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STANDING ROCK SIOUX TRIBE

TRIBAL HISTORIC PRESERVATION OFFICE

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Martha Chieply, Regulatory Chief
Omaha District
Army Corps of Engineers
1616 Capitol Avenue
Omaha, NE 68102-4901

April 8, 2015

Dear Ms. Chieply,

The Standing Rock Sioux Tribe- Tribal Historic Preservation Office (SRST THPO) is in receipt of your letter dated February 17, 2015. The SRST THPO office is interested in participating in formal consultation on the proposed Dakota Access Pipeline Project (DAPL). To date we have not received any specific comments or correspondence in reference to any of our concerns addressed in letter communications dated February 18th and February 25th, 2015.

Specific points that have not been addressed are:

The Standing Rock Sioux Tribe Tribal Historic Preservation Office is opposed to any geotechnical bore testing of any kind until mitigation is completed for site 32MO0001 (North Cannonball Site), an earth lodge village. Furthermore, we are opposed to any bore drilling until a full Class III Intensive Cultural survey can be done to determine the eligibility for the 9 unevaluated sites. Section 110K of the NHPA requires all sites to be evaluated. The THPO office is opposed to any work unless a full TCP survey is conducted on the area of potential effect. Our tribe has never surveyed this land and it has a specific historical and cultural resources relevance to our tribe. Thus our cultural resources are impacted directly by any type of bore drilling. In addition, the EA is outdated and since this is a potential crude oil pipeline there are different environmental impacts. The SRST is requesting that an Environmental Impact Assessment be completed. The SRST THPO is committed to participating in these efforts.

The SRST THPO recommends a full TCP and archaeological Class III Cultural Resource survey prior to any mitigation that would take place. I would also recommend 100% monitoring... if the pipeline gets built. I am of the opinion that there is a needed discussion with the NDSHPO.

The SRST THPO does not concur with the "No Historic Properties Affected" determination for the DAPL soil bore testing project.

This quoted material is from a letter dated February 18, 2015 sent to Rick Harnois. Since then an additional piece of correspondence from our office sent on February 25, 2015 requests:

That an Environmental Impact Statement (EIS) be completed. The SRST is committed to participating in these efforts...

We look forward to future consultation prior to any survey work being completed. We also look forward to a primary role in any and all survey work and monitoring.

Since this last correspondence between our office and USACE we have learned:

1. That the bore testing has been completed;
2. That there is an ongoing attempt to do an Environmental Assessment (EA) prior to the geo testing results data being fully assessed;
3. That the bore pits are to be completed on private land in an attempt to avoid the Section 106 consultation process; and,
4. That there are questions arising as to the crossing under the Missouri River in two separate locations and that they are somehow outside of the jurisdictional boundaries of the USACE and the Section 106 NHPA processes and law.

As this consultation begins our office is aware of a delay in DAPL participating in bi-weekly conference calls with your office. To date our office has not had any contact with the Tribal Liaison Joel Ames. As we wait for the realignments from DAPL and the formal tribal consultation process to begin there is a need to clarify the proper sequencing of the Section 106 NHPA process. To date that process has been violated since our office has not received any direct correspondence in reference to our specific concerns.

To reiterate what has been discussed previously in correspondence:

1. There are cultural and historic resources that are at significant risk of being destroyed if this oil pipeline is allowed to pass through the traditional boundaries of the Oceti Sakowin. The most important of which are burials that are at high risk from any type of dredging of the river in the established Right Of Way (ROW).
2. There is no current EA for an oil pipeline. Therefore, the SRST THPO is requesting a full EIS on the pipeline ROW. The current ROW is only covered for a natural gas pipeline.
3. The water quality of the SRST is in direct risk of being contaminated by both of the potential dredging sites on the Missouri River and any of its tributaries that would be polluted. Furthermore, if DAPL is allowed to proceed there are significant risks for future oil spills that are well documented. In addition, the existing Northern Pipeline that currently has natural gas flowing through it is at risk of being damaged and potentially contaminating our water supply here on the reservation.

It is our contention that any construction on our sacred waterways are in direct violation of the Clean Water Act of (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act (33 U.S.C. 401 et seq.). That there has been a lack of response in reference to our request to participate in the boring process that took place already. That there has been an attempt to avoid the consultation process through placing the boring pits on private land and avoiding placing them on Corps land. Our request for a full EIS has also gone unanswered. In addition, any dredging or boring that would take place on or under the Missouri River would constitute the project work being completed through and on taken lands that are now managed by the USACE. These lands where potential dredging will take place contain the human remains of relatives of current SRST tribal members. The project area lands once belonged to the Oceti Sakowin. We still consider the taken lands to be our lands. Therefore we are opposed to any kind of oil pipeline construction through our ancestral lands.

That said we look forward to participation in a full tribal consultation process. The SRST THPO looks forward to the commencement of that process.

Sincerely,


Waste Win Young
SRST THPO Director