

1 SURFACE TRANSPORTATION BOARD  
2 TRIBAL CONSULTATION SUMMIT  
3 (Finance Docket No. 33407)  
4 (DM&E construction into Powder River Basin.)  
5 = = = = =  
6 Held April 29 & 30, 2008  
7 At Jackpot Junction  
8 Morton, Minnesota  
9 = = = = =  
10  
11 ATTENDEES:  
12 Surface Transportation Board: Cathy Glidden  
13 Louis Berger Group: Randall M. Withrow, Dave Bibler,  
14 Jennifer Rezabek  
15 HDR Engineering: Doug Jackson, Mike Madson, Alan  
16 Stanfill, Troy Kogel  
17 DM&E Railroad: Herb Jones  
18 USDA: Ian Ritchie  
19 Fort Berthold Reservation, ND: Pete Coffey  
20 Fort Peck, Assiniboine & Sioux: Curley Youpee  
21 Kiowa Tribe, Oklahoma: Dewey Tsonetokoy Sr.  
22 Lower Sioux: Pam Halverson, Leah Fyten, Jean Stacy  
23 Northern Arapaho: JoAnn White  
24 Oglala Sioux: Joyce Whiting  
25 Omaha Tribe: Mitch Parker, Tony Provost

1 Ponca Tribe of Nebraska: Rick Wright  
2 Rosebud Sioux: Russell Eagle Bear, Roy Stone Sr.,  
3 Roy Stone Jr., Ben Rhodd,  
4 Phil Little Thunder  
5 Santee Sioux: Sam Allen, Robert Campbell  
6 Sisseton-Wahpeton Oyata: Diane Derosiers  
7 Spirit Lake Tribe: William Ambrose Littleghost,  
8 Aileen Littleghost  
9 Upper Sioux: Richard Ross  
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1 (Summit opens with a prayer offered by  
2 William Ambrose Littleghost at approximately  
3 9:04 a.m.)  
4  
5 **MS. GLIDDEN:** Thank you, everyone, thanks  
6 for being here. And thanks so much for providing us  
7 this opportunity to be here at the Lower Sioux tribe,  
8 and thanks so much for coming. It's an honor to  
9 have -- to have you here.  
10 We're going to start, roughly, if you  
11 would, with people going around the room and  
12 introducing themselves and giving us an opportunity  
13 to understand your role and a little bit about  
14 yourself.  
15 Russell, could you start? Thank you.  
16 **MR. EAGLE BEAR:** First of all, I want to  
17 say to each and every one of you, from my heart,  
18 (Speaks in non-English language).  
19 I am Russell Eagle Bear. I represent the  
20 Rosebud Sioux tribe as a tribal historic preservation  
21 officer. And I'm really thankful for the leadership  
22 to come here to acknowledge us.  
23 We had a meeting, I believe it was in  
24 Pierre or -- or Sioux Falls. We've been through so  
25 many meetings; I'm tired of meetings. But one of the

1 things that was suggested at one of those meetings  
2 was Cathy kind of gave a directive to DM&E: Take  
3 care of this -- this -- this big mistake they made  
4 over here in Minnesota, and that was to disturb some  
5 burial grounds and use it as a fill-in to fill in a  
6 bridge.  
7 And we thought at that time that -- that  
8 we could come together here in Lower Sioux and come  
9 here and -- and, in our own way, in our spiritual  
10 way, we wanted to correct that wrong for us as Lakota  
11 people. We wanted to come here and -- and Ambrose  
12 just prayed about peace, peace in this world, but we  
13 also need to have peace in the spiritual world, where  
14 our ancestors, our relatives, have been disturbed for  
15 many years. And we wanted to bring that peace  
16 with -- from our -- from our neck of the woods, we  
17 want to be able to tell our relatives that have been  
18 disturbed, to tell them that we are here to -- to  
19 take care of them and to correct that wrong. And so  
20 that's my purpose of coming here.  
21 On the end over there, I brought one of my  
22 spiritual leaders, my medicine man, my leksi, Roy  
23 Stone. He's one of our highly respected medicine men  
24 on the Rosebud. And I asked him to come with me.  
25 And he brought some of his helpers with him. What we

1 want to do is we want to go out to that actual site  
2 and do our prayer. I know it's good that you have an  
3 agenda, that you want to follow this agenda, but  
4 I think we need to take a step back and start that  
5 process of correcting that wrong. And so I guess  
6 today, or this morning, I'm asking the group here, if  
7 we could take care of that as a first order of  
8 business, just for our own peace of mind, so I can go  
9 home and feel comfortable in knowing that our  
10 relatives are going to be taken care of.

11 So with that, thank you. (Speaks in  
12 non-English language.)

13 **MR. RHODD:** I'm Ben Rhodd, Rosebud  
14 Sioux tribe, contracting archeologist.

15 **MR. COFFEY:** Pete Coffey, THPO office,  
16 with the Fort Berthold Reservation, North Dakota.

17 **AILEEN LITTLEHOST:** My name is Aileen  
18 Hazel Howard Littleghost -- got a lot of name.  
19 I reside with Ambrose at Spirit Lake Nation.

20 **WILLIAM LITTLEHOST:** My name is  
21 William Ambrose Littleghost, Spirit Lake tribe.

22 **MR. CAMPBELL:** Robert Campbell, Santee  
23 Sioux tribal treasurer.

24 **MR. PROVOST:** Tony Provost, the Omaha  
25 tribe, and I support what Russell said.

1 Railroad, government affairs director and tribal  
2 liaison for the project.

3 **MR. WRIGHT:** My name is Rick Wright. I'm  
4 with the Ponca tribe of Nebraska.

5 **MS. DEROSIER:** My name is Diane Derosier,  
6 I'm THPO, Sisseton-Wahpeton Oyate.

7 **MS. WHITING:** Joyce Whiting, with the  
8 Oglala Sioux tribe, THPO.

9 **MR. TSONETOKOY SR.:** Dewey Tsonetokoy Sr.,  
10 Kiowa tribe, Oklahoma.

11 **MS. HAVLERSON:** Pam Halverson, Lower  
12 Sioux, THPO officer, Morton, Minnesota.

13 And I would like to thank Russell for  
14 requesting this, because this is -- I thought that's  
15 what the tribes in the -- were coming here for, was  
16 to go back out to that site and to perform ceremonies  
17 and to discuss what's -- what's going to happen with  
18 that site and -- so it will be done.

19 **MR. MADSON:** Mike Madson, with HDR  
20 Engineering, consultant to DM&E Railroad.

21 **MS. FYTEN:** Leah Fyten, tribal  
22 administrator for Lower Sioux.

23 **MS. STACY:** Jean Stacy, Lower Sioux. And  
24 I want to thank you, Richard, for what you said.

25 **MR. RITCHIE:** Ian Ritchie, I'm with the

1 **MR. ALLEN:** Sam Allen, Santee Sioux tribe,  
2 I'm tribal historic preservation officer, and I've  
3 been with them for about 30 years.

4 **MR. ROSS:** Richard Ross, Upper Sioux, I'm  
5 a tribal monitor.

6 **MR. STONE JR.:** Roy Stone Jr., the director  
7 of the Rosebud Sioux tribe's treaty office.

8 **MR. STONE SR.:** I'm Roy Stone Sr., from  
9 Rosebud.

10 **MR. LITTLE THUNDER:** Phil Little Thunder,  
11 I'm the chauffeur, from the Rosebud Sioux tribe also,  
12 and my uncle is Russell.

13 **MS. RAZABEK:** I'm Jennifer Razabek.

14 **MR. BIBLER:** Dave Bibler, here with the  
15 Louis Bibler Group.

16 **MS. GLIDDEN:** Cathy Glidden with the STB.  
17 We're the federal agency that provides approval for  
18 this project that we're here for.

19 **MR. WITHROW:** My name is Randy  
20 Withrow. I'm with the Louis Bibler Group,  
21 third-party contractor to the STB.

22 **MR. JACKSON:** I'm Doug Jackson with HDR  
23 Engineering. I'm a project manager for the  
24 consulting team that's doing the design.

25 **MR. JONES:** I'm Herb Jones, with the DM&E

1 forest service that's proposing the line that goes  
2 through the Buffalo Gap and Thunder Basin National  
3 Grassland.

4 **MR. STANFILL:** Allan Stanfill, HDR  
5 Engineering.

6 **MS. GLIDDEN:** Thank you. Thank you,  
7 everyone, for being here. And thanks, Ambrose, for  
8 that -- for that prayer. And thank you so much to  
9 the Lower Sioux tribe for being here. It's a great  
10 honor to have you here. And it's -- it's great to be  
11 on tribal land. I think that it's the first time  
12 I know that I've been on tribal land since we started  
13 this series of meetings.

14 We do have an agenda, and Russell, I know  
15 that you had mentioned an item that you're concerned  
16 about, and so I'm going to address that. But I'm  
17 going to go through the agenda real quickly, just to  
18 give everybody an idea, sort of, what we had planned  
19 on talking about today.

20 I know that Mike wanted to talk -- where  
21 is Mike, Mike Madson?

22 **MR. MADSON:** Here.

23 **MS. GLIDDEN:** There he is. He's lost so  
24 much hair.

