

**NORTHERN ARAPAHO  
TRIBAL HISTORIC PRESERVATION OFFICE  
ARAPAHO, WY 82514**



**DEWEY-BURDOCK PROJECT  
CUSTER COUNTY, FALL RIVER COUNTY  
EDGEMONT, NEBRASKA**

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Section 304 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. § 470w-3(a)] concerns the confidentiality of the location of sensitive historic resources: “(a) the head of a Federal agency or other public official receiving grant assistance pursuant to this Act, after consultation with the Secretary, shall withhold from disclosure to the public, information about the location, character, or ownership of a historic resource if the Secretary and the agency determine that the disclosure may – (1) cause a significant invasion of privacy; (2) risk harm to the historic resources; or (3) impede the use of a traditional religious site by practitioners.

For archaeological resources on federal lands, pursuant to the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470ii) and Section 7.18 of the implementing regulations at 43 CFR Part 7, these reports shall not be made available to the public under subchapter II of Chapter 5 of Title 5 of the United States Code.

## EXECUTIVE ORDER 13175

Executive Order 13175 Consultation and Coordination With Indian Tribal Governments was signed on November 9, 2000 By President William J. Clinton in order to “establish regular and meaningful consultation and collaboration with Tribal officials in the development of Federal policies that have Tribal implications, to strengthen the United States government-to-government relationships with Indian Tribes, and to reduce the imposition of unfunded mandates upon Indian Tribes.”

By Executive Order 13175 Federal agencies are directed to respect Indian tribal-self government and sovereignty, honor tribal treaty and other rights, and strive to fulfill the federal government’s trust responsibility. At the same time, federal agencies are directed to provide for the maximum allowable discretion for tribal governments permitted by federal law when enacting new agency regulations.

Federal agencies are directed to designate one agency official who would be responsible for fulfilling the mandate of this Executive Order. They are also directed not to enact regulations that would place a financial burden on tribal governments unless the federal government would pay for those costs, or unless the tribal government has at least had an opportunity to demonstrate the estimated financial burden with a report if the federal government does not provide the funding.

Federal agencies are also directed not to establish new rules that would preempt tribal law unless the tribal government had been given an opportunity to be consulted early in the rulemaking process and also had an opportunity to file an impact statement on how the proposed regulation would preempt tribal law. Federal agencies are directed to streamline the process for approving or disapproving tribal waiver applications to federal regulations by requiring that the federal agencies provide a ruling within 120 days of receipt of the application.

The Executive Order was further supported on November 5, 2009 when President Obama signed the Memorandum on Tribal Consultation, pronouncing Tribal consultations a critical ingredient of a sound and productive Federal-Tribal relationship.

