

FD 33907

EI-17836

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June 26, 2009

Ms. Catherine Glidden
 Environmental Protection Specialist
 Surface Transportation Board
 Section of Environmental Analysis
 Washington, DC 20423-0001

RE: *Upper Sioux Community Tribal member, Tom Ross and the Upper Sioux Community Board of Trustees concurs with his recommendations to the National Register of Historic Places due to the following report.*

STB Cultural Survey of DM&E Railroad —
 Wyoming Week of June 1, 2009
 Prepared by Tom Ross

48CA3781 is described as Cluster Camp with Ritual Loci and 25 stone circles, 4 stone cairns, 3 stone alignments, 1 hearth, 1 rock art panel, 1 rock crawl space, a lithic scatter of 60+ artifacts, and 11 historic panel inscriptions. It is situated in a crescent-shaped area formed by two southeast projecting finger ridges about one-half mile north of the confluence of School Creek with Little Thunder Creek. The cairns are interpreted as likely burials and the artifacts indicate use through the Paleoindian to the Historic; in addition to these a ceremonial site was located near Locality 3. The site is recommended eligible under Criterion 'D'. In addition to this recommendation The Upper Sioux Community recommends eligibility under Criterion 'A'. Given that the cut will impact the lithic scatter, and, given that a Clovis point was found on the site Upper Sioux also recommends that another surveillance survey be conducted and a Tribal Monitor be present during the excavation of the cut and during construction as well.

48CA3527 is described as Group Camp with possible Ritual Loci, 6 stone circles and lithic scatter and is situated on a flat bench on the point of a northeast spur of a steep ridgeline at the north side of the Belle Fourche River floodplain. In addition, we tribal surveyor located a "S" shaped alignment or what remains of two joined circles and another stone circle that may be outside the survey corridor. Feature 4, a circle 4.9X4.9 meters, will be destroyed by the 140 feet cut and Upper Sioux recommends that the feature be avoided. Though the site was not recommended eligible

under Criteria B, C, or D Upper Sioux recommends eligibility under Criterion A.

48CA1709 is described as a Cluster Camp with Ritual Loci and 11 stone circles, 1 stone alignment, 1 hearth, a lithic scatter, and a C-shaped arc. In addition to these, tribal surveyors located a possible burial between features 7 and 8 on the north end of the site. Though the burial is not likely to be destroyed by the cut, Upper Sioux recommends that a buffer area be established to prevent inadvertent damage and that the location be avoided. Upper Sioux also recommends that a full TCP survey be conducted. The site has been recommended as eligible for Criteria C and D, Upper Sioux recommends eligibility for Criterion A.

The site is located on a series of eroded finger ridges north of Burning Coal Draw. A USGS section marker is located within the site.

48CA3638 is described as a Group Camp with Ritual Loci and 1 stone circle, 1 stone cairn, a lithic scatter. The tribal-surveyor-located-2-additional-circles and strongly believes that a relationship exists between this site and 48CA1709. The site has been plotted as being situated on the northeast side of a northwest to southeast trending finger ridge; there was discussion as to the site has been plotted incorrectly. The site's status has been stated as ineligible for Criteria B, C, or D, Upper Sioux makes these recommendations: first, the site be identified as a Traditional Cultural Place; a full TCP survey be conducted to fully explore the relationship between this site, 48CA3638, and 48CA1709; that the site be given consideration for eligibility for Criterion A.

48CA6453 is described as Ritual Loci, an alignment of 7 stone cairns and 1 lithic flake. The site is situated on a gentle slope on the east side of a low bluff overlooking an unnamed tributary of Little Thunder Creek and the Little Thunder floodplain on the south.

In addition to the stone cairns, tribal surveyors found that the site was Inyan Kaga, a place where stones used in ceremonials are made, because of this Upper Sioux recommends that the site be identified as a Traditional Cultural Place. Upper Sioux further recommends that the cut and sloping be adjusted to avoid impacting Feature 1.

The site's status has been stated as eligible for Criterion D. Upper Sioux recommends eligibility for Criterion A as a Traditional Cultural Place.

48CA1406/48CA1719 is described as 2 stone circles, a lithic scatter and historic artifact scatter. The site is situated on the crest and flanks of a southeast trending finger ridge west of Beckwith Creek. Again tribal surveyors located an additional feature. This feature represented as an S-shaped alignment with a direct relationship to a stone circle.

Upper Sioux recommends that the S-shaped alignment and circle be recorded as a single feature, and recommends further that the site be identified as Traditional Cultural Place. Though the site's prehistoric component status is stated as being ineligible for Criteria B, C, or D, Upper Sioux recommends consideration for Criterion A. With this recommendation, USC strongly urges that serious discussion concerning appropriate mitigation be conducted in that the 120 feet cut would destroy the S-shaped alignment. Upper Sioux recommends that this feature be avoided as the best case.

48CA1490/48CO726 is described Group Camp with Ritual Loci, 6 stone circles, 1 stone cairn, 2 stone alignments, 7 hearths (4 are clustered), and a large lithic scatter. The site is situated on a series of rolling hills and scoria-capped ridges interspersed with intermittent drainages that flow into Beckwith and Antelope Creeks. The site is dated from the Middle Archaic to the late Prehistoric period. The status of

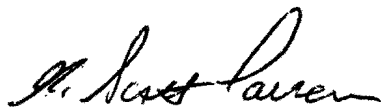
the site is stated as being eligible under Criteria C and D. The SHPO concurred with the recommended eligibility for listing in the National Register under Criterion D. The Upper Sioux recommends eligibility under Criterion A.

ADDITIONAL CONCERNS AND RECOMMENDATIONS

As the tribal representative from The Upper Sioux, I feel it necessary to express concern over the number of additional features that were located by the THPO's and tribal representatives. Though there may be other factors that affected earlier surveys, e.g., ground cover and visibility, I believe that it raises questions regarding quality. I recommend that in these cases a full TCP survey by the tribal representatives be conducted. I understand that this represents additional cost, yet had the tribes been allowed to fully participate in the earlier processes this may have been avoided.

It needs be understood that this is not a recommendation that is meant to stop a railroad, but one that is meant to preserve and protect our right to a history as represented by these sites and those places that are sacred to us.

Submitted by,

A handwritten signature in black ink, appearing to read "N. Scott Larsen". The signature is fluid and cursive, with the first name "N." and last name "Larsen" clearly distinguishable.

N. Scott Larsen
Member at Large
Upper Sioux Community
Board of Trustees