

STGWG

State and Tribal Government Working Group

Spring Meeting Notes

Westin Arlington Gateway
Arlington, Virginia
May 27, 2009

A complete list of attendees can be found here - [LINK](#)

STGWG Tribal Executive Session

Peter Chestnut, Co-Chairman of the Tribal Issues committee, opened with introductions. Governor Roybal then provided the opening invocation.

Gabe Bohnee, Co-Chairman of the Tribal Issues committee, reported that the group's discussion would include the three bulleted items listed on the agenda: the budget, the new administration and the new executive order requiring full disclosure.

Bohnee - In regard to the budget available for EM programs, is there room for an increase? When planning for ongoing work, especially for that of the Hanford tribes, the amount of work continues to grow, and there are no additional increases in funding/resources. This makes it difficult to respond and move forward effectively.

Tom Bailor - As for the stimulus money, we might not agree with the funding direction, but how do we get out of stimulus funding and get EM to commit to desired, needed levels? The administration needs to fund projects at the level necessary, the first time. Every budget cycle we have the same battle. Many times, [DOE] ends up underestimating the true cost of projects, which, in-turn, makes it difficult to get the projects completed at all. The stimulus money planning is ready to go, it's "shovel-ready"; however, they didn't necessarily go to the tribes to prioritize. We are in the situation again where the agency is inadequately funded to get the job done. We'd like to see the administration put in a budget request necessary to actually get the work done.

Willie Preacher (STGWG Co-Convener) - With regard to the stimulus money in Idaho, the concern is once we clean the waste up, where will it end up? With the closure of Yucca, the problem of waste and where to put it is even greater. Will the stimulus package continue on in ways? The idea of hiring a bunch of people to work only to let them go when the funding expires [will be a reality]. Clean up vs. stabilization? - making such a choice has always been based on money issues. And, with new money coming in, how do we spend it?

Neil Weber talked about additional funding, including that of this year and receiving grant allocations on time - currently entering sixth month of grant cycle and still haven't received one dollar. Deliverables must be met, including issuing contracts. Contracts cannot be issued to certain consultants without money. He added, "Why do we have such large carry-over? It's because of the later arrival of awards from DOE."

Joseph Chavarria - We haven't received our funding either. Because of the extensive carry-over to the next year, a burden is ultimately put upon the tribe. We aren't able to put in large purchase orders because of huge amount of lag time.

Greg Kaufman - Jemez received its payment. The money made it as far as New Mexico, but funding hasn't been pushed out to all of the other pueblos.

Petrasek assured him that this problem will be resolved.

Chestnut recognized Governor Toldeo from the Pueblo of Jemez, and then added that the Tribes funded through EM have received their money.

Petrasek explained that a photographer is to come in and take pictures at the meetings to decorate the halls of EM, located in the Forrestal building in DC. Photos displaying interactions with tribes have been proposed to hang outside of the Assistant Secretary's, Dr. Ines Triay, office. DOE is seeking photos from the tribes as well. He added that Tribal nations, and their participation, are important to EM and to senior political leadership.

Chestnut reminded the group that it would be meeting with the new Administration and Dr. Triay, who was a part of the previous administration, and that STGWG did support her nomination. He asked if there were any items on the tribal side that would like to be offered up for discussion.

Petrasek indicated that DOE will provide details on what EM is trying to do with the recovery plan during the presentation on the American Recovery and Reinvestment Act (ARRA) with Dr. Triay and Cynthia Anderson tomorrow. He asked the group if there was anything it would like to see highlighted/discussed; he would be sure to pass these issues along to them.

Bohnee expressed interest in how the ARRA is playing out. He explained that he was in DC last week and spoke with a number of contractors. He noted that they have legitimate issues of concern. For instance, can EM self-impose deadlines in line with the ARRA? He mentioned the issue of job training, and that it is a huge hurdle - getting the people up and running only to have to shortly let them go. This makes it difficult for contractors to figure out staffing needs. Plus, the average age of the current workforce is 56 years - the question of how to plan for the transition of the work force as folks start to retire is a reality. Replacing older workers within this line of work is an ongoing problem.