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## Introduction

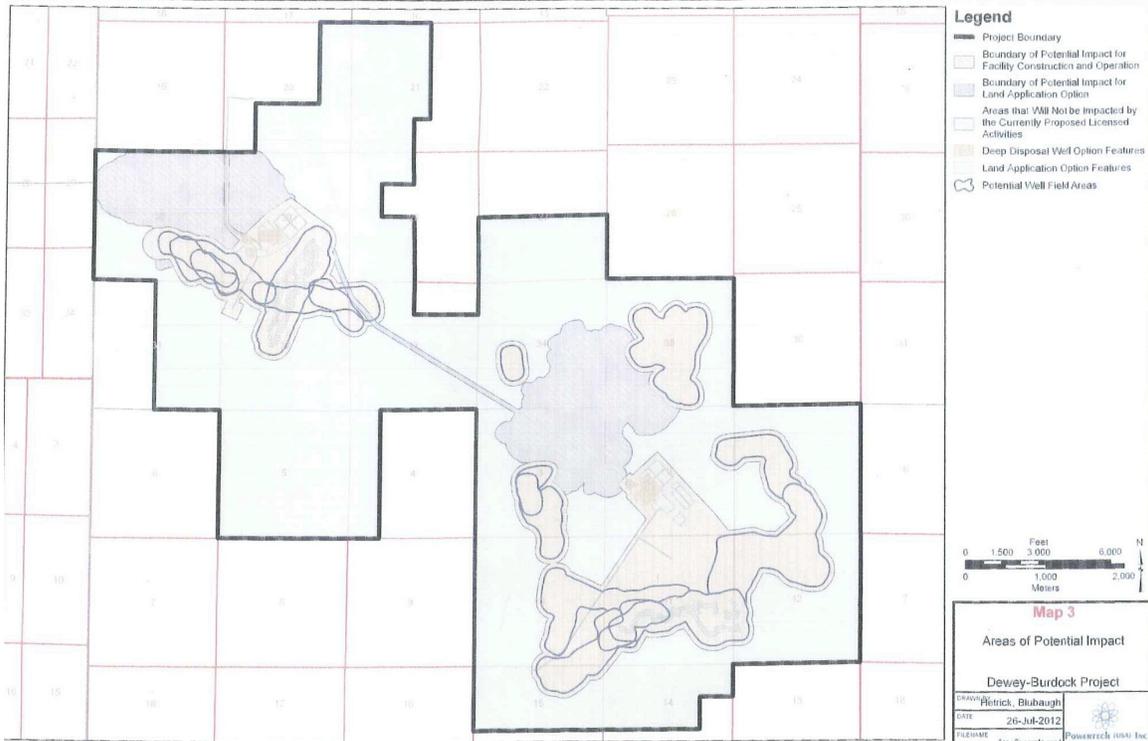
Powertech (USA) Inc. submitted to the NRC an application to permit in situ uranium recovery (ISR) including construction and operation of facilities in the Dewey-Burdock Project area. As required by Section 106 of the National Historic Preservation Act Powertech requested information about places of religious and cultural significance to the Northern Arapaho Tribe that may be affected within the project area, in order to complete government to government consultations with the Tribal Council. Determining that the Northern Arapaho Tribe considers the location of the project to have potential impact on a culturally significant area, tribal representatives expresses the wish to participate in the resulting information gathering process. The Northern Arapaho Historic Preservation Office (NATHPO) decided to complete a Dewey-Burdock individual Tradition Cultural Property (TCP) Survey.

## Project Description

This TCP Survey Report is for the Dewey-Burdock Project Area Located in Custer and Fall River Counties of South Dakota, in the southern Black Hills. The TCP was completed within 10 days of Tribal Cultural Monitoring. The Survey was initiated April 29, 2013 by the Northern Arapaho and was Completed May 9, 2013. There were selected sites marked by the Northern Arapaho as priority locations in portions of the Dewey-Burdock uranium project area that will be impacted by construction and operation Additional continuation of survey was outside expansion area. There was additional survey done on sites to determine if the area could potentially become eligible under different criterion.

## Cultural Landscape

Northern Arapaho Tribal Monitors from the NATHPO Surveyed the Priority sites and a number of the unevaluated sites in the Dewey-Burdock Project Area. With the assistance of the Northern Cheyenne Tribe, Crow Creek, Turtle Mountain Chippewa, and the Cheyenne Arapaho the areas within the proposed affected area boundary, deep disposal well option and the land application option, or the "Footprint" sections were all surveyed. Additional finds were located and recorded by the tribes.



**Figure 1 Dewey-Burdock Areas of Potential Impact or the “Footprint” Area**

## Project Setting

The project area spans Custer County and Fall River County, encompassing more than 10,300 acres in South Dakota. The environment is short and mixed prairie grass with ponderosa and juniper trees occurring at higher elevations. There is a presence of differing vegetation along the streambeds and in the southern foothills of the Black Hills. There is significant ground disturbance by ranchers and previous uranium mining in the area. Spoil piles and older boreholes were present within the project boundary. Cattle, Horses and other livestock roamed large portions of the sections that were surveyed. Residential areas and roads were also present across the breadth of the 10,000 acres. The uranium removal will be using a grid of injection and production wells. Water from the production wells is reintroduced into the injection wells. Areas of Impact include Impact for Facility construction and Operation and Potential Impact for Land Application Option.

Site descriptions were requested from Powertech, that were indicative of previously found site in an Archeological Survey from years before to evaluate areas of high concern and areas to concentrate survey in.

