

FD 33407

Page 1

EI-564C

CC

Tribal Consultation Summit 2-12-08 1

SURFACE TRANSPORTATION BOARD
TRIBAL CONSULTATION SUMMIT

Transcript of Proceedings
February 12, 2008
at 9:35 a.m.

PRESENT:

- 8 Cathy Glidden, Surface Transportation Board
- 9 Randy Withrow, Louis Berger Group
- 9 Dave Bihler, Louis Berger Group
- 10 Jim Whitted, Sisseton-Wahpeton Oyate
- 10 Doug Jackson, HDR Engineering
- 11 Melissa Lundberg, HDR Engineering
- 11 Curley Youpee, Ft. Peck, Assiniboine & Sioux
- 12 Pamela Halverson, Lower Sioux Community
- 12 Erin Salisbury, SWCA
- 13 Faith Spotted Eagle, Yankton
- 13 Sam Allen, Flandreau Santee Sioux
- 14 Dianne Desrosiers, Sisseton-Wahpeton Oyate
- 14 William Ambrose Little Ghost, Spirit Lake
- 15 Aileen Little Ghost, Spirit Lake
- 15 Russell Eagle Bear, Rosebud
- 16 Ben Rhoad, Rosebud Sioux
- 16 Tim Mentz, SRSI
- 17 Chase Iron Eyes, Standing Rock
- 17 Brady Grant, Turtle Mountains, North Dakota
- 18 John Stone, Yankton Sioux
- 18 Kevin Drappeau, Yankton Sioux

0

1 The following proceedings were taken at the

2 Orpheum Theater, Sioux Falls, South Dakota, on the 12th day

3 of February 2008, commencing at 9:35 a.m.; before Audrey M.

4 Barbush, a Registered Professional Reporter and Notary

5 Public within and for the State of South Dakota.

Tribal Consultation Summit 2-12-08

0

1 MS. GLIDDEN: We're going to get started, and

2 we're going to start with a prayer.

3 MR. EAGLE BEAR: Yes, I think we'll go ahead and

4 get started. I want to ask my Lexsi over there to

5 start us off with a prayer. (Speaks native language)

6 (Mr. Little Ghost says prayer)

7 MR. LITTLE GHOST: One other thing that I would

8 say is that it was quite a day yesterday. Driving

9 down, when we started out, it was snowing. By the time

10 we got to Grand Forks, it was blizzarding, and from

11 there on all the way down to Fargo, in between Fargo

12 Tribal Consultation Summit 2-12-08
13 and about 10 miles or 20 miles out of Sisseton, south,
14 it started snowing again. So we had snow all the way
15 down, and it gradually got worse and worse.
16 But, anyway, I'm glad to see each one of you that
17 made it. It shows that we have a lot of concern about
18 what we're doing. We say a prayer to help strengthen
19 on both sides, to understand each other and also to
20 work out things that are for the betterment of each
21 other. We don't have to argue. Listen and try and
22 understand our ways.
23 There's many things that people don't understand
24 about us because they don't try. I talk two languages.
25 I talk my language fluent. Also, the English language
I also have no problem with. And I know a lot of
different words for "thank you", and also I can say a
few words in other languages. If talking to some
person talking German, I can pick it up, and I can
also -- Japanese is one of my most -- I have learned
the most in Japanese because I stayed there one year in
the service. I can carry a conversation. And others,
about the same.
So as we start the meeting here, talk with a good
heart and good mind. I thank you.
(Speak native language)
MS. GLIDDEN: Thanks very much for that beautiful
prayer. We're going to go ahead and start. Like I
said, because I believe that there's going to be a lot
of other people that are going to be attending, but
they're just being delayed by the weather.
I thought we would start maybe by going around the
room and introducing ourselves and explaining what our

Page 3

18 Tribal Consultation Summit 2-12-08
19 role is in this project and what you hope to accomplish
20 from being here.
21 Ambrose, would you mind starting?
22 MR. LITTLE GHOST: My name is William Ambrose
23 Little Ghost from Spirit Lake. I monitor the culture
24 program and also am an elder. Thank you.
25 MS. LITTLE GHOST: Good morning everybody.
Welcome. My name is Aileen Little Ghost. We had a
beautiful anniversary on February 8th, 49 years
together.
(Applause)
MS. LITTLE GHOST: I'm glad to be here, learning
some more.
MS. GLIDDEN: Cathy Glidden with the Surface
Transportation Board out of Washington, D.C. I'm the
fed, basically, that's here to represent our interest
in making sure that the provisions of the P.A. and the
ID plan are met, and I'm happy to be here and happy to
see that you're all here.
MR. BIBLER: My name is Dave Bibler. I work with
Louis Berger Group. We're here as a third-party
consultant for the STB. We're out of Marion, Iowa.
MR. GRANT: Good morning. My name is Brady Grant.
I am THPO and Natural Resource Director for the Turtle
Mountain Band of Chippewa in North Dakota.
MR. IRON EYES: Good morning. My name is Chase
Iron Eyes. I'm here today representing the standing
Rock Sioux Tribe in North and South Dakota. I'm happy
to be here and glad to see everybody made it through
the weather and that kind of thing. Thank you.
MR. RHODD: I'm Ben Rhodd. I'm Culture Resource

Page 4

24 Tribal Consultation Summit 2-12-08
25 Consultant for the Rosebud Sioux Tribe.

MR. EAGLE BEAR: My name is Russell Eagle Bear. I 6

1 am the Tribal Historic Preservation officer for the
2 Rosebud Sioux Tribe. I guess I got involved in this as
3 part of the section 106 process and developing the
4 plan, and so I'm here representing that process.

5 MR. DRAPEAU: My name is Kevin Drapeau. I'm
6 from the Yankton Sioux Tribe. And I'm glad to see
7 everybody made it safe and sound.

8 MR. STONE: (Speaks native language) John Stone
9 from the Yankton Sioux Tribe representing some of our
10 interests today. Our cultural committee member will be
11 here. She was about 20 minutes out of town. Thank
12 you.

13 MR. ALLEN: My name is Sam Allen. I'm with the
14 Flandreau santee Sioux Tribe. I'm the Economic
15 Development and Resource Coordinator, and the executive
16 committee delegated me to attend the meetings and start
17 our own Tribal Historic Preservation Office.

18 MS. DESROSIERS: Good morning. My name is Dianne
19 Desrosiers. I'm an anthropologist. I'm the Tribal
20 Historic Preservation Officer for the Sisseton-Wahpeton
21 Oyate.

22 We've been involved with this project since last
23 summer, and we became involved to make sure that the
24 section 106 was followed, and we would like to remain
25 involved until we can come to some agreement that we 7

1 all will have consensus on, and hopefully this will be
2 a good working relationship that we'll have. Thank
3 you.

