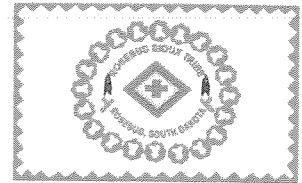


Protecting the Land, Cultural,
Heritage and Tradition for
the Future Generation

Tribal Historic Preservation Office

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Russell Eagle Bear
Officer

Kathy Arcoren
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Victoria Rutson
Environmental Analysis Director
Surface Transportation Board
395 E. Street, SW
Washington, DC 20423-0001

December 5, 2011

RE: Finance Docket 30186, Tongue River Rail Project

Dear Ms. Rutson,

This letter is in reference to the Tongue River Railroad Project: Finance Docket 30186; Tongue River Rail Project. During a recent teleconference call with your office, tribes, and interested parties, the tribal groups consulted voiced concerns about the proposed Tongue River I (TR1) project. It is important to the Rosebud Sioux Tribe that we resolve and clarify any unrequited questions tribes may have about the proposed TR1 project before proceeding and regarding cultural resources, associated environmental issues, and routing.

Since the original EIS was completed in the mid eighties (1980s) conditions have changed and occurred which would not have been addressed in the EIS. One, the TR1 EIS was intended to evaluate environmental impacts related to the construction of a rail line along the Tongue River to the Montco mine south of Ashland, Montana. To our knowledge, no environmental reporting for NEPA or NHPA purposes has occurred relative to the new rail line between Ashland and what is described as the Otter Creek mine area. Furthermore, we have no information on where the specific alignment will be located. Secondly, we are of the understanding that STB has approved the overall rail alignment. Should this be the case, was the Ashland to Otter Creek spur also part of that approval? Since no environmental reporting has occurred for that section of the railroad, we question whether your approval of the Otter Creek spur, if it occurred, was proper. Third, we do not believe that the TR1 EIS, given its time of reporting (1980s), meets current NEPA reporting standards. For example, meaningful tribal consultation was required under law but not done when the EIS was completed. Tribes had little or no role in the creation of the document, nor participation in field analysis for Traditional Cultural Properties. Cultural resource laws of today are clearly defined and mandate federal agencies to consult with tribes.

There are a number of concerns regarding the treatment of cultural resources. It is critical that STB, through tribal participation, identify tribal cultural properties to ensure protections and measures are taken to ensure preservation efforts are addressed and steps taken to satisfy tribal concerns.

We strongly urge a new EIS which meets current federal reporting standards and where tribal participation is part of the process of identifying important spiritual, archaeological, and traditional cultural property sites within the Tongue River Corridor.

To reiterate, the RST feels the process should be revisited, reassessed, and revised with tribal input and we urge a face to face meeting in lieu of a conference call at your earliest convenience.

Sincerely,



Mr. Russell Eagle Bear
Rosebud Sioux Tribe
Historic Preservation Officer

Cc: Daniel R. Elliott III, Director
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