

# **State and Tribal Government Working Group**

## **May 16 - 17, 2001**

### **Las Vegas, NV**

#### **KEY OUTCOMES**

##### **OVERARCHING ISSUES**

- The members of the State and Tribal Government Working Group wish to express their appreciation to Dr. Carolyn Huntoon for her support of STGWG and its key concerns – tribal issues, long-term stewardship, transportation, decontamination and decommissioning, and integration and disposition – as well as her collaborative working relationship with states and tribes.
- STGWG welcomes Jessie Roberson as the new Assistant Secretary for Environmental Management and looks forward to continuing the successful relationship and accomplishments that have been achieved in recent years.
- Effective oversight of DOE operations by states and tribes is essential to the success of DOE's mission. DOE's Agreements in Principle are a key mechanism for ensuring effective oversight. Failure to effectively fund Agreements in Principle can, in some cases, represent a violation of DOE-State agreements. DOE should confirm its commitment to its Agreements in Principle and, where possible, protect level funding for these programs. Any reductions in funding for Agreements in Principle should not proportionally exceed cuts in the overall budget for a DOE site.

##### **DOE BUDGET**

- The FY-2002 budget for Environmental Management as presented to Congress is inadequate to meet DOE's legal obligations and commitments.
- STGWG strongly supports the move in Congress to restore environmental management funds to the FY-2001 and FY-2002 DOE budgets and urges DOE to work aggressively with Congress to the success of this initiative.

- STGWG requests that DOE's list of priorities for restoration of environmental management funding be issued to its members when the list is sent to Congress.
- STGWG is disappointed that tribes were not included in DOE's request for input on Phase I of its Top-to-Bottom review of Environmental Management. The American Indian Policy should have triggered their participation. This gives the appearance that tribes are considered unimportant as stakeholders in the process.
- STGWG and its members have participated in the creation of many existing Environmental Management programs and processes. Many of these programs have been carefully crafted for effectiveness, efficiency, and innovation. STGWG urges DOE to build on these successes.
- STGWG is concerned about the lack of consultation with states and tribes on the FY-2002 budget and urges DOE to return to the more consultative process that has been developed over the past several budget cycles.
- The states and tribes wish to be involved and work collaboratively with DOE on Phase II of its Top-to-Bottom review of Environmental Management.

## **TRIBAL ISSUES**

- STGWG expects that DOE will incorporate tribal issues in its planning.
- The tribal members emphasize their perspective on cultural resources and stewardship – they have grown up with the land and are never going to leave it.
- The American Indian Policy can only be successful if it is effectively implemented. The focus on this policy at all levels of DOE should now be on implementation.
- STGWG applauds the new administration and the Secretary of Energy for

completing and signing the Cultural Resources Management Policy – it is a clear example of effective consultation among DOE, tribes, and states. This success must now be extended by effective implementation of the policy.

- STGWWG is encouraged that the Secretary of Energy wishes to hold an Indian Energy Roundtable this summer. The tribes request that they partner with DOE in planning for the event.
- STGWWG supports the inclusion of stewardship and cultural resources provisions in new and revised DOE Orders, such as the General Environmental Protection order.

## **TRANSPORTATION**

- STGWWG appreciates DOE's effort to keep members informed in progress in transportation planning.
- STGWWG believes that the Waste Isolation Pilot Plant transportation experience can be used as an effective model for other shipping programs. However, adequate funding would need to be provided to support such an effort.
- The success of TEC/WG in identifying issues and fostering dialog should be continued and expanded to other forums.

## **STEWARDSHIP**

- Treaties and tribal agreements must be included and supported in the planning and implementation of long-term stewardship
- Tribes have a unique perspective on long-term stewardship because of their cultural long-term relationship with the land. DOE should access this cultural experience in developing its stewardship process.
- It is essential to define, and then implement effective public involvement in DOE's stewardship process.

- DOE must resolve the problem of long-term funding for stewardship.
- The stewardship cost estimates included in the National Long-Term Stewardship Study are an important first cut at the issue. However, the estimates include large uncertainties and should be considered preliminary - they should not be used as a benchmark for stewardship funding.
- Historical tribal approaches to oral history should be considered in development of long-term stewardship information management strategies.
- Preservation of the history of DOE and DOE sites should be a component of the stewardship process.

## **INTEGRATION AND DISPOSITION**

- STGWG has developed a preliminary set of principles for effective consultation with states and tribes on integration and disposition issues. The principles focus on early and continuous involvement and communication among all parties affected in a disposition issue.
- DOE should examine the successes and lessons learned from the consultative process for disposition of mixed waste.