25 He was going to talk about the field work

1 that's been done and some of the field work that's  
 2 being planned for the future out on this project, and  
 3 then we were going to talk, after a break, about a  
 4 training. I know that there had been a training that  
 5 had been provided with the Mdewakanton, where Russell  
 6 did some cross-cultural training that I guess went  
 7 quite well. And then after lunch -- and where are we  
 8 going to have having lunch, by the way?  
 9 **MR. BIBLER:** In the buffet.  
 10 **MS. GLIDDEN:** In the buffet? Where is  
 11 that?  
 12 **MR. BIBLER:** I have the tickets. It's  
 13 downstairs.  
 14 **MS. GLIDDEN:** Downstairs. Okay.  
 15 And we're going to be talking a little bit  
 16 about contracting. And then we're going to provide  
 17 some time after, in the afternoon, for -- for you to  
 18 caucus separately.  
 19 And then tomorrow, I know, Russell, you  
 20 had specifically asked that we provide an entire day  
 21 to talk about reports, and so tomorrow we're going to  
 22 be here to go through reports and actually talk about  
 23 what's in the reports, the sites that are in the  
 24 reports. Paige, from the South Dakota SHPO, said she  
 25 was going to be here also to provide her input on

1 archeologists due to certain items that were there,  
 2 for surface expressions, rock alignments, things like  
 3 that. I think that we'd start with those from each  
 4 report, and if there are any specific questions about  
 5 other sites within each of those reports, we could  
 6 address them. But that's what I thought I would --  
 7 I would start with.  
 8 **MS. GLIDDEN:** And if anybody here has a  
 9 different idea or different suggestion on how we  
 10 should go through these reports and provide  
 11 information that would be helpful, you know, let us  
 12 know today so we can sort of organize it in a way  
 13 that would be helpful to each of you, each of the  
 14 tribes that wants to go through these reports.  
 15 So again, tomorrow's being set aside  
 16 specifically just to go through these reports and the  
 17 information in the reports and for you to provide  
 18 your input on eligibility, on whether or not more  
 19 information needs to be collected regarding the sites  
 20 and that sort of thing. So it's kind of critical.  
 21 And I think that having, you know, Mike here and  
 22 having some of his staff here who have been out in  
 23 the field to look at these sites, is going to be very  
 24 helpful and very important, because obviously, that's  
 25 far different from just looking at a report and

1 eligibility issues, so that we can go through every  
 2 single site that you may have concerns about -- or  
 3 try to, at least -- and address specific concerns  
 4 about specific sites in some of the reports.  
 5 Mike, did you want to talk about the  
 6 reports you were going to talk about tomorrow? Do  
 7 you happen to know what those are?  
 8 **MR. MADSON:** I do. We're going to be  
 9 reviewing four reports tomorrow. I have a  
 10 presentation that I'm going to go through,  
 11 site-by-site, four reports, three of them dealing  
 12 with Wyoming, work that was done in Wyoming, one of  
 13 them dealing with South Dakota. And I think what  
 14 I'll do, Cathy, rather than rattling off the names  
 15 here, is I'll try to -- I'll write it down and make  
 16 some photocopies and pass it around.  
 17 **MS. GLIDDEN:** And tomorrow, what is your  
 18 specific type of -- how are you going to -- can you  
 19 give us some idea of how you're going to organize the  
 20 day? Just so people know whether or not they have  
 21 certain things they need to bring or --  
 22 **MR. MADSON:** Sure. Well, like I said, I  
 23 thought I would go through each -- each report,  
 24 site-by-site, specifically certain sites that may  
 25 be -- that were recommended as unevaluated by the

1 trying to read it and make sense out of it. So  
 2 I think it will be a good day, a good opportunity.  
 3 **MR. MADSON:** We have rep -- there are  
 4 people that have been out in the field,  
 5 representatives from the tribes, folks that have been  
 6 out in the field that can comment as well.  
 7 **MS. GLIDDEN:** Okay.  
 8 The other thing is, I know that we have  
 9 outstanding a work plan that we've been all working  
 10 together on. A number of us had gotten together on  
 11 this work plan, and I think there was some concerns  
 12 regarding some of the content of that work plan, and  
 13 I would -- I would hope that we could get feedback  
 14 from you soon about this work plan so that we could  
 15 institute it. And I know there's been some  
 16 discussion, I think, about the fact that the work  
 17 plan really doesn't do anything beyond the  
 18 Programmatic Agreement, but I think it really does.  
 19 Because, first of all, it provides for more clarity  
 20 on what consultation is all about. It also provides  
 21 for a tribal pedestrian survey, which the PA doesn't  
 22 really lay out. So I think having this work plan in  
 23 place is very important.  
 24 The other thing is, it also provides an  
 25 opportunity to -- to -- if you see sites within the

1 reports that you think need -- need -- you need to go  
2 look at out in the field, it provides an opportunity  
3 to do that. So even if -- if it's not an ideal  
4 document, I think it really is a good document and a  
5 good adjunct to the Programmatic Agreement.

6 And right now, we have it -- I know that  
7 we left it that I think Russell and Ben, I think we  
8 left it that you would be providing some edits on  
9 some of the language that was concerning. And if we  
10 could get feedback on that, I mean, if you can tell  
11 me when we could get feedback on that and how we  
12 could get feedback on that, that would be good, so we  
13 can get this work plan in place.

14 One of the things is, just real quick, is  
15 the field season is -- has -- has started, so the  
16 sooner we can get people out there to do this  
17 pedestrian survey, this TCP survey, you know, the  
18 better. So I think as soon as we get this work plan  
19 in place, we can go ahead and start that survey.

20 Sure, Pam.

21 **MS. HAVLERSON:** This is an opportunity  
22 that South Dakota and Wyoming and -- has to comment  
23 on this. This is an opportunity that Minnesota  
24 tribes never got to have, that Lower Sioux has never  
25 got to have --

1 been -- had been used. And correct me if I'm wrong,  
2 any of you that have other information, but this is  
3 what I understand from a timeline that was provided  
4 by HDR and DM&E, and from my supervisor, Vicky  
5 Rutson. There had been some kind of storm, a tornado  
6 or something, that had taken out a bridge, and a  
7 borrow was needed to -- to fill in the area. And  
8 borrow was taken from this area, which apparently is  
9 where there were two mounds, and so there was borrow  
10 taken from there, material was taken and provided as  
11 fill for the site.

12 And apparently the DM&E had requested a  
13 permit from the Department of Natural Resources of  
14 Minnesota. Now, the Department of Natural Resources  
15 was the party, the agency, that would have been  
16 responsible for ensuring that whatever material had  
17 been used had been properly investigated, including  
18 106, including NIPA, other types of laws, burial laws  
19 that may apply in the state of Minnesota.

20 The Surface Transportation Board was not  
21 involved in that -- in that -- in that particular  
22 process, so as far as having responsibility, the  
23 Surface Transportation Board, as I understand it from  
24 my supervisor, was not a responsible federal agency.  
25 So --

1 **MS. GLIDDEN:** Uh-huh.

2 **MS. HAVLERSON:** -- to discuss sites. You  
3 know, when the archeologists were out there last  
4 summer, we didn't get to discuss those sites. We  
5 don't -- we haven't gotten to discuss anything, and  
6 we're asking you to take us back out to that site, to  
7 the Price site.

8 **MS. GLIDDEN:** Okay. So --

9 **MS. HAVLERSON:** And it seems like, you  
10 know, we're avoiding that subject, when that was the  
11 first subject that came up this morning.

12 **MS. GLIDDEN:** Well, let's talk about the  
13 Price site this morning. Personally, I find what  
14 happened there to be very disturbing. I talked to my  
15 supervisor regarding the site, and she's Victoria  
16 Rutson, who had worked on this project previous to my  
17 involvement in it. As you know, the Programmatic  
18 Agreement goes way back. I think that the DM&E --  
19 and correct me if I'm wrong, Herb -- provided an  
20 application to the Surface Transportation Board way  
21 back in 1998, and so we're ten years from that.

22 Apparently, during -- prior to the Surface  
23 Transportation Board becoming involved in this  
24 project is when this -- this -- this incident  
25 occurred in which the site, the Price site, had

1 **MR. YOUPEE:** I disagree with that.

2 I disagree with that totally. The Surface  
3 Transportation Board was implemented to adjust those  
4 things that had happened prior, including the  
5 destruction of that site. Surface Transportation  
6 Board was -- was implemented to make adjustments,  
7 okay, to what was going on out there.

8 **MS. GLIDDEN:** Well, I mean, the Surface --  
9 what I'm trying to say is that the actual taking of  
10 the borrow was not something that the Surface  
11 Transportation Board had responsibility over. It was  
12 the Department of Natural Resources that provided the  
13 permit and should have done something and they  
14 didn't. They were the responsible agency, not the  
15 Surface Transportation Board. So, the question we  
16 have now is, there was still something awful that  
17 happened out there, so what are we going to do? What  
18 can be done?

19 I've talked to DM&E about this, and as  
20 I see it, it's something that they would -- if  
21 anybody was to do anything about it, it would be  
22 either the DM&E or the Department of Natural  
23 Resources, since they are the -- we're talking about  
24 the responsible applicant and the responsible agency.  
25 Anything, however, that the DM&E does or doesn't do

1 is their responsibility. We can't force them do it  
2 as a federal agency because this was not something  
3 that occurred under our aegis.

4 So I guess --

5 **MR. YOUPEE:** I need you to quit saying  
6 that, whether they do it or not do it, or we -- it's  
7 like you're playing it from DM&E's side. You're  
8 always in DM&E's court. Okay. Now, these people  
9 don't have to put this office into place but they're  
10 willing to. I mean, I need you to quit saying those  
11 things, because I need to see there's a balance in a  
12 federal agency that has that trust responsibility for  
13 tribes and are doing that exact thing, providing some  
14 type of security for tribes that their cultural  
15 resources are going to be protected. I need to see  
16 that from you, and I'm not.

17 **MR. PROVOST:** And secondly, you -- you  
18 asked what -- what -- you don't know what we can do.  
19 You heard Russell speak the first thing this morning,  
20 after his welcome, that you heard an option of what  
21 to do to make some things right. Let's get back out  
22 there and -- and let our spiritual people offer  
23 prayer for that disturbance. That's one thing you  
24 can do. And that would -- that would ease up the  
25 majority of these conversations from that point

1 get high rail. But even at high rail, we're only on  
2 the rail part of it. I mean, we aren't on the  
3 private property.