## Tribal Historical Significance

The Northern Arapaho Tribe of Wyoming are one of four groups of Arapaho who originally occupied the headwaters of the Arkansas and Platte Rivers. They speak a variation of the Algonquin language, and are that people's most southwest extension. Culturally, they are Plains Indians, but socially and historically distinct.<sup>i</sup>

The Northern Arapaho tribe place significant cultural importance upon the area within and surrounding the Black Hills because it is a place of religious and historical significance to them. It was previously part of the territory claimed in the Fort Laramie Treaty of 1851 for the Sioux, Cheyenne, Arapaho, Crow, Mandan, Hidatsa, Arikara and Assiniboine. The Northern Arapaho were present for important battles in the area, the Wind Cave held meaningful spiritual importance to many Algonquin tribes, the area was used for the traditional and spiritual gathering of many plants and medicines used in cultural activities such as the Sundance, an important historical quarry called Spanish diggings is located nearby, and the tribes frequented the area to use for hunting and ceremonial occasions.

There is evidence to support the possibility of the Arapaho residing on the plains prior to the proto-historic Period, before contact with non-Indian peoples and prior to the introduction of Cheyenne, Lakota, Crows and the Shoshone in the area. Sherman Sage relates an oral history that an ancestor saw Mount Specimen emitting smoke establishing tribal presence in the Front Range to 1700. He also stated that the Arapaho have a previous claim to the Black Hills Region, thus explaining why Lakota leaders recognize Arapahos in councils pertaining to religion.<sup>ii</sup>

