

**National Conference of State Legislatures
State and Tribal Government Working Group
October 19-20, 1999
Idaho Falls, Idaho**

[Meeting Notes](#)

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Meeting Notes

These meeting notes are a summary of notes recorded on easel charts during sessions of the State and Tribal Government Working Group (STGWG) Meeting on October 19-20, 1999. The notes reflect key comments and discussions among the Working Group members and key questions / answers between Working Group members and presenters. The content of presentations is not summarized in this record.

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October 19

Executive Session (STGWG Members only)

Issues

- Tribal cultural resources
- DOE update with Assistant Secretary Huntoon
- The collective message for Dr. Huntoon
- Huntoon: vision for EM (document) available – contact J. R. Wilkinson
- Budget contingencies (document) available – contact J. R. Wilkinson

Tribal Cultural Resources

- Committee met in Washington, D. C. with DOE in August, 1999

- Successful—Much more clear on DOE philosophy and policy

- Action Item: Letter to Secretary
 - Adopt Policy
 - Implement orders and guidance

- Current policy addresses only historical resources

- DOE guidance on consultation with Tribes coming out soon

- DOE American Indian Policy:
 - Concern about effectiveness of DOE plan to get draft Indian Policy out by announced date of 12/99
 - DOE and NCAI representatives were unavailable to come to Idaho for meeting
 - Consultation aspect of policy needs to be improved
 - Implementation of existing policy a problem
 - Potential Action by STGWW: Letter to Secretary asking for action that matches intent
 - Potential Action by STGWW: Define "consultation" and provide definition and process guidance to Secretary

Q: How is consultation process working for States?

A: Written in agreement for Colorado - performance is spotty

- A contributor to the problem – Indian Policy rises to Secretary level (broader than EM)

- Seneca Nation very concerned and interested in active role in reviewing and revising Indian Policy
 - Urges STGWWG and TCR Committee to be very visible in review
- State of Idaho has good consultative process with local DOE, not good with DOE-HQ – seems to work best when state is proactive
 - Note: Secretary staff actively works to keep issues off Secretary's desk
- Pueblo de San Ildefonso has been shown disrespect by DOE-HQ
 - Tribes have been insulted by lack of DOE-HQ presence in Idaho to meet with STGWWG regarding Indian Policy
 - Took a long time (approximately 1 year) to produce adequate consultative process with Governors
 - Need to send strong message to Secretary
- Action Item: Cancel conference call/panel discussion on American Indian Policy
 - Keep Indian Policy and CRM Policy separate
- Letter needs to cite disconnects between HQ / EM / Tribes and States

- Letter needs to be clear and precise and needs to insist on direct and immediate interaction with Secretary

- Suggested Action: Tribal Cultural Resources Committee draft response(s) and propose at wrap-up Executive Session

- Response from Tribal Cultural Resources Committee
- Probably leave Cultural Resource Management letter as is and draft new letter on Indian Policy

- Perhaps – Reference Indian Policy issue in Cultural Resource Management letter and write new letter just for Indian Policy comments
- Suggestion: Send message back with Huntoon as well as preparing letter
- Suggestion: Indian Policy letter has individual signatures from STGWG members
- Shoshone-Bannock Tribes have also been insulted by DOE-HQ regarding Indian Policy

Themes for Dr. Huntoon

- Tribal consultative process not working (especially regarding Indian Policy) and must be fixed
- STGWG role is beyond EM with respect to Tribal issues and interaction

- Dr. Huntoon's approach and effort are the proper approach
- Suggestion: Go ahead with conference call on Indian Policy just to voice concerns – Agreed
- Note: Most issues addressed by STGWG extend beyond EM
- DOE needs to take long-term view and keep a focus on
 - Stewardship
 - Path to closure
- Tribal Cultural Resources Committee progress in last few
- Tribes and states are together on Tribal issues
- Regarding Stewardship – DOE must commit to be there for long-term – including technology development
- DOE needs to develop institutional long-term memory that transcends administration changes
- DOE should define how "mission" activities will affect EM activities in an era of flat budgets
- STGWG has concerns regarding the activities and will help to craft solutions