4 MR. WHITTED: Good morning. My name is Jim
Page 5

5 Tribal Consultation Summit 2-12-08
6 Whitted. I'm from the Sisseton-Wahpeton Oyate Tribal
7 Historic Preservation Office.

8 MR. JACKSON: Good morning. I'm Doug Jackson.
9 I'm with HDR Engineering. And I'm wondering whose idea
10 it was to schedule this meeting at the North pole.

11 I'm also supposed to let you know that Herb Jones
12 could not be here today. He's stuck in Pierre working
13 on some legislation. He plans to be here tomorrow.
14 And Randy Henke is also available if we need him
15 throughout the day, but he's working on another issue
16 that came up first thing this morning back in the
17 DM&E's office. Again, he plans to be here later this
18 afternoon or tomorrow if needed.

19 MS. HALVERSON: Good morning. I'm Pam Halverson
20 from Lower Sioux, the Tribal Historic Preservation
21 officer involved with DM&E.

22 MS. SALISBURY: I'm Erin Salisbury. I'm an
23 archeologist with SWCA Environmental Consultants in
24 Denver, and I'm working with HDR and DM&E on the
25 cultural program.

MS. SPOTTED EAGLE: Good morning. I'm Faith 8

1 Spotted Eagle. I'm on the cultural committee, been on
2 there for a number of years and had the opportunity to
3 work on a number of TCPs. So I'm real interested from
4 that perspective, so -- (Speaks native language)

5 MS. LUNDBERG: And I'm Melissa Lundberg with HDR
6 Engineering here in Sioux Falls.

7 MS. GLIDDEN: Thank you everyone for introducing
8 yourselves. We are here primarily to talk about this
9 Work Plan for Tribal Involvement.

10 A committee of us met last week, and that
Page 6

11 consisted of Faith and Pam and Jim and Russell] and Ben
12 and myself and Randy, and we spent quite a bit of time
13 talking about what this office would look like. And
14 what you see in front of you is a work plan for Tribal
15 involvement. And primarily what we did was to add a
16 section, which is on page 8 of the work plan, and I
17 thought maybe I'd walk you through this. If everyone
18 has copies of the work plan -- does everyone have
19 copies? Is everyone at page 8?

20 In addition to having developed this work plan, we
21 received input from DM&E regarding the work plan, and
22 one of the main things that we did in terms of changing
23 as far as our committee is concerned is making it more
24 specific to the actual project.

25 I think it's anticipated that this office would be
0 developed to act as a sort -- I'll just sort of read
1 it, "act as a clearinghouse for Tribal input for the
2 DM&E Project. The ORI will be established and operated
3 by participating Tribes and will act in an advisory
4 capacity to Tribes participating in the DM&E Project.
5 The Office will be led by an office Director who will
6 develop its organizational structure and operating
7 policies and procedures. The office will oversee the
8 completion of the activities outlined in this work
9 plan."

10 I think that one of the things is, is that
11 although this is the sort of mission statement, if you
12 will, I think that there's a sense that this office is
13 something that will continue beyond the life of this
14 project, that this would -- it would be initially tied
15 to this project, but then eventually it would be
16

17 something that would work to help the tribes coordinate
18 their reviews with other projects. But DM&E had
19 requested that it be specific to this project, at least
20 at the outset, since they would be funding it -- or
21 presumably.

22 In terms of office locations, we had looked at
23 different potential office locations that were proposed
24 by the tribes. One of them was -- Russell, did you
25 want to say that?

0 MR. EAGLE BEAR: Wakpa sica.

1 MS. GLIDDEN: Thank you. -- the Great Plains
2 Chairman's Association/Health Board Center in Rapid
3 City, and Intertribal Bison Cooperative in Rapid City.
4 It was believed that the --

5 MR. EAGLE BEAR: wakpa sica.

6 MS. GLIDDEN: -- would be a preferred location
7 because it was centrally located in the Ft. Pierre
8 area.
9

10 In terms of staffing, initially the office would
11 be staffed by an office director who would basically be
12 in charge of the office operations and control budgets,
13 recruiting and hiring staff and developing office
14 policies.

15 And then there would be an archaeologist, perhaps
16 more than one, depending on the office needs, who would
17 review the reports, the DM&E reports, and make
18 personnel assignments as needed. And we had felt that
19 the archaeologist should meet the secretary of the
20 Interior standards.

21 The presumption here is that all of these
22 positions would be -- and these activities would be
23

23 tied to the DM&E project. So the archaeologist would
24 review the DM&E reports on behalf of the tribes and
25 then would provide their opinion to the tribes and then
11

1 would get back to us regarding, you know, eligibility
2 issues and the content of the reports and so on.

3 And then in addition to the archaeologist, there
4 would be an administrator who would be responsible for
5 basic, you know, administrative assistant sort of
6 activities.

7 In terms of primary functions, on page 9, the
8 number one function would be to assist in the review of
9 archaeological reports for this project. There's
10 already four that are out for review, and those
11 comments are actually due by the 20th of February. And
12 they're fairly extensive reports.

13 If you look at the agenda, on page 2 of the
14 agenda, you'll see the names of the reports listed
15 there. And -- oh, just as an aside, we were going to
16 provide some opportunity, in terms of the agenda, to
17 talk about these reports for anybody that wanted to get
18 feedback from any of the staff here, DM&E staff, HDR.
19 They will be available tomorrow between 10:45 and 2
20 o'clock -- or 12, to basically provide you with any
21 kind of information that you need about the sites
22 discussed in the reports and so on.

23 So in terms of the primary office functions, that
24 would be one of the main ones that the office would
25 have, just to make it easier on the tribes in general
12
1 to -- you know, rather than having every tribe have to
2 go through these reports, have one office to basically

3 Tribal Consultation Summit 2-12-08
4 do this review, understanding, of course, that the
5 Tribal Historic Preservation office and other elders
6 and so on would want input.

7 Again, this office will be purely advisory in
8 nature. It wouldn't, you know, replace any of the
9 positions, like THPO, or any other kinds of functions
10 of the tribe. It would just simply be there to assist
11 the tribes in doing the reviews.

12 And, again, in terms of other functions: field
13 surveys of traditional cultural properties. It was
14 felt, again, that this office could coordinate that,
15 those field reviews, could get the contracts for tribal
16 individuals that have expertise in that sort of thing.
17 And the same for construction monitoring, they'd
18 provide staffing for that.

19 The contracting is a big one because right now
20 it's been very difficult, apparently, to do the
21 contracting with different tribes because each tribe
22 has a different way of doing a budget process. And
23 this office would basically allow for one mechanism,
24 one budget mechanism, to do the budgeting. And that
25 would be, I guess, a huge time savings.

MR. BIBLER: Oh, absolutely.

