State and Tribal Government Working Group (STGWG)
New Orleans, Louisiana
October 21, 2009

KEY OUTCOMES

OVERVIEW

- Members appreciated the participation of all DOE officials at the STGWG meeting, and are especially appreciative of the participation of high-level DOE management, such as Sky Gallegos, Deputy Assistant Secretary of the Office of Congressional and Intergovernmental Affairs and Frank Marcinowski, Acting Deputy Assistant Secretary for Technical and Regulatory Support.
  Such participation from DOE demonstrates a continuing commitment to improve interaction with tribes and states; STGWG looks forward to future meetings with DOE.

- STGWG commends DOE on its work and specific action items to be taken on these particular areas of focus, all of which were discussed at the Intergovernmental meeting (during Assistant Secretary Triay's presentation) on October 23: **compliance milestones** (DOE has ensured that key executives in the field have compliance as part of their performance plans); more focus on **Natural Resource Damage Assessment activities** (creation of an NRD site-by-site progress matrix and additional resources for the program); **Blue Ribbon Commission** (transparency, assured interaction with BRC by DOE with member groups); **EM footprint reduction** , STGWG requests clarification on how much/what will be cleaned up to ensure a 90% reduction by 2015. STGWG hopes it will include soil and groundwater cleanup); **ARRA funding (**higher priority projects using ARRA funds need to be considered); increased funding for **research and development** activities across the complex; and more clarification/structure to the **Energy Parks** program (STGWG wants to be a player in the conversations moving forward).

TRIBAL ISSUES

- Tribes recommend the appointment of a Director of Indian Energy and Policy Programs as soon as possible, as the director serves as the primary point of contact for all tribal matters within the department, including those related to energy and environmental management and to cleanup efforts.

- Tribes request that the Secretary of Energy issue a memorandum of support for the tribal policy—DOE Order 144.1 and the Implementation Framework, while emphasizing the need for greater consultation with tribes from both DOE headquarters and field personnel.

- Tribes suggest career staff for the Office of Congressional and Intergovernmental Affairs. The Deputy Assistant Secretary for Intergovernmental and External Affairs currently stands vacant, yet provides the necessary support on Indian affairs issues. In addition, STGWG highly recommends that a senior GS career employee familiar with tribal affairs, not support staff, be permanently assigned to the office to support the director and act in the director's absence.

- Tribes expect a Tribal Summit, as required by the DOE Indian Policy, in early 2010. STGWG would like to assist in the preparation and planning efforts for a summit that is programmatic in nature, with a focus on energy, science and the environment. STGWG requests holding the summit separate from the National Congress of American Indians meeting in March 2010; STGWG is a distinct group and has its own issues. We believe a more focused approach would allow for effective government-to-government consultation.

- STGWG requests that Tribal Nations be represented on the Blue Ribbon Commission. We ask for transparency and look forward to DOE briefings on the establishment, progress, and updates of the commission to us and member intergovernmental groups.

FULL STGWG ISSUES

- STGWG looks forward to assisting in the development of a site-by-site matrix of NRDA activities at DOE sites. We appreciate that DOE recognizes the need for documenting NRDA status and progress across the complex and its commitment to additional resources for such activities.

- STGWG is eager to engage in dialogue with the Blue Ribbon Commission once it has been established, and looks to DOE to facilitate interaction between us and member intergovernmental groups. We expect that DOE will help ensure that the work of the BRC is transparent and open.

- Since the 2011 deadline for DOE's use of funding from the American Recovery and Reinvestment Act (ARRA) was an internal deadline(the actual deadline being 2015), we look to DOE to reassess whether some of these funds could be used on higher priority projects, including characterization of waste sites to better inform decisions on future cleanup actions.

  We are pleased with the progress toward reducing EM's footprint by 90 percent; however, we ask for some further clarification and consistency in DOE's definition of, and use of the term, "footprint reduction". Does building demolition alone constitute footprint reduction? How has the footprint been reduced if waste remains in the soil and/or groundwater?

- STGWG appreciates DOE recognizing the importance of increased funding for research and development to support technology advancements across the complex so we can move forward with remediation efforts.

- STGWG asks for some clarification from DOE about the definition of "Energy Parks" and the intent to move forward with these at DOE sites. We look to be a part of ongoing discussions and proposals on Energy Parks and the future use of DOE property, so that we, as states and tribes, can plan accordingly. It is also important that DOE acknowledge treaty rights when considering potential re-use of lands and in consulting with tribes.

ACTION ITEMS

- STGWG decided the best approach to gaining better insight from DOE and its plans on certain issues important to us (outlined above) was to send separate letters to Secretary Chu and Assistant Secretary Triay.

- DOE is to evaluate each site on the level at which they engage/consult with regulators, tribes and stakeholders. Brooke Oleen will solicit from STGWG positive/negative examples of consultation with states/tribes and DOE site offices and provide this information to DOE in January 2010. States and tribes should comment on how these discussions could be more successful as well.

- DOE is planning to update *A Guide for DOE Employees–Working with Indian Tribal Nations* (Tribal Guide), developed in 2000. Brandt Petrasek encouraged members to review the document and follow up with him on edits to this Tribal Guide. He recommended inclusion of the Order, Policy and Framework, as well as incorporating the Tribal Points of Contact with the EM program.

- Oleen will continue to inform STGWG members on the dates/times of the ARRA conference calls and when discussions/updates on other DOE programs and issues (such as strategic planning and waste interdependencies) will occur.

- STGWG will build upon our earlier creation of our NRDA matrices and assist NGA and ECOS in the development of a site-by-site progress matrix on NRDA activities.

- Deputy Assistant Secretary Gallegos looks to STGWG for ideas on how tribes can better learn about the Energy Efficiency Conservation Block Grants program and get access to these funds (i.e. workshops).