- Continue program of openness – especially declassification of historical waste and transportation files
- Concern about cut in Low Level Radioactive Waste Forum funding

Re: New Agency

- States and Tribes wish to be involved with DOE in implementing new law
- STGWG wishes to track coordination among DOE organizations (e.g., DP and EM) regarding Stewardship

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Full Session

Invocation

- Diana Yupe, Shoshone-Bannock Tribes

Welcome and Introductions

- Beverly Cook, DOE-ID
 - Input from States and Tribes important
 - DOE has responsibility to gain and maintain trust
- Kathleen Trevor, State of Idaho
 - Opportunity to exchange and understand each other's perspectives
- D. Yupe: Letter from Duane Thompson, Council Chairman, Shoshone-Bannock Tribes

DOE opening remarks: Martha Crosland, DOE-EM

- Progress in Stewardship
 - Elevated by STGWWG

- Transportation

- Policy for Cultural Resources

- Decontamination and Decommissioning

- Integration and Disposition
 - New office in DOE

- Indian Policy
 - Policy not EM solely; DOE-wide
 - Consultation process appropriate topic
 - Should reconsider conference call with DOE-HQ and NCAI

- Urge STGWWG to discuss Stewardship and cleanup with Assistant Secretary

- Response from STGWWG regarding conference call
 - Go ahead with call
 - Agenda specified

(Q): What are restraints on DOE's development of Cultural Resource Management Policy?

(A): Governmental policies

- No real restraints
- There are procedures and process that must be followed
- Policy can't have "teeth" without orders / directives / manuals
- These may take 2 to 4 years
- Tribes → issue policy now and follow with orders, etc.
- Serious concern from Tribes that no one present from DOE-HQ to discuss DOE Indian Policy

Tribal Cultural Resources

Moderator: J. R. Wilkinson, Confederated Tribes of the Umatilla Indian Reservation

- Tribal Cultural Resources Committee had meeting with DOE in D.C. August 1999
- STGWG / Tribes brought in at HQ level during development of policy

- The right way to develop policy
- A success story

- Elements of a comprehensive cultural resource management policy
 - See pyramid chart
 - See discussion in packet

- This model presented to DOE

- DOE interested in restructuring policy to align with this model

- Note:
 - There is an Indian policy
 - There needs to be a cultural resources policy

- Policy must fit within compliance with existing federal law

Status of Draft DOE Cultural Resource Management (CRM) Policy

Presenter: Ed Regnier, DOE

- August 1999 meeting in D.C. very useful / successful

- Participation of Tribes important

- Conclusion: Policy should be broader and "top level" (not with directive-level detail)
- "Broader" means extend beyond historical resources focus
 - To include tribal cultural resources
- Goal – Use policy to raise awareness / responsibility throughout DOE

Conclusions:

- Issue broader, more general policy
- Raise priority of cultural resource management
- EH develop more detailed supporting directives
- 9/99 conference call with DOE sites
 - Confirmed findings of 8/99 meeting
- Goals:
 - Working draft – 11/99 (**status 11/12: draft circulated for review**)
 - Formal Draft – 1/2000
- Request conference with Tribal Cultural Resources Committee to resolve draft comments before developing formal draft
- Next steps

- Establish organizational structure
- Develop orders / guidance, etc.

Other Notes

- New chair of Cultural Resources Board: David Clark
- Board would like to meet with tribal representatives

- 8/99 – Issued "information brief"
 - "Managing Cultural Resources That May Contain Radiological Materials"
- Another "information brief"
 - Two ES&H orders have requirements for long-term management and stewardship

Q: Have Tribes asked for policy changes that DOE cannot by statute comply with?

A: No

Q: Requirements of ES&H orders?

