

EO-1432

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Subject DM&E Project - WY SHPO Objections (Re. Tribal
Information)

Greetings everyone,

I am contacting you at this juncture as the Surface Transportation Board (STB) is at an impasse with the Wyoming State Historic Preservation Office (SHPO) regarding the handling of tribally sensitive information for the DM&E Project. I explain in more detail below.

On January 6, 2010, the STB's Section of Environmental Analysis (SEA) sent a letter to the SHPO requesting comment on our determinations of National Register eligibility for 21 stone feature sites located in the State of Wyoming (letter attached as EO-1388). The determinations of eligibility were based largely on information provided by those of you who visited the 21 stone features sites.

The SHPO has thus far refused to comment on the 21 stone features sites stating that, before doing so, **Wyoming site forms must first be updated by the STB to include the new tribal information that you provided about the stone features.** The SHPO position on this issue is documented in its March 23, 2010 letter to us (see attached as EI-18077).

We have explained to the SHPO our promise to tribes that we **not** update site forms with sensitive tribal information. The specifics of our promise to tribes was discussed at an October 27, 2009 meeting in Pierre, SD and is outlined in our November 10, 2009 letter to Mr. Russell Eagle Bear (see letter as EO-1352 attached). We explained to the SHPO that by adding tribally sensitive information about the stone features sites to the Wyoming site forms we would be violating our promise to tribes. Nevertheless, the Wyoming SHPO has taken the unwavering stance that STB must update site forms with **all** available information (including all tribal information). In its letter, the Wyoming SHPO offered to meet with concerned tribes to discuss its ability to protect sensitive information (see attached EI-18077).

My question to you then is this: Do you want us to complete site forms for the WY SHPO pursuant to its demands? Moreover, are you comfortable with allowing the WY SHPO to safeguard tribally sensitive information on its end? According to Mary Hopkins, Interim SHPO, her office is capable of safeguarding sensitive information. In her March 23, 2010 letter, Ms. Hopkins explained that her office is concerned that without this information, the potential for sites to be damaged is far greater than it would be otherwise

I hope you take a moment to provide your comment and opinion regarding this important issue. Thank You!

Best Regards,

Catherine Glidden



EO-1388.pdf



EO-1352.pdf



EI-18077.PDF