4 The other thing -- I just want to remind  
5 people of two things. One is, whatever occurred  
6 there -- and there are reports on it, and I think  
7 Cathy has the reports on it -- whatever that --  
8 whatever occurred out there was not a part of this --  
9 of this project in any way, shape or form. It had  
10 nothing to do with the Powder River Basin project.  
11 We weren't even permitted for the Powder Basin  
12 Project, and STB wasn't even looking at -- this is --  
13 this has -- the damage that occurred to the bridge,  
14 for instance, had nothing to do with the Powder River  
15 Basin Project in any way, shape or form. And I think  
16 what Cathy's position is, and I think from what she  
17 said from the department's position is, the reason it  
18 isn't in their purview is because their purview has  
19 to do with the EIS and what that is with this  
20 project. And the -- if there's an impact on that  
21 site as a result of this project, then STB would  
22 certainly have a role in that, and we would be  
23 responsible for mitigation for anything regarding  
24 this project that impacts this site.

25 **MR. YOUPEE:** Yeah, but Herb, let me --

1 after. If you keep going around that subject, then  
2 you're going to only make us more mad.

3 **MS. GLIDDEN:** Well, Herb, is that  
4 something --

5 **MR. PROVOST:** I say yes, let's go out  
6 there right now, offer prayer, and put people's minds  
7 at ease here.

8 **MS. GLIDDEN:** Herb, is that something the  
9 DM&E is willing to do?

10 **MR. JONES:** First off, the possibility of  
11 going out there -- the land you're talking about is  
12 not our land, it's privately owned land, not by the  
13 DM&E. The borrow land is not ours. We can't give  
14 access to land that isn't ours in the first place.

15 Secondly, I'd just say we did go out there  
16 last fall in an attempt to allow people to at least  
17 see the area, but we don't have access to the private  
18 land. The only way to get there -- the only way  
19 to get there is to get there through private access.  
20 We don't -- it's not ours.

21 Secondly, we got there last time, as you  
22 remember, high rail. That was the only way to get  
23 in. And for us to do that, we have to work with our  
24 operations people to shut the railroad down, like we  
25 did last time, to go out there, to allow us to -- to

1 **MR. JONES:** I'm not finished with --

2 **MR. YOUPEE:** You just -- you're just going  
3 around in circles.

4 **MR. JONES:** No, I'm not.

5 **MR. YOUPEE:** DM&E had responsibility to do  
6 that, first of all. Okay? You guys done this.  
7 Beyond STB, you guys done this. Okay? You're not  
8 going to include them in making excuses because they  
9 didn't have responsibility. You guys did it. How do  
10 we rectify it?

11 **MR. JONES:** Curley, you're entitled to  
12 your position and I'm entitled to mine, and I just  
13 want to finish where I'm coming from.

14 The other thing that I think is important  
15 to understand with regard to this project, there are  
16 safeguards in place to ensure that any borrow is  
17 properly acquired. It's something that is required  
18 of us and that we have in place for this project.  
19 And I think that is -- as -- as Price might relate to  
20 what's going on here, that is -- that is what I would  
21 say from it, it isn't going to be impacted by this  
22 project, and that's what this is about.

23 And secondly, for anyplace that we would  
24 have -- that those types of things that -- the  
25 incidents that occurred in the past, there are

1 safeguards in place to prevent that from happening  
 2 now. Whether or not there's -- again, we've been out  
 3 there one time; whether or not something can be done  
 4 in the future, I'm -- that's not my call. I can  
 5 certainly express your interest in doing that to  
 6 the -- to the DM&E, but I think sometimes people --  
 7 the logistics of -- of going out there, people have  
 8 to really understand. It is not something simple  
 9 where we can say, "Well, let's drive out there and do  
 10 that." We can't -- we can't do that. We don't have  
 11 access. And secondly, we have to shut the railroad  
 12 down, and that's something we put orders in to have  
 13 that done so -- like we did last fall. In order to  
 14 go out there, it's more complex. And it's safety and  
 15 everything else, to make sure that everything gets  
 16 done properly.

17 But I just want to tell you, I mean,  
 18 I think the things are -- I'm not saying that some  
 19 things can't be done at a future day, I'm just saying  
 20 with regard to the Powder River Basin project, the  
 21 Price site wouldn't be involved in that. And that's  
 22 why STB -- they're not trying to wash their hands of  
 23 anything. It isn't -- it isn't within the project.  
 24 Their -- their job is to look at this project and  
 25 make sure that it's done right, in accordance with

1 that's -- that's just not where it would be.

2 But again, I think -- keep in mind that  
 3 there are safeguards there, that it is private land  
 4 that we don't have access to, but there are  
 5 safeguards there for this project that STB is  
 6 overseeing, to ensure that borrow is -- is acquired  
 7 properly. And that's -- that's where we are on that.

8 But I just hope that helps at least lay  
 9 out where we're coming from on it.

10 **MR. YOUPEE:** Cathy, if that's the case,  
 11 then we need some language. Just what Herb said, we  
 12 need some language considering inadvertent  
 13 discoveries or destruction of sites, mitigation. And  
 14 we better start that soon, because I've asked for  
 15 that a year and a half ago.

16 **MS. GLIDDEN:** You want that in the work  
 17 plan?

18 **MR. YOUPEE:** Yeah.

19 **MS. GLIDDEN:** Okay.

20 **MR. JONES:** Well, and Cathy, I would just  
 21 say, too, in the PA, we do address the inadvertent  
 22 discoveries. And I think again, for everybody,  
 23 I hope that what we can focus on is the monitor's job  
 24 to make sure that things don't happen. I mean,  
 25 that's -- that's -- that's what I hope we're working

1 Section 106 and the other cultural aspects of the  
 2 implementation, and the other 106 mitigation  
 3 conditions -- or 140-some-odd mitigation conditions  
 4 that we have altogether.

5 So it isn't to be dismissive of anything.  
 6 That's not my attempt. It's to, I think, put things,  
 7 as I would look at it, in their proper perspective.  
 8 There's places where STB doesn't have the authority  
 9 to do anything. And they don't here, for good  
 10 reason. This is about the Powder River Basin  
 11 project. That's why we are here. It isn't to say  
 12 that there isn't a past, and it isn't to say that  
 13 something can't be done to look at that, but this  
 14 isn't the place where STB would implement anything.  
 15 It just -- their -- their job is to look at the  
 16 project that we're looking at here, that's been  
 17 reviewed for some ten years, so that when we begin  
 18 the construction on that, that it's done correctly.  
 19 And that's why we're here.

20 And I -- I don't want to -- you know,  
 21 again, everybody is going to have different  
 22 positions, and we welcome that. And if there's  
 23 something else that can be done, I -- I would  
 24 entertain your thoughts and express those to the  
 25 company as well. But as a part of the PRB project,

1 on, is a way, working forward, where we've got a  
 2 system in place that you guys have comfort with, that  
 3 we have comfort with, that whatever -- I mean, to  
 4 keep those type of things to a minimum. And also  
 5 know that the PA does address inadvertent discoveries  
 6 and how they're addressed during construction, but  
 7 not opposed to looking at further language in that  
 8 regard. I think that the -- the more comfortable  
 9 everybody is with how we move forward, the better  
 10 this will be for all parties.

11 **MS. DEROSIERS:** Well, I thought that was  
 12 the whole reason why we came to this site in the  
 13 first place. Isn't that what you said, Mike, at  
 14 Pierre? Isn't that what was said, that we would meet  
 15 in Lower Sioux so that we could do a site visit and  
 16 we'd be available to have an opportunity to offer  
 17 prayers or -- or whatever, Cathy? Now, come one, you  
 18 heard that over there --

19 **MS. GLIDDEN:** Well, I guess --

20 **MS. DEROSIERS:** -- and now you're saying  
 21 it's not going to happen. But that's why some of  
 22 these folks traveled a long ways to be here,  
 23 specifically for that purpose.

24 **MS. GLIDDEN:** Well, I've got a couple of  
 25 practical questions. You said that there's no way

1 to get out to the site -- that was one issue --  
2 except on high rail. Are there any access roads  
3 that --

4 **MS. HAVLERSON:** You don't have to go --  
5 you don't have to go on the railroad to get to this  
6 site. You can drive to that site.

7 **MS. GLIDDEN:** Okay. So you can drive to  
8 the site?

9 **MS. HAVLERSON:** You can drive to it. All  
10 you have to do is stop the rail, stop the trains from  
11 going for a few -- maybe an hour. There's --  
12 there's -- there's a driveway from the highway to the  
13 site, to the -- to -- and then you have to walk a  
14 little ways up.

15 **MR. JACKSON:** That's a private crossing.

16 **MR. RHODD:** If I could interject here --

17 **MS. GLIDDEN:** Okay, has anybody --

18 I mean, okay, it's a private crossing. Is there any  
19 way we can contact this person to get access for an  
20 hour, like an hour? Would that be approximately the  
21 time frame that would be required?

22 **MS. HAVLERSON:** An hour or two.

23 **MR. COFFEY:** Why do you need to stop the  
24 train? Just out of curiosity, why do you need to  
25 stop the train?

1 rail, and if you're going to high rail, then we have  
2 to do like you did before, where you get multiple  
3 vehicles, take everybody out there, and they do shut  
4 the railroad down for whatever it is, those hours  
5 that you need to do that, which we have to -- we have  
6 to coordinate that. That's -- I think people think  
7 that we're trying to pretend something. This isn't  
8 pretend. We're being real. I mean, there's only on  
9 way that we can get there, and that is by high rail.  
10 And there may -- there is a private road out there,  
11 but that's not ours. We don't have control of that  
12 road. And the land is not our land that you're  
13 talking about where the site is there.

14 **MR. RHODD:** Well, actually, Herb, that's  
15 not right. It's not a private road. Yes, you can  
16 call it private but it isn't. It's a public access.  
17 Okay? Whether that would be for DM&E, that would be  
18 for the farmer, that would be for road crews working  
19 on the highway or whatever. You've got a right of  
20 way issue there with the state or county, and then it  
21 abuts the right of way of the DM&E for that little  
22 distance in between the road and the -- and the  
23 railroad. So, in actuality, you could come down on  
24 the north side, I think it would be -- or west  
25 side -- trying to remember how exactly it sits

1 **MS. HAVLERSON:** Because you have to  
2 walk -- you have to walk on the railroad up to  
3 the --up to the --

4 **MR. YOUPEE:** Why can't we schedule  
5 between the trains? I mean, why do we have to stop  
6 the trains?