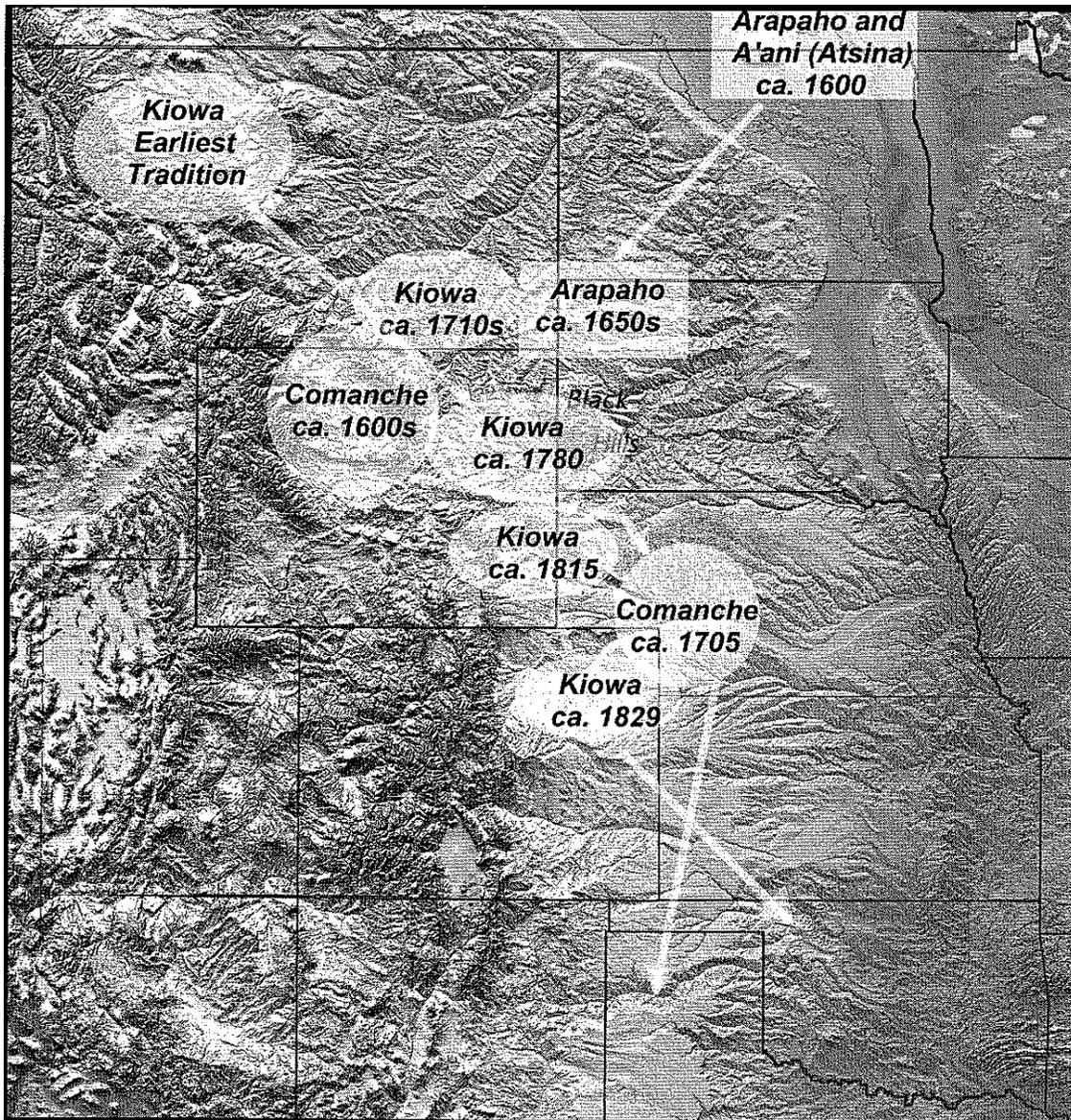


Figure 2 Kiowa, Arapaho and Comanche Migrations from the Seventeenth to the Nineteenth Centuries. Adapted and Compiled from maps and information in Mark David Spence PhD, *Passages Through Many Worlds: A Historic resource Study of Wind Cave National Park*. (National Park Service Department of the Interior.) 52

Proto-historic Period: beginning after 300 years B.P.

The Proto-historic Period generally starts with the introduction of European trade goods into the area, and ends with the development of the Rocky Mountain fur trade approximately 150 years ago. The Wyoming Basin was the middle of the Shoshone territory though at times there were occasional raids into the area by other tribes like the Crow and the Ute.<sup>iii</sup>

The Mid 1500's saw the introduction of the Horse onto the plains, from the Spanish, which helped stem the thriving plains living and hunting culture where the horse was the focus of much tribal life from the late 1700's until the mid 1860's.<sup>iv</sup>

### Early Historic

Arapaho tradition and archeological evidence place the Arapaho originally in the Red River Valley of Minnesota, eventually migrating west, supposed to have been on the Great Plains in the mid 1600's. The Arapahos traditionally held territory in Colorado in the later 1700's.<sup>v</sup> Due to the equines introduction, there was the use of Stones prevalent, smaller mobile bands, and common use of wiki-ups.

In the seventeenth century intertribal wars as a result of the French and English rivalry caused westward movement of several tribes, like the Cheyenne who crossed the Missouri and encountered present day South Dakota where the Arapaho were hunting year round.<sup>vi</sup>

Fur Trappers encountered the Arapaho in Colorado in the early 1800's displaced from the Great Lakes Areas, but becoming a mobile hunting band moving further into Northern Plains territory. This era was heralded by a prosperous trade time until conflict with the white settlers where trains of populations moved west for gold and homesteading.<sup>vii</sup>

By the end of the eighteenth century the Arapahos were migrating back and forth from the Cheyenne River, to Eastern Colorado and from the Rockies to the Black Hills. Originally called Mountain Indians by the Cheyenne's, they were actually more headwater plains Indians. Their hunts would take them as far east as Nebraska and Kansas. Cheyenne's were encountered first in the Black Hills where they were recognized as having a sort of kinship to the Arapaho. They became warfare allies and intermediaries for trade relations on the Missouri.<sup>viii</sup>

The Black Hills played a central role in equestrian nomadism on the plains involving the Northern Arapaho. The mountains contributed to the richness of the Northern Plains, and the proximity to the Missouri river made it an ideal location for trade. The Black Hills became the nexus for tribes to move into and away from in the early eighteenth century to the 1870's. The first equestrian groups to focus on the Black Hills were already in the area when horses arrived, the Arapahos were one of these.

