

State and Tribal Government Working Group (STGWG)
Augusta, Georgia
May 20-22, 2008

KEY OUTCOMES

OVERVIEW

- STGWG members appreciated the high level of participation by DOE officials at the meeting. STGWG is especially appreciative of the participation of Dr. Ines Triay, Principal Deputy Assistant Secretary - U.S. DOE-EM; Steven Morello, Deputy Assistant Secretary, U.S. DOE Office of Congressional and Intergovernmental Affairs and Director of Tribal Energy Policy and Programs; Merle Sykes, Deputy Assistant Secretary - DOE-EM Office of Budget; Jim Fiore, Director of DOE-EM Office of Management Analysis and Process Management; and Frank Marcinowski, Deputy Assistant Secretary for DOE-EM Office of Regulatory Compliance. Their participation, along with other key staff from DOE, demonstrates a continuing commitment to improve interaction with tribes and states.
- STGWG members also appreciated the opportunity to take the informative guided tour of the Savannah River Site.
- STGWG members look forward to future meetings with DOE to continue to address the issues and concerns of states, tribes and the Department.

TRIBAL ISSUES

- Tribes stressed the importance of the Framework as a guide to all DOE personnel, both at headquarters and in the field offices, for implementation of the DOE Indian Policy. Tribes are concerned about insuring the effectiveness of implementation of both the Policy and Framework at the current time.
- Tribes understand that DOE continues to support the idea of holding Tribal Summits. However, since this is an election year with a change in administrations in January, tribes agree that it makes sense to defer the next summit until 2009. However, continued frustration is expressed with the Secretary's decision to hold "periodic", rather than annual, summits. Tribes are expectant of a Tribal Summit in 2009, and want to be included in the planning and preparation.
- The lack of consistent consultation with tribes is a continuing concern. Tribes still find an apparent lack of understanding by some DOE personnel about tribal sovereignty, fiduciary responsibilities and treaty rights, all of which affect the trust relationship between tribes and the Department.
- Tribes understand the importance of early consultation with the new administration. They are also supportive of options that could better institutionalize tribal interaction with the Office of Congressional and Intergovernmental Affairs (CI) and reduce the learning curve within a new administration. STGWG has the opportunity to recommend key players that could possibly be a part of the new administration.

- The STGWW Tribal Executive Committee suggests that DOE consider having a permanent, career-position employee in the Office of CI, in addition to a political appointee person, which has been the designated person to assist in tribal affairs issues. This position would help bring a new administration up to speed on key issues, provide overall continuity and consistency to the Department's interactions with tribes as well as play a critical role in the planning of a much needed Tribal Summit. STGWW understands that a career person has been detailed to that office in preparation for a Tribal Summit, but urges DOE to maintain that position into the next fiscal year and into the next administration. This issue will be addressed in a letter to the Department that will also focus on consultation and working effectively with the new administration.
- A federal government-wide tribal online training has recently been developed for use targeting federal employee staff and management. "Working Effectively with Tribal Governments" will provide federal workers with a better understanding and greater knowledge of the history, concepts, and issues involved in working effectively with Indian tribes and tribal people. The course is expected to be available to federal employees at www.GoLearn.gov, and will take approximately an hour to complete. DOE plans to adopt this training for all of its programs and hopes the training will be available and begin being utilized by the fall. The Department welcomes comments and suggestions from the tribes on the training.

FULL STGWW ISSUES

- It is important for states, tribes and the Department to understand the definition of government-to-government relations and the need to practice it effectively. Miscommunication and communication gaps on both the Federal and state and/or tribal sides hinder good working relationships.
- STGWW appreciates the continuing and meaningful participation by DOE personnel who have decision-making authority when addressing issues within this forum. This helps to facilitate prompt resolution of issues. In advance, STGWW appreciates such continued participation at future meetings.
- Dr. Triay and Merle Sykes discussed the challenging budget climate. DOE has worked hard to develop clear, independently reviewed project baselines with well-defined scopes, costs and schedules. DOE wants to make a compelling case that risk reduction and lifecycle cost reduction will provide a good return on investment. States and tribes are interested in sending a message to the next administration on the importance of investing in the EM program. DOE would like to share this information and consult with tribes and states in coming months.
- A DOE transition book is currently in the works and, when completed, will serve as an important tool for DOE (including HQ and field offices) in working with tribes and states and could greatly assist in helping DOE understand tribal expectations and the range of STGWW issues. Brandt Petrusek and Kristen Ellis are part of a team of about 40 working on this project. DOE is looking to STGWW for input and chapter ideas to be included, and STGWW is eager to be a part of this document's development.