1 MS. GLIDDEN: The other thing is a register of
2 sacred sites. Somehow it came up in the meeting, and
3 it seemed like such a great idea, where this office
4 would provide formal oversight for sacred sites and
5 would develop a database specific to sacred sites that
6 would then be sort of in a way protected and overseen
7 by this office, and information would be revealed on a
8 case-by-case basis depending on, you know, the

9 Tribal Consultation Summit 2-12-08
10 particular circumstance.
11 The OTI would also coordinate with the DM&E to do
12 the training. We have three different types of
13 training that we came up with as part of this work plan
14 at the last tribal summit. The training is listed on
15 page 7, at the top of the page.
16 The first type of training would be a procedural
17 orientation. This orientation would be basically to
18 assist tribes in having information regarding the
19 contracts. And of course that might end up being moot
20 if we get this one process. But right now it's been
21 quite complex.
22 Expectations for pay and reimbursement issues.
23 Apparently there was some sense that some people were
24 getting paid more than others, right?
25 MR. BIBLER: Right. Do you want me to talk about
that?
0 14

1 MS. GLIDDEN: Yeah, yeah. Go ahead. Dave is
2 going to go ahead and talk about this.
3 MR. BIBLER: I was in charge of the process of the
4 monitoring that occurred last, I believe, November and
5 such. And we did run into a lot of difficulty as far
6 as pay rates, things like that. Different tribes had
7 different expectations in pay, and there was a fairly
8 large discrepancy.
9 We had set up a committee to kind of sit down and
10 figure out a more equitable pay rate. I had not
11 contacted anyone regarding that because of the fact
12 that if this office sets up, everything that we've done
13 in the past kind of goes away, except the experience
14 that we had. And we can work forward from there.

Page 11

15 Tribal Consultation Summit 2-12-08
16 There were several -- like she said, there were
17 several ways that the folks were paid. There was
18 individual payments for individuals, and then there
19 were tribal as well.
20 With this OTI, I believe, it will be set up as
21 sort of like the Sisseton-Wahpeton is, and they will
22 bill directly to us, and then we'll pay it, and then go
23 that way. Rather than having individuals making
24 different amounts of money, everything will be kind of
25 square across the board.
0
1 So if this office indeed takes place soon, we can
2 sit down and figure out the pay rate and the various
3 other problems that we ran into, to get this thing
4 going. It's a wonderful mechanism, I really, truly
5 believe that, to kind of eliminate a lot of the
6 problems that we had. Any questions on that?
7 (No response)
8 MS. GLIDDEN: Okay. Getting back to the
9 procedural orientation, I guess one of the issues is
10 trying to blend the expectations of the archeologists
11 with the expectations of the tribal individuals.
12 Obviously, archeologists do things a little bit
13 different in terms of their field forms and recording
14 and reporting procedures. So there would be some
15 training on that.
16 I guess there's also issues regarding property --
17 private property rights. So that would be to provide a
18 basic framework for the tribal field people that would
19 be going out and accompanying the archeologists in the
20 field.
we'd also have cross-cultural training. Faith had

Page 12

0

21 Tribal Consultation Summit 2-12-08
22 actually mentioned a couple of courses that she's
23 taught. One of them is indigenous science. Correct?
24 (Ms. Spotted Eagle so indicates)
25 MS. GLIDDEN: And so the office would work with
maybe someone like Faith, a contractor, to develop
1 sensitivity training for all project participants, and
2 that would include this type of course.
3 MS. SPOTTED EAGLE: And that would be open to, if
4 the other tribes have trainers that they feel would be
5 relevant to them.
6 MS. GLIDDEN: Yeah. We were thinking that this
7 office would basically be the one that would determine
8 the type of training. I think because of the fact
9 there's still uncertainty about whether or not this
10 office is actually going to happen, we kind of added it
11 on as a separate item, line item or whatever.
12 Then in addition to the cross-cultural training,
13 the railroad safety training, which, I guess, is fairly
14 standard and simple.
15 Getting back to the office functions of the Office
16 of Tribal Involvement, page 9. The office director,
17 under G, would develop an information management system
18 for tracking project activities, budgets and invoicing,
19 project planning, and office administration. So that
20 would be like the development of the database
21 basically.
22 Then one of the big things about this office would
23 be that the office would serve as a primary contact of
24 communication for the participating tribes involved in
25 this project, including the THPos, the DM&E staff, STB,
1 cultural committees, SHPos, and other consulting
Page 13

0

2 Tribal Consultation Summit 2-12-08
3 parties, as appropriate.
4 So it would really be a very -- it would be a
5 great asset, I think, to the tribes and to DM&E, and
6 we'd really have a streamlining effect for everyone
7 involved. But, again, this is still apparently under
8 consideration by DM&E.
9 Doug, did you want to speak to that at all, I
10 mean, where we're at in terms of looking at this in
11 terms of a possible something you would fund?
12 MR. JACKSON: Herb and I and Randy discussed this
13 the other day. I think generally we believe it's a
14 very good idea. It should help streamline the process
15 that we're currently in.
16 You know, final approval and setting it up is just
17 going to come down to being able to work out a budget
18 that works for the needs of the OTI and fits within the
19 overall budget that we have for the project side of
20 things.
21 But certainly to the end that this office can
22 provide that level of coordination and the
23 communication and streamline the current activities, we
24 certainly see benefit to that and also think it's a
25 good idea.
0 MS. GLIDDEN: Okay. Anybody have any questions
1 about the office itself? We were thinking -- we have
2 on the agenda right now time for you all to caucus
3 specifically on this office and then other aspects of
4 this plan.
5 There have been some edits to the work plan, and
6 you might want to go through it carefully and see if
7 you're comfortable with what's there. I know that not
Page 14

8 everybody is here right now, not all the tribal folks.
 9 But we thought that although the committee members had
 10 gotten together and talked about how this thing would
 11 look, we should give the other tribes an opportunity to
 12 take a look at it and weigh in. Any thoughts on that?
 13 Are you comfortable --
 14 MS. DESROSIERS: I have a question.
 15 MS. GLIDDEN: Sure.
 16 MS. DESROSIERS: There's been like a core group up
 17 to this point that have been actively involved in the
 18 process, so -- there are other interested parties.
 19 Will they have an opportunity to comment or will we
 20 simply just send out the information to them and they
 21 could comment if they want or -- how would that work?
 22 We wouldn't exclude them, I'm sure. But that's what
 23 I'm saying, how -- do we have something that we're
 24 going to like send out an announcement or --
 25 MS. GLIDDEN: In terms of the office?
 19 MS. DESROSIERS: Yeah.
 2 MS. GLIDDEN: Yeah, we would have to get input
 3 from all the tribes, and tribes that were not
 4 interested in participating in this office would have
 5 to be consulted in the normal process, basically.
 6 So, yeah, we would definitely have to get buy-in.
 7 MS. DESROSIERS: How many tribes have had no
 8 interest? Can you recall right off?
 9 MS. GLIDDEN: So far, I mean, we haven't had any
 10 tribes not show interest in this, but --
 11 MS. DESROSIERS: Oh, okay.
 12 MS. GLIDDEN: I mean, I think everyone seems to
 13 think it's a good idea, as long as it's -- Chase, go
 Page 15