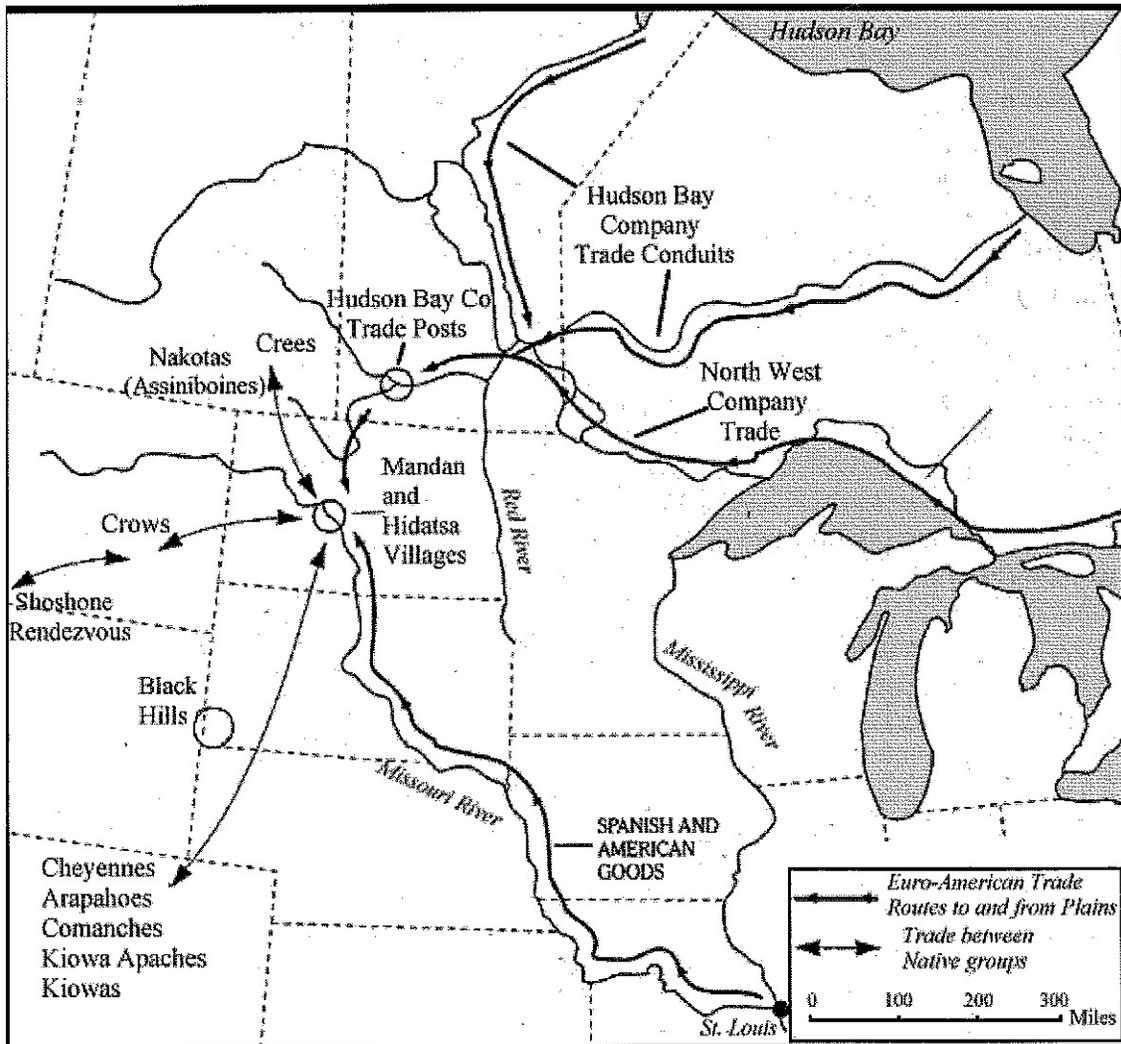


Figure 3 Upper Missouri river Trade Networks, ca.1800. Adapted and Compiled from maps and information in Mark David Spence PhD, *Passages Through Many Worlds: A Historic resource Study of Wind Cave National Park*. (National Park Service Department of the Interior.) 67

