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MEMBER RESERVATIONS

- Cheyenne River
- Crow Creek
- Fort Peck
- Lower Brule
- Pine Ridge
- Rosebud
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- Standing Rock

**BLACK HILLS SIOUX NATION
TREATY COUNCIL
PINE RIDGE AGENCY, SD**

Chief Oliver Red Cloud - Chairman,
P. O. Box 846, Pine Ridge Agency, SD 57770
Ph. (605) 867-2713

December 10, 2007

Mr. David Bibler
Project Manager
Louis Berger Group, Inc.
950 50th Street
Marion, IA 52302-3853

RE: STB Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin: Draft Cultural Resources Report

Dear Mr. Bibler:

This letter will serve as our official response to the 11/30/07 letter from the Surface Transportation Board's Section of Environmental Analysis.

As the Chairman of the Black Hills Sioux Nation Treaty Council, I am charged with the responsibility of protecting the integrity of the 1851 and 1868 Ft. Laramie Treaties between the Great Sioux Nation and the United States of America. According to your United States Constitution, treaties are *the* supreme law of the land.

First of all, we are deeply disturbed that the Surface Transportation Board has granted a license to the DM&E Railroad for this expansion project through our Treaty territory. Additionally, we feel that including us in your commentary phase of approval for the Cultural Resources Report is merely an after thought. With that said, the following is our comments and/or suggested changes per your request.

We are currently engaged in litigation to forcibly remove an energy company from our Treaty territory, whose ultimate goal is to extract uranium from our homeland. We believe that a railroad running through our territory would only encourage more energy companies to attempt to infiltrate our homeland to mine our sacred land and waters. The Treaty Council has declared the Ft. Laramie Treaty Territory as a nuclear-free zone. This declaration includes the transportation of any nuclear material such as "yellow cake" and nuclear waste of any kind through our Treaty Territory by any method, including railway.

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Besides the DM&E Corporation's attempt to coerce the Surface Transportation Board into violating international law - an active treaty with the United States, we have serious and viable concerns for the health and welfare of our people and our sacred Mother Earth, the environment, water, land, animals and plants. Along with coal, we question what other possibly-hazardous/toxic minerals do they intend to transport on this railway through our Treaty territory? They have the worst safety record in railroad history.

The DM&E Railroad is merging with the Canadian Pacific Railway for \$1.48 billion US dollars. The fact that the operating company is based in Canada makes the process you are initiating as a US federal government entity even more odious as we are now faced with a multinational corporation seeking to violate our Treaty Law through the utilization of your office.

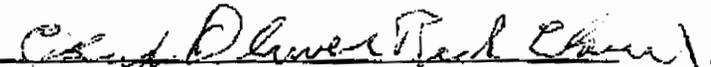
I have held lengthy discussions with my people on this matter. In our treaty agreements with the United States, the U.S. promised that no "iron horse" would pass through our lands. The United States has violated our treaties time and time again. The Great Sioux Nation will no longer allow the United States to violate their agreements! We oppose this railroad expansion through our Treaty territory and we will do everything in our power to stop it. We oppose the development of a railroad through our Territory as this land is part of our identity and our history and has great spiritual, cultural and historic significance to our people and our future generations. A train that may be a mile or more in length, thundering through our land on a regular basis will disturb this part of the country and all living things nearby is unacceptable. Equally unacceptable is the undeniable connection between the railroad corporations and the energy corporations which exploit our sacred Mother Earth, create dangerous waste products, distribute deadly contaminants, and disrespect and waste sacred water in the interest of energy development and corporate profit. The railroad is in fact planned to develop further into the "coal fields" of Wyoming and those proposed for South Dakota and Nebraska. To transport an exploited part of Mother Earth through our lands is not only deplorable, if it is nuclear products the railroad is transporting through our Treaty Territory, we would consider that an act of war.

Finally, we find your account of Lakota history to be quite offensive. The true history of our buffalo population being nearly decimated was not by our need for more meat, but by greedy immigrant fur traders, acting on federal government orders and a greedy corporate mandate. In fact, many such buffalo slaughters by Americans were done from the platform of a train. Furthermore, our hunting lands and sacred Black Hills were not lost as a result of our "ensuing hostilities" towards gold miners; it was stolen as stated by the Supreme Court of the United States of America.

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Ho hetcetu yelo. It is done. That is the way it is.


Chief Oliver Red Cloud, Chairman

- Cc: Catherine Glidden – Section of Environmental Analysis
Surface Transportation Board
- George W. Bush – President of the United States
- Dick Kempthorne – U.S. Secretary of Interior
- John Thune – U.S. Senator
- Tim Johnson – U.S. Senator
- Black Hills Sioux Nation Treaty Council Delegates
- Oglala Sioux Tribal Council & Executive Committee
- People of all Bands of the Great Sioux Nation