14 ahead.
 15 MR. IRON EYES: This isn't probably a good point
 16 to jump in, but I was, you know, sent here by our
 17 chairman of Standing Rock Sioux Tribe to deliver a
 18 paper just kind of requesting, I guess, an assessment
 19 of the two levels of consultation that we believe are
 20 mandated by NHPA, the Natural Historic Preservation
 21 Act, and also executive orders.
 22 One level is with the Tribal Historic Preservation
 23 offices, and the other level is with the government,
 24 you know, the government-to-government consultation
 25 requirements.
 20 I'm here today representing the standing Rock
 1 Sioux Tribe in letting you know that the Great Plains
 2 Tribal Chairman's Association, that's -- Chairman His
 3 Horse Is Thunder is also president, or the chairperson
 4 of that, that body. He wants to invite the surface
 5 Transportation Board and other consulting parties to a
 6 meeting with the Great Plains Tribal Chairman's
 7 Association. There's a meeting on February 28th and
 8 29th. And beyond that, I don't know the meeting
 9 schedule.
 10 But the GPTCA includes probably about maybe 15 to
 11 18 tribes, all of the Sioux tribes in south Dakota, all
 12 the tribes in North Dakota and about three tribes in
 13 Nebraska.
 14 So one thing we're asking for is a clarification,
 15 I guess, on government-to-government consultation, and
 16 we want to invite government-to-government
 17 consultation. And then the second thing is to ask for
 18 the creation of a subcommittee within GPTCA's corporate
 19 Page 16

20 structure for the office of Tribal Involvement.

21 That doesn't -- we would like to have the office
22 right at our offices in Rapid City. But, you know, we
23 definitely don't want to impede any work that's been
24 done by the people that have been involved with this
25 from day one. You know, we just want to see something
21

1 good come of what degree of influence and involvement
2 we retain at this time.

3 So I will hand you that letter before you go on
4 the break, before we do tribal caucus. That way, you
5 know, you have time just to read it and go over it. I
6 didn't want to just hand it to you and demand a
7 response right now, so you have time to check it out,
8 and we can talk more about, you know, those -- these
9 comments during our tribal caucus so -- thank you.

10 MS. GLIDDEN: Thank you, Chase. I think that
11 certainly would be an honor to be able to attend the
12 meeting on behalf of the Surface Transportation Board
13 and others who would be able to participate. I really
14 appreciate that invitation.

15 Okay. I guess we'll go into -- unless there's any
16 other questions. Anybody have any questions regarding
17 the work plan or anything related to why we're here or
18 anything at all? Everybody ready to go into caucus?

19 MR. EAGLE BEAR: One question.

20 MS. GLIDDEN: Go ahead.

21 MR. EAGLE BEAR: I know we have the final product
22 that we worked on last week. Do you have that one
23 where we -- you had it underlined and the proposed
24 changes kind of outlined? For me, that's better for me
25 to work off of, just to share with the other people
Page 17

0

1 here.
2 Right now we have the finished product and, you
3 know, it doesn't show what we did last week. I don't
4 know, do you still have it on the computer or --

5 MR. WITHROW: Yes, I do.

6 MR. EAGLE BEAR: Also, as part of our meetings,
7 some of the meetings that we attend, we had the
8 privilege and opportunity to address the Black Hills
9 Treaty Council, and as you know, they're part of the
10 P.A. signatory, the consulting parties, and I think
11 Diane touched up on that a little bit, where there are
12 other groups involved. And one of the things -- and I
13 think you received a letter from Chief Oliver Red
14 Cloud, and we want to acknowledge that you received
15 that letter.

16 MR. BIBLER: Yes.

17 MR. EAGLE BEAR: And basically what the treaty
18 council, their stand is supporting that letter that
19 Chief Oliver Red Cloud wrote to you, and we have to
20 stand on that. You know, basically our treaty people
21 are opposed to DM&E Railroad, but -- and that's the
22 basis of that letter.

23 However, we are working with our treaty council
24 closely. We want to acknowledge them, and we want to
25 make sure that in the future that we -- that they are
23

0
1 invited to meetings so that we can have a good working
2 relationship with our treaty councils.

3 So, you know, I want to make sure that we don't
4 overlook our treaty traditional chiefs, our treaty
5 people, and their elders too. And so we want to make
Page 18

Tribal Consultation Summit 2-12-08
sure that they're part of the process.

MS. GLIDDEN: Okay. Thank you very much, Russell.
Anybody else?

MS. SPOTTED EAGLE: Cathy, I'm really glad that
John, our vice chair, is here, and my nephew Kevin.
But I think that we will probably need to take our --
once this is drafted, back to our general council also,
of the Yankton Sioux Tribe. So we'll keep you posted
on that process.

MS. GLIDDEN: Okay. It sounds as though that
following this meeting we're going to -- you're going
to need to go back, pretty much everyone here, and
check in with your chairpeople or councils or whatever.
So we're not going to have a formalized product coming
out of this summit. Is that correct pretty much?

MR. EAGLE BEAR: Yeah, I guess for me, I would
like to have some kind of a commitment from the
railroad in terms of funding.

You know, they claim it's a good idea and that
it's workable, but if we get a firm commitment, then
0 24

1 it's easier for us to go back to our respective
2 tribes and present it to them and then go forward,
3 you know.

4 We have an invitation to address -- or you do,
5 from Standing Rock, to address the Great Plains
6 chairman's organization. However, some of us can go
7 back and meet with our respective tribal councils and
8 come back with approval or recommendation, or
9 disapproval, I guess, you know. We all have that
10 opportunity. Hopefully this isn't a stumbling block in
11 our effort to continue working with the OT office.

Page 19

Tribal Consultation Summit 2-12-08
or is a Lakota word, if you really look at it, and

12 it means to live within, to live within. And to us,
13 you know, it's kind of ironic that -- we're charged to
14 protect our people, our ancestors wherever they live
15 within this earth, you know, and so it has a broader
16 meaning. Or it's just a simple word, but it means a --
17 it has a real deep meaning. Hopefully we keep that
18 term going, just to let you know.

MS. GLIDDEN: I'm glad you mentioned that, because
19 we were kind of playing around with some different
20 words, but it just seems to stick, it just seems to
21 stick, this office of Tribal Involvement.

Doug, do you have any suggestions about how we
22 could get that kind of commitment from DWA&E before, you
23 know, we get much further here, because it does seem as
24 though it would be kind of pointless to continue
25 discussing this and caucus if there isn't some kind
of commitment from DWA&E to pursue funding of this
program.