Chestnut - As far as the new Administration and funding go, for the last few years at fall STGWG meetings, we've learned that the base budget for EM has not been enough to meet milestones. This year, the new Administration's budget does top the \$6 billion mark, which is the recommended amount. This is a rare opportunity, and given adequate funding levels, we should expect to see a maximum benefit to the clean-up effort. But, how will these funds be used to help that happen? We have seen a slow squeeze down over the last few years, but now we have adequate funding levels in addition to the stimulus funding. It is going to be a bunch of money, and a large amount to spend in a short time frame. Indeed, the tribal perspective is important as to keep the focus on the key issues instead of making bad decisions.

Bailor - Maybe EM should request \$12 billion instead of \$6 billion each year in order to get the money they need. Funding targets have been relatively low in order to get all of the work done. Addressing the environmental deficit can help create jobs and new technologies. Developing nuclear bombs was a priority, and now we need the clean-up to be priority. The administration needs to make sure that the funding they request is adequate. Another issue is new missions. Tribes are concerned about new missions, such as energy parks, the Pacific NW office, GTCC waste - we don't think the tribes have been adequately consulted with on such missions. We would like to be involved in long-term decision making. There are lots of new ideas being generated and tribes aren't always involved in decision making process; this is a need that must be better addressed.

Representative John McCoy - The previous administration was standoffish, closed and difficult in which to get information. I am hoping the current Administration will be more open. Yes, the stimulus money is good; however, it is considered one-time money. We need to be concerned over the future budget. For instance, let me speak briefly about Hanford, we seem to be constantly renegotiating timelines and milestones. We can and should spend our money more wisely than going to court. I have stopped bills that would have pushed for lawsuits. I want to keep working with Jane Hedges and her boss more closely. We need to start working to complete projects and meet the deadlines. For instance, the bit plant, when will it get up and running?

Kaufman - Has the EM ARRA funds been appropriated to Tribes?

Petrasek - No, but I'm not in a position to speak to these details.

Kaufman - Is there still room for negotiations? Consultation on this matter would be appropriate for Tribes.

Petrasek - The stimulus is very restrictive on how funding is to be applied. The discussion tomorrow should provide these details.

Russell Jim - Why has the tank closure EIS has been delayed?

Kim Ballinger - I don't know why? It was supposed to be included in the Federal Register in May. I was told there was a printing problem.

Jim - How do you put an EIS together without characterizing the site? We would like to see things done right the first time. If you don't do it right, it costs future generations. We are in a perplexing situation. We can't get the details on funding/budget...it is frustrating. It is just a matter of time before the public begins to understand what is happening. The administration says [they will do things] cheaper and faster. It appears that taxpayer dollars are saved at the expense of environment and indigenous people. Yet, Washington state has one of the highest rates of cancer in the US - the only other with a greater rate is Kentucky. The problems we are witnessing are Indian and non-Indian (in relation to cancer as well as other matters mentioned).

Bohnee talked about the WM (waste management) information on tank closure and how the EIS process is frustrating. "If you're not on the team to help write, you are excluded from process until the draft comes out. When the dates keep bouncing around it makes it hard to respond. The delays make for a frustrating process."

Rep. McCoy - Russell reminded me that the EIS (when the state or Fed start these off) would be a whole lot cheaper if the Tribes were involved in the beginning. Depending on the magnitude, it would be more cost efficient to involve the tribes right off the start. Let's take WA DOT, for example. The Tribes told them that there was likely a gravesite in the location where they wanted to build the facility. Yet, the state ignored the tribal warnings. Tribes handled and relocated at least 350 remains, all because the state wanted to hurry up and finish the project. If they had involved the tribes, they could have picked a better spot without disturbing the gravesite. Again, get the tribes involved early. I will keep making this point; I have been making it for years and I plan to continue until it happens. Show the tribes a little respect by involving them early.

Bailor - Tribes want to be involved in the EIS process; this is continually an issue. They've heard lots of reasons why they aren't involved, such as official use only. But, it's all about inventory. Yucca Mountain and GTCC - all of these numbers are influx. Tribes have 140 days to respond; they will simply be playing catch-up. If tribes had access early on, it would make the review process a lot easier. There is no direct information on analysis or alternatives. At the end of the day, tribes need that information to compile meaningful comments to the EIS. We need that information - the tribes are not the public.

Chavarria - We gave comments regarding the EIS at Los Alamos National Lab (LANL), and finally got into the process within record of decision. DOE said they would work with the Santa Clara Pueblo. It's difficult to work with LASO; we met with HQ this past March. A plan was derived (two months after the meeting); we produced the response, then waited and wondered when DOE's response would come. The turn around time for tribes is difficult; there appears to be no balance on the DOE side. The amount of data to review in going through such a process is overwhelming. It is not apples-to-apples. It's frustrating, and such frustration makes you want to quit.