7 **MS. DEROSIERS:** Yeah.

8 **MS. GLIDDEN:** Would there be some way  
9 to work this out? I mean, I know this is not  
10 something that the STB is technically responsible  
11 for, and I know it's not something that is part of  
12 this project, but, I mean, if it's of a concern to  
13 the tribes, isn't there some way we could address  
14 that?

15 **MR. JONES:** Let me tell you, somebody  
16 said, "Why stop the trains?" The reason I'm saying  
17 that is because the only way we can get there is by  
18 high rail, like we went before.

19 **MS. GLIDDEN:** She said there's a road  
20 there.

21 **MR. JONES:** Okay. But I don't have any  
22 control over the road. It's a private road. The  
23 DM&E -- it's not the DM&E's private road, it's not  
24 ours, we don't own that road. If the DM&E were to do  
25 it, the only way we can get you there is by high

1 there -- of the right of way and access where the  
2 bridge is at.

3 Now, as far as the private land, I would  
4 say you're correct, can't go on that. But as far as  
5 the access, like Pam is saying, that you can come  
6 right off the road there and walk down there. It's  
7 not a big deal. And it's public access in that  
8 sense, and we're not what you call fouling the track  
9 or whatever. We're not -- give or take whatever it  
10 is, 25 feet, whatever. So, I mean, this can be done.

11 **MR. JACKSON:** I can only talk about what  
12 I know from being out there before and looking at the  
13 maps. There is a private field access. There is a  
14 private crossing that was granted to the landowner to  
15 cross the DM&E at that point. So there is an  
16 easement across the DM&E's tracks for him to access  
17 his field with farm equipment. But our use of that  
18 roadway to drive in there and access this site,  
19 I would not do that, and I don't believe Randy Hinke  
20 would do that without notifying this landowner.

21 **MS. GLIDDEN:** Let's do this.

22 **MR. JACKSON:** So it's just the logistics  
23 of being able to notify this landowner and find out  
24 whether he could grant us permission to go in there.

25 **MS. GLIDDEN:** Can we do that?

1           **MR. JACKSON:** When we went before,  
2 we went through high rail and we exited through that  
3 spot, which is part what the maintenance guys do,  
4 because there's a private crossing granted there.  
5 But it's a completely different purpose. There,  
6 that's an actual agreement that's worked out with  
7 that landowner.

8           **MR. YOUPEE:** I think that's a separate  
9 thing, Randy. I think -- you know, DM&E and tribes  
10 have their own guiding principles on this project.  
11 And I think that, you know, it's helpful to resolve  
12 things through the dialogue, but I think we need to  
13 cut down the artificial barriers, because we're  
14 trying to establish a relationship that's going to  
15 work, provide some synergy, at least, for mutual  
16 benefit, and -- and that's all I see that should  
17 happen. I don't think it's a big -- big thing to get  
18 out there. I think we should work on it.

19           One of the players here is -- certainly is  
20 the landowner, and whether or not they're sensitive  
21 to what -- what they have out there or the situation,  
22 you know, I'm not aware of that. And maybe we should  
23 be able to include that person, maybe not.

24           **MS. GLIDDEN:** Herb, do you have the  
25 name of the landowner so we can contact them?

1           We'll put on at a public crossing like we  
2 did before, up by Cambria, the same one we put on  
3 before, and we'll use two high rails to shuttle  
4 people in there. We can accommodate seven in two  
5 trips -- or two vehicles, one trip. And then  
6 I actually had to bring in a high rail out of  
7 Sioux Falls and another one out of Iowa, but we will  
8 make the arrangements to get in there.

9           But the biggest thing is we will enter in  
10 our right of way and we will stay within our right of  
11 way. Last time that we were at this site, we did not  
12 stay within the right of way, we went on private  
13 property. I've been told that if we cannot stay  
14 within the right of way and we go on private property  
15 again on this one, then we will leave. So -- and  
16 we're -- we're pretty serious about that.

17           I mean, we've got a whole series of things  
18 we're negotiating right now with landowners all the  
19 way along that depend on our ability to not trespass  
20 on their private property, and this site, this area  
21 between, you know, adjacent to the right of way, is  
22 no different.

23           So the timing, the actual time in the  
24 morning, I can't say. Both the high rails will be  
25 here tonight. The timing of when we can actually go

1           **MR. JONES:** I don't.

2           **MR. JACKSON:** No.

3           **MS. GLIDDEN:** Can you get it?

4           **MR. JONES:** I'm sure it can be gotten.

5           **MS. GLIDDEN:** I mean, could you do that  
6 today? I mean like soon?

7           **MR. EAGLE BEAR:** I've got a phone, if  
8 you want to borrow it.

9           **MR. JONES:** I've got one, too.

10           **MS. GLIDDEN:** Why don't we take a quick  
11 recess. Everybody come back in about ten minutes.  
12 (A break was taken from 9:38 a.m. to  
13 10:25 a.m.)

14           **MS. GLIDDEN:** All right, everybody, we're  
15 going to start again.

16           We met privately, just now, the railroad  
17 and myself, and -- and Doug was able to work out  
18 access to the site tomorrow morning.

19           Doug, did you want to talk about that?

20           **MR. JACKSON:** Yeah. We've arranged for  
21 two high rails. We will not go in through that  
22 private crossing. Again, I checked with the  
23 railroad, it's a private crossing. We use it  
24 occasionally to exit from, but that's known as part  
25 of the agreement.

1 we'll have to work out in the morning, because we  
2 have to take a track warrant to be able to get the  
3 high rails on there, so it's going to depend on the  
4 train schedule. But I'm assuming it can be worked  
5 out sometime tomorrow morning.

6           **MR. YOUPEE:** Doug, I'm not sure what's  
7 supposed to happen out there. There's supposed to be  
8 a ceremony out there. But maybe -- maybe you need to  
9 work that out with the people who are doing the  
10 ceremony, the logistics, what we need. You know.  
11 Where do we need to be as far as that area? If we go  
12 out there and we're not allowed into the area, then  
13 that might pose a problem as well.

14           **MR. JACKSON:** Well, you're allowed in the  
15 area immediately adjacent to where the bridge was  
16 replaced. There's no bridge there now, there's  
17 culvert there, up to our right of way limits.

18           **MS. GLIDDEN:** Well, somebody -- is it  
19 very -- is there any way that somebody could go out  
20 there and mark that -- that location, the area  
21 outside of the right of way, so people would be aware  
22 of where it is? I mean, is it -- is it clear where  
23 it is for where the edge of the right of way is?

24           **MR. JACKSON:** Yeah, I think it's there.  
25 I'm assuming it's a fence line or something like it

1 is in most of them.

2 **MS. GLIDDEN:** Right.

3 **MR. JACKSON:** We can always pull the tape  
4 to say where it is.

5 **MS. GLIDDEN:** If it's not marked, it may  
6 be difficult for people to know if they're outside  
7 the right of way or not.

8 **MR. JACKSON:** I don't know. I mean, we  
9 can -- we got a hundred foot tape. We can pull the  
10 tape to show you where the end is at. But marking is  
11 not -- I don't know, unless Beth has something in the  
12 field to mark it with out in the truck. But we can  
13 stand, two people can stand where that boundary is  
14 at.

15 **MS. GLIDDEN:** So I guess there's room for  
16 seven people, and so I guess only those people that  
17 really need to be there. I don't know if you want to  
18 caucus amongst yourselves regarding who would go out  
19 there but --

20 **MR. YOUPEE:** How's that going to work?  
21 You got room for seven people in a vehicle? Only  
22 have one vehicle?

23 **MR. JACKSON:** Two vehicles.

24 **MS. GLIDDEN:** We got two vehicles but we  
25 only have room for seven.

1 advantage of that, because the documentation should  
2 be better for what it is. It is incomplete. You can  
3 look at what's been done there.

4 But again, for the impact of this project  
5 at that site, there -- there won't be any. But --  
6 and again, as a gesture of goodwill, we'd like to be  
7 able to have you do this. There isn't anything  
8 that -- there's no admission of wrongdoing here.

9 Again, it doesn't have anything to do with this  
10 project, but we understand your interest in -- in  
11 pursuing this and putting kind of what I hope is a  
12 period at the end of the sentence when it comes to  
13 this particular site. And we hope that this is a way  
14 that that can be accomplished and that people can  
15 feel good about at least working together and our  
16 good faith efforts to help move the process along.

17 I wouldn't pretend to understand the  
18 issues that are important to the -- to the tribal  
19 community when it comes to these types of resources  
20 that are out there, but I do understand that they are  
21 important to you and that there's something that we  
22 can do here to help you take comfort with and address  
23 whatever the issues are that you feel you need to  
24 deal with here. And to the extent that we can be  
25 helpful in that regard, that's why we want to be able

1 **MR. JACKSON:** We can take ten. I have  
2 three people from the DM&E that have to go, two to  
3 operate the high rails and myself.

4 **MR. YOUPEE:** Oh. We are using the high  
5 rail?

6 **MR. JACKSON:** Yes.

7 **MR. YOUPEE:** Okay.

8 **MR. JONES:** I just want to say, you know,  
9 if we're going to try to do this using the private  
10 landowner, we're talking a logistical nightmare.  
11 This can be done, but I just want to make sure that  
12 people understand on this thing. From the -- from  
13 the perspective of the railroad, what we're trying to  
14 do -- this is a goodwill gesture to folks to  
15 hopefully move things along.