I mean, is there anything that you would like from
6 the tribes that -- you said you wanted a budget that
7 was reasonable. I know that we did talk about budgets
8 last week and came up with some figures. Mike had come
9 up with some figures, and we had come up with some
10 figures, and they were pretty close.

So, I mean, is that budget that we came up with or
11 that these -- that the committee had come up with not
12 sufficient to get some kind of feedback from you in
13 terms of any kind of commitment?

MR. JACKSON: Again, I'm talking for Randy and
14 Herb here. But, you know, we have some preliminary
15
16
17

Page 20

0

18 Tribal Consultation Summit 2-12-08
 19 budgets that were put together, as you mentioned. You
 20 know, I think it's just a matter of trying to formalize
 21 budgets and make sure that the tribal representatives
 22 that are here today are in agreement with where those
 23 budgets stand, sorting out the particulars to it,
 24 actually putting together, you know, a list of expenses
 25 and salaries and time lines associated with that
 budget.

26

1 I don't -- you know, I guess, again, I don't have
 2 formal approval from DM&E to say yes. But we're
 3 certainly heading in that direction as far as the
 4 budgets that we've indicated. I guess the one -- the
 5 one concern, though, I think that both of us have, one
 6 is, is that, you know, I think as we mentioned before,
 7 we believe the office is a good idea and something that
 8 we'd like to move forward with, but I think we also
 9 pointed out last week that -- and I heard a little bit
 10 again today -- both sides have a little bit of work to
 11 do.

12 One is we've got to make sure we're going to
 13 support it with a budget, I understand that. I think
 14 the other side is, though, one of the issues we're
 15 concerned about is that we're not just adding an office
 16 here with another layer, that we don't have the buy-in
 17 from the tribes that are represented here as to how
 18 that office is going to function and where it's going
 19 to fall.

20 So, I mean, there's two sides of this that we both
 21 have to take back to be able to get formalization of
 22 the process.

23 MS. GLIDDEN: So what do you need from this group

0

24 Tribal Consultation Summit 2-12-08
 25 here that's going to caucus at this point? What do you
 need from them, and what do the tribes need from DM&E?
 27

1 If we can get some clarity on that, then it would help
 2 focus the caucus a bit better.

3 MR. JACKSON: Well, I guess what we need, I know
 4 Mike and some others took a shot at putting a budget
 5 together, but I don't know if that's been presented to
 6 anybody or -- Ben or anybody, or Russell, if anybody
 7 has even seen that yet. So I don't know --

8 MS. GLIDDEN: Can we get a copy of that budget and
 9 have it sent over here for everyone to take a look at
 10 during the caucus?

11 MR. JACKSON: Yeah, I'll have to get a hold of
 12 Mike and see if we can chase that down.

13 MS. GLIDDEN: Okay. Is there anything that you
 14 need, that would be helpful for you to have during the
 15 caucus that you can formalize this thing a bit more?

16 MS. SPOTTED EAGLE: I think it would be helpful to
 17 get a letter of commitment because when we present to
 18 the general council, that's a large body of our people,
 19 and so if it's uncertain, then we kind of put ourselves
 20 out there to argue for something that we're not really
 21 certain about. So a letter of commitment would really
 22 help us.

23 MS. GLIDDEN: Doug, is that something that you
 24 could get together, a letter of commitment?
 25

26 MR. JACKSON: I'd have to talk to Randy, but we'll
 27

1 see what we can do.
 2 MS. GLIDDEN: Yeah, I mean, because, it does
 3 seem --
 4 MR. EAGLE BEAR: We have a question over here.

5 MS. GLIDDEN: Oh, I'm sorry. Go ahead.
6 MR. STONE: Just a couple of comments. What I see
7 here is a very intensive work plan. I see some
8 database construction. I see some digital archives. I
9 see some ongoing things here that are going to cost a
10 considerable amount of money. And that's one of my
11 questions is, what do you guys ballpark figure think
12 you'd put into this office, because to set this office
13 up, it looks like a considerable amount of money and
14 work and longevity. It doesn't look like it's going to
15 go away any time soon. And I see some ongoing
16 monitoring and those types of things happening.
17 Is that something that you guys are willing to
18 commit to, this level of interest, I guess?
19 MS. GLIDDEN: I guess I'd kind of like to weigh in
20 on this before Doug has a chance to answer that. We
21 have to put this in perspective, you know, that this is
22 being viewed, I think, by myself and certainly by, you
23 know, DME as an alternative mitigative strategy, in
24 other words.
25 We have this study that's going to be part of this
0
1 work plan, it's a tribal study, and it's fairly
2 intensive, and it involves doing a pedestrian survey, a
3 TCP survey of the entire project area.
4 This office would be kind of like icing on the
5 cake, if you will. It's a way of, you know, us saying,
6 you know, we know that we're going to have an impact on
7 the values of the entire project area, and we want to
8 somehow, you know, do something about that in a way
9 that's a positive, take something that's a negative and
10 put it into a positive, and that's what this office is
Page 23

11 intended to do, is to create something, you know,
12 create something that would have a long-term impact.
13 But its purpose in terms of its development by
14 DME is simply to help assist in working on this
15 project. So there may be -- it may appear as though
16 there's a lot of things involved here, but keep in mind
17 that some of these are anticipated to occur in the
18 future and that the initial intent would be to assist
19 DME in processing the work products and getting -- you
20 know, coordinating field staff and that sort of thing.
21 And that really shouldn't take all that much money
22 to do. I mean, if in fact the office was -- I don't
23 know, we were looking at some budget -- we were looking
24 at some costs, and if the office in Ft. Pierre was
25 used, that apparently wouldn't really cost necessarily
0
1 that much. And then you're looking at getting
2 equipment set up and then three staff people, a few
3 workstations. I don't think it necessarily would cost
4 that much.
5 MR. STONE: Just your technical guy to produce
6 this database would be, you know, \$30,000, \$40,000, and
7 the guy to run the IT --
8 Just another question I would have is -- it's an
9 intention question -- is this intending on replacing
10 our government-to-government per tribe? I mean, I
11 could see that it would, you know, really make progress
12 go a lot faster if you had a central office for your
13 consultations. I think the gentleman on the end there
14 from -- Ron?
15 MR. IRON EYES: Standing Rock.
16 MR. STONE: Yeah, from Standing Rock. I believe
Page 24

17 that's what your intention is there, right, is to get
18 these people to the table for actual government-
19 to-government consultation.

20 MR. IRON EYES: Yeah, and whatever -- you know, I
21 don't know the inherent limits of THPOs, but when it
22 comes to signing programmatic agreements, and any
23 other, you know, limit, I guess, that's manageable
24 could be alleviated by just involving, you know,
25 ejected officials, bringing them to the table.