Cathy Bohan reviewed the National Environmental Policy Act (NEPA) process, and defined it as an opportunity to get involved early on. She explained that the scoping hearings provide input in to potential alternatives. Also, if a tribe has particular expertise in an area, they can participate as a co-manager, and this would put the tribe in unique position.

Chavarria - We did that - we tried to get involved in the mitigation plan and when the documents should be implemented, to really access what impacts there would be. We try to follow the process, but how do we get DOE to let us really be a part of the process?

Bohan - After the record of decision has been made?

Chavarria - Yes, we're in the mitigation action plan now and DOE is not responding to our comments. When will the door open?

Bohan - I'm not sure of the details on that particular EIS. What I was talking about was participation early on in the process, such as in the hearings and other opportunities to contribute as a joint-lead agency.

Bob Alvarez - Tribes are the most vulnerable group of humans exposed to contaminants. If you ignore the current reality, you go off into a hypothetical exercise. DOE is very defensive. The department needs to come to terms with formal recognition of tribes. To date there has been absolutely no response to this. It's time for the Department to stop ignoring the risk to the tribes.

Russell Jim spoke about the concept of cooperation and taking advantage of the golden goose - lots of jobs and money. But you're just moving the material around and not addressing the issue. You have at least 17 major technical issues not yet fully resolved [at Hanford]. How do you address the most vulnerable? This new Administration with its moral adjustment will start to address the tribal issues; Dr. Triay said we need a better definition of "tribal consultation" and that there is a gross misunderstanding of what we're talking about. For some reason, society thinks we belong on the outside.

Gov. Roybal - Each time I come to STGWG meetings and hear from the other tribes on working with the Department and local DOE offices, I always hear horror stories on how they are or are not cooperating with us. We are having trouble with cooperative agreements. We make comments/corrections, send them back to DOE and then just have to sit and wait. The new president had promised tribes a one-day summit with him to discuss issues; we are not going to let him forget that. Hopefully, it will happen this fall and we can discuss these issues then. My question to Brandt - with all of the comments and complaints that we're making, what more can we do? What's the next step? Where else can we go? Where can we go besides here?

Petrasek - I don't want anyone to think that the discussions that have taken place at these meetings have not gone elsewhere. I can speak for myself, in the terms of my positions, especially in this new administration, regarding feedback on tribal affairs department-wide.

I was able to brief Secretary Chu shortly after his appointment and talked about government-to-government consultation and a variety of issues important to tribes. He clearly wanted to understand those issues and wants to make time to meet with tribes during his visits to the sites. He committed to the Tribal Summit during the NCAI meeting (this past March). Your reactions to the last summit have been carried forward. Your comments have been recognized. Secretary Chu recognized and assured us, during his remarks at the NCAI meeting, that the tribal office will be elevated.

The Administration is still young; it doesn't have a senior political structure in place yet. As it grows, we are eager for them to move forward on a lot of these issues. Your voices have been heard; I pass along what I hear, and will pass along what I've heard this morning to NNSA and other folks. Unfortunately, the Department is a big ship and it turns slowly. Hopefully, the new Administration will get things moving/turning a little more quickly.

Kaufman - I would like to refer back to the EIS consultation issue and mention my experience this winter with it in Las Vegas, NV at GTCC EIS Workshop. DOE is trying a new model of developing programmatic EIS, where DOE includes its own perspective. Richard Arnold talked about site-wide EIS for Yucca Mountain that had been written in part by his tribe and other affected tribes, including call-out boxes providing details on the cultural impact on the tribes. This is a good example of consultation. I hope this becomes the model and norm moving forward. Also, on June 8 at Los Alamos, we will ask tribes to comment now, not later, and infuse the comments during the process.

Arnie Edelman - We do have a model; it's new to DOE HQ. Some will look at the model and think it will work. We have a workshop scheduled for June 8 at Los Alamos and the following week we will be at Hanford. We're working with the tribes with intent to look at the spiritual and cultural aspects important to tribes to write specific text to be included with final EIS. At the workshop in Nevada, we prepared 38 pages of text to include. It's going to be included in the EIS; we're just not sure yet on the formatting of the document. We hope this is just the beginning. It will be a challenge for Los Alamos and Hanford since we're working with multiple tribes - the Nevada tribes had worked together before. However, it's not a public comment opportunity; it's an opportunity to provide input.

