



LOWER BRULE SIOUX TRIBE

April 1, 2011

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

RE: Tongue River RR and subsequent Programmatic Agreement

Dear Mr. Blodgett:

Thank you for allowing us additional time to comment. The Tongue River is the last pristine river in Montana and the proposed railroad has been of concern for a number of years. This area – extending to the Big Horn Mountains – is part of historic homeland to the Sioux people as well as the Northern Cheyenne and other tribes.

The Tongue River RR project and subsequent environmental documents have, from the beginning (1996), not been inclusive of affected tribes and there has been no consultation during the various NEPA processes, on NHPA 106 requirements, or the expired Programmatic Agreement (PA). The minimal interaction with the Northern Cheyenne on these matters cannot be considered formal consultation with affected Tribes, as per various Executive Orders since 1993.

This proposed project (done in three pieces) is in actuality one single federal action and has not been treated as such. We question the current validity and accuracy of much of the NEPA environmental documentation as it is seven years old or more. There have been many changes since the mid-1990's when this project had its origin – for example, faster, heavier trains, moving many more tons of coal and thus putting more trains on one track. Increased energy development has put substantial pressure on project proponents resulting in an increased threat of considerable additional impacts to the proposed action.

In addition to NEPA, the NHPA Section 106 requirements have been significantly impacted due to the registering of new National Historic Landmarks. These actions create circumstances different than the original conditions and greatly impact the area of potential effect.

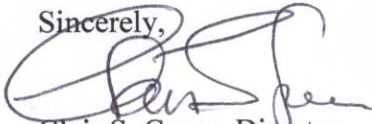
Under 40 CFR Part 1502.9(c) 1. (ii), it is stated that agencies “shall prepare supplements to either draft or final environmental impact statements if: (ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts”.

In our opinion the status of this proposed project and the many changes to our knowledge of the nature of the affected environment warrant an additional supplemental EIS process. Given the increased knowledge about the affected area and the potential for additional adverse effects we would recommend that the full range of alternatives be reconsidered. There are certainly other alternatives for removing coal from this area.

In moving forward with this proposed project we would recommend proper, substantive consultation with affected Tribes as per federal statute. Given the inadequacy and age of the current environmental documents, the fact that many affected tribes were not consulted, and not one Tribe signed the original PA, the Lower Brule Sioux Tribe recommends that a new – not a revised – PA be developed.

We thank you for your consideration of this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Clair S. Green", written over the word "Sincerely,".

Clair S. Green, Director
Cultural Resource Office



Lower Brule Comments on Tongue River RR

Clair Green to: Kenneth.Blodgett

04/01/2011 05:37 PM

History:

This message has been replied to.

1 attachment



final comment letter.pdf

Please find attached the Lower Brule Comments on this project.

thank you. clair green