16 I want to remind you of what I said  
17 earlier, there -- the project itself will have no  
18 impact on this site, and that's what this whole  
19 process here is about. I do think that for purposes  
20 of documentation, at the Price site, the  
21 documentation is, at best, I'd say, incomplete. And  
22 to the extent that that -- if that documentation,  
23 for -- I think for everybody's benefit, when that --  
24 when the Minnesota report comes through, I hope that  
25 you have the opportunity at that point, and will take

1 to do this.

2 Again, we talked about the landowner part  
3 of trying to get access and that is not going to be  
4 something that can be accomplished anytime soon. I  
5 will just tell you, though, when the Minnesota report  
6 comes through, if anybody does wish to have some kind  
7 of language in there for field work, that's an  
8 opportunity, as it has been on all of the reports, to  
9 identify places where additional field work is  
10 desired. And we would make efforts in that period of  
11 time following that report, again, to provide a means  
12 to have additional opportunity for field work in any  
13 area.

14 **MR. YOUPEE:** Yeah, that needs to be  
15 language inside the --

16 **MR. JONES:** It's all right there. Again,  
17 that's what we had. If you look at your -- and the  
18 work plan accommodates that. And hopefully the work  
19 plan is something that people agree to, because the  
20 work plan does provide for that additional window of  
21 time following your 30-day review of the reports,  
22 that if you identify in that 30 days places for  
23 additional field work, you can do that, and we are  
24 working to provide that in the following 30 days to  
25 get people in and do that field work.

1 So again, I think the one thing I want to  
2 just tell you is there are a number of opportunities  
3 to get a bite at this apple. This isn't a one-shot  
4 deal when it comes to the cultural reporting. We  
5 have -- in addition to that field work that goes on,  
6 the survey work, the field work following the  
7 reports, you also have the monitors out there during  
8 the construction phase again, that serve their  
9 purpose at that time. There are -- there's ample  
10 opportunity, we hope, for people to participate and  
11 to identify resources that need to be identified for  
12 this process.

13 But at that, I would just say, we don't  
14 know exactly the time. Again, there have to be, as  
15 Doug said, we need track warrants for -- to be able  
16 to shut down the railroad to accommodate this. We'll  
17 do our best to make the time frame work for people.  
18 Looks like tomorrow morning would probably be best.  
19 We're going to have it be -- the high rail vehicles  
20 in here tonight. So -- but we need to figure out who  
21 the seven -- who the seven representatives from the  
22 tribal folks are for tomorrow morning so that that  
23 can be done.

24 **MR. YOUPEE:** We'll have to -- we'll have  
25 to meet on it, because there's some issues there,

1 issues regarding who was in the area. There's issues  
2 because there's people that need to be there. Okay.  
3 And I think it's for their benefit that this ceremony  
4 will take place.

5 And so if you're just taking seven -- let  
6 me get -- get this clear. And -- and as far as the  
7 volume of -- of tribes being involved regarding the  
8 site, so your apple and the bite taken out of your  
9 apple, you know, we have no problem with that as long  
10 as we got that in language on paper, because I think  
11 our capacity is pretty low as far as a trust measure.  
12 And we really need to work on that -- that trust.  
13 Because some things have backfired regarding our  
14 relationship and this project, where tribes felt they  
15 had no say, there's nothing else they could do, and  
16 they felt in a place that no one wants to be at:  
17 Controlled.

18 And so when we're talking about seven  
19 people, you really divide the tribes. And I don't  
20 like that. I'd rather have all the tribes at one --  
21 at one point, because almost feel like you're playing  
22 us from the middle. That's just my -- my thought on  
23 that. But we need seven, you know, we need those  
24 specific tribes to be involved. How we're going to  
25 work that out, I'm not sure.

1 **MS. HAVLERSON:** There's a little --  
2 there's a little town, there's a little community  
3 there. What's stopping us from going to that  
4 community and you bringing back and forth people on  
5 the rails?

6 **MR. JONES:** That's -- well, I think we're  
7 getting on there and going in. It's about two or  
8 three miles to get in and out. What we're trying to  
9 do is, if there's a ceremony to be conducted, be able  
10 to shut the rail down, get on the track, take the  
11 people in, conduct the ceremony, and come back out  
12 and get the rail back, fired back up again.

13 And we had thought at once about trying to  
14 shuttle, taking one vehicle, because we only had one,  
15 putting that on and trying to go back and doing that  
16 twice, but if you think about it, I mean, it adds a  
17 lot of time to what you have to do because you have  
18 to take a group in, come back, take a group in,  
19 conduct the ceremony, take a group back out, return  
20 and take a group back out. Timewise, you probably  
21 want more time there than that, and we're able to get  
22 two vehicles to do that.

23 **MR. JACKSON:** Plus I can -- that scenario  
24 that Herb just described we can only do with one  
25 vehicle, because the other operator has to stay there

1 and stay with the people that are left in the right  
2 of way.

3 **MS. WHITE:** I thought at our last meeting  
4 we said we were all going to go out there to see that  
5 site.

6 **MS. GLIDDEN:** Is there any way that some  
7 of us could go out there and drive and park on the  
8 road? We wouldn't be up at the bridge, but we'd be  
9 nearby. I mean, is that -- some people could just be  
10 off of the actual road.

11 **MS. HAVLERSON:** You know, it's not even a  
12 hundred feet from the road to the hundred feet of  
13 right of way. It's probably maybe -- not even a  
14 hundred feet from the road. I mean, what's stopping  
15 us from walking that distance?

16 **MR. JONES:** You guys have to understand  
17 our perspective. We have -- we're responsible to the  
18 federal railroad administration for how we conduct  
19 our business, we're responsible to landowners for how  
20 we -- I mean, we're doing everything we can to try to  
21 accommodate, and so --

22 **MS. GLIDDEN:** Okay.

23 **MR. JONES:** -- this is shutting the  
24 railroad down to make this thing work tomorrow for a  
25 couple hours so we can get this done. I -- we cannot

1 condone people going across private property. That's  
 2 why we decided the better thing to do here would be  
 3 to try to get people in there to -- not just get you  
 4 close but get you to the -- get you to the -- on the  
 5 rail line there. But you have to be within the right  
 6 of way to make that work. I don't know what else we  
 7 can do. I mean, again, we're trying to do this as a  
 8 goodwill gesture. If it doesn't work, I guess it  
 9 doesn't work, but we were hopeful that it would.

10 **MS. GLIDDEN:** Well, let's --  
 11 **MR. YOUPEE:** Let's -- let's put this in  
 12 perspective as far as the location.  
 13 **MS. GLIDDEN:** Did you have something  
 14 you wanted to say, Russell?  
 15 **MR. EAGLE BEAR:** I'll finish when  
 16 Curley --  
 17 **MS. GLIDDEN:** Okay.  
 18 **MR. EAGLE BEAR:** I'll follow Curley.  
 19 **MS. GLIDDEN:** Okay.  
 20 **MR. YOUPEE:** As far as location, we have  
 21 a road here. Okay. That goes how far to the site?  
 22 **MR. RHODD:** A hundred.  
 23 **MR. YOUPEE:** Hundred feet?  
 24 **MS. HAVLERSON:** Hundred feet.  
 25 **MR. YOUPEE:** This is private access --

1 public access road.  
 2 **MR. JACKSON:** Private.  
 3 **MS. HAVLERSON:** It doesn't say that,  
 4 though. When you access that road, it doesn't say  
 5 "Private."  
 6 **MR. JACKSON:** It is a private crossing;  
 7 I just verified that with Randy Hinke. It's not a  
 8 public access.  
 9 **MR. YOUPEE:** Okay. And how long is that  
 10 road?  
 11 **MR. JACKSON:** It comes in off of the  
 12 public highway and then traverses across the DM&E's  
 13 right of way. I don't know that that's what -- I  
 14 guess the issue is, again, it's private access. We  
 15 won't access -- we will not use that for this purpose  
 16 without notifying that landowner, and if we have to  
 17 go through the process of notifying the landowner to  
 18 get access to that site, we probably will not be able  
 19 to get that arranged to do that tomorrow.  
 20 **MR. YOUPEE:** Okay. And I understand  
 21 what you're saying then, you're pretty adamant on  
 22 that, you're both.  
 23 But what I'm looking at is, how close or  
 24 adjacent can we get to the site to observe the  
 25 ceremony or --

1 **MS. GLIDDEN:** Well, that's what I was  
 2 thinking. I mean, is there any way we could take a  
 3 group of people out and they would just stay on the  
 4 road, not actually go to the bridge but just be there  
 5 during, you know, so that you could at least be close  
 6 by on the highway? Granted, you're not going to be  
 7 right at the site, but at least people will be out  
 8 there, close by. Is that --  
 9 **MR. JACKSON:** I don't believe --  
 10 **MS. GLIDDEN:** -- possible?  
 11 **MR. JACKSON:** I don't believe, from when I  
 12 was out there before, that you can even -- the  
 13 private access that we're talking about is past the  
 14 bridge site.  
 15 **MS. GLIDDEN:** Not the private access. I'm  
 16 talking about if you could drive down to where the  
 17 creek is --  
 18 **MR. JACKSON:** You can't.  
 19 **MS. GLIDDEN:** -- and then just park there  
 20 on the side of the road.  
 21 **MR. JACKSON:** You can't.  
 22 **MS. GLIDDEN:** You can't park on the side  
 23 of the road?  
 24 **MR. JACKSON:** No. And as I recall from  
 25 being out there, part of the reason that we're high

