

**TEC Tribal Issues Topic Group Meeting
April 4, 2005 – Phoenix, AZ**

Group Chair: Jay Jones (DOE/OCRWM)

Tribal Topic Group Members Present: Nancy Bennett (UNM/ATRI), Kevin Blackwell (DOT/FRA), Kristen Ellis (DOE/CI), Ed Gonzales (ELG), Elizabeth Helvey (BSC), Jeff Hepting (Pueblo of Acoma), Robert Holden (NCAI), Judith Holm (DOE/OCRWM), Dan King (Oneida Nation), Gary Lanthrum (DOE/OCRWM), Bob Lupton (DOE/ORD/IR), Corinne Macaluso (DOE/OCRWM), Ellen Ott (DOE/GC), Jennifer Patric (BAH), Stanley Paytiamo (Pueblo of Acoma), Wilda Portner (SAIC), Willie Preacher (Shoshone-Bannock Tribes), Herman Shorty (Navajo Nation), Linda Sikkema (NCSL), Larry Stern (CVSA), Neil Weber (Pueblo of San Ildefonso), Christopher Wells (SSEB), Stephen White (NAEMT), Andrea Wilkins (NCSL), Corina Williams (Oneida Nation) (NOTE: Other TEC members and guests participated in this meeting, but only Tribal Issues Topic Group members and their alternates are listed here.)

This meeting concentrated on funding issues and Tribal outreach for Yucca Mountain transportation planning.

Action Items:

Responsible Party

Action to be Taken

All	Develop a set of questions/issues regarding Nuclear Waste Policy Act (NWPA) Section 180(c)
DOE/OCRWM Staff	Explore the possibility of conducting a survey of Tribes concerning 180(c) needs.
DOE/OCRWM Staff	Look into assisting Tribes with completion of Assessment Plans
DOE/OCRWM Staff	Explore regional/national meetings of the 39 Tribes
All	Solicit greater participation of Tribes in TEC Tribal Issues Topic Group
All	Provide input to Kristen Ellis (DOE/CI) for next Secretarial Tribal Summit

Summary:

Following brief opening remarks and introductions, Jay Jones (DOE/OCRWM) opened the meeting with an overview of the OCRWM Program (slides available on the Transportation External Coordination Working Group [TEC] Web site). Jay also announced that the next DOE State and Tribal Working Group (STGWG) meeting will be held in Lewiston, Idaho in mid-May. In addition, the letter introducing the OCRWM Program to Tribes along potential Yucca Mountain routes was mailed out March 8, 2005, to 39 Tribes. Follow-up calls and meetings will be conducted.

Next, Corinne Macaluso (DOE/OCRWM) presented an update on the 180(c) Topic Group. She said the group gave Ted Garrish (DOE/OCRWM) a set of recommendations for approval, including direct grants to States and Tribes, flexibility in allowable activities, and allowing the States and Tribes to decide who should receive training. A funding allocation formula is being advocated similar to the U.S. Department of Transportation (DOT) Hazardous Materials Emergency Preparedness (HMEP) Grant program that has a 3 percent set-aside for Tribes. Three of the four State regional groups who are members of the 180(c) Topic Group agreed to such a formula -- \$200K for planning grants; \$100K for training; with the remainder of funds allocated based on set parameters for each State (30 percent population, 30 percent mileage; 30 percent on number of shipments, and 10 percent on number of shipping sites within the jurisdiction).

A second formula was proposed that would base 75 percent of funding on the number of shipments. Corinne and Jay emphasized those discussions focused on State funding allocations. Direct funding to Tribes is intended, and Tribes will be contacted separately from States for 180(c) funding decisions. Some of the concerns expressed by Tribal members of the Topic Group included:

- competition for funding,
- dissatisfaction with Homeland Security funding allocation method,
- overlapping jurisdictions,
- DOE's half-mile limit,
- need for ongoing training due to turnover of personnel,
- include all public safety officials in training,
- recovery of money spent responding to accidents, and
- the fact that cultural resources cannot be replaced and are used to sustain communities.

The following recommendations were made relative to funding:

- provide direct funding to Tribes,
- benefit from lessons learned from Department of Homeland Security,
- create a simple application process,
- appoint Tribal representatives to application review board,
- conduct a telephone survey of Tribes,
- develop an Assessment Plan for Tribal priorities for funding, and
- provide flexibility in "allowable activities" as long as they are within Section 180(c) guidelines.

Corinne then asked the Tribal Issues Topic Group to come up with a set of questions for DOE to

consider on 180(c) (application process, etc.). Ed Gonzales (ELG) said that those present in the Topic Group meeting make up about 1 to 2 percent of the 40 Tribes along the Yucca Mountain route. Corinne replied that a set of questions developed by the Group could be used as a starting point with other Tribes for continued discussion on the funding issue. Issues and recommendations specific to Tribal outreach included:

- initiate one-on-one contact with Tribes (some traditional people will require Tribal intermediary to meet with DOE representatives),
- include cultural representatives and traditional people,
- consider cultural sites and hunting and gathering areas,
- need to educate Tribal members,
- need for risk communication training,
- identify Tribal sensitivities,
- develop an outreach strategy,
- provide training to people outside of the emergency response field, as they may be the first to respond,
- meet with all 39 Tribes,
- make a presentation to the All Indian Pueblo Council on 180(c) funding, as requested by the Council,
- involve Tribes upfront before decisions are made,
- encourage Tribal participation in Tribal Topic Group,
- include environmental sustainability in the OCRWM Program mission,
- hold follow-up meetings on Indian reservations, and
- identify a Tribal member as a point-of-contact to ensure effective communication.

Robert Lupton and Vickie Best gave a short update on DOE Nevada (DOE/NV) Tribal interactions. Bob said DOE/NV interacts with 17 Tribes and organizations, and over the past 15 years has had a Native American Interaction Program. He reminded those at the meeting that DOE has selected the Caliente Rail Corridor as the one to be developed for shipments to Yucca Mountain. Vickie Best (contractor to DOE/NV) said that the American Indian Writing Subgroup recently toured the rail corridor and was writing a document on views and perspectives on the rail line for use in the *Rail Alignment Environmental Impact Statement*. Greg Fasano (contractor to DOE/NV) added that a Programmatic Agreement on cultural resource protection had been penned and that an additional Programmatic Agreement is being put together for rail. DOE/NV will continue to meet with local Tribes approximately every 6 months (not intended as consultation). As a side note, the Group was told that the Western Shoshone Nation has filed legal action based on the Ruby Valley Treaty.

Kristen Ellis (DOE Office of Congressional and Intergovernmental Affairs – CI) announced that the new Secretary of Energy is planning for the next Tribal Summit and asked the Tribal Issues Topic Group for input. A letter was sent to Tribal leaders in September 2004, and DOE is moving forward on another letter to Tribal leaders on the next Summit.

Jay and his contractor staff will work toward holding Tribal Issues Topic Group conference calls monthly until the next TEC meeting in the Fall.