While the Arapahos after the mid 1700's ranged divided far and wide throughout much of the year, they came back to the Black Hills "in the summer for communal Hunts and all-tribal ceremonies" like the Sundance. They also came for their association with the Cheyenne as companions in trade. They used the Black Hills for its ancient trails, natural shelters, dependence on plants, animals, water, and minerals and the sacredness in sites such as the Race Track and Buffalo Gap and the Wind Cave.<sup>ix</sup>

### Later Historic

A short time after Trudeau noted the Arapaho occupation in Western South Dakota, they began to migrate south and southwest in order to avoid hostilities with the

Sioux, have easier access to horses, and check out the lure of New Mexico. By the mid 1840's mitigation dealings with the white population became necessary under the burden of defending territory, intertribal warfare and competition, the ravages of new diseases, and increased dependence on trade goods.<sup>x</sup>

After signing the Treaty of 1851, the Arapaho and Cheyenne then shared land-encompassing one-sixth of Wyoming, one-quarter of Colorado and parts of western Kansas and Nebraska.



Figure 4 Previous Treaty Territories

The Sand Creek Massacre of 1864 spawned incredibly bad relations between settlers and Indians of the plains. Over a 100 Cheyenne and Arapaho were massacred by Chivington on November 29 sparking a slew of battles and many Arapaho to abandon their “friendly Indian” status.

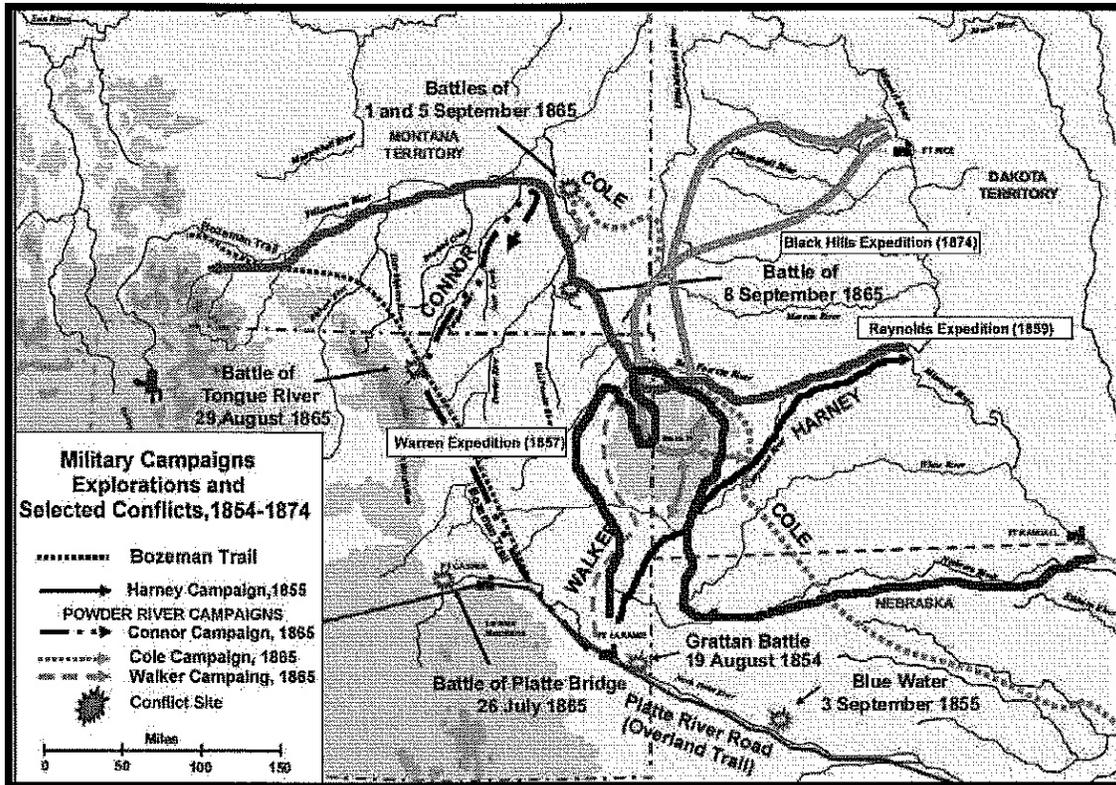


Figure 5 Military Campaigns Explorations and Select Battles, 1854-1874. Adapted and Compiled from maps and information in Mark David Spence PhD, *Passages Through Many Worlds: A Historic resource Study of Wind Cave National Park*. (National Park Service Department of the Interior.) 110

