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F.Y.I. Please Reply Confidential
Urgent

Date: 6/6/05

To: Victoria Rutson

Fax: 202-565-9000

Location: _____

From: Charmain White Face

No. of pages including cover: 2

(Please call if you did not receive all pages listed above)

Subj:
SEIS Comments

Defenders of the Black Hills
PO Box 2003
Rapid City, SD 57709
June 6, 2005

Victoria Rutson
Section of Environmental Analysis
Surface Transportation Board
1925 K Street
Washington, D.C. 20413-001

Re: STB Finance Docket No. 33407
Dakota, Minnesota and Eastern Railroad
Corporation Construction into the Powder River Basin
Draft Supplemental Environmental Impact Statement Comments

Dear Ms. Rutson,

The requirements of completing the Programmatic Agreements to meet the qualifications of NEPA is totally inadequate. Saying that the National Historic Policy Act's provisions were met by having two tribes sign, tribes who live no where near the area and do not know our history or cultural connection to the area involved is injustice, a divide and conquer tactic, totally unethical, and probably grounds for a lawsuit. It is an insult and slap in the face to all the Tribes of this area.

Secondly, in many of the comments that were originally sent on the DEIs, it was brought to your attention that many of the Tribes consider the DM&E Railroad to be trespassing into Treaty Territory, and that the Surface Transportation Board did not have any authority to make any decisions on this geographical territory as to do so would be a Constitutional violation of Article VI which states that "...treaties are the supreme law of the land."

To state that the historical, cultural concerns would be addressed by having the tribes sign ANOTHER AGREEMENT when we already have an agreement, a Treaty Agreement, with the United States that is not upheld, is adding insult to injury, and is another gross example of injustice and a violation of human rights, not to mention civil rights.

We do not consider the signing of Programmatic Agreements to help in any way to protect or preserve the hundreds, of cultural and historic places that will be destroyed by the building of the railroad line for the DM&E Railroad. We consider this provision to be totally inadequate, and can easily prove historic destruction by the DM&E of other prehistoric sites when those sites were clearly marked.

We recommend that the STB again meet with all of the Tribes of the region and discuss this aspect of the SEIS.

Sincerely,



Charmaine White Face, Coordinator