A: DOE must maintain control of sites until released for unrestricted use

- Note: DOE-OR will host next National Council on Historic Preservation in 11/99
- Cultural Resources board meeting 4/5/2000 in Philadelphia

Comment (C): Cultural Resources a priority for Tribes

- Important to bring to Secretary's attention
- Frustrating that this is not already a priority for DOE as a result of existing statutes and agreements
- Policy must be clear, precise, and principle-driven

Q: Next steps after formal draft of CRM Policy?

A: Final policy in 1 to 2 months

- Develop supporting directives

- o Technical standards: 9 months to 1 year
- o Rule: 2 to 4 years

Note: That is why focus is on policy which can be issued quickly

C: Disconnect between Headquarters and field offices regarding implementation of policies

C: Policy must have teeth, be long-standing, incorporate other policies

Discussion of Cultural Resource Management Policy letter to Secretary Richardson

- 5 points (see draft letter)
- Request for consensus from STGWG to send letter

- Consider appropriate level for directive

- Funding doesn't match priority

- Need a point of accountability

Q: Who will implement and enforce policy?

A: Policy will not include enforcement – will come in supporting directives

Note: Requirements must be built into site contracts

Q: To DOE: any major obstacles for letter?

A: No.

Q: To DOE: any factual errors in letter?

A: Preliminary – no.

- Letter should consider resources beyond site boundaries

- "Identify one or more employees..." – needs to be clarified in letter

DOE Indian Policy

Vicki Thornton, DOE-HQ; Robert Holden, National Congress of American Indians

Conference call:

- Discussion via telephone not practical (STGWG)
- Vicki will express STGWG concerns
- Representatives from 14 states and 7 Tribes present at meeting
- STGWG very concerned about Indian Policy and wishes to be involved in review / revision process
- Concern regarding DOE consultation process with Tribes and states
- Concern that STGWG could not meet directly with DOE in Idaho
- Robert's October 18, 1999 memo addresses action plan
- STGWG will respond to issue with letter to Secretary

- STGWG will address issue with Assistant Secretary Huntoon
- Implementation is key – good elements of existing policy not being fully or consistently implemented

Q: Is DOE planning to implement schedule in Robert's memo?

A: Don't know – to be submitted to DOE / Secretary

- Will proceed on basis of memo unless hear differently from Secretary
- Action must be rapid to meet Secretary's commitment
- Individual Tribes will have to comment because STGWG will not meet again before policy is final
- State representatives on STGWG consider this an important issue
- States also disappointed in lack of face-to-face meeting
- Level of consultation with DOE has been a problem for States as well as Tribes
- Tribes made special effort to come together with DOE to discuss policy. Pueblo de San Ildefonso very upset with DOE response and limited participation.

- Vicki: Did not know that Indian Policy was a major issue on STGWWG agenda. Felt conference call would be most effective way to address.
- NCAI group at Palm Springs meeting in October set schedule for production and review

Transportation

<PModerator: Steve Sautter, Oregon

Presenter: Judith Holm, DOE-Albuquerque

- See overheads for presentation
-
- Consolidated Transportation Protocol
-
- Grants to States and Tribes
-
- STGWWG / STGWWG members invited to participate in protocol reviews
-
- Limited Tribal participation in Protocol Working Group
-
- Significant Tribal participation in other areas of TEC / Working Group
-

Consolidated Grants

-
- C: Must remove strings on money

-
- C: FEMA not working well with Tribes – "missing in action"
-
- C: Concern: should consider impacts to an entity
-
- C: Plan should treat hazardous materials as well as radiological materials
-

Q: Budget mechanism?

A: Each program budgets for grants, dollars are then consolidated

-
- C: Southern States are thinking differently – DOE should work directly with Governors
-

Q: Does DOE have a plan for dealing with Tribal rights, including ceded lands?

A: Yes

-

- Follow-up – May need to be Tribe-by-Tribe

- C: DOE must consider individual Tribal laws and ordinances

Q: DOE interpretation of policy for emergency on ceded land

A: Don't know – TEC / WG looking into this

-
- Among next steps → STGWWG invited to participate
-

- Schedule: Draft notice of proposed rulemaking: 11/2000

Q: Who will implement and enforce policy?