0
31

1 But like I said, I don't want to -- you know, I
2 these guys have been working hard to get all this stuff
3 together, and I really don't want to be a stumbling
4 block either. I just want to -- I think it would be
5 made easier if every time the Great Plains Tribal
6 Chairman's Association meets, we meet, these guys,
7 everybody meets here, because then all the leadership
8 is at the table already.

9 MS. GLIDDEN: I think that's some of the stuff I
10 think that you probably need to talk about in your
11 caucus, because that's -- those are questions that I
12 just -- you know, I think that would be entirely up to
13 the tribes.

14 But as far as the budget is concerned, I think
15 that -- you know, this appears as though it could cost
16 a fortune to run, but I think that we have to be
17 reasonable. You know, we have to be reasonable,
18 realize that this is a good idea, and the real -- the
19 intent of it, at least in terms of DM&E is, and STB, is
20 to coordinate the report reviews, coordinate the
21 fieldwork, coordinate input from the tribes, to
22 streamline the process for both of us, for all of us,

23 because -- we have four reports out there right now
24 that require -- that we need review on, and I haven't
25 gotten any feedback, and that concerns me.

0
32

1 You know, the P.A. establishes a process for a
2 30-day review period, and if we don't get feedback,
3 that basically means that you have no issues, based on
4 the P.A.

5 This office would be able to, you know, establish
6 a person who would look at the reports and provide
7 feedback to the tribes, get the tribes' opinions,
8 basically, on the reports and then be able to provide
9 their opinion to us regarding eligibility, whether or
10 not they need to go out and do a little bit -- do some
11 more site checks and so on. And so I think it would be
12 really useful for the tribes.

13 But I think we have just have to realize that it's
14 got to be a limited amount of money involved here, at
15 least initially, with the assumption that eventually it
16 perhaps would be a for-profit office, you know, in the
17 future.

18 But I think that any budget has to -- you know, we
19 just have to keep that in mind that this is -- I think
20 this is a great gesture of goodwill on the part of
21 DM&E, and I think it's going to be a really good thing
22 if we can work it out.

23 So with that, should we go into caucus? Anybody
24 else have any questions?

25 MS. HALVERSON: I have a comment. I'm
33

1 representing Lower Sioux by resolution from my council
2 to represent Lower Sioux as the THPO officer. They've

0
1 Tribal Consultation Summit 2-12-08
2 also given me the authority to be a signator, which I
3 wouldn't do until I got approval from my chairperson
4 anyway.
5

6 But I would like a letter from DM&E of commitment
7 because they've said several things but we really
8 haven't seen anything on paper or signed by DM&E
9 committing anything. So I would like to see that and
10 to have that to take back to my chairperson.

11 MS. GLIDDEN: So you want a letter just basically
12 saying that DM&E is willing to fund this, or do you
13 want a budget attached to it? Do you want -- I mean,
14 how do you want this thing to look?

15 MS. HALVERSON: Well, they promise not just this,
16 but they've promised, you know, in talking at these
17 meetings, for jobs for our people, for, you know,
18 whatever, but we haven't had anything in writing. I
19 don't have anything in writing.

20 MS. GLIDDEN: Well, okay. The way that -- I see
21 what you're saying, and that's -- I understand your
22 concern.

23 MS. HALVERSON: And also the Great Plains
24 chairperson, Minnesota tribes are not included in on
25 that. I mean, not that I know of. Because they have a
34

1 council in Minnesota. It's called the Minnesota Indian
2 Affairs Council, which consists of all the chairpersons
3 from Minnesota, not just the Lakota but also the
4 Ojibwa.

5 MS. GLIDDEN: So, Chase, how would that work out?
6 Do you have any ideas about how --

7 MR. IRON EYES: Yeah. Well, there's -- you know,
8 there's bound to be other tribes that aren't members of

9 Tribal Consultation Summit 2-12-08
10 the Great Plains Tribal Chairman's Association, but
11 that doesn't mean that their interest still couldn't be
12 represented.
13

14 If -- you know, being a subcommittee within the
15 GPICA structure just means that there's -- you get
16 automatic agenda privileges and -- it does take care of
17 probably 90 percent or better of the potential affected
18 tribes in any project that comes through, you know,
19 North and South Dakota, Nebraska, all our treaty lands,
20 you know, what we call our treaty lands, our homelands.
21 We'd be able to facilitate, you know, a
22 consultation process more easily if you had that many
23 member tribes on board, and other tribes as well. I
24 mean, we don't -- you wouldn't be, you know, barred
25 from participation.

(Mr. Mentz enters)

MS. GLIDDEN: Pam, is that -- I mean, does that
1 sound like that is something that would work for you,
2 or you'd have to obviously --

3 MS. HALVERSON: Well, I don't know how it works
4 over here, but in Minnesota you have to be approved by
5 the state. It has to be approved -- it's a state
6 legislation, so you have to be approved -- you have to
7 be designated to be that person at that meeting. You
8 can go, but you don't have any voting rights. So
9 really you'd just go to be there. You don't have -- I
10 mean, you don't carry any weight.

11 MR. IRON EYES: I do know that the Great Plains
12 Tribal Chairman's Association is not -- they're a
13 wholly separate organization. They chartered
14 themselves; the member tribes chartered themselves. I

15 Tribal Consultation Summit 2-12-08
16 think just as any corporation or nonprofit would,
17 they're not -- they do business as they choose. They
18 don't really have to consult outside of their body.
19 So, I mean, any concerns you have could be, you
20 know, addressed right to those guys right there.
21 MS. DESROSIERS: So what are you asking, Pam?
22 Would you have a voting right on the Great Plains, is
23 that the question?
24 MS. HALVERSON: No. I was just asking, was there
25 any representatives on that council from Minnesota,
which I don't know if there is. I haven't heard of
any.
MS. DESROSIERS: I think it's established by
the -- is it by the Bureau? I mean, is that what
you're using, the boundaries of IHS and the Bureau, for
the Great Plains Tribal Chairs? Is that how that came
about? Because you said Nebraska.
MR. IRON EYES: Yeah, I don't know 100 percent
whether or not the membership of the GPTCA is limited
by those stipulations.
MS. DESROSIERS: Okay. That's what I want to
know.
MR. IRON EYES: I don't know that. But it had to
have been the driving force to, you know, address those
needs.
MS. DESROSIERS: Yes, yeah.
MR. IRON EYES: That's why I think -- you know,
Curley mentioned the last time, that's why he's kind
of -- he's opposed to going through the GPTCA as well.
Ultimately we're going -- you guys are going to decide
that, the location of the OTI.

