

**TEC Tribal Topic Group Conference Call
May 23, 2007**

Group Chair: Jay Jones (DOE/OCRWM)

Other Participants: Nithin Akuthota (NCSL), Marlene Analla (Laguna Pueblo), Vicki Best (BSC), Kevin Blackwell (DOT/FRA), Mike Coplin (Chickasaw Nation), Kristen Ellis (DOE/CI), Greg Fasano (BSC), Bob Fry (NCSL), Josh Garcia (Ysleta del Sur Pueblo), Steve Grey (DOE/LLNL), Elizabeth Helvey (BSC), Paloma Hill (DOE/OCRWM Intern), Judith Holm (DOE/OCRWM), Vernon Jensen (Winnebago Tribe of NE), Brice Kindred (NCSL), Brad Levine (DOE/OGC), Michael Lopez (Congressman Tom Udall's Office, NM), Sue Loudner (Pueblo of Acoma), Robert Lupton (DOE/NV), Lonny Macy (Confederated Tribes of Warm Springs Reservation), Michele (Titto) Moses (Confederated Tribes of the Umatilla Indian Reservation), Christina Nelson (NCSL), Jennifer Patric (BAH), Stanley Paytiamo (Pueblo of Acoma), Wilda Portner (SAIC), Curtis Seymour (Sac and Fox Tribe of the Mississippi in IA), Darren Shields (Kickapoo Tribe of OK), Bill Spurgeon (DOE/EM), Pat Temple (BSC), Neil Weber (Pueblo de San Ildefonso), Chris Wells (SSEB), Simone Williams (Sac and Fox Tribe of the Mississippi in IA), Sara Wochos (CSG/MW), Mervin Wright (Pyramid Lake Paiute Tribe)

Action Items:

Responsible Party

Action to be Taken

Jay Jones (DOE/OCRWM),
Wilda Portner (SAIC)

Draft TEC Tribal Topic Group agenda for July meeting in Kansas City and distribute to group.

Jay Jones (DOE/OCRWM),
Wilda Portner (SAIC)

Inform group of Tribal caucus to be held day before general TEC meeting (July 23, 2007) in Kansas City, MO.

Judith Holm (DOE/OCRWM),
Wilda Portner (SAIC)

Distribute preliminary TEC meeting (Kansas City) agenda to group.

Jay Jones (DOE/OCRWM),
Wilda Portner (SAIC)

Send the group individual draft agendas for each of the 4 topic groups that will meet at TEC in Kansas City.

Jay Jones (DOE/OCRWM),
Wilda Portner (SAIC)

Set up Tribal Topic Group conference call before July meeting.

Vicki Best (BSC)

Contact Tribes about a possible cultural presentation for the Kansas City meeting in July.

Summary:

Jay Jones (DOE/OCRWM) began the call by welcoming new members. He gave a brief history of the DOE Transportation External Coordination Working Group (TEC), which has been active for about 15 years. The next TEC meeting will be held in Kansas City, MO, in July. Jay said a draft Tribal Topic Group agenda will be distributed to the group the first week in June. Judith Holm (DOE/OCRWM) said a preliminary TEC agenda will also be available the first week in June. The meeting will focus on plenary sessions this time, but time will be allotted for Topic Group meetings as well. It has not been decided if a 180(c) Topic Group session will be held; depends on status of proposed *Federal Register* notice on the subject. DOE is offering to provide the opportunity for a Tribal Caucus on the afternoon of July 23, the day before the general TEC session. Agendas for all 4 Topic Groups will be forwarded to Tribal Topic

Group members. Travel arrangements for invitational travelers will once again be handled by Sue Martindale (SAIC). Tribes have requested time for a cultural presentation by tribal representatives at TEC. Josh Garcia, Ysleta del Sur Pueblo (TX), recommended priority for the presentation be given to NV tribes since they are closer to Yucca Mountain. Chairman Mervin Wright (Pyramid Lake Paiute Tribe) said the Western Shoshone has interest in cultural resources at Yucca Mountain and should be given consideration for the presentation. Vicki Best (BSC) will discuss the idea of a cultural presentation with NV tribes.

Next, Jay discussed the DOE Tribal Transportation Workshop held in Denver, CO, in April. He said the notes from the workshop were being finalized and should be available sometime soon. The notes will be forwarded to workshop participants for review and comment before posting on the TEC Website (www.tecworkinggroup.org). Copies of slides from presentations at the workshop are also available on that site. Responses to the 20 questions posed by the tribes at the workshop are almost complete as well (due by June 1). Most of the evaluations received at the conclusion of the workshop were positive, but there is still room for improvement in DOE-tribal relations (Judith Holm, OCRWM, suggested TEC might be a good place to discuss ways of going forward in working with tribes on Yucca Mountain transportation issues). Regional meetings with tribes could be another vehicle. Jay said that the Tribal subgroups from the workshop will have access to a call-in number if they choose to hold conference calls. Arrangements can be made through him (phone: 202-586-1330; email: jay.jones@rw.doe.gov) or by contacting Wilda Portner (SAIC) at 505-842-7818; email wilda.e.portner@saic.com.

In other related issues, Judith Holm reported that the *National Transportation Plan* should be available in draft for comment before the July TEC meeting.

Kristen Ellis, Director of Intergovernmental and Tribal Affairs for DOE, said she is available to answer questions from tribes (phone: 202-586-5810; email: kristen.ellis@hq.doe.gov).

Jay reported that the Office of Environmental Management (EM) *Implementation Framework Document* is in final concurrence. Once it is complete, OCRWM will work with the TEC Tribal Topic Group to adapt the document for acceptance in the OCRWM program.

In response to questions raised on the number of Tribes identified along potential Yucca Mountain transportation routes, DOE staff replied that the number of tribes currently listed (49) could drop if it is decided the Mina route is not a viable one in the Environmental Impact Statement (EIS) that is being drafted. Jay noted that public meetings will be held in association with publication of the Draft EIS.

A caller questioned why a 180(c) Tribal Topic Group is being considered for TEC. Jay said state eligibility for funding under 180(c) was determined by a formula (30% number of facilities in each state, 30% number of shipments through the state, 30% population, and 10% mileage). Tribes have previously indicated such a formula would not work for many tribes. In response to tribal recommendations, DOE has been looking at a needs assessment approach for tribal funding under 180(c). A 180(c) draft policy will be published in a *Federal Register* notice for a comment period of 90 days later this year. Steve Grey (DOE/LLNL) suggested a list of tribes that would be directly impacted by Yucca Mountain transportation be placed on the TEC Website. Jay suggested this issue be discussed at TEC. The issue of using the ½ mile factor for identifying tribes along transport routes was raised again. Jay reminded the group that ½ mile was the factor used in environmental analyses in the Yucca Mountain EIS. Tribal members on the call said the issue needs further consideration.

Jay suggested one more Tribal Topic Group conference call be held before the July TEC meeting.