The Wind River Indian Reservation was established for the Eastern Shoshone Indians in 1868. Camp Auger, a military post with troops was established at the present site of Lander on June 28, 1869. In 1870 the name was changed to Camp Brown and in 1871 the post was moved to the current site of Fort Washakie.<sup>xi</sup>

When the Treaty of 1868 left the Northern Arapaho without a land base, they were placed with the Shoshone in west central Wyoming, on the Wind River Reservation. Despite efforts made for moving to a separate reservation, such requests were ignored by the federal government.<sup>xii</sup>

Due to the influx of miners and prospectors in the Wind Rivers, conflict soon arose between the Arapaho and the whites. Retaliation for a supposed raid on three miners was for 250 vigilantes and Shoshones to attack two small bands of Arapahos traveling to Lander for trade. Other conflicts began to spark after this and that led to the exodus of the Arapaho to Red Cloud Agency for eventual provisioning.

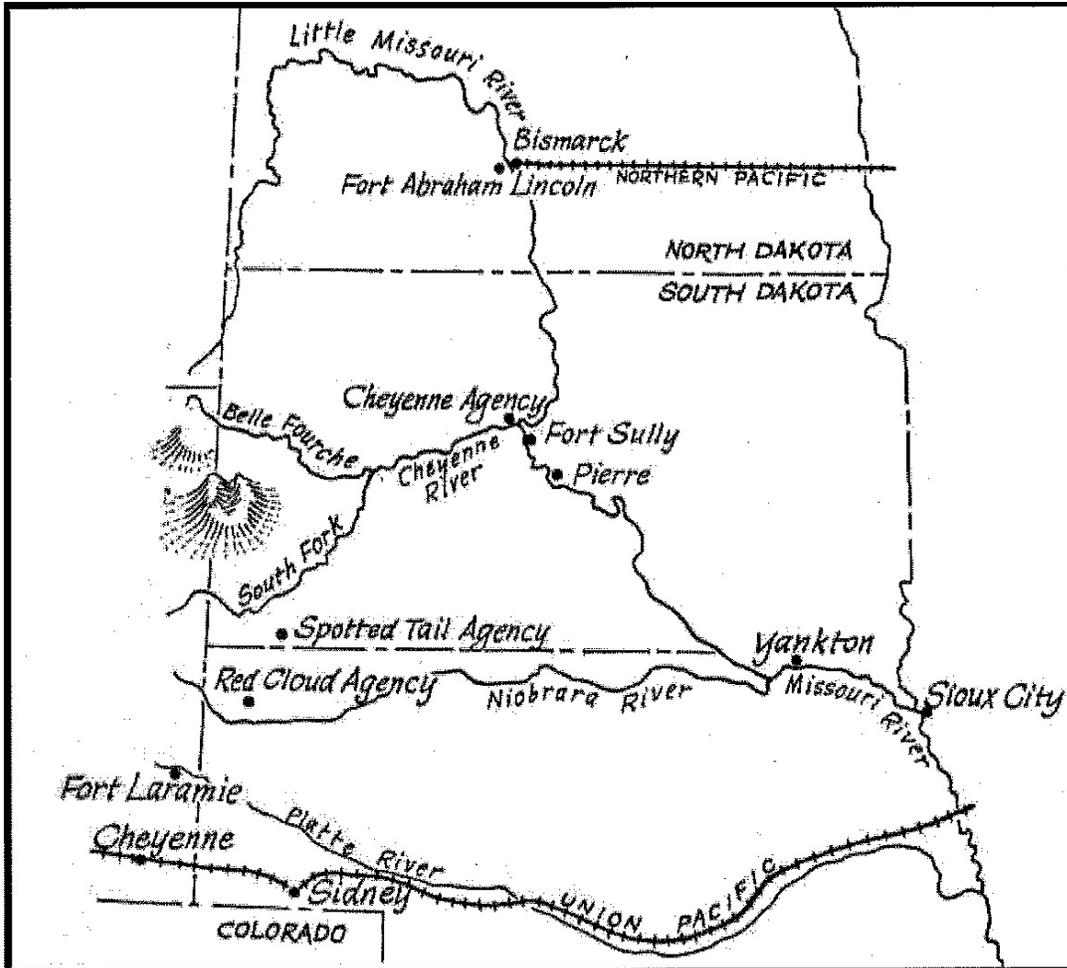


Figure 6 Map Showing the Major "Jumping Off" Points for the Black Hills during the Gold Rush. Adapted and Compiled from maps and information in Mark David Spence PhD, *Passages Through Many Worlds: A Historic Resource Study of Wind Cave National Park*. (National Park Service Department of the Interior.) 122

The Arapaho were present Crazy Woman Creek Battle July 1866 and for Red Clouds War of 1866-1868. The Arapaho continued to have conflict with settlers and railroad surveying parties.



Figure 7 Western Railroad Routes, ca.1800. Adapted and Compiled from maps and information in Mark David Spence PhD, *Passages Through Many Worlds: A Historic resource Study of Wind Cave National Park*. (National Park Service Department of the Interior.) 114

After several years of conflict and starvation Black Coal attempted to guarantee the good behavior of the Arapaho and argued for the Northern Arapaho's right to the Northern Country, particularly the Black Hills. At the 1876 agreement he stated:

My friends you that have come here to counsel with the Indians at this agency I remember the same thing that took place with my father at the Treaty of Horse Creek, when the Arapahoes, Cheyennes, Ogalalas, and the Brules were all represented. You have come here to speak to us about the Black Hills, and, without disguising anything that we say, and without changing anything that we say, we wish you to go tell the Great Father when you get back that this is the country in which we were brought up, and it has been given to us by treaty by the great Father. And I am here to take care of the country, and therefore, not only the Dakota Indians, but my people have an interest in the Black Hills that we have come to speak about today. <sup>xiii</sup>

