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U.S. Department of Energy
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Date: May 24, 2001
 Refer to: ER2001-0434

Gov. Perry Martinez
 Pueblo of San Ildefonso
 Route 5, Box 315A
 Santa Fe, NM 87501

SUBJECT: NATIVE AMERICAN RISK ASSESSMENT INITIATIVE

Dear Governor Martinez:

Please convey our thanks to the staff of the San Ildefonso Pueblo's Department of Environmental and Cultural Resource Protection for taking the time to meet with Los Alamos National Laboratory (LANL) Environmental Restoration (ER) Project staff members on Tuesday, May 8 to discuss how we might proceed in the short-term on the Native American Risk Assessment Initiative. The purpose of this letter is to document the issues we discussed at that meeting, as well as our proposed path forward. The Native American Risk Assessment Initiative, as you know, was formalized by the ER Project in late 1999, and has involved working with the four Accord pueblos on developing a risk assessment scenario to appropriately evaluate human health risks that might occur as a result of traditional cultural uses of land and resources. A second part to the initiative, which is to be implemented after consensus is reached on an appropriate risk assessment methodology, involves the ER Project providing funding to the Accord pueblos to perform their own field sampling to assist in evaluating the risks associated with traditional cultural land and resource uses.

As was agreed in our meeting of May 8th, the Cerro Grande fire and the consequent rehabilitation efforts diverted much of the Laboratory's and the Pueblo's attention from the Native American Risk Assessment Initiative for the past year. As a result, we have not made as much steady progress as we had all intended in developing appropriate risk assessment scenarios for traditional cultural uses of land and resources. However, there are many components on which we agree, such as the importance to the Pueblo of contaminant uptake in certain botanical species.

The ER Project and the Pueblo of San Ildefonso currently find themselves in a unique position: the Department of Energy has stated its intention to transfer the northern portion of the TA-74 land transfer parcel to the Pueblo, possibly before the ER Project's characterization of soil, sediment and vegetation is completed within the canyons traversing the subject parcel. The ER Project recognizes that there is specific environmental information in which San Ildefonso Pueblo is interested, so that tribal members can make appropriate and well-founded decisions on how to use, or not use, the resources within the subject parcel.

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It is the ER Project's desire to begin to provide San Ildefonso Pueblo with some of this information this year, and to establish a mechanism for additional sampling and data handling in the future.

At our meeting of May 8th, we discussed conceptually the prospect of San Ildefonso Pueblo members collecting samples of relevant vegetation and soil in locations of traditional cultural significance within the TA-74 parcel, with the analysis of such samples funded by the ER Project. While there is still some work to be done to assure that the confidentiality of culturally-sensitive data can withstand Freedom of Information Act (FOIA) inquiries, we conceptually agreed to explore an approach in which samples are collected by Pueblo members and provided to the ER Project for submittal to analytical laboratories with only a code number, developed and retained by the Pueblo. In this way the Pueblo maintains any proprietary information surrounding sample identification and location, thereby assuring that the confidentiality of this information will not be compromised. Whether the Pueblo would like LANL to assess the data for quality and usability, and whether LANL can use the information obtained in some qualitative or non-specific manner to assess risk, remains to be resolved. However, it is important that we proceed in this effort so that the Pueblo begins to obtain information related to traditional cultural use of the TA-74 parcel.

In addition to the sampling and analyses of samples from areas of importance within the TA-74 parcel, it was also agreed that a seminar on risk assessment and data evaluation presented by ER Project staff to the staff of the Department of Environmental and Cultural Preservation, as well as to any other Pueblo members, would be beneficial. We anticipate that this seminar will be presented in June at San Ildefonso Pueblo. The details of the seminar (e.g., date, time and content) still need to be determined over the next few weeks.

We also discussed that the ER Project has a FY01 budget of approximately \$50,000 to fund the analysis of samples collected by the Pueblo; the Project does not have any funds to pay for Pueblo staff labor. To effectively utilize these funds, it is essential that all sampling be completed and samples submitted to analytical laboratories in time to meet Fiscal Year contract deadlines (ie: before September 30, 2001). We agreed that to meet this ambitious schedule, it is essential to schedule the risk assessment workshop -- the first step in the process -- as soon as possible. We are proposing June 20, 2001 as the date for this workshop.

The ER Project is enthusiastic about the prospect of working more closely with San Ildefonso to facilitate the near-term collection of environmental data that will be of value to the Pueblo in determining how TA-74 lands and resources can be used for traditional cultural purposes. We look forward to launching the second phase of the Native American Risk Assessment Initiative in the context of DOE's land transfer activities, and to continuing our work with you to move the initiative forward.

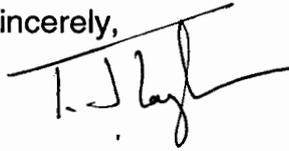
If you have any questions or further comment, please contact Richard Miranda of the ER Project staff at (505) 665-6953.

Sincerely,



Julie A. Canepa, Program Manager
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Los Alamos National Laboratory

Sincerely,



Theodore J. Taylor, Project Manager
Department of Energy
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