Kaufman - If your words go into the document, you're a part of the on-record document. However, if things don't go the way as detailed in document, it will be actionable.

Edelman - It's nice to have both perspectives - Western Science and cultural.

Bailor - Tribes are cooperative agencies; they need to be involved very early in the process. We're not getting to comment on the Western Science, including the choice of technology. We want to comment on everything. The agency usually has made a lot of decisions, the textboxes are nice, but having comment on the entire piece and early involvement is essential. We look forward to working with the Department on this EIS, but hope for better involvement in the future. Tribes are sovereign, not the public, and we want to see and comment on the Western Science.

Russell - I am a culturally oriented individual, but I become weary when people say they want to know more about my culture. In WWII, they had to find ways to kill mass amounts of people. They came to tribes and asked, "What do you eat and how do you prepare it?" They did the experiment by finding radionuclide with short half-lives. In 1954, they had tests of full body counts at Bend, (OR) on the Columbia River. Indians were the only ones living in the community. We need to be careful when people say they have come to help us and ask for our cultural information. When we ask if they are going to protect the health and welfare of the Yakama, they always say yes. As far as we are concerned, GTCC is high-level waste and needs to go to a repository.

Anthony Smith noted that during the EIS scoping process - cultural and environmental - that something gets lost in the communication. DOE tends to take the content of the information, but leaves out the context - the most important part. He stressed, "As far as the material that came out of the recent GTCC Workshop goes, it does matter where you put the tribal information. Don't put it in the appendix."

Preacher - In reference to Nevada tribes, the Yucca Mountain issue was something preplanned, so they used tribes to back-up their decision. If a tribe writes in the EIS GTCC, it will have to explain to its council that it only attended the meeting, but chose not to contribute so that DOE would be unable to say, "They helped write it, they backed it." With AREVA, the concept was in place, but they hadn't initiated tribal input. Do they really respect tribal input? The ideas seems to already be in place, and tribal input is secondary - an afterthought.

Bohnee - We are out of time, but I think we hit the topic areas we had identified. Hopefully, discussion tomorrow will provide additional insight. It's nice to have continuity between the current Administration and the last one. What is consultation? - We'll work with DOE to better define it. It is also good to hear we are going to have the Tribal Summit this year and have the dialogue, as we haven't gotten to the baseline yet.

STGWG Full Session

Tom Winston, STGWG Co-Convener, reported that this STGWG meeting will be his last. He explained that Tom Schneider will replace him as the representative from the state of Ohio, and that he has coordinated Ohio's efforts at Fernald.

Winston - One thing we need to do is to appoint new state Co-Convener for STGWG. I've already talked to a number of folks and feel confident that we will find a good new co-leader.

We have a number of vacancies on committees as well. Mike Wilson was our past state Co-Chair of Integration and Disposition (I&D) Committee and Gabe Bohnie was our tribal Co-Chair of I&D. With Mike's retirement and Gabe's appointment as Co-Chair of the Tribal Issues Committee, we have vacancies of both Co-Chairs of this committee. Tom Bailor has agreed to serve as tribal Co-Chair (pending approval of his tribal leadership) and Jane Hedges has agreed to represent the states as the Co-Chair of I&D. Gabe has also agreed to serve as the Tribal At-Large member of the Executive Committee.

I am very pleased with the attendance - tribes, states and DOE participation. I would also like to add that Melissa and Brandt did a great job pushing the meeting out to the rest of DOE and doing a lot of the leg work behind the scenes.

The first part of agenda is on tribal issues. I hope this will be interactive; I urge conversation and for you all to jump-in and participate. I'd like to remind the group that STGWG sent a letter to President Obama's transition team (12/23/08) - hats off to executive committee for working on this. We also pushed for Dr. Triay's appointment, who was confirmed last week as the Assistant Secretary of Energy; she's been a great person to work with. In addition, there are a number of other issues contained in the letter that we will address at this meeting.

Brandt Petrasek - Recognized Tom Winston for his balanced work leading STGWG and for all of his contributions to the work of DOE. He reviewed the fact that the DOE Tribal Order 144.1 had been finalized in January and discussed the importance of the Order for the Tribal Policy.