A: Still "up for grabs"

Q: Will funds for transportation grants impact other emergency management programs (tribal liaisons)?

A: No.

C: Appreciation for efforts to consolidate program

Note: Transportation Committee should follow up on involvement by STGWG

Decontamination and Decommissioning

Moderator: Dan Miller, NAAG

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- See overheads for presentation

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- State oversight of D & D at Rocky Flats

Q: Decommissioning vs. remediation?

A: They are regulated differently – natural resource claims being reserved

Q: What does State have approval rights over at Rocky Flats?

A: Everything.

Q: How is DNFSB role working?

A: They have consultative / facilitative role

DOE D&D Update

Presenter: Don Mackenzie

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- See overheads for presentation

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- Beware: Definitions of deactivation, decommissioning, etc., vary from site-to-site, program-to-program, etc.

D & D at Oak Ridge

Presenter: Earl Leming

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- A broad range of D & D needs at Oak Ridge

-

- Issue: Multi-program site – D & D handled differently by different programs

-

- Y-12: Approximately 150 buildings need D & D – DP-owned – no funds for D & D

-

- ORNL: Approximately 100 buildings need D & D – OS-owned – no funds for D & D

-

- K-25 (ETTP): Variety of cleanup / D & D needs

-

- ORR sites share funding with other DOE-Oak Ridge sites (Gaseous Diffusion Plants)

-

- Portion of K-25 D & D a bartered "D & D for reuse" project – cleaned up to free release and reused

-

- Mortgage being reduced at K-25 (=\$10m/yr)

-

- Reduced by reindustrialization

Q: Difference between D & D and remediation?

A: Will be further remediation action under CERCLA after D & D – D & D will prepare for / support remediation.

Q: What about PRG's under CERCLA?

A: Established in Removal Action Plans?

Q: Relationship between D & D and stewardship?

A: Stewardship deals with what is left after D & D.

- Note: Value of sharing site experiences
- Appreciate DOE presentation on D & D

Day 2 -- October 20, 1999

DOE-EM Update

Moderator: Tom Winston

Dr. Carolyn Huntoon, Assistant Secretary for Environmental Management, presentation:

-

- Priority: To get out of Washington and meet with people and organizations in field

-

- Closure for the Seventh Generation (STGWG Stewardship Committee report) an important work and will be used

-

- Everyone comes to table with different perspectives

-

- Everyone should have eyes on environmental legacy and how to meet challenges

-

- Met with former EM-1's to get history and perspectives

-

- Will continue direction they started

-
- Wishes to accelerate progress
-
- Will push for site closures
-
- Will insist on meeting legal obligations and communicate with regulators
-
- Will work to make decision-making process more apparent and include stakeholders
-
- Will change how EM implements its mission
-
- Has established a set of guiding principles for EM

-

1. Safety – protect workers, public, environment
-
2. Reduce long-term risk to workers, environment
-
3. Science and Technology: Advancing new technology and trying new technology in EM programs
-
4. Strengthening project management
- Want to say what we are going to do and then do what we say we are going to do.

-

5. Building public confidence
 - Much public involvement in EM
 - Want to be open with public
 - Keep our promises more

-
 6. Long-term stewardship
 - Part of reorganization: office of long-term stewardship
 - Includes a focus on developing science and technology needed for long-term stewardship
 - Must be ready when sites close
 - Wishes STGWWG to keep working on stewardship
- Reorganization
 - Won't change EM job
 - Will improve accountability

-
 - Goal: Reorganization complete by Thanksgiving

Organization:

- Office of Health, Safety, and Security
- Office of Project Management Assessment
- Office of Management and Budget
- Office of Integration and Disposition
- Office of Site Closure
- Office of Project Completion
- Office of Science and Technology
- Also "Director of Site Operations"

Partnership between DOE and Tribes / States:

- Consultation with Tribes must continue

-
- Partnership with Governors and States
 - Governors' Roundtable
 - Supported EM program

FY2000 EM budget:

- Budget now about at requested level (refer to handout)

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Discussion with STGWG Members:

- C: STGWG has identified common issues and concerns

Q: Paths to Closure document – status and future?

