



**Department of Energy**  
Office of Civilian Radioactive Waste Management  
Office of Repository Development  
1551 Hillshire Drive  
Las Vegas, NV 89134-6321

MOL.20041129.0011

QA: N/A

SEP 20 2004

RECEIVED BY BSC CCU

DATE: 09/21/2004

Amy L. Dutschke, Acting Regional Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

Dear Ms. Dutschke:

Thank you for your letter dated June 18, 2004, requesting cooperating agency status for the U.S. Department of Energy's (DOE) proposed Rail Alignment Environmental Impact Statement (EIS). The basis for your request is that the western Bonnie Claire Alternative (BC1), as described in DOE's April 8, 2004, *Notice of Intent (NOI) to Prepare an EIS for the Alignment, Construction and Operation of a Rail Line to a Geologic Repository at Yucca Mountain, Nye County, NV*, would cross lands held in trust for the Timbisha Shoshone Tribe (Tribe).

In a letter to DOE from the Tribe dated June 15, 2004, Chairperson Shirley Summers expressed the Tribe's direct opposition to the proposed Caliente corridor for the transport of nuclear waste to the Yucca Mountain Repository. The Tribe states that it is very troubled by the decision to select the Caliente corridor and the fact that the proposed rail line would run through a portion of their reservation.

As a result of the Tribe's letter to DOE, BC1 has been eliminated from further consideration in the Rail Alignment EIS process. Any proposed rail alignment or alternates that may be identified through that area will not traverse any portion of the Tribe's lands. Because the possibility of encroachment on tribal trust lands has been eliminated, the primary criteria for cooperating agency status, that being the possession of management and regulatory authority over lands crossed by the proposed rail alignment, would not apply. Therefore, we believe that granting cooperating agency status to the Bureau of Indian Affairs (BIA) for this action would not be appropriate. However, BIA was specifically identified in the NOI as a consulting agency regarding any environmental and regulatory issues germane to the proposed action. DOE looks forward to coordinating closely with your agency in this regard.

Amy L. Dutschke

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Thank you for your interest in the transportation aspects of the Yucca Mountain Project.  
If you have any questions, please contact me at (702) 794-1417.

Sincerely,

*R.W. Clark*  
for

Robin L. Sweeney  
Nevada Rail Project Manager

cc:

Shirley Summers, Timbisha Shoshone Tribe,  
Death Valley, CA

Amy L. Dutschke

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SEP 20 2004

bcc:

J. G. Lanthrum, DOE/HQ (RW-30E), FORS

J. M. Sweeney, DOE/HQ (GC-52),

Las Vegas, NV

R. W. Clark, DOE/OSPD (RW-30E),

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R. E. Black, DOE/USBR, Las Vegas, NV

Lee Morton, BSC, Las Vegas, NV

A. B. Benson, DOE/ORD (RW-2W),

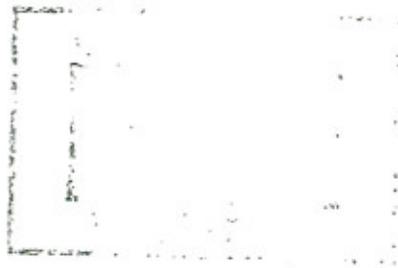
Las Vegas, NV

R. E. Lupton, DOE/ORD (RW-2W),

Las Vegas, NV

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MFR: OSPD:RLS-1755



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SEP 21 2004

BSC CCU/*SW*

From: Robin L Sweeney

Of: DOE/OSPD

Sent: 09/20/2004



09/21/2004  
received

To: A L Dutschke

cc: Janine Sweeney, Bob Clark, Allen Benson, Robert Lupton, Bsc Ccu Administrator

Re: Response to Timbisha Shoshone Tribe Regarding the Rail Alignment EIS

Note:



Mailed Document: 09\_21\_1755 bcc.pdf