Petrasek - We are very excited that Sky Gallegos and Katina Tsongas could join us; they are new leadership under Secretary Chu. About a year ago, we talked about holding a Tribal Summit. Obviously, policy calls for one and this issue has been important to this group since the initial discussion. There was a push to have one under the old administration, and we intended to have one. However, the decision was made to not have one since transition was imminent; we postponed it in order to hold it under the new administration. Now, with new admin in place, Secretary Chu addressed NCAI (this past March) and committed to holding a summit by the end of the year. The key to the successful summit will be having key players in place, including Assistant Secretaries and their staff. We are going

to wait for this to happen before we move forward. We will need a lot of assistance to have a successful summit, and we look forward to and value your input.

Willie Preacher - Tribes are curious to know what type of summit it will be.

Petrasek - This will be a comprehensive summit, either regionally or programmatic. The department is very big, so we need to be thoughtful. The goal is to have senior political leadership involved, and it will likely be a two-day summit.

Neil Weber - EPA is planning a three-day summit at end of September; maybe you should work with EPA to coordinate.

Petrasek - Thanks Neil, I have been in touch with EPA.

Sky Gallegos, Deputy Assistant Secretary of the Office of Congressional and Intergovernmental Affairs for DOE, was recognized and explained that her role for now is to listen and learn. She reported that the current administration authorized a director for Office of Indian Energy and that Dr. Triay is one of two Assistant Secretaries who have been confirmed.

Gallegos - We don't know where the office will be yet. But, until we get the details figured out, Katina (Tsongas) and I will be working with Brandt and hope to make progress in the next few months on planning the summit.

Winston - Because you are new, the tribal members of this group have significant history and would be helpful to you in your learning process.

Gallegos - Yes, we look forward to working with STGWG and appreciate the wealth of knowledge.

Petrasek added that both Gallegos and Tsongas have made a tremendous effort to engage on outreach and that it's a real testament to their integrity.

Peter Chestnut - I appreciate the fact that we have an agreement (Tribal Summit) in place and want to recognize this achievement. People seldom recognize when they reach goals. This policy represents much of what we have pushed for in requiring tribal consultation. I believe this is a major step in the right direction; our supporters within the Department worked hard to get this done.

Russell Jim - I would like to echo Peter's comments. And for the newcomers, I appreciate your attendance and hope you can understand the need of the indigenous people. Protection was the impetus for the start of this organization. I hope this consistent effort for recognition that we have implied, coerced, and almost begged for to educate the contractors can be understood. We're always on

the periphery. We need good, solid answers, and we have good recommendations on how to clean up. We hope that through the summit, the fact that we are not fully supportive of all energy issues because of cultural concerns is considered. Brandt, I appreciate your efforts in bringing these people here. And, Tom, I want to congratulate you on making it to retirement.

John Stanfill - Will the DOE training be made available to the states?

(He is referring to the online Indian training course for federal workers, "Working Effectively with Tribal Governments" that has been up and running since January of last year.)

Petrasek - I don't know. It will be available to DOE, field offices and contractors. I will find out if we can make it available to state employees.

Kim Ballinger provided a quick update on Hanford. She reported that they are working on training, new contracts and on incorporating the online Indian training course into Hanford's general employee training program so that employees can benefit from it.

Mary Ann Fresco - I want to wish you well on your retirement, Tom. I think you have done a phenomenal job and deserve recognition. We have seen tremendous progress over last five years on efforts to further state and tribal initiatives - Brandt, I'd like to recognize you for your efforts as well.

Fresco continued and provided a brief overview of where the National Nuclear Security Administration (NNSA) is with money. The president has given \$9.9 million to NNSA for security. Two million is to be used for nonproliferation, the focus being nuclear nonproliferation. NNSA will have the money it needs to execute other programs as well. The new Administration is looking at programs that can be enhanced and at better, more efficient ways to get things done. It has made a strong commitment to science and engineering - a way of looking toward the future. In addition, through its summer internship program, NNSA has welcomed students from pueblos across the country to come and see what NNSA is all about. It hopes that the students might seek employment with the organization later in life.

Dick Black, with DOE's Office of Nuclear Energy (NE), showed some slides to the group detailing an advanced technology - a non carbon heat source reactor. Many are looking to the US to lead the world in this new technology. Since it is a low-carbon source, we will see the creation of new jobs and a needed economy boost.