A: Continuing path to closure:

- Concern regarding growth in cost for closure from year-to-year
- Trying to be more effective at producing realistic cost estimates

C: STGWG committed to disclosure – especially declassification and release of historical information on materials, releases, etc.

Response (R):

- Dr. Huntoon is committed to openness and disclosure
- Declassification initiative is continuing

C: STGWG has developed position on Cultural Resource Management Policy and is working with DOE on developing more comprehensive policy. Letter to Secretary urging issuance of revised policy.

R: Information appreciated.

C: DOE needs to increase D & D funding at Paducah – Current funding will not accelerate cleanup.

R: Dr. Huntoon concerned about Paducah situation and knows more dollars are needed. Some "emergency" additional funds being sought.

C: Concern about impacts of new internal agency (NNSA) on State oversight and internal management in DOE

R: Secretary's commitment to EM remains firm – folding under another umbrella will not occur

- No interest in new organization to get involved in EM

C: STGWG has been main entrée for Tribes to DOE-Headquarters. Concern regarding American Indian Policy: Implementation of Secretary's desire has fallen down. An apparent disconnect between Secretary's office and staff.

STGWG wishes to be involved in developing policy and especially implementing methods (consultative process)

- Please carry message to Secretary: STGWG wishes to help DOE develop and implement policy.

R: Message received. Will check out situation and carry message.

C: States support Tribes in need for effective Indian policy – reflects on DOE relationship with States and States' relationship with Tribes

R: Dr. Huntoon does consider this her issue.

C: Relationship between Shoshone-Bannock Tribes and DOE-Idaho / Idaho National Environmental Engineering Laboratory (INEEL) very positive. Request that DOE-Headquarters support relationship and avoid roadblocks.

C: Tribes are concerned about how they can regain use of lands upon site closures.

C: Sometimes documents that are developed in consultative process are changed in intent during review at DOE-Headquarters.

R: Dr. Huntoon is aware of this. Sometimes review doesn't help communication. Will try to help.

Q: What does "consultation with Tribes" mean to you?

A: Discussing things together before product is produced. "Listening."

C: Concern: That SRS "new missions" and programs will not result in loss of emphasis on EM during era of flat budgets.

R: Dr. Huntoon is concerned regarding SRS budget and budget for EM in general. Needs more EM dollars to accelerate cleanup.

C: Funding for LLRW Forum is being lost. Forum is very valuable. Request help to continue it.

R: Became aware recently. EM is working the issue.

C: Yakama position: Indian policy is not broken. Implementation is the problem.

- Accountability by individual is important. Current individual not effective.

R: Message received.

C: Proactive, consultative approach used by EM, should be expanded to other programs in DOE.

R: Has noted stovepiping and is concerned. There are initiatives in department to address.

Q: How can STGWG get involved in Headquarters' review process for the Indian Policy?

A: Will check out and get back with response.

C: Citizens wish to see proof of good stewardship of site budgets.

R: Working this issue.

C: Request that Dr. Huntoon visit with STGWG regularly.

R: Commitment made to attend STGWG meetings as often as possible.

C: Request commitment to educate DOE regarding STGWG mission and value.

R: STGWG has that commitment.

Stewardship

Moderators: Earl Leming, Tennessee; Steve Tarlton, Colorado

DOE Headquarters Progress
Presenter: Steve Livingstone, DOE-EM

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- See handout for presentation

-

- Research behind *Seventh Generation* report very useful

-

- Report very important for Assistant Secretary Huntoon

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- Assistant Secretary is creating Office of Long-Term Stewardship

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Q: When will 109 "expected" sites be confirmed?

A: Near-term sites (e.g., Rocky Flats) confirmed now. Some long-term sites may not end up in stewardship. Some new sites will be added.

C: Owendoff memo disagrees with presentation on end state for end of DOE involvement.

R: Presentation reflects DOE philosophy.