- The Combined Intergovernmental Working Group, consisting of two representatives each from STGWW, NGA, NAAG, ECA and ECOS will be asked to work with Jim Fiore and others within the Department to explore opportunities regarding strategic options and priorities. The goal will be to identify and articulate budget and planning approaches that provide risk reduction, achieve compliance and are prudent investments. This could be the primary focus of the fall Intergovernmental meeting which would be timely given the change in administration. STGWW is eager to help DOE make decisions on proposals and to help in making the case.
- States and tribes remain interested in waste and materials disposition. Winter weather delays greatly impacted transuranic waste shipments from Hanford and Idaho during the winter of 2007-08, as well as in previous years. These delays caused frequent schedule disruptions and did not allow for optimum use of the Waste Isolation Pilot Plant (WIPP) and associated transportation resources.
- DOE reported that there has been increased activity on natural resource injury assessment at several sites. STGWW members noted that integrating restoration into cleanup plans can be efficient and save money in the long run. Neil Weber discussed the 2008 work plan for the Natural Resource Injury Assessment/Long Term Stewardship (NRDIA/LTS) Subcommittee, and reported on a number of items in the plan that are already completed.
- Because they can have an impact on EM activities, STGWW has a continuing interest in other related DOE issues/programs including Global Nuclear Energy Partnership (GNEP), Legacy Management, Yucca Mountain and the various "landlord" organizations at the sites.
- STGWW, especially those members associated with NNSA sites, remains interested in the NNSA Complex Transformation.

ACTION ITEMS

- DOE plans to initiate discussions with field managers in early June 2008, including specifics on strategic-planning and baselines. At the end of June, discussions will take place with field managers along with regulators, tribal nations and other stakeholders. Dr. Triay reported that a working group should be formed in July. In August or September, a video conference could possibly be held to follow-up on these discussions.
- At the suggestion of STGWW members, Dr. Triay agreed that DOE should analyze the feasibility of scheduling WIPP shipments so as to avoid significant reductions of shipments from Hanford and the Idaho National Laboratory (INL) due to inclement weather during the winter months - increasing shipments from more southern sites during that time, such as Savannah River and Oak Ridge. DOE will report back to STGWW.
- Brandt Petrasek will check on the status of opening up the tribal, online training targeted specifically for federal employees, "Working Effectively with Tribal Governments," to STGWW membership free of cost. At this time, it is unclear as to whether this is possible.

- Following the November election, our Intergovernmental Meeting will serve as a forum for STGWWG to better develop our plan in working with the new administration.
- Two representatives from STGWWG and the other members of the Combined Intergovernmental Working Group will work with the Department to explore opportunities regarding strategic options and priorities. This can serve as a backdrop to the November Intergovernmental meeting in Snowbird, UT. Willie Preacher and Brian Hembacher are the two STGWWG representatives.
- STGWWG wants to participate in the creation of the DOE transition book. Members will work with Brandt Petrusek and Kristen Ellis in contributing to relevant chapters.
- There is a need to institutionalize what consultation is and means in regard to working with DOE. STGWWG members will look at lessons learned from past interaction to determine how consultation has worked/hasn't worked - and how we can foster effective and consistent consultation in the future.
- Neil Weber proposed to have an NRIA/LTS Subcommittee conference call in the coming months and select a few of the "15 questions" (DOE's "NRD Guidance for EM Field Sites") to explore.
- The next Intergovernmental meeting is tentatively scheduled for the week of November 10, 2008 in Snowbird, UT. More information on this meeting will follow.