1 railing is because there's limited access.  
 2 **MS. GLIDDEN:** Well, could you just drop  
 3 people off at the road and they could stand there  
 4 during the ceremony?  
 5 **MR. JACKSON:** Well, I mean, that would  
 6 have to be determined. But you can't see the site  
 7 from the road.  
 8 **MS. GLIDDEN:** Would you have to see the  
 9 site from the road? Would it be okay just to be  
 10 there?  
 11 **MR. TSONETOKOY SR.:** Can't we just all  
 12 adjourn and go down there and look at the site?  
 13 I would like to see this site.  
 14 **MS. WHITE:** Nothing was said at the last  
 15 meeting that only seven people were going to go.  
 16 **MR. TSONETOKOY SR.:** And maybe by looking  
 17 at it, you might get a better idea how to access it.  
 18 **MR. JACKSON:** We were not told we were  
 19 going to this site on the trip, that's why the  
 20 logistics weren't worked out.  
 21 **MS. HAVLERSON:** Well, we were told that  
 22 at --  
 23 **MS. GLIDDEN:** Dewey, you weren't --  
 24 **MS. HAVLERSON:** -- the last meeting we  
 25 were --

1           **MS. WHITE:** Right.  
 2           **MS. GLIDDEN:** Dewey, you had  
 3 something --  
 4           (Court reporter interrupts and requests  
 5 one speaker at a time.)  
 6           **MR. YOUPEE:** Well, let me ask this  
 7 question: How -- how long will the ceremony take?  
 8           **MR. EAGLE BEAR:** Can I get a -- say  
 9 something?  
 10           First of all, I don't know, we're making a  
 11 prayer really complicated here, and -- and I --  
 12 I'm -- some of the feedback I'm hearing, I'm not too  
 13 comfortable with. And I know it's your goodwill and,  
 14 you know, you guys did really make a big boo-boo out  
 15 there in the past.  
 16           And I'm glad the leadership was here this  
 17 morning; I wish they would have still stayed to hear  
 18 our concerns.  
 19           I come from Lakota country. When I first  
 20 heard of this incident and when we went out there, we  
 21 knew that there was a -- a -- you know, on a  
 22 spiritual level, we knew that there was something  
 23 happened here. And our purpose at these meetings was  
 24 always to -- I think Pam always brought up the issue,  
 25 it's still sensitive to us. You know. It hurts us

1 when we know that our relatives have been disturbed  
 2 in the past.  
 3           And I come here -- after our last meeting,  
 4 Cathy made a statement, basically to the railroad  
 5 people, that that needs to be taken care of. And so  
 6 at that particular meeting, we all said, "All right.  
 7 Finally, justice is happening."  
 8           And so we all sat around and we decided,  
 9 okay, the next meeting, we're going to have that at  
 10 Lower Sioux, we're going to go back over there again.  
 11 And that's why we're here today. And I brought,  
 12 again, once again, I brought a spiritual leader with  
 13 me, a medicine man with me. And this is for my  
 14 purpose, our purpose from Rosebud country, to come  
 15 here to tell those spirits that, Hey, we're here, and  
 16 you're going to be taken care of spiritually.  
 17 Somebody's going to do something. Whether it's the  
 18 federal government or the railroad, they are going to  
 19 do something. We're going to do our part. We're  
 20 going to come and pray with you and say, Hey, it's  
 21 okay. We've come this far. We want to make sure  
 22 that you're going to be at peace one day.  
 23           That's our purpose here. That's why I --  
 24 I come here. I came here prepared for that. I --  
 25 I'm not -- you know, if everybody -- I -- I'll --

1 I was hoping that everybody could join us to say that  
 2 special prayer for those people. Now it's getting  
 3 really complicated. Now you're even dictating how we  
 4 should pray or how many people should pray. And  
 5 I don't -- I don't appreciate that.  
 6           One of the things -- I wish the leadership  
 7 was here again today, because I -- I can -- on my  
 8 reservation, on Rosebud, I can make things happen. I  
 9 can get my leadership and I can go out there. I can  
 10 send somebody, a representative, out there to a  
 11 landowner and talk directly to that landowner,  
 12 express our concern. My option right now this  
 13 morning -- this is my purpose here. I want to do  
 14 this ceremony before we even discuss -- have any  
 15 further discussions, but the feedback I'm getting  
 16 back from the railroad again -- it's -- it's  
 17 upsetting to me. I'm not going to sit here the rest  
 18 of the day, listening to their -- to their excuses.  
 19           **MR. YOUPEE:** Yeah. And I think it really  
 20 goes against the American Indian Religious Freedom  
 21 Act as well. I can cite you that Act right here.  
 22           "Establishes, as the policy of the  
 23 U.S., the protection of the  
 24 preservation -- establishes, as a  
 25 policy of the U.S., the protection and

1 preservation of the inherent right and  
 2 freedom of the American Indian to  
 3 believe, express, and exercise the  
 4 traditional religion of the American  
 5 Indian. This Act is established as a  
 6 positive right of these people to  
 7 access sites, use and possess sacred  
 8 objects, and the freedom to worship  
 9 through ceremony and traditional  
 10 rights."  
 11           This isn't a church thing. This isn't a  
 12 communion. This isn't a witness when you go in one  
 13 of those little rooms. Our church is nature. Our  
 14 church is surrounding us. When we go out there, it's  
 15 good that tribes go out there together. We do have  
 16 several different tribes here. But -- but to come  
 17 together for a ceremony, you know, these people are  
 18 interested in that. Some of these folks have come a  
 19 long ways for that. And I think if we can make  
 20 accommodation, you know, for this, we're going to  
 21 be -- to be overcoming a great hurdle. And you're  
 22 going see -- you know, you're going to see a lot of  
 23 easement. Because this thing has been a thorn in our  
 24 side for a long time. Like Russell said, it's  
 25 becoming complicated. Why control what we do?

1           **MR. EAGLE BEAR:** Could I finish now?  
 2           And I think part of my -- my way of  
 3 thinking is, is no one -- no one can stop me from  
 4 praying. If I choose to take a group of people, or  
 5 even my spiritual leader out there, and if you choose  
 6 to -- to call your local sheriff and you choose to  
 7 kick me off of your property, that's going to be your  
 8 right. However, this is going to generate a lot of  
 9 publicity. Look what's happening in Yankton right  
 10 now over a hog farm. You want to play this game, I'm  
 11 willing to play with you. I'm willing to play  
 12 hardball with you. Especially the railroad. And the  
 13 federal agency.  
 14           You know, we -- we -- we've made progress  
 15 here in the last year by me coming to these meetings,  
 16 I've observed, and to build a trust and build a  
 17 relationship -- I thought that's what we were doing.  
 18 But now we're back to square one. And that -- that's  
 19 really upsetting. I -- you know, why is it so hard  
 20 to take a group of people to a place to say a simple  
 21 prayer? Why is it so complicated? You can throw out  
 22 all your -- your regulations, your laws. There's one  
 23 that was quoted here. Now you're -- you're stepping  
 24 into my boundary and my realm, trying to dictate  
 25 where I can go pray, when I can go pray, how many

1 people can go pray. And that's -- that's BS.  
 2           I'm really getting upset now. I guess my  
 3 stand would be -- and again, I -- I talked to -- to  
 4 my uncle and he said, you know, we should go actually  
 5 to the site where the -- the main disturbance is,  
 6 where the bones are. And we can make it out there  
 7 today. And -- and I'm not going to sit here rest of  
 8 the day. I don't want you guys putting what we want  
 9 to do on the back burner simply because you want to  
 10 get on with business. I'm not going to be part of  
 11 it. You guys can make things happen. You choose not  
 12 to. You know, you're making all kinds of excuses,  
 13 and I'm -- I don't want no part of it.  
 14           We did -- you know, my -- my tribe sent us  
 15 as representatives. They sent our spiritual leader  
 16 up here. You know, out of courtesy and respect, you  
 17 guys should have invited him, the federal agency,  
 18 the -- the contractors, and the -- the railroad. The  
 19 ones that did this injustice to our relatives, you  
 20 guys should have did that. You guys should have went  
 21 out there, tracked him down, and offered him pipe.  
 22 "Come and help us" -- offered Ambrose a pipe -- "Come  
 23 and help us to correct the wrong." And then we can  
 24 get back on the same page. Then I feel good, I can  
 25 come to these meetings and have a meaningful

1 dialogue. But no, uh-uh, you guys want to play these  
 2 games. I -- I -- I'm not going to be part of it.  
 3           Now, you know, I'd like to speak to Pam.  
 4 She's our host here. There are other ways of getting  
 5 out there. If it means to gather all our people  
 6 locally and challenge you guys and go out there to  
 7 say a prayer. I'm -- I'd like to see that happen, if  
 8 you can make it happen. If not, we'll go out there  
 9 and do our own thing.  
 10           So I'm laying that out on the table here  
 11 right now today, this morning.  
 12           **MS. GLIDDEN:** I think one of the things,  
 13 too, is that I know that you had said there -- that  
 14 there would be additional opportunities to go out to  
 15 visit the site, and -- and I think one of the things  
 16 that's included in that would be a traditional  
 17 cultural property survey, which I know that is going  
 18 to be done. And I'm -- you know, based on what I'm  
 19 hearing, I think that the site could very well be  
 20 considered a traditional cultural property, and so  
 21 that would have implications for this project.  
 22           But I'm wondering, is there any way that  
 23 we could get some additional people out tomorrow on  
 24 the high rail? I know that there's big logistical  
 25 issues and so on. Is there any potential?

1           How many people are we talking about as  
 2 far as that would need to go out there?  
 3           **MR. JONES:** Could I just ask how long the  
 4 ceremony is? Does anybody know, or is there a given  
 5 amount of time for that, if I might ask?  
 6           **MR. YOUPEE:** The question is, how long  
 7 would the ceremony be.  
 8           **MR. EAGLE BEAR:** I'm not going to sit here  
 9 and discuss this whole thing. I think it's  
 10 clearly --  
 11           (Mr. Eagle Bear and Ms. Glidden left the  
 12 room.)  
 13           **MR. JONES:** We'd have to make  
 14 arrangements. Again, we need assistance on this to  
 15 make something work out, but we'd have to know -- I  
 16 mean, we were trying to put something together that  
 17 would allow us to make that work with the number  
 18 of -- with at least getting two -- two vehicles of  
 19 people out there. But it -- I don't know -- I don't  
 20 have any idea what you're talking about for a length  
 21 of time for -- to conduct a ceremony. And if that --  
 22 that would be part of the logistics of trying to make  
 23 something work out, if somebody has an idea for us --  
 24           **MR. COFFEY:** You can't put a time limit on  
 25 these types of things here. Because these gentlemen

1 are gifted. You know. They may go out there and  
2 offer a prayer -- the spirits will talk to you. We  
3 all know that. You know, they will talk to you. And  
4 these spirits may talk to these gentlemen and they  
5 may ask that something else be done. You see. So --  
6 so you can't really put a time limit on this. Can  
7 you put a time limit on a preacher's sermon? No.  
8 They're -- they're -- you just can't put a time limit  
9 on it.

