

**TEC Tribal Topic Group Conference Call
December 6, 2005**

Group Chair: Jay Jones (DOE/OCRWM)

Participating TEC Tribal Topic Group Members: Kevin Clarke (DOE/RL), Kristen Ellis (DOE/CI), Lisa Gover (NTEC), Dan King (Oneida Nation), Corinne Macaluso (DOE/OCRWM), Ellen Ott (DOE/GC), Ted Repasky (CTUIR), Cathy Reynolds (DOE/GC), Lisa Sattler (CSG-MW) Herman Shorty (Navajo Nation), Linda Sikkema (NCSL), Christopher Wells (SSEB)

DOE support contractors also participated in this call.

Action Items:

Responsible Party

Action to be Taken

Wilda Portner	Email potential conference call dates to Tribal representatives who are members of the Topic Group. Ask for their input on which of 2 or 3 dates are the most convenient for the call. Follow up emails with faxes and phone calls as necessary.
Jay Jones/Corinne Macaluso/ Wilda Portner	Email and fax 180(c)-related 2006 <i>Federal Register</i> Notices to Tribal representatives on the Tribal Topic Group membership roster.

Summary:

Jay opened the call with the usual round robin of callers. Then he introduced John Smegal of Legin, the newest DOE support contractor firm, who will be assisting DOE with Tribal interactions.

Meetings

Next, Jay summarized the status of coordination activities and recent meetings.

DOE has identified 39 Tribes with reservations along potential highway and railroad routes to Yucca Mountain. Jay has visited 4 of those Tribes, where he made a presentation on the Office of Civilian Radioactive Waste Management (OCRWM) program and met with Tribal technical support personnel. Upcoming meetings include the Shoshone-Bannock Tribes and the Navajo Nation. DOE plans to follow up these initial meetings with subsequent discussions.

Jay, Kristen Ellis (DOE/CI), and John Smegal attended a recent State and Tribal Government Working Group (STGWG) meeting, where State and Tribal representatives come together through DOE's Office of Environmental Management (EM) to discuss the cleanup of DOE facilities. Jay updated the group on OCRWM activities and transportation-related issues. Several Tribes attended the meeting, some of whom have affiliation with the OCRWM program. Key issues included long-term stewardship and the cleanup of DOE facilities.

Tribal Participation in Tribal Topic Group

Lisa Sattler (CSG-MW) raised a question about the effectiveness of these Tribal Topic Group conference

calls if only 1 or 2 Tribal representatives are participating. After some discussion, it was decided that DOE contractor support staff would email Tribal representatives on the group membership roster in advance of the calls and give them a set of dates from which to choose the most convenient time for a Group conference call. Emails would be followed up by faxes and calls, as necessary.

Nevada Tribal Interactions

Greg Fasano reported that DOE/Nevada (NV) is still working on responses to recommendations resulting from the summer Tribal meeting (more than 30 recommendations received, many transportation-related). Greg also said maps of the DOE national transportation routes were sent out to Tribal chairs earlier in the week, and that in mid-September, a special Tribal hearing was held on an Environmental Assessment (EA) regarding land withdrawal on a Nevada rail line (for prevention of new mining claims). DOE is working through the comments received during the hearing.

The American Indian Writers Subgroup is preparing a document for the Caliente Corridor Environmental Impact Statement (EIS). The group recently made a field trip of the rail corridor, and a field trip was also conducted for the cultural resources contractor to bring them up to speed on archaeological and cultural resources in the region. The Programmatic Agreement with the State of Nevada on Yucca Mountain cultural resources has expired and is being renegotiated, along with a separate agreement for the rail corridor. Compliance with Tribal regulations is being considered. DOE has invited the 17 NV Tribes who have a relationship with DOE to be concurring parties to the agreements. The Las Vegas Paiute Tribe has requested that DOE meet with them. A draft of the DOE Rail Alignment EIS should be out in the May to June 2006 timeframe.

Lisa Gover (NTEC) asked the meaning of “concurring party.” DOE staff responded that signatory agencies (of an agreement) may invite consulting parties to concur on that agreement, but their nonconcurrence does not negate the agreement.

DOE Headquarters (HQ)

Kristen Ellis (DOE Office of Congressional and Intergovernmental Affairs, CI), announced Steve Grey is no longer the DOE Tribal Liaison at HQ. Eric Ciliberti is the New Deputy Assistant Secretary for Intergovernmental and External Affairs. Kristen also said a package has been sent to the Secretary of Energy that would reaffirm the DOE Tribal Policy. Also, Title 5 of the 2005 Energy Act, “Tribal Provisions,” calls for establishment of a DOE Office of Indian Energy Policy and Programs.

Section 180(c)

Corinne Macaluso (OCRWM) opened discussion on Section 180(c) funding and technical assistance for Tribes along potential Yucca Mountain shipping routes. She is leading an effort to prepare a 180(c) document that will look at the issue in terms of what is of interest to the Tribes.

The Introduction to the OCRWM paper is being updated as Tribal discussions proceed. It will be used as a communication tool and provide the history of 180(c) and other transportation issues.

A *Federal Register* Notice is going through DOE management channels that would explain Section 180(c) and include a grant guidance document. The Notice should be issued in February 2006. An amendment specific to Tribes may be needed. Corinne will meet with individual Tribes as needed. It will be necessary to determine who in a Tribe is authorized for emergency response, shipment inspection, and law enforcement. Corinne pointed out that the Transportation External Coordination Working Group

(TEC) Tribal Topic Group is an excellent opportunity for Tribes to participate in the 180(c) process.

Kevin Clarke, DOE/Richland (RL) asked about “training related” and allowable activities. Corinne responded that the item must be related to Yucca Mountain shipments, protective wear, dosimeters, etc. Equipment used for training could be later used in actual emergency response situations. In regard to funding allocation (described on page 9 of the grant document), Lisa Sattler questioned the logic behind the suggestion that the entire population of a Tribe be considered rather than just the population within a certain Band. She argued that the funding allocation formula uses population within a certain mileage of the route as a surrogate for the number of people that would need training. Plugging the entire population of a Tribe into the formula would skew the results. Corinne responded that some of the Tribes requested a population-based formula. Dan King (Oneida Nation) said Tribes would probably come up with their own formulas and DOE needs more Tribal input on the matter. Herman Shorty of the Navajo Nation said he would be interested in seeing what the results of Tribal Needs Assessments would look like compared to the formula methodology. Corinne summarized by saying DOE has looked at U.S. Environmental Protection Agency (EPA) grants and at the competitive process; the Tribal grant process will not be competitive. She also said the OCRWM paper will be revised and include input from this call. She wants to get more Tribal involvement in the process as well and invited further comments from the Tribal Topic Group. Ted Repasky (Confederated Tribes of the Umatilla Indian Reservation, CTUIR) invited Jay to visit the Umatilla to discuss 180(c). Herman Shorty recommended the Pueblos of Acoma, Zuni, and Laguna be involved in 180(c) discussions as well. The All Indian Pueblo Council was recommended as another avenue for obtaining more Tribal involvement in TEC and Tribal Topic Group activities.

TEC Website

Corinne reported that the TEC Website would soon be online (within the next couple of months).

Next TEC Meeting

DOE will hold the next TEC meeting in mid-March in Washington, DC.