



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

Tribal Historic Preservation Cultural Resource Management Office

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Deb Haaland
U.S. Secretary of the Interior
U.S. Department of the Interior
1849 C Street N.W.
Washington DC 20240

September 17, 2021

Dear Ms. Haaland

It was recently brought to our attention that the Nebraska Public Power District (NPPD) was planning to construct a new transmission line and substation within the historic territory of the Sicangu Lakota as a first step in developing wind farms across the Nebraska Sandhills. This is referred to as the R-Project Transmission Line. The location of this proposed project falls within the 1851 Fort Laramie Treaty area and within Article 11 of the 1868 Treaty area, within the area specifically inhabited by the Sicangu Lakota, now of the Rosebud Sioux Reservation. Multiple historic documents (Nicollet 1839, Warren 1855 & 1856, Bettelyoun and Waggoner 1999), Tribal Winter Counts (Mallery 1893, Cohen 1939), and Tribal oral histories describe the Nebraska Sandhills as the hunting grounds of the Sicangu (aka Brule) Lakota and many cultural sites significant to the Sicangu Lakota are located in this area. Winter counts describe Sicangu battles, catching wild horses and hunting in the Sandhills. The Lakota language has specific names for certain areas of this country and for important cultural plants unique to the Sandhills. The proposed project will have an adverse effect on this cultural landscape and this was not taken into consideration in the review process.

An Environmental Impact Statement (EIS), titled *Final Environmental Impact Statement on Issuance of an Incidental Take Permit and Implementation of a Habitat Conservation Plan for the R-Project Transmission Line*, was completed without proper consultation with the Rosebud Sioux Tribe. Not only was the Rosebud Sioux Tribe not properly consulted, but we were not even included in the historic overview in the EIS. Our long history of use and occupation of the Sandhills was not even acknowledged. These omissions make it glaringly obvious that the writers of this document conducted sub-standard research. This EIS document is woefully inadequate in many ways and was undertaken in a way that neither follows the purpose nor the spirit of the National Historic Preservation Act or the National Environmental Policy Act (NEPA).

The purpose of an EIS under NEPA is to evaluate the effects a proposed project may have on the environment and historic sites and to determine if the location selected is suitable for the project. In this EIS, they describe the unique and fragile nature of the Nebraska Sandhills, how they are the largest area of native grass-stabilized dunes in the world and one of the largest intact native grasslands in North America and how they are prone to extreme erosion when the ground is disturbed. They describe how the project is located within the Central Flyway of cranes and other migratory birds, that make use of the unique interdunal lakes and wetlands in the Sandhills, and how these as well as eagles, hawks and other raptors are killed by these large transmission lines and wind turbines. They describe how sections of historic trails listed on the National Register of Historic Places will be negatively impacted by the proposed project. Then they declare that they are going to proceed with the proposed project anyway. They say that it is too late make changes to the proposed project locations to address these important environmental and cultural site issues. Making changes, based on the findings of an EIS, is the specific purpose of conducting an environmental review.

The National Historic Preservation Act (NHPA) requires the Federal Agency to take into account the effect of the proposed undertaking on any historic property including Traditional Cultural Properties. Traditional Cultural Properties (TCP) can only be identified under consultation with Tribes. The EIS states that a letter was sent to the President of the Rosebud Sioux Tribe in 2014 informing him that the Fish and Wildlife Service was planning to issue an incidental take permit to relocate an endangered species of burying beetle that will be affected by a transmission line project. This was very deceptive communication centering on the beetle take permit rather than the actual massive transmission line and wind farm project. No correspondence was ever sent to the Rosebud Sioux Tribe Historic Preservation Office (RST THPO) which was established in 2004. The cultural site survey methodology undertaken in this project, including tribal consultation, is completely inadequate and does not meet the requirements under the NHPA. Only 39% of the project area was surveyed and no TCP surveys were completed.

The EIS describes how the Elfgren archeological site (25BL110), representing over 10,000 years of repeated occupation with artifacts recovered that include Folsom, Archaic, Late Prehistoric, and Historic components, were exposed in a blowout just 550 feet away from the area of potential effect. They determined that because no artifacts were seen on the ground surface by their survey crew, the project would have no effect on pre-contact cultural resources in this area. Standard pedestrian surface surveys are not an appropriate methodology in this dynamic Sandhills landscape where the Kelso Site dated to 1160 years before present (BP) was buried under nine feet of sand, the Dismal River Ranch Site dated to 3000-4000 years BP was buried under 144 feet of sand, and the Warner Bridge Site dated to 3600 years BP was buried under three feet of sand. Pedestrian surface surveys are also not an adequate method to evaluate the impact this project may have on archeological resources considering that the construction of the transmission lines will involve digging down 25 to 45 feet for each pole and sites are known in the area to be deeply buried.

The Cultural Resource Survey conducted by POWER ENGINEERS, of Lakewood Colorado, in 2015, does not meet the NHPA requirements. The Rosebud THPO was not consulted and Traditional Cultural Properties were not even addressed in this cultural resource survey. The Rosebud Sioux Tribe Historic Preservation Office must be included in the evaluation of cultural and historic resources in this area and a TCP survey must be conducted to address areas of cultural concern to the Sicangu Lakota.

The Ogallala Aquifer underlies the entire project area and the effects of constructing a pole every 1,350 feet, which involves digging down into the sand 25 to 45 feet for each pole, and pouring concrete into each hole to support each massive tubular steel monopole, were not adequately considered in the EIS. To the Rosebud Sioux Tribe, water is a Traditional Cultural Property. Water is used in ceremony, water is medicine, water is life.

The Rosebud Sioux Tribe is requesting that the Incidental Take Permit, issued by the U.S. Fish and Wildlife Service, be revoked until the NEPA and NHPA process is completed properly.

Thank You,



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