Page 29

21 Tribal Consultation Summit 2-12-08
22 You know, I understand that in Pierre, if it's in
23 Pierre, that's fine, you know. I just -- I really want
24 a conduit to be involved, to stay informed, elected
25 leadership, and one way to do that is the creation of a
subcommittee.
And Pierre will be centrally located for the first
part of the development. But after that, it's going to
be the Black Hills area that's going to provide
central, you know, proximity advantages.
MS. GLIDDEN: Okay. Well, that sounds like a
major issue that's going to have to be resolved amongst
the tribes. But I guess one of the first things we
need to do is get you all to take a look at this and
see if you're comfortable with the way it looks, you
know, the way it's been structured.
Did we get copies, Randy, of the document that
Russell had asked for?
MR. WITTHROW: I have an electronic copy that I can
give to whoever, and we can make paper copies if we
need those.
MR. EAGLE BEAR: Is there a way you can hook it up
and we can go through it or --
MS. GLIDDEN: Did you want to take a look also at
this version?
MR. IRON EYES: We can probably put it on the
projector.
MS. HALVERSON: I think the first thing we need to
do is that letter of commitment.
MS. GLIDDEN: Well, Pam --
MS. HALVERSON: White we go into caucus, you can
go do a letter of commitment for the tribes, or at

Page 30

2 least --
3 MS. GLIDDEN: It's not up to me. It's going to be
4 up to HDR to -- or to DM&E to determine that. I think
5 that they need to have some sense that this is
6 something that is going to work, that you all agree on,
7 and that they can afford -- that they can, you know,
8 reasonably afford to fund.
9 MS. SPOTTED EAGLE: Randy, do you have a copy of
10 that draft budget that we worked on?
11 MR. WITHROW: Yes, I have that on here as well if
12 you need it.
13 MS. SPOTTED EAGLE: Yeah, so we can look at that
14 during the caucus and go from there, because we
15 probably have some discussion to do.
16 MS. GLIDDEN: Doug, can we get some kind of
17 commitment from you? Because it does seem kind of
18 silly to continue discussing this in any kind of real
19 detail without some sort of commitment from DM&E about
20 this.
21 MR. JACKSON: Yeah, I'll talk to Randy and Herb
22 and -- you know, I can't make a commitment today,
23 but --
24 MS. GLIDDEN: I mean, the thing is, the letter
25 could basically say that, you know, we're committed to
0
1 this, however, you know, it's going to be contingent
2 upon approval of a budget, you know, something like
3 that. It doesn't have to be firmly stating, you know,
4 but it -- you know, that sort of thing.
5 MR. JACKSON: I think the thing, I guess, I just
6 want to again make sure I'm clear on -- I'll go back
7 and talk to Randy and Herb, but the work plan that we
Page 31

8 develop and the ORI, the office of Tribal Involvement,
9 setting that up, are just a means for implementing the
10 P.A. I don't think anything that we put together here
11 or what's been put together so far, in my understanding
12 of the work plan, circumvents the P.A.
13 So I think our biggest concern, where you're
14 looking for a letter of commitment from us on the
15 office, we're also looking for that commitment from the
16 tribes as to how this group is going to function and
17 what purpose they're going to serve and making sure
18 that -- I think the biggest fear that is over there is
19 that because of what the P.A. says and the P.A.
20 specifically addresses how THPOs and SHPOs are -- how
21 we have to get the process through those groups, that
22 somehow or another we don't create the office and it
23 just becomes another level; we think we're working
24 through the office to get these things cleared up, and
25 at the end of the process we find out that one of the
0
1 THPO offices or one of the tribes doesn't agree with
2 the decisions that have been made.
3 So the level on both sides is really, I think, the
4 commitment to this office, you know.
5 MS. GLIDDEN: Yeah, I mean, you're absolutely
6 right. I think the thing is, is that we definitely
7 will need some kind of, you know, written
8 acknowledgment or letter from each of the tribes
9 involved in this project that they are willing to work
10 through this office in whatever capacity is appropriate
11 for this project.
12 MR. JACKSON: But I think what we discussed was,
13 you know, if there were a charter drafted, you know,
Page 32

14 that says what the purpose of it is and that we're all
15 as a group buying into what the function of it is, I
16 think that's something that, you know, the DM&E would
17 be willing to consider, so --
18 MS. GLIDDEN: Okay. You say, "willing to
19 consider." It just -- that doesn't sound very
20 definitive.

21 I think that, you know, before we get any further
22 with this, we really do need some sense of, is this
23 something you're willing to do or not.

24 MR. JACKSON: I understand.

25 MS. GLIDDEN: Because if it's not, then --

MS. SPOTTED EAGLE: We need to know.

2 to caucus and go to their tribal elders and people and
3 talk about this.
4

5 MR. STONE: I think that's why my question earlier
6 was relevant, you know, when I was asking, do you want
7 this to replace our government-to-government. Are you
8 looking for one body to come together as a means of
9 implementing your P.A.

10 MR. JACKSON: I think that's part of what I'm a
11 little concerned about. We're not -- I don't think
12 we're looking at this to supplement the
13 government-to-government.

14 In fact, Cathy, I mean, correct me, but my
15 understanding of what we've got to get through is, is
16 that the way the process is laid out right now, you
17 know, for me, for my side of things, to keep the
18 project moving, I've got to get through the
19 archeological side of it and I have to have the tribes'

20 input on cultural properties, TCPS. And this is going
21 to help us get that done.

22 What comes out of that once eligibility
23 determinations are made, and when we finally get down
24 to, I guess, you know, the final say, which is, how do
25 we mitigate what the impacts are, you know, that's

1 where I, in my own mind, see more of the
2 government-to-government. And I don't think that we're
3 saying that this office is going to supplement that.

4 MS. GLIDDEN: NO.

5 MR. JACKSON: And, I guess, again, my
6 understanding is, this just helps us facilitate that
7 work with the THPOs and with the tribes. Because we
8 have so many tribes, we're trying to get one point
9 where we can shuffle material through and get a process
10 that works. We're not trying to usurp Pam's authority
11 or anybody else's authority as a THPO.

12 MS. GLIDDEN: That's exactly right. What we'll
13 end up doing is, we'll go ahead and continue to send
14 out the letters that we have been sending out.

15 Like, for instance, if there's a report that needs
16 to be reviewed, we'll go ahead and send out the report
17 to each of the tribes, THPOs. And all the
18 correspondence will continue to flow as it has in the
19 past. Each tribe would then have the opportunity to
20 weigh in on eligibility and comment on the report as
21 they so chose.

22 Then there would be this office of Tribal
23 Involvement, however, that could -- that they could
24 rely on for, you know, review of the reports if there
25 were some time constraints or they were unable to spend

1 the time going through four or five reports. And the
2 Office of Tribal Involvement could say, hey, you know,
3 I think you ought to look at this site and we're going
4 to go out there and we're going to get some staff out
5 there to take a look at it, you know.

6 So it would not replace the government-
7 to-government at all. It would only act in an advisory
8 capacity to help the tribes do their reviews for this
9 project.

