPA. Oregon may be part of these talks. The purpose is to determine how technical oversight may be provided for the Corps' work.
- Mark said the Corps would like to take part in this meeting, if possible.
- Mark said that he would elevate the questions raised by the Tribe, and the Corps will pursue the consultation and discussion on a parallel track from the Removal Action.
- The Yakama Nation representatives left the meeting at this point.

B. Biological Assessment (Carolyn Schneider)

- 1) Coordination discussions with NOAA Fisheries, others. Carolyn said the Corps will submit Draft BAs to NOAA/USFWS in August.

Discussion:

- Jeff Lockwood said he would like a 30-day review of the Draft BA. The clock will not start until the BA is deemed to be complete. The schedule for a February Removal Action is too tight. October would be sufficient time.

C .Findings from data gaps sampling conducted April 2006 (Chris Moody, URS). Technical Memorandum or removal design data needs is available on the Bradford

website. Chris described how the data will be used in the removal design and remedial investigation.

- Background XAD resin near-bottom water sampling (above eastern end of Goose Island, which marks the end of the backwater) and from the site, near Pile 1, down-current.
- Modified Elutriate Test. The material settled quickly, and most of the PCB were in the particulate form. (Dissolved was <0.02 ug/L.) This means that particulate filtration is a feasible means of treatment, and this is proposed for the barge.
- The material tested near Pile 2 had dropped from 690,000 ug/kg to 400 ug/kg. This may be due to very heterogeneous sediment or to attrition from currents.

Discussion:

- Comments have been received from DEQ Water Quality. They would like to see SPMD protocols and also XAD resin. The concern stated by Alex Cyril is that SPMDs, which take up PCB over the long term will “dilute out” spikes of PCB that might occur.
- Jennifer Peterson said that DEQ desires the XAD sampling also to refine future cleanups for PCB.
- XAD samples will be considered, along with timing.
- Grabs also will be considered for the beginning and end of the program.
- Alex stated that the “no more than 100 ng/L and undetected” rule is no longer valid; because the Corps’ contractor was able to get a Limit of Detection of 0.5 ng/L, that will be (as a nondetected value) the new ceiling for releases.

F. Summary of 30% design package (Bill Winter, URS)

1) Key design refinements since EE/CA. Bill made reference to Figure 2-1 in the design for the following comments.

- The design refined the dredge cut from the EE/CA. The area to be treated increased by 14% as a result of the squaring-off of the dredged area.
- All sediments that have currently been identified above 500 ug/kg on the north side of the island will now be removed. This was not a redefinition of the so-called “hot-spot” but an engineering consideration.
- A third remedial area 30x30 ft has been added to get at the isolated 5,800 ug/kg area.
- Testing in the Tech Memo for Remedial Design indicates 500 mg/L total suspended solids contains 360 ug/L of PCB, all in particulate form.
- A large (260 ft) water-tight barge should work for dewatering. Sand filters will be used to remove particulates. The filters will be skid-mounted and can be moved with a fork lift.
- The duration will be 10-15 days. It could be longer if done in the water in winter (February). It is likely to be shorter in the fall. Comments received on the 30% Design from Cherokee suggested that an anchored, winched barge movement and a crane on the work barge would be an effective work lay-out. The lighting system (presuming a February deployment) has yet to be worked out.

Discussion:

- Patti Howard requested a copy of all comments made on the 30% Design package.
- Carolyn Schneider asked whether the 30% Design is enough for the Services to begin thinking about the Biological Opinion?
- Jeremy Buck said it is, and that it is better to do the BA now, so that the Services can work out conservation measures.
- Jeff Lockwood said it is too early to say. He said that the Services should be able to negotiate changes to the action during consultation. ODFW is likely to go along with this. He suggested that the BA accompany or follow the 95% Design.
- Bill Winter said that there is a good project description associated with the design package that should facilitate the discussions.

5. Pre-removal sampling Schedule (Mark Dasso). Mark said that we have an internal draft RI/FS Work Plan in process of internal review. It may be available to the TAG in August.

Discussion:

- Jeremy Buck said that these data on benthos and fish will be key to calibrating the trophic model.
- Jeremy stated that he wants to incorporate restoration in the RI/FS.
- When asked wasn't this really Natural Resource Damage Assessment, Jeremy said it was not, but instead "CERCLA type restoration" incidental to engineering alternatives analysis.

6. Meeting Conclusions and Announcement of Upcoming Meetings (Dasso)

- Everyone but the Yakama Tribe supports the change to October, 2007.
- The Tribe requested a delay of the entire project, date unspecified.
- The Corps will actively engage the tribes.
- Next meeting will be 20 September.