

Case No. 1:16-cv-1534-JEB

**EXHIBIT 30**

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**T** RIBAL HISTORIC PRESERVATION OFFICE  
**S** TANDING ROCK SIOUX TRIBE  
Administrative Service Center  
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May 17<sup>th</sup>, 2016

Colonel John W. Henderson, P.E.  
District Commander  
U.S. Army Corps of Engineers  
Omaha District  
1616 Capitol Avenue, Suite 9000  
Omaha, NE 68102-4901

Martha Chieply  
Chief, Regulatory Branch  
U.S. Army Corps of Engineers  
Omaha District  
1616 Capitol Avenue, Suite 9000  
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**THPO 16-83**

*Re: Written Objection to NHPA Findings – Dakota Access Pipeline*

Col. Henderson:

Sir, on behalf of the Tribal Historic Preservation Office, and pursuant to 36 C.F.R. 800.4(d)(i), I am writing to formally object to the Corps' April 22<sup>nd</sup>, 2016 finding that "No Historic Properties Subject to Affect" by authorization of the Dakota Access Pipeline (DAPL). The confluence of the Cannon Ball River and the Missouri River is considered to be sacred to the Oceti Sakonwin, Seven Council Fires of the Great Sioux Nation. My ancestors referred to the Cannon Ball River as, Inyan Wakan Kagapi Wakpa, which translates to, The River where the Sacred Stones are made. The original name of the Missouri River was Mnisose and translates to Turbulent Water. The forces of nature of these two rivers joining created round stones considered sacred to our people. This area was a place of commerce and ceremony where the Mandan, Arikara, Cheyenne and Dakota camped peacefully and is considered by our tribe to be a place that is rich in religious and cultural significance.

Area of Potential Affect

In the letter to Ms. Fern Swenson, Deputy State Historic Preservation Officer, North Dakota Historical Society dated April 22, 2016; Richard D. Harnois, Sr. Field Archaeologist, USACE makes reference to the Missouri River Programmatic Agreement which the Standing Rock Sioux Tribe is not a signatory to. The SRST, Tribal Historic Preservation Office should have been consulted with during the early stages of the project to determine the APE, 36 C.F.R.

800.4(1)(1). To date we have not been afforded the opportunity to participate in identification efforts. We do not agree with the cultural resource surveys that were produced by Archeologist as they were conducted without consultation from any tribe. The letter also makes reference to unevaluated historic sites, sites that may be eligible for protection under the National Historic Preservation Act (NHPA). We take issue with the number of sites determined to be unevaluated and insist that these sites be evaluated.

#### Section 106 Process

The letter dated, April 22, 2016 makes reference to solicitation for consultation and comment for the DAPL Oahe Crossing Project and further states that the Oahe Project Office received formal response letters from the Cheyenne River Sioux Tribe THPO, Steven Vance (17 August, 2015), Standing Rock Sioux Tribe THPO, Waste Win Young (21 August, 2015) and North Dakota State Historic Preservation Office. To date, none of our request for consultation or Class III Cultural Surveys has been honored. Our office remains concerned about exclusion from the Section 106 process. We continue to assert that our office should have been consulted with prior to any archeological surveys being completed and during the development of the draft EA as we have expertise that archeologist lack in regards to identifying stone features and Tribal Cultural Property within the aboriginal homelands of the Oceti Sakonwin.

#### Determination of Affect

USACE concurrence with the finding and recommendations of the Dakota Access/Oahe Crossing Cultural Resource Survey Report is a clear violation of the National Historic Preservation Act, Executive Order 13175 Government to Government Consultation, Executive Order 13007 Protection of Indian Sacred Sites and the National Environmental Policy Act.

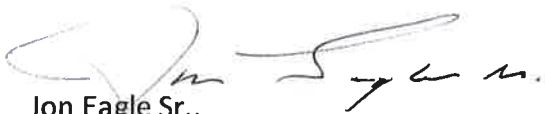
The Tribe has a right to be consulted with regarding federal actions that affect Tribal interests and that didn't happen with DAPL. The Tribe has a strong interest in protecting burials and other Tribal Cultural Resources from being harmed by construction or other activities, and that interest has been ignored as the draft EA was prepared. The Tribe has a strong interest in protecting the waters that give life to the Tribe, its members, the fish and wildlife on and around the Reservation. The draft EA failed to give proper consideration to the risk that the pipeline poses to those waters.

The Standing Rock Sioux Tribe by resolution 378-14 claims all stone feature sites, our identified burial/places, stone alignments and effigies, our sacred landscapes and drainages that are connected to these sacred areas and sites, regardless of location, within our original homelands of the Oceti Sakonwin. Section 101 (d)(6)(B), requires that federal agencies in carrying out their Section 106 responsibilities, consult with any Indian tribe that attaches religious and cultural significance to historic properties that may be affected by an undertaking.

On March 2, 2016 the SRST/THPO did receive a letter from Martha Chieply, Regulatory Chief, Omaha District inviting tribes to participate in tribal surveys at Preconstruction

Notification (PCN) permit areas associated with the proposed Dakota Access Pipeline. Our office did respectfully decline this offer to participate in incomplete surveys and partial compliance efforts as we did not want to create precedence where fundamentally flawed Section 106 compliance would be legitimized. Our office looks forward to working with your office and the ACHP on genuine compliance with the Section 106 process in regards to DAPL.

Respectfully,

A handwritten signature in black ink, appearing to read "Jon Eagle Sr.", written in a cursive style.

Jon Eagle Sr.,  
Tribal Historic Preservation Officer  
Standing Rock Sioux Tribe