



Preserving the Land, Cultural
Heritage, Tradition for the
Future Generation

Rosebud Sioux Tribe

Tribal Historic Preservation Office

P.O. Box 809

Rosebud, South Dakota

Telephone: (605) 747-4255

Fax: (605) 747-4211

Email: rstthpo@yahoo.com

EI - 7271

CG



Russell Eagle Bear
Officer

Kathy Arcoren
Administrative Assistant

April 25, 2008

Ms. Victoria Rutson
Surface Transportation Board
Section Chief of Environmental Analysis
395 E. Street, SW
Washington, DC 20423-0001

RE: Programmatic Agreement: DM@E and recognized tribes.

Dear Ms. Rutson,

As per the meeting of April 1-2, 2008 between the DM@E, Louis Berger Group, and tribal representatives in Pierre, South Dakota the issue of the forthcoming time limited termination of the original Programmatic Agreement (PA) was discussed. The PA was originally signed by only one tribe, the Lower Brule Sioux Tribe.

As stated at the April meeting other tribes have not been signatories to this agreement due to the language of the agreement that is viewed as not conducive to the interests of the tribes or affected treaty issues. Section 106 of the National Historic Preservation Act of 1966 and the National Environmental Policy Act of 1972 allow for negotiation of programmatic agreements in forums when they are so stated as either directly government to government with tribal leadership or their designees. The issue of the programmatic agreement was also discussed at the meeting in Sioux Falls with the STB on March 17, 2008.

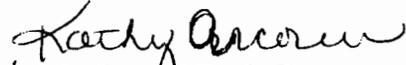
At issue here is at this point in the present time is the STB, Louis Berger, and the tribes have not been directly is consultation with the tribal leadership i.e. - chairman, president. The stipulations of Section 106 clearly state that government to government consultation is required if a tribes' cultural interest is directly affected by an undertaking. The undertaking in this particular case are the traditional homelands, traditional cultural properties, sacred sites, and potentially historic and prehistoric sites of significance that may be eligible for inclusion to the National Register of Historic Places.

The Rosebud Sioux Tribe and other invited tribes addressing this issue has stated on record that if the STB wants a signatory that the agency needs to contact the leadership of the Rosebud Sioux Tribe, Mr. Rodney Bordeaux, and the leadership of the

respective tribes involved. Government to government consultation can then be fulfilled as required by law.

Thank you for your kind attention to this matter and we look forward to your response.

Sincerely,



for Mr. Russell Eagle Bear
Rosebud Sioux Tribe
Tribal Historic Preservation Officer
PO Box 809
Rosebud, SD 57570
Ph. – (605) 747-4255
Email: rstthpo@yahoo.com

Cc: Mr. Rodney Bordeaux- Chairman Rosebud Sioux Tribe