10 **MR. JONES:** Again, I'm just trying to make  
11 a square peg fit in a round hole, and I know it's a  
12 hard thing to do, but we're trying to see what we can  
13 do to make something work.

14 **MS. HAVLERSON:** I don't -- I don't think  
15 we're -- I don't think we're on the same level here,  
16 because you're talking about square pegs and holes.  
17 These are our ancestors. These are their remains.  
18 And you say that DM&E didn't have anything to do with  
19 that. It says here in the report from the archeology  
20 survey, it said that -- that in 1999, that it was  
21 dis -- that Phase 1 survey for DM&E on this project,  
22 it said that "Layton noted that a body shard had been  
23 recovered, and he described the site area within the  
24 right of way as being highly disturbed." So, I mean,  
25 what's stopping us? You're making excuses and, I

1 **MS. HAVLERSON:** No, I'll gather up all the  
2 tribe. I'll call in the tribe. I'll call in the  
3 tribe and you take us all out there.

4 **MS. GLIDDEN:** Can we just caucus here for  
5 a little bit longer? I think we need some time.  
6 Things are escalating and I'd like to talk to Herb  
7 and to talk about how we can get some people out  
8 there, get some people out there that need to be out  
9 there for that ceremony. Can we do that?

10 **MR. YOUPEE:** You want us out there?

11 **MS. GLIDDEN:** Yeah, a five-, ten-minute  
12 break.

13 (A break was taken from 10:55 a.m.  
14 11:28 a.m.)

15 **MR. EAGLE BEAR:** I think what we're going  
16 to do at this point, we need to -- our tribes, we  
17 need to talk amongst ourselves over this issue, and  
18 there's some points that were brought up to us, and  
19 I think we need to discuss that alone, and then we'll  
20 have lunch. And then we need to caucus some more  
21 this afternoon. We'll do that. So thank you. You  
22 can stop. You can go.

23  
24 (A break was taken at 11:29 a.m. to  
25 1:56 p.m.)

1 mean, this has to be dealt with.  
2 And I've said it from the beginning and  
3 keeping -- keeping -- letting us go out in those  
4 fields for two weeks last fall to see what was going  
5 on, I mean, and rush through everything, but we still  
6 took time at those sites when they -- when I came out  
7 there with the crew that was there. And, you know,  
8 there's a lot of strength in that area. There's a  
9 lot that needs to be taken care of. And we're asking  
10 you to let us do that. Would we stop you from doing  
11 a funeral for your -- your people on a cemetery?  
12 Would we stop you from going out to see your  
13 grandmother be buried?

14 (Ms. Glidden returns.)

15 **MR. JONES:** You know, Pam --

16 **MS. HAVLERSON:** Would we stop that?

17 **MR. JONES:** -- if you're asking me the  
18 question --

19 **MS. HAVLERSON:** No, think about it.

20 You're not thinking about it.

21 **MR. JONES:** I hear what you say, but to  
22 get a procession from a church to a -- to a --

23 **MS. GLIDDEN:** Okay. Can I --

24 **MR. JONES:** -- cemetery, there would be --

25 **MS. GLIDDEN:** I need to interrupt.

1 **MS. GLIDDEN:** Okay. Thanks everyone,  
2 we're going to get started again. The lunch was  
3 delicious. Really. Thank you.

4 Anyway, I was going ask, is anybody  
5 intending to do a PowerPoint presentation or is that  
6 being set up for tomorrow?

7 **MR. EAGLE BEAR:** That's mine.

8 **MS. GLIDDEN:** That's yours?

9 **MR. EAGLE BEAR:** No, not really.

10 **MS. GLIDDEN:** I just was curious.

11 **MS. DEROSIERS:** You need some more  
12 sensitivity training.

13 **MR. EAGLE BEAR:** Sensitivity training here  
14 today and multiple presentations and give you a  
15 little dose of our spirituality, so that's why we  
16 have it set up.

17 No, I think we do have plans for the  
18 afternoon, and I don't know if -- Pam, how do you  
19 want to handle this? Inform the tribe what your  
20 meeting was -- we asked you to do certain things, and  
21 do you want to discuss that with the tribe, tribal  
22 members only or --

23 **MS. HAVLERSON:** Yeah, just tribal.

24 **MR. EAGLE BEAR:** Okay.

25 **MR. YOUPEE:** I think we should inform the

1 folks of what the --

2 **MS. GLIDDEN:** Yeah, what's happening?  
3 What are you intending?

4 **MR. EAGLE BEAR:** Do you want me to tell  
5 them?

6 **MS. HAVLERSON:** Uh-huh.

7 **MR. EAGLE BEAR:** Yeah. Well, we  
8 discussed it, we sent Pam over to discuss with her  
9 leadership and tribal council and attorneys, and we  
10 are going to go out there this afternoon and do our  
11 prayer. Before we even come back to this arena, we  
12 wanted to take care of that first. So that's our  
13 plan.

14 **MS. GLIDDEN:** Okay. I just wanted to  
15 reiterate that the railroad has offered to provide  
16 transport to the site tomorrow, and there are safety  
17 concerns regarding going out there to the site that  
18 have been expressed to me by the railroad that I just  
19 want you to be aware of.

20 **MR. EAGLE BEAR:** Right. And they  
21 indicated that to us, and we did share that with --  
22 with the group, and we have to do what we have to do,  
23 too.

24 **MS. GLIDDEN:** Uh-huh.

25 **MR. EAGLE BEAR:** You know, if you want

1 of properly. We certainly couldn't condone people  
2 doing things that don't work consistent with law or  
3 the regulations that we live with, but I'd just say  
4 if there's a way to make that work by not having any  
5 further discussions today, suspend the calendar, and  
6 do it right tomorrow morning, and get out there and  
7 give you a couple hours if we can get the thing  
8 arranged, we'd be happy to do that and think that it  
9 would be the safest, most appropriate way to do it.  
10 But have no more discussions today and -- and -- and  
11 leave it at that and pick it up back tomorrow once  
12 you get that -- that taken care of.

13 **MR. YOUPEE:** What can you do as far as  
14 accommodation? Has accommodation changed somewhat?

15 **MR. JONES:** Yeah -- well, let me just tell  
16 you what we would do, Curley -- I'm sorry, we didn't  
17 mention that. What we would do -- we've gotten,  
18 I think, one more vehicle, and what we were going  
19 to --

20 **MR. JACKSON:** Two more.

21 **MR. JONES:** Two more vehicles. And what  
22 we would do is actually shuttle people from the  
23 location to the site. And then we're required to  
24 have people there in the right of way, but, I mean,  
25 we will -- our presence will be absolute bare

1 to be a stumbling block, that's fine, but I think  
2 it's consensus of the tribes to take care of this  
3 first and -- and then -- then we'll do what the --  
4 our prayer is not going to take a back -- to the back  
5 burner to anything that's going on here right now.

6 **MS. GLIDDEN:** I mean, the other option  
7 would be just to end the meeting today and then just  
8 go out to the site first thing in the morning, and it  
9 could be something that the railroad could arrange  
10 and make sure that there's access and that it's legal  
11 and that it's safe and that people are transported on  
12 the rail, that they prevent trains from going through  
13 there. I think there's some concern regarding that,  
14 and the fact that there's private property as well.

15 **MR. EAGLE BEAR:** Do you want to continue  
16 with your meeting?

17 **MR. JONES:** Russell, that's what I'd say,  
18 I'd second that. There's a way to suspend the  
19 calendar so we don't have any discussions before  
20 tomorrow on anything, to keep your thoughts intact of  
21 not -- not meeting until that's dealt with, then, you  
22 know, I would ask that you just suspend the calendar  
23 for the rest of the day, for everybody you have  
24 scheduled, go to this in the morning, and do it in a  
25 way that we can make sure people are being taken care

1 minimum, whatever we have to do to comply with the  
2 safety. We will make the route -- we'll shuttle  
3 people in there from the point about two miles away,  
4 make several trips to do that, to get everybody  
5 there. And then when the ceremony is done, we will  
6 shuttle people back to where we started from.

7 It will probably take a couple of hours  
8 to -- I mean, as I understand it, for the  
9 transportation, the ceremony, and getting back to the  
10 starting point will take a couple hours to do that.  
11 And we've discussed that with people and can make  
12 that work.

13 And -- and again, I just want to tell you,  
14 we're -- we're trying to do this in a way that works  
15 for everybody and be sensitive to what you need, and  
16 hope that that's a way we can do it with simply not  
17 having any other dialogue until that's dealt with for  
18 you, and then pick things up tomorrow once you  
19 conclude that activity.

20 **MS. GLIDDEN:** Yeah. I mean, my main  
21 concern is the safety issue, to be honest, is safety  
22 in getting in there, because there's going to be  
23 trains running in and out of there.

24 And they can provide safety; correct?

25 **MR. JONES:** Well, yeah, what it is,

1 Curley, is two high rails, is the way it works, two  
2 vehicles going back and forth until we get everybody  
3 shuttled to the spot, is what we would do. And  
4 again, we'll keep -- we're only going to have there  
5 what we have to have there by law. The rest of it is  
6 you guys doing your own thing and doing what you need  
7 to do. And we will, at the conclusion, shuttle  
8 everybody back. And again, that's the best we can  
9 do, and hope that that will work for folks. And  
10 I guess, you know, if that's -- if we pick up the  
11 calendar then once that's resolved, that's what we  
12 would -- we hope everybody can do.