C: Request official position from DOE on stewardship and response to STGWG report.

R: Report due to Congress October 2000 will do this. The "study" will also produce results.

C: Note importance of considering stewardship costs in cleanup budgets.

R: Absolutely.

Q: Will there be more scoping meetings on national study?

A: Wish for additional meetings to be held at individual sites, perhaps in conjunction with other meetings.

Q: What about sites with missions beyond 2006?

A: Analysis being done regarding stewardship of non-EM sites and portions of sites.

Q: What are the reports coming out?

A: Background:

-

- Stewardship report referenced by Paths to Closure document.

- Study regarding PEIS lawsuit settlement

- NDAA report

Q: Can STGWG / STGWG members get data requested from sites?

A: Will be posted on website when available.

C: Don't make Grand Junction a model of stewardship – issues will be much bigger.

-

DOE Long-Term Stewardship Workshop

- Grand Junction, 8/99
-
- Focus on Caps and Liners
-
- Institutional controls
-
- DOE-Albuquerque cost estimates for long-term stewardship (see handout)
-

Site-by-Site Reports

Rocky Flats:

-
- See handouts
- Cost: about \$11 million / year
- Does not include worker benefits
-
- Rocky Flats Site Specific Advisory Board (SSAB) co-convening with Community Reuse Organization to address stewardship
-
- Rocky Flats being considered for open space – as centerpiece for open space "crown jewel"

Oak Ridge:

- Burial Grounds
- Contaminated Lands
-
- Burial grounds – moving not practical, long-lived nuclide contamination

-
- State will not sign up to perpetual institutional control until assurance of funding
-
- Working with DOE to resolve issue
-
- Stakeholder report on stewardship will be issued in about one month
-
- State has identified key stewardship issues with Secretary
 - 10/2000 Plan will be acceptable to Tennessee and community
 - Resolve onsite disposal needs and long term funding
-
- Stewardship Cost
 - Surveillance and maintenance
 - ~ \$4.5 million and ~ \$1.0 million for disposal cell
-
- 5 more Records of Decision (RODs) after disposal cell ROD
-
- Also a sitewide ROD

Ohio:

- Mound and Fernald; Ohio Field Office working on stewardship policy

Mound:

- Industrial reuse the focus at Mound
-
- Cleanup levels at Mound based on industrial / commercial reuse

-
- Sitewide ROD planned
-
- Primary mechanism – CERCLA RODs
-
- Current cost estimates are place holders
-

Fernald:

- Plan for onsite disposal cell
-
- More than 80% disposed of onsite
-
- Long-term institutional controls will be required
-
- Cost estimates for Fernald are place holders
- Right now, Approximately \$4 million / year without monitoring
-
- State oversight funding included in some RODS

Weldon Springs:

- See overheads for presentation
-
- State requiring stewardship plan before signing final ROD
-

- Preliminary stewardship cost = \$1.5 million / year – but a placeholder cost

-

Q: Groundwater contaminant plan?

A: Leave it and monitor it.

Paducah:

- Still operational

-

- Primary objective: reindustrialization

-

- Not much attention for long-term stewardship

-

- EPA wishes to develop umbrella plan – "Land Use Control Plan"

-

- Also a "Land Use Control Implementation Plan."

-

- Plan in final form

-

Nevada Test Site

- Issue for stewardship: Lands are public lands, not owned by DOE

-

- Much legacy / impacts from aboveground / underground tests

-

- Note: DOE is not a land management agency. Where ecosystems have been preserved, protection / management needs to be part of stewardship

-

- Perhaps DOE should get into land management business

-

Tribal Perspective on Stewardship

Nez Perce Tribe

-

- Working with State and Hanford

-

- Vision: Protect resources while managing mission and development

-

Pueblo de San Ildefonso

- Concern:
 - Gathering and hunting still occurs on Los Alamos lands
 - Funds should be made available for long-term monitoring on / of lands, including transferred lands

Shoshone-Bannock Tribes

- Re INEEL:
 - Land has much significance
 - Cultural sites
 - Hunting / gathering areas
 - Many lands could be released to Tribe

