

**National Conference of State Legislatures
State and Tribal Government Working Group
March 26–27, 2003 - Denver, Colorado**

KEY OUTCOMES

4/10/03

OVERARCHING ISSUES

- Sandra Waisley is the new Acting Director of EM's Office of Intergovernmental and Public Accountability (replacing Martha Crosland); Brandt Petrasek will have direct responsibility for STGWG. Catherine Volk has been shifted to work on AIPs and other agreements. STGWG expressed their appreciation for the great support provided by Martha and Catherine.
- EM's efforts towards Intergovernmental Streamlining are supported conceptually by STGWG. It was agreed to pursue the combined STGWG/NGA/NAAG fall meeting. STGWG asserts that it needs to be a party to planning for the meeting and setting of a meaningful agenda, that other non-EM DOE offices participate in the meeting, and that DOE consider hosting the Tribal Summit in conjunction with this meeting. A letter will be sent to DOE outlining our position and support. Tom Winston and Willie Preacher will participate in the planning effort for this meeting.
- STGWG recommends that DOE not offer an invitation to the Council of Energy Resource Tribes (CERT) to join STGWG. While recognizing the excellent work of CERT, STGWG does not view the scope and objectives of CERT to be in direct alignment with those of the current STGWG members.
- DOE should take the ownership to address the goals and issues of STGWG members. DOE-sponsored meetings should focus on decision-making rather than interests. Meetings should be working meetings in which decisions are made rather than meetings where presentations are provided. STGWG believes this is consistent with the results-oriented approach DOE envisions.
- Effective waste and materials integration and a credible transportation management program continue to be critical to achieving EM objectives. DOE needs to continue to share information with states and tribes.

LEGACY MANAGEMENT

- STGWG is very interested in the new Office of Legacy Management. Long Term Stewardship remains a key issue for states and tribes.
- The End States project is about one month behind schedule. Responses to comments and the revised guidance and policy will be completed in about a month. STGWG agreed to perform a quick confirmatory review of the responses in early April, since most of the STGWG states and tribes commented.

TRIBAL ISSUES

- Willie Preacher, with the Shoshone-Bannock Tribes, will fill the co-chair vacancy of the Tribal Issues Committee.
- The Tribes remain frustrated with the absence of highest level DOE officials at STGWG and other Tribal meetings.
- Government-to-government consultation refers to relationships between DOE and each Tribe. Consultation is a two-way street and must occur early and in person. Any deadlines must be reasonable.
- Implementation of the American Indian Policy remains a concern. The Tribes believe that the American Indian Policy should be implemented by the entire DOE, not just EM. In addition, Tribal issues and concerns are broader than EM programs.
- The Tribal Summit should be convened in the fall, possibly as part of the omnibus intergovernmental meeting to be convened by EM; other DOE programmatic offices should attend.
- Funding and commitments by DOE to the Tribes remain a concern.

DOE BUDGET AND REVIEW OF TRIBAL, STATE, LOCAL GOVERNMENT AND OTHER STAKEHOLDERS' ACTIVITIES

- Roger Butler reviewed the accelerated closure approach, the new EM budget structure and explained the FY03 and FY04 budgets. He has projected an EM budget peak in FY05, with a drop in FY07 and FY08 to about \$5 billion. When the work is done at each site, those dollars will go away.
- Sandra Waisley reviewed EM stakeholder activities between 1999 and 2002. She found approximately 140 activities funded for about \$170 million. The purpose was to evaluate program effectiveness and to ensure that the activities were requirement-based within the EM mission. Programs reviewed included funding for states, tribes, national groups, local governments, SSABs, universities, etc. Reporting has not always been adequate, although Tribal governments, as a group, have done the best at tying expenditures to results.
- STGWG noted that DOE funding for tribal and state programs is not always received in time to implement work plans. STGWG also asked EM to communicate specific results of the review directly to the grantee.

PUTTING THE PIECES TOGETHER

- Interaction of states and tribes with other, non-EM programmatic offices within DOE is becoming critical to STGWG members. There is a compelling need for strategic, integrated decision making at cleanup sites among the relevant DOE offices rather than decisions focused on independent programmatic issues. STGWG would like to work with the department towards improved communication and coordination among EM, NNSA, Science and Nuclear Energy.
- There is a sense that greater cleanup could be achieved if the DOE offices work together, both with the states and among themselves.

- STGWG requests information on mission/function and organizational structure for the involved offices. The fall meeting in Washington, DC will provide a good starting point for obtaining participation by key DOE leaders and staff. STGWG can assist in framing appropriate issues for that interaction.