13 **MS. GLIDDEN:** We don't have to have  
14 anything on the agenda here aside from the Price  
15 site. If that's all -- if that's -- if that's what  
16 needs to be dealt with, that's what we'll deal with  
17 here, and any of the items -- any of the other items  
18 we can deal with at later time.

19 **MR. JONES:** The exact time of the  
20 movement, we would do that -- we would try to do that  
21 first thing in the morning. We're working with our  
22 operations people right now to coordinate that, so  
23 that when -- so we can schedule it so people can  
24 leave here, get there, get on the track, get to the  
25 site, get back, and hopefully do that without --

1 there tomorrow. So we will -- we will go out there  
2 tomorrow.

3 And so we basically, we're done with our  
4 meeting, we don't want to discuss the Programmatic  
5 Agreement or work plan or protocol or contracts  
6 today.

7 **MS. GLIDDEN:** Okay.

8 **MR. EAGLE BEAR:** So with that, I ask my  
9 leksi, Roy, to say a closing prayer for us, here.  
10 (Roy Stone Sr. offers a prayer.)

11 **MS. GLIDDEN:** That's it. What time do you  
12 want to convene tomorrow? What time do you want to  
13 go out there?

14 **MR. EAGLE BEAR:** Well, again, your  
15 schedule, but maybe we can leave here at eight-thirty  
16 or nine o'clock. Is that okay with everybody?

17 **MS. GLIDDEN:** Herb, leave at nine  
18 o'clock?

19 **MR. EAGLE BEAR:** We'll leave here at nine  
20 o'clock.

21 **MR. JONES:** The lady that's coming up, the  
22 same one that was here before, she's on her way up  
23 here. I'll get together with her at eight o'clock.  
24 Still got to call operations to get a track warrant  
25 for that time frame.

1 coordinating that with the train movements for  
2 everybody's safety. And we won't know the exact time  
3 for all of it until we get together in the morning,  
4 and then the operations folks with the train, so  
5 we'll have -- I mean, it might be a little bit of  
6 waiting here or there to get going to make sure it  
7 all works just right. But we can do that.

8 **MR. YOUPEE:** Okay. Well, maybe we can  
9 take that into consideration when we deliberate with  
10 the caucus and see what our -- what our best route  
11 would be.

12 **MR. JONES:** Okay.

13 **MR. YOUPEE:** So if we could caucus for a  
14 few minutes.

15 **MR. JONES:** Okay.  
16 (A break was taken from 2:04 p.m. to  
17 2:21 p.m.)

18 **MS. GLIDDEN:** Have you all decided on --

19 **MR. EAGLE BEAR:** Pam's looking at me,  
20 so, yeah, I guess we had a discussion on it, and we  
21 will do it tomorrow. However, tomorrow morning,  
22 though, when we come together, we want to make some  
23 statements, have it reported, and we might have some  
24 news media here also, in light of what happened  
25 today, this morning, and what led up to going out

1 **MR. EAGLE BEAR:** Okay.

2 **MS. GLIDDEN:** So you wanted to make some  
3 statements here in the morning?

4 **MR. EAGLE BEAR:** Yes.

5 **MS. GLIDDEN:** So we'll be here at  
6 eight-thirty?

7 **MR. EAGLE BEAR:** Well, yeah, eight-thirty,  
8 nine o'clock, before we leave.

9 **MS. GLIDDEN:** Before we leave. Okay.

10  
11 (The summit was adjourned for April 29,  
12 2008, at approximately 2:24 p.m., and was reconvened  
13 on April 30, 2008, at 8:59 a.m.)

14  
15 **MS. GLIDDEN:** Good morning, everybody.  
16 We're going to go ahead and start this morning. It's  
17 a beautiful morning out there, clear day, wind  
18 blowing. I think it's an important day. We're going  
19 to be visiting the Price site, and I think it's  
20 something that's important, and obviously it's very  
21 important to the tribe. So very pleased that things  
22 ended up as they did. We have a bus out front that's  
23 going to be leaving -- or it's -- it's going to be  
24 here at what time?

25 **MR. JACKSON:** Nine.

1           **MS. GLIDDEN:** Nine o'clock. And it's  
 2 critical that we get on the buses and get going as  
 3 soon as possible. We have a couple-hour time frame  
 4 where the track will actually be closed that a  
 5 ceremony can be performed at the -- at the bridge,  
 6 and the window is between --  
 7           **MR. JACKSON:** Ten and 12.  
 8           **MS. GLIDDEN:** -- ten and 12. So it's very  
 9 important we get on the bus as soon as we can after  
 10 this meeting.  
 11           Ambrose, before we begin any more  
 12 discussion, would you -- would you give a prayer?  
 13 (A prayer offered by William Ambrose Littleghost at  
 14 approximately 9:04 a.m.)  
 15           **MS. GLIDDEN:** There was some interest,  
 16 I know, amongst some individuals of having a --  
 17 continuing to have discussions following the visit to  
 18 the Price site. So I just wanted to talk about that  
 19 real quickly and see if there was an interest in  
 20 coming back here after the meeting -- or after the  
 21 visit. We can certainly do that. I know some people  
 22 are intending to leave. Is there any interest in  
 23 coming back here and talking about things further?  
 24           **WILLIAM LITTLEGHOST:** Yeah, just to  
 25 give you a quick bit of information.

1           The way we do things in burial and other  
 2 things we do out in the field, they come. There's  
 3 not asking, but they come. And they happen to  
 4 discover inadvertently. And other things we deal  
 5 with out in the field. But to just go ahead and  
 6 leave us that way, we do not -- we say "No."  
 7           Back, way back in -- many years ago, they  
 8 had the flooding of Missouri River. There, they  
 9 moved people, but they were cut banks as the river  
 10 was coming up, people who were buried there float on  
 11 top of the river, so decided to go ahead and show  
 12 respect in an emergency way. But I don't -- I don't  
 13 see any emergency.  
 14           It has a lots to do with the way we  
 15 believe in the beginning. And in the beginning, we  
 16 were given these certain rights, and each one  
 17 practiced that right. There's songs for each one,  
 18 there's prayer to each one. And I believe in the way  
 19 I live. I hope you respect -- everyone respects  
 20 that. (Speaks in non-English language.)  
 21           **MS. GLIDDEN:** Thank you. Did you want --  
 22 did you want to come here afterwards? Or Russell --  
 23           **MR. EAGLE BEAR:** Pardon?  
 24           **MS. GLIDDEN:** Did we want to come back  
 25 here after the visit and have further discussions?

1           **MR. EAGLE BEAR:** Yes, I think some of us  
 2 would probably be here until we get our free supper.  
 3           (Laughter.)  
 4           **MS. DEROSIERS:** But not after that.  
 5           **MR. EAGLE BEAR:** But we do -- we do need  
 6 some discussion. And one of the things -- you know,  
 7 this -- this ceremony is really important to us, and  
 8 so once we're complete with that, then we have some  
 9 serious discussion that -- that needs to take place  
 10 among our tribes, and just kind of a reminder of  
 11 other projects that we're currently working on and  
 12 kind of updating each other on that.  
 13           I know there's one issue that's kind of  
 14 pressing is -- is Trans Canada is just now  
 15 approaching tribes individually, and -- and now  
 16 they're actually going to bring tribal leadership,  
 17 tribal presidents, up to Canada for meetings. And so  
 18 I want the THPOs to kind of monitor your leadership,  
 19 kind of stay on top of them, just to make sure  
 20 that -- that we're all in the same page with our  
 21 leaders. That's something that we need to be  
 22 cautious about.  
 23           So I guess -- and today, we want to --  
 24 going to have a sit-down meeting and -- after the  
 25 ceremony is done, our part is done, and -- and it's

1           going to come back to -- to the DM&E, shoulders of  
 2 the DM&E, to -- to do something, set out a plan to do  
 3 what is right.  
 4           And so I hope that they would sit down and  
 5 develop a plan to -- to go and -- and recover as much  
 6 as they can. And hopefully they have the foresight  
 7 to gather one of the tribal members, maybe locally,  
 8 here, to do a interment of any bone that is  
 9 collected. So these are things that we wanted to  
 10 talk about.  
 11           And I -- I believe this afternoon, Pam --  
 12 Pam is our lead here, and she's our host, so however  
 13 she wants to do things and however she wants to say  
 14 things, we'll help her do that. So that's something  
 15 that we've discussed.  
 16           So yeah, we'd like to -- bring on the pop  
 17 and the cookies this afternoon, we'll be here.  
 18           **MS. GLIDDEN:** Okay. So I would encourage  
 19 anybody that can be here, be here.  
 20           Doug, would you still be able to -- would  
 21 you be able to participate in a meeting this  
 22 afternoon?  
 23           **MR. JACKSON:** I'm not positive, but I'll  
 24 try.  
 25           **MS. GLIDDEN:** And so there may be some

1 people that are going to be leaving, but I'll be  
 2 here. Okay. All right.  
 3 **MR. EAGLE BEAR:** All right.  
 4 **MS. GLIDDEN:** Anything else? Should we  
 5 head out?  
 6  
 7 (The group leaves for Price site visit at  
 8 approximately 9:09 a.m.)  
 9 (The summit was not thereafter reconvened  
 10 and was informally adjourned at approximately  
 11 2:55 p.m.)  
 12  
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**CERTIFICATE OF COURT REPORTER**

I hereby certify that I reported the proceedings of the Tribal Consultation Summit, on the 29th and 30th days of April, 2008, at Jackpot Junction & Casino, Morton, Minnesota.

The proceedings were recorded stenographically by me, were transcribed under my direction, and constitute a true and correct record of the proceedings.

WITNESS MY HAND this 12th day of May, 2008.

\_\_\_\_\_  
 Denise A. Drill  
 Registered Professional Reporter  
 and Notary Public

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