He noted that we need to be mindful of the always shifting landscape, such as the decision to pull back on Yucca and GNEP, and what options are available. Currently, NE is looking toward engagement with international partners. He informed us that the budget this year supports the Office (it doesn't approach that of the NNSA budget), but it is a reduction compared to years past. He explained

that there is a shift in the budget to focus on research and development (R&D) - the only exception is plans to build a new reactor by 2021 in Idaho and that bids are currently being reviewed. Black also reported that there is a decent budget for the NE university program.

Other facts: Taking a closer look at the fuel-cycle, generation IV reactors have a price tag that range from \$50-70 million each year. There are 25 three-year projects that will cost \$1.6 million per project on average. A focus is infrastructure and the strengthening of the national laboratories. Fellowships and scholarships are available and are heavily supported by new Administration - www.caesenergy.org

Brian Hembacher - With an \$845 million budget, how much will be directed toward an alternative to Yucca Mountain? Are there any other arms of DOE looking at alternatives?

Black - No money will go to alternatives. The Blue Ribbon Panel (BRP) will be funded separately. Other alternatives will be examined, just not funded through our budget. I understand that this is an issue for some facilities with waste that was headed to Yucca. Interim storage is, however, a possibility.

Jim - In 1992, the Department created the DOE Indian Policy under pressure from the tribes. We objected to the exclusion of the missing word "compliance". I feel like it's a missing piece in the presentations. Is it intentional that "considered" is used by the Department instead of "compliance"?

Black - We try to use the words to implement and comply with the Order 144.1. Once the Order is put forth, it will be implemented and must be complied with. Must and shall orders - they will be implemented and they must be complied with. I thought the Order was a great first start; the proof of the pudding will be when it is put to the contractors.

Jim - I meant compliance with treaty rights.

Petrasek - Compliance with cultural treaty laws will be part of the training that goes out to staff. Execution will be a lot more stringent. I appreciate the sensitivity.

Bob Alvarez - I think you are to be commended for putting this order through. But, as you know, DOE orders can be changed if contractors ask for changes and DOE agrees they should be modified, even on a site-specific basis. There has to be some way to ensure compliance with tribal policy.

Willie Preacher - I'd like to add that the understanding of trust responsibility and recognizing tribes' treaty rights should be better understood. Keep in mind, all treaties are not the same. This is important if you are going to reinforce the

treaties. I encourage you to reach out to tribal members before you meet with tribes; early consultation is the biggest issue that we have.

Representative Heaton (NM) - Looking at energy, in general, right now there are two competing commissions: one by Congress and one by DOE Secretary to look at Yucca. Which has the best chance of success for how nuclear power will evolve? Recycling, spent fuel?

Black - What do we do in the interim? Yucca wasn't a good idea in the first place. Dry cask storage at the site? Does it make sense to have regional retrievable storage? The purpose of the Secretary's BRP will be to examine those issues.

Rep. Heaton - Which of the two has the best success? Congress driven or administration driven?

Black - It's hard to tell. I know the purpose of the Secretary's BRP is to look at a range of options. Should this group be involved? Yes.

Bob Pence - I'd like to add that we, at the Idaho office of NE, are very supportive of tribal policy. We insist that it is incorporated into all contracts. NE is very supportive -- as we consult, we communicate with the Shoshone-Bannock, and we follow the 1863 treaty and recognize government-to-government relationship. We incorporate the tribes in our decision making process. For instance, we have had the tribes out twice to assist the Department in figuring out where a road should be built. We look forward to working in productive ways with tribes.

Dave Geiser provided the Office of Legacy Management (LM) update. He shared a PowerPoint that he presented to Secretary Chu. He spoke about a rumored reorganization of the office; consolidating LM into EM was what people were talking about two years ago. Currently, he hasn't heard any more rumors about the consolidation. According to final House language, it said that LM needs to be separate, outside of EM. The office hopes to have its director in place soon.

John Owsley asked about the property reuse that LM is responsible for, after property is transferred.

Geiser - There are very few, in fact, maybe less than ten sites that will actually leave LM's federal ownership. When we talk about reuse, we mean communities and farms being able to use the land (i.e. leasing land for grazing cattle or connecting community bike trails). There are a handful of cases where we would dispose of a property; we do have institutional controls that we work out with the site.

Bob Geller asked about the Morgantown, WV completion. Are all those records more accessible as those sites close? LM has been making efforts to move documents to the web, correct?