Confederated Tribes of the Umatilla Indian Reservation

- End State definition critical and must be worked with Tribes
 -
- DOE must maintain presence at Hanford after cleanup
 -
- DOE must recognize Tribal cultural sites and include in stewardship
 -
- A critical stewardship issue: Leaks from tanks to groundwater
 -
- Block Island a burial site that must be preserved and protected
 -
- Comprehensive cultural resources management plan needs to be in place to guide cleanup activities
 -
- Safety bubbles around many sites at Hanford
 -
- Potential impacts from nuclear tourism
 -
- An issue: Long-term management and storage of vitrification logs
 -
- Important to preserve "native" ecosystem areas
 -

Yakama Indian Nation

- Stewardship should be actual driver for cleanup standards if process not being engineered in reverse.
 - End-states of the land would answer who is responsible (pays) for the ultimate cleanup.
 -
- Yakama understand Treaty of 1855 to mean all the Hanford land is ceded Yakama territory
 - The Yakama are the stewards but DOE must clean it up to meet the needs of the Yakama.
 -
- Yakama did not participate in the Hanford Comprehensive Land Use Plan
 - May give away treaty rights upon the stewardship/ownership determination and land use determination.
 -
- Looks like gold rush days at Hanford
 - Future land use decisions based on how much money is to be made

Seneca Nation

- Concern regarding creek that flows from West Valley to Tribal lands
 -
- West Valley located in aboriginal lands
 -
- Seneca Nation not involved enough in West Valley stewardship or other areas
 -
- Tribes should be educated / brought up-to-speed on issues before decision making process

-
- Tribes should be brought into processes as partners, with "ownership" of processes

Open Session

The Paducah Issue

- Began in 7/99 with employee lawsuit
- Worker exposure to plutonium
- Interesting draft results from environmental sampling
- Material accessible to public – black "tar" outside fence line
-
- Another Issue: "Drum Mountain"
 - Green salt deposits visible on ground
-
- Another Issue: Disrepair of buildings scheduled for D & D
-
- Paducah sits between two creeks within wildlife refuge – creeks contaminated.
-
- Potential Action: Post the creeks
-
- Funding has increased for FY00
-

Savannah River Site Impacts on Georgia

Georgia: Concerned about impacts from SRS "on other side of river"

- Have seen hazards show up in Georgia drinking water

-
- Pathway not clear
-
- Concern for what this means to future
-

Next Steps

Committee Actions

Tribal Cultural Resources Committee:

-
- Redraft Cultural Resource Management (CRM) Policy letter
 - Committee will work with NCSL to finalize and forward to Secretary
(Status 11/12/99: completed)
-
- Prepare letter on Indian Policy when appropriate -- to be determined by Tribal Issues Committee chair, co-chair and co-convenors
-
- Tribal Issues Committee conference with DOE prior to final draft of CRM Policy
-
- DOE requests review of DOE Indian "primer" document by STGWW Tribal members
 - STGWW will coordinate individual Tribal review
-
- Change name of Tribal Cultural Resources Committee to Tribal Issues Committee

-

Transportation:

- Comment on DOE protocol development and consolidated grants: Evaluate and move forward if appropriate

-

- Potential involvement in TEC / WG – evaluate

D & D:

- Free release criteria from site-to-site

-

- Monitoring methods from site-to-site

-

- Are all facilities that need D & D getting D & D?

-

- Future D & D needs for new / continued weapons work

-

- How will NNSA deal with D & D for operating sites?