10 MR. STONE: I'm in full support of the office for
11 that, because the last time you sent me documents, I
12 actually didn't have enough time to get through them
13 and get back to you. So an office like this to assist
14 me in absorbing this information would be a great help.

15 MS. GLIDDEN: Yeah. It would be there just to
16 assist you and to assist us, to assist the STB, to
17 assist HDR, DM&E. Because, I mean, I think we're all
18 kind of grappling with, how do we go through all these
19 reports. We've got four out there right now. We've
20 got another two coming. You're going to be inundated.
21 And, you know, do you have the staff? I don't know. I
22 mean, it just seems like -- it seems somewhat
23 overwhelming.

24 So this office would act as a focal point to help
25 with that. So let's say the archeologist would go 44
0
1 through four reports and then would contact the tribes
2 and say, this is what I think about -- you know, these
3 are the kinds of comments that we've got on this
4 report, these are the sites that we think we need to
5 take a look at, and these are the sites we think are

9 And if you didn't want to use the Office of Tribal
10 Involvement, you didn't have to, as a tribe. For
11 instance, if Pam just wanted to go through the reports,
12 you know, and just sort of continue to work in that
13 capacity, that would be fine. You wouldn't have to go
14 through the office.

15 It's there to advise and to assist, as I see it.
16 That's been sort of the way I've viewed it. And I
17 think that's the way it would have to work. It could
18 not -- it can't replace government-to-government.

19 MR. EAGLE BEAR: That is where your agency gets
20 involved, you know. You know, we can -- you know, the
21 office of OT would be working directly with the company
22 in getting the documents out, but when it comes to
23 government-to-government, you know, you can set it up
24 with the tribal government, the tribal governments
25 request it, and you have to come and basically give
45 overview of what we're doing.

1 MS. GLIDDEN: Yeah, absolutely. I mean, you know,
2 this -- yeah, I mean, you know, it's not going to
3 replace the government-to-government. If tribes need
4 to interact directly with the STB, absolutely. In
5 every instance, in any instance that would still be the
6 case. So, again, this is just an office that would
7 help. It would help out, you know.

8 MR. EAGLE BEAR: Yeah. And, I guess, maybe in the
9 next -- today or tomorrow, if we get some kind of
10 commitment still -- and I know it goes back to the
11 programmatic agreement, and a lot of our -- especially

12 Tribal Consultation Summit 2-12-08
13 my tribe, didn't participate in that. There were some
14 meetings that they held with individuals and basically
15 got consensus from those individuals, but nothing where
16 the tribal council actually said, go ahead and sign the
17 P.A.

18 But part of it is, is to develop the work plan to
19 make sure that everything is covered before, you know,
20 someone touches the pen, as they say.

21 So, you know, I think we're on the right track.
22 The P.A. is coming up again, I guess. I know the
23 railroad people are really -- I mean, that programmatic
24 agreement, sometimes they kind of use it -- kind of
25 throw it in our faces, or that's my view anyway, but --
all in all we're still trying to work through it to get
to a level where we're all comfortable. So I guess
that's our project.

1 I'm glad that my kola Tim is here now. Now we can
2 actually start the meeting.

3 But anyway, there's many discussion that we need
4 to have among our tribes and make sure that we all have
5 clarity and make sure that -- we all want to work
6 together and be able to have a consensus. I mean,
7 that's what our people, our native people are all
8 about. And so I guess once we get into our tribal
9 caucus, we'll discuss some of these things and
10 certainly, you know, we'll have resolution.

11 MS. GLIDDEN: Okay. On that note, I think because
12 everybody -- and Tim just came, welcome -- that we will
13 go ahead and just caucus.

14 Let me see. What do we have here as far as the
15 caucus is concerned? Did you want to -- lunch is at

Page 37

18 Tribal Consultation Summit 2-12-08
19 noon. What time are we at now?

20 MR. BIBLER: 10:35.

21 MS. GLIDDEN: 10:35? So depending on how much
22 time you needed, you could caucus just until noon or
23 use the afternoon as well.

24 I just wanted to go over the agenda really
25 quickly. The first day is kind of self-explanatory.
It's primarily the tribal caucus, unless at 1 to 4:30

1 you happen to be -- feel that you are ready to --
2 you're finished with tribal caucusing, and then we were
3 thinking we would fold the working session into the
4 last part of this day.

5 You see on the second page we have the working
6 session from 8:30 to 10:30, which is developing the
7 office of Tribal Involvement, actually implementing the
8 work plan, and then talking about roles and
9 responsibilities, and then we'll have the break.

10 And 10:45 to 12 has been set aside for those of
11 you that have not perhaps had a chance to look through
12 these reports, or have and maybe have comments, on the
13 four reports that are out there for review right now.
14 The comments, again, are due on the 20th of this month.
15 So Erin is here, she's the archeologist, the lead
16 archeologist, to answer your questions regarding these
17 reports. We have maps. We have site forms. We have
18 databases regarding the sites that are included in
19 those reports.

20 (Mr. Youpee enters)

21 MS. GLIDDEN: So Erin is willing to sit down with
22 you and talk to you about the sites, to help you with
23 your reviews if you need that, so -- that's basically

Page 38

0

24 Tribal Consultation Summit 2-12-08
 25 to facilitate getting feedback on these reports.
 26 And then lunch, and then in the afternoon we're
 27 going to have some committee discussion, small-group
 28 discussions. One on contracting, which Dave Bibler
 29 will run. Cross-cultural training, we'll get a group
 30 together on that. Maybe Faith and -- I don't know.
 31 We'll figure out who might want to participate in that.
 32 Curley, welcome.
 33 And then dispute resolution. So maybe you can
 34 think a bit about which one of those groups you'd want
 35 to participate in, because we're going to split up into
 36 little groups at the end of that day, so --
 37 Anyway, we'll go ahead and let you caucus. We'll
 38 meet at 12 in the main building for lunch. It's going
 39 to be the buffet, correct? And so we're all going to
 40 meet over there. So thanks, everyone.
 41 (The proceedings are in recess at 10:45 a.m.)

0

1 STATE OF SOUTH DAKOTA)
 2 COUNTY OF MINNEHAHA) CERTIFICATE
 3)
 4 I, Audrey M. Barbush, a Registered Professional
 Page 39

49

0

5 Tribal Consultation Summit 2-12-08
 6 Reporter and Notary Public in the above-named County and
 7 state do hereby certify that the above-entitled proceedings
 8 were reported by me and that the foregoing pages 3-48,
 9 inclusive, are a true and correct transcript of my stenotype
 10 notes.
 11 In testimony whereof, I have hereto affixed my
 12 signature this 18th day of February 2008.

13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

 Audrey M. Barbush
 Commission Expires: 3/8/2011

Page 40