Geiser - Yes, you can visit the LM website and search each site. All the records we have for the site will come up; however, only those that are available electronically are there. If you want a document that isn't electronic, you can submit a form to request it. We have been responding to over 1,000 formal requests for records per year. So far, we've done well in meeting time requirements. We hope to improve efficiencies, as some records are very old and we're dealing with a range of records and different types of documents. We anticipate having enough space to get us through all the sites through 2015.

Tom Schneider - Is the change to electronic fairly new, considering privacy issues?

Geiser - We had to pull down Mound, Rocky Flats and Fernald for a short time because some records displayed individuals' social security numbers. We worked to remove those, and they have now been reposted.

John Owsley, Co-Chair of the Natural Resource Injury Assessment(NRIA)/Long Term Stewardship Committee, opened the floor for a general discussion on the NRIA topic with Matt Duchesne of EM's Office of Compliance. He also stated that the group would likely discuss individual site activity and integrate injury assessment with clean up.

Duchesne explained that goals are approached a little differently at sites now that the new Administration is in place; the plan is to preserve habitats. Brookhaven National Lab, along the Potomac in NY, is replanting vegetation after an invasive species removal.

He explained that a lot of projects are site specific, and that many sites are not managed by EM. For example, Idaho National Lab is managed by the Office of Nuclear Energy. However, a core team of technical staff manage the process and decision-making at each site. He mentioned the issue of co-trustees. He mentioned that sites usually interact with the Department of Interior and other trustees, such as the state or local authorities, if there are problems with integration.

Preacher had raised the question as to who the co-trustees were exactly. Duchesne was unsure. Preacher also asked if tribes were involved. Duchesne stated that he didn't think they were at this point.

Bill Levitan, Director of EM's Office of Compliance, informed the group that when major events happen, DOE-EM has a number of reporting points. On Monday mornings he meets with Dr. Triay and works to provide weekly reports as well as reports every 30, 60 and 90 days. "NRDA is getting "air time" at DOE-EM nowadays."

Ken Niles provided an update on behalf of the Transportation Committee. There is disappointment that dialogue has ended through the Transportation External Coordination Working Group (TEC-WG). Plans for Yucca Mountain have changed, and so have the funds that are available. There is still a budget, but its focus is entirely on licensing and

on behalf of a "Blue Ribbon Commission" to study alternatives for storage. He reported that the state regional groups have lost much of their funding. Planning is important. Without state buy-in WIPP would not be where it is today. He added that the issue of transportation needs to be included in the BRP discussions.

** In a break-out session, the state STGWWG members selected Ken Niles to serve as State Co-Convenor. Ken will serve with Willie Preacher, the Tribal Co-Convenor.

Key Outcomes and Action Items

Arlington, Virginia
May 27, 2009

1. DOE announced that it would conduct a Tribal Summit before the end of this calendar year. Few other details were yet available, but it is expected to be a comprehensive, two-day Summit that involves senior political leadership.
 - DOE committed to work with STGWWG on planning for the Summit.
2. STGWWG members will work with DOE to provide training to implement tribal policy framework at specific sites. The focus is to provide site-specific information to educate DOE staff and contractors on specific, tribal issues. (For example - Hanford's focus will be the Treaty of 1855 and the Los Alamos National Lab training will deal with the treaties and issues of importance to New Mexico Tribes.)
3. Tribes desire early consultation from DOE. This concept has not fully taken root, so Tribes will continue to press for it when dealing with DOE.
4. STGWWG wants to continue to advocate for the creation of a DOE budget line item that provides clear authority for natural resource injury and damage assessment expenditures and provides stable, project-level funding. ([LINK](#) - see memorandum STGWWG sent to President Obama's transition team on the issue, dated December 23, 2008).
 - It appears that the priorities of new Administration in this regard are shifting, according to the reports of Matt Duchesne and Bill Levitan. Dr. Triay's appointment as Assistant Secretary is a key factor, as she has been very receptive to state and tribal needs. The LTS/NRIA Committee will monitor the situation.
 - The group is glad to know NRIA activities are being integrated into other programs at DOE.

5. STGWG would like more details on the transportation of nuclear waste resulting from the stimulus dollars awarded to sites, including the sites that will ship and sites where the waste will go.
6. Brandt Petrsek and Melissa Nielson will continue to work to ensure funding for tribal implementation.
7. Ken Niles was selected by state STGWG members to serve as State Co-Convenor and will serve with Willie Preacher, Tribal Co-Convenor.