Not wanting to be placed with their southern kin, the Arapaho agreed to be placed back with the Shoshones on the Wind River Indian Reservation. They began the trek from Red Cloud, along the White River in October of 1877. They arrived in March of 1878.

Traditional Medicines were also historically and presently found within the area. Gathering of certain plants like particular types of sage and sweet onion and plants used for paints were an integral part of ceremonies in the Plains Tribes religions; including that of the Northern Arapaho. Another large pull to the region was a

underground thermal activity in the area, making the Black Hills an ideal spot for winter camping and hunting.

### Field Results

The Northern Arapaho, in conjunction with other tribes, completed a large-scale pedestrian survey of the Dewey-Burdock Area approximately 10,000 acres with a focus on 2000 acres of high potential impact area. A previous tribe had concluded a weeks worth of survey in the previous month, so site revisits were also completed. Several Traditional Cultural Properties were found, identified and recorded.

The Northern Arapaho Tribal Historic Preservation Office concludes that this area show particularly important historical use by tribes frequenting the Black Hills. The presence of several ceremonial sites and fasting areas is of paramount importance. The History of the Northern Arapaho clearly shows a deep cultural, spiritual and historical connection with the Black Hills and surrounding areas. Migrations of elk and bison through the area support the finds by Northern Arapaho Monitors that seem to indicate drivelines and hunting camps. The thermal activity in the nearby region would have also been a large pull for the Northern Arapaho to gather and camp, fast and pray in the area. There was evidence of traditional plants and paints in the Dewey-Burdock region that are used by the Northern Arapaho for ceremonies as well. The Northern Arapaho consider the area to be a Cultural Landscape.

Recommendations for Mitigation included area of importance, recommendations of No Surface activity, areas to remain accessible to the Northern Arapaho Tribe, and areas to avoid by equipment disturbance and pedestrian traffic.

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