-

- Track process for transferring sites / facilitation from operations to D & D

-

Note: Max Power joined D & D Committee

Stewardship:

-

- Review / track October 2000 report
-
- Review / track scoping document
-
- Funding for L-T stewardship
-
- Review guidance on L-T stewardship monitoring and surveillance
-
- Comments on scoping document will be based on STGWG report
- Will include broad State / Tribe issues
-
- Develop site-level contacts for STGWG

Waste and Materials Disposition:

- Chair/co-chair arrange conference call with new DOE office
-
- Change name of committee to "Integration and Disposition" to match corresponding DOE office

Other

- Commitments from Dr. Huntoon: Send letter confirming and thanking
- Tom will work with Martha

Next Meeting:

- March or April 2000, Washington, D.C.
- Suggestion: Consider western New York in future

Executive Session Wrap-up

- Issue of new co-convenors for STGWWG is up for discussion
- Cultural Resource Management Letter -- new draft as soon as possible
- Indian Policy Letter
 - After Cultural Resource Management letter is issued, as determined by Tribal Issues Committee (TIC) chair, co-chair and co-convenors
 - Peter, J. R., and Denise will produce draft letter
 - Timeline for draft, review and issuance to be determined by TIC chairs and co-convenors

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KEY OUTCOMES

OVERARCHING AND FUNDING ISSUES

- STGWWG urges DOE to maintain a long-term view in making policy and future plans, with a focus on the path to closure and stewardship.
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- DOE should define how mission-related activities will affect EM activities and funding in an era of flat budgets.
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- STGWWG requests that funding for the Low Level Waste Forum be restored.

CULTURAL RESOURCE MANAGEMENT POLICY

The STGWWG Tribal Cultural Resources Committee met with DOE Headquarters staff in August 1999 to collaboratively address issues concerning the developing DOE policy on cultural resource management. The working session was a successful implementation of the collaboration and early involvement processes embodied in the DOE Indian Policy. DOE staff and STGWWG representatives reached agreement on a broadening of the draft policy, with five major modifications. STGWWG is forwarding a letter to the Secretary of Energy detailing the recommended changes to the draft Cultural Resource Management Policy

and emphasizing the fact that the consultation process followed to date is a model.

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- The Cultural Resource Management Policy must be extended to include tribal cultural resources, and must be clear, precise, and principle-driven.

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- The Cultural Resource Management Policy and implementation process is a priority with Tribes. The STGWG States fully support the Tribes' position and the need for an effective Cultural Resource Management Policy.

DOE INDIAN POLICY

DOE's consultative process with STGWG and Tribal representatives has worked poorly with regard to revising the DOE American Indian Policy (AIP). Tribal representatives traveled to the STGWG meeting in expectation of a face-to-face discussion with DOE Headquarters representatives. DOE representatives elected not to travel to meet face-to-face with STGWG. In a substitute telephone conference call, it became clear that the AIP revisions are not following a model similar to the Cultural Resource Management Policy revision process.

- The existing Indian Policy is fundamentally sound and should require only minor tuning before reissue. However, there are substantial problems with implementing the policy, especially the consultative process, which need to be addressed as a high priority. STGWG wishes to remain directly involved in developing the revised DOE Indian Policy and implementation process and commits to help DOE craft methods that are workable for all parties.

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- STGWG has found that States often experience similar problems with DOE consultation. STGWG will follow DOE's progress in implementing an effective tribal consultation process as a means to improve consultation with States.

National Nuclear Security Administration

- STGWG is concerned about potential impacts of the National Nuclear Security Administration on state / tribal oversight of DOE and on internal

management within DOE and wishes to be involved with DOE in implementing the new law.

Stewardship

- STGWG supports Dr. Huntoon's initiative to establish an Office of Stewardship to coordinate stewardship activities across DOE. STGWG remains committed to a strong role in assisting DOE in developing and implementing its stewardship plan.

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- STGWG surveyed the status and cost estimates for long term stewardship at DOE sites across the Complex. The group found that stewardship approaches and progress vary widely among the sites. Stewardship funding estimates are often not yet well known and generally have not been included in life cycle costs.

Transportation

- DOE's Transportation Plan should include chemically hazardous materials as well as radioactive materials.

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- DOE should ensure that its Transportation Plan is consistent and compliant with all state, tribal, and local laws and ordinances.

Openness

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- STGWG is committed to openness and disclosure and urges DOE to continue declassification, access, and release of historical information on materials, operations, incidents, and environmental releases.