

Tribal Historic Preservation Office

P.O. Box 907
205 Oak St. East, Suite 121
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(605) 698-3584 phone
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March 18, 2011

**Mr. Kenneth Blodgett
Surface Transportation Board (STB)
Office of Environmental Analysis
395 E ST SW
Washington DC 20423**

RE: Tongue River RR Construction and Operation Western Alignment Programmatic Agreement Docket No. FD 30186 (sub-no. 3).

Dear Mr. Blodgett,

I am writing with regard to the Tongue River Railroad proposed construction and review of the Programmatic Agreement (PA) that has expired under time limitations and has been extended to satisfy other timelines not met. The Sisseton Wahpeton Oyate (SWO) is aware of many significant sites of cultural, historical and present day interest in the area and also the substantive on-going changes in case law, which have occurred since the original PA was signed. Of notable comment is also the fact that this area is located within the traditional homelands of the Lakota and Dakota people and is within the boundaries of the 1851 Treaty and the 1868 Ft Laramie Treaty lands.

A number of things have occurred which places new emphasis on the expired PA, especially the status of the Wolf Mountains Battlefield which has been designated as a National Historic Landmark (NHL). This change of recognition brings forth a differing set of circumstance and review that were not considered in the original Class II and subsequent investigation efforts;

hence a review of the status of consultation with interested tribes is warranted and protections that in the past did not apply are now in effect.

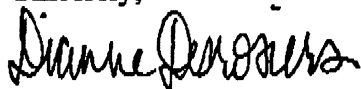
Furthermore, the consultation efforts by the STB in the past 10 years have not been to a standard as set forth under the National Historic Preservation Act of 1966 (as amended). The standards as they are set forth in the NHPA have been minimally met to satisfy compliance but are not qualitative by any means. In an earlier incident in Minnesota, tribes became involved when a burial mound was destroyed and used as borrow source for repair of railway line which was damaged by flooding. Tribes find this unacceptable.

We are aware that the Northern Cheyenne (allies and relatives of the Lakota and Dakota) have attempted to ask for redress concerning the PA and have issue with those efforts by your office in statements regarding consultation. We are in support of the Northern Cheyenne and additionally have our own concerns about other sites within proximity to the Area of Potential Effect (APE) i.e. - Rosebud Battlefield and Deer Medicine Rocks in particular. We are aware that our sister tribe the Lakota have conducted extensive review of sites in and along the proposed corridor of the Tongue River RR, and have additional information that will be significant to any future review(s) whether of a Class II or a Class III survey. We assert that further investigation and protection is warranted for this cultural landscape which possesses special, unique, and exceptional cultural resources.

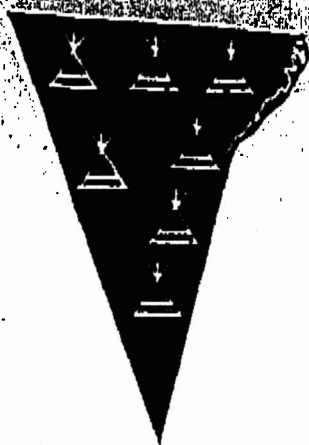
We insist that the Sisseton Wahpeton Oyate Tribal Historic Preservation Office be included with any and all further negotiations concerning the expired PA and/or any changes or review that are proposed for the self-same. Furthermore, the SWO request inclusion in any additional investigative efforts that may be conducted along the proposed RR route.

Our review of correspondence sent to your office from the Montana State Archaeologist Mr. Stan Wilmoth on February 8, 2011 and from Mr. Jenks of the Montana Preservation Alliance on March 3, 2011 are supportive of the need to revisit and revise a new PA and our office requests participation in that process. Thank you for your attention to this matter.

Sincerely,



Dianne Desrosiers
Tribal Historic Preservation Officer



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FAX COVERSHEET



Date: 3/21/11	No. Pgs. 3 with cover
Attn: Kenneth Blodgett	Fax: 202-245-0454

Notes:

Good Morning,
Thanks for getting back to me.
Attached you will find the comments of
the Sisseton Wahpeton Oyate with regard
to the Tongue River Railroad project.
Thank you for your attention in this
matter.

Dianne Desrozier-SWOTHPO

Please contact me to verify your receipt of this
correspondence.