

**NORTHERN ARAPAHO
TRIBAL HISTORIC PRESERVATION OFFICE
ARAPAHO, WY 82510**



**STRATA ENERGY ROSS ISR PROJECT
CROOK COUNTY, WYOMING**

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.

STRATA ENERGY ROSS ISR PROJECT CROOK COUNTY, WYOMING

Introduction

Strata Energy submitted to the NRC an application to permit in situ uranium recovery (ISR) including construction and operation of facilities in the Ross ISR Project area. As required by Section 106 of the National Historic Preservation Act, Strata 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 expressed the wish to participate in the resulting information gathering process. The Northern Arapaho Historic Preservation Office (NATHPO) decided to complete an individual Tradition Cultural Property (TCP) Survey.

Project Description

This TCP Survey Report is for the Ross ISR Project Area Located in Crook County, Wyoming just west of the Black Hills. The TCP was completed within 5 days of Tribal Cultural Monitoring. The Survey was initiated June 3, 2013 by the Northern Arapaho and was Completed June 7, 2013. There were sites selected as priority locations in portions of the Ross ISR uranium project area that will be impacted by construction and operation of ISR facilities such as proposed primary access roads, proposed secondary access roads, tertiary roads, deep disposal wells, perimeter monitor wells, Deep disposal well piping, conveyance pipeline and topsoil stockpiles. There were specific archeological sites of concern for the Northern Arapaho. With the concentrated area of 1,710 acres, the Northern Arapaho wanted to complete a consolidated full pedestrian survey of the Ross Project area.

Environmental Setting

The project area is an approximate 1710-acre site including the confluence of Deadman Creek, the Little Missouri River and tributary drainages as well as the Oshoto Reservoir. Vegetation was dense in water prominent areas. Human impact to the environment was very noticeable. Disturbance includes the Oshoto Reservoir, shoreline erosion along the Little Missouri, Uranium exploration, agricultural surface disturbance, and livestock grazing.

Tribal Historical Significance

The Northern Arapaho Tribe of Wyoming is 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.ⁱ

The Northern Arapaho tribe place significant cultural importance upon the areas surrounding the Black Hills because the Black Hills is a place of religious and historical significance to them. It was previously part of the territory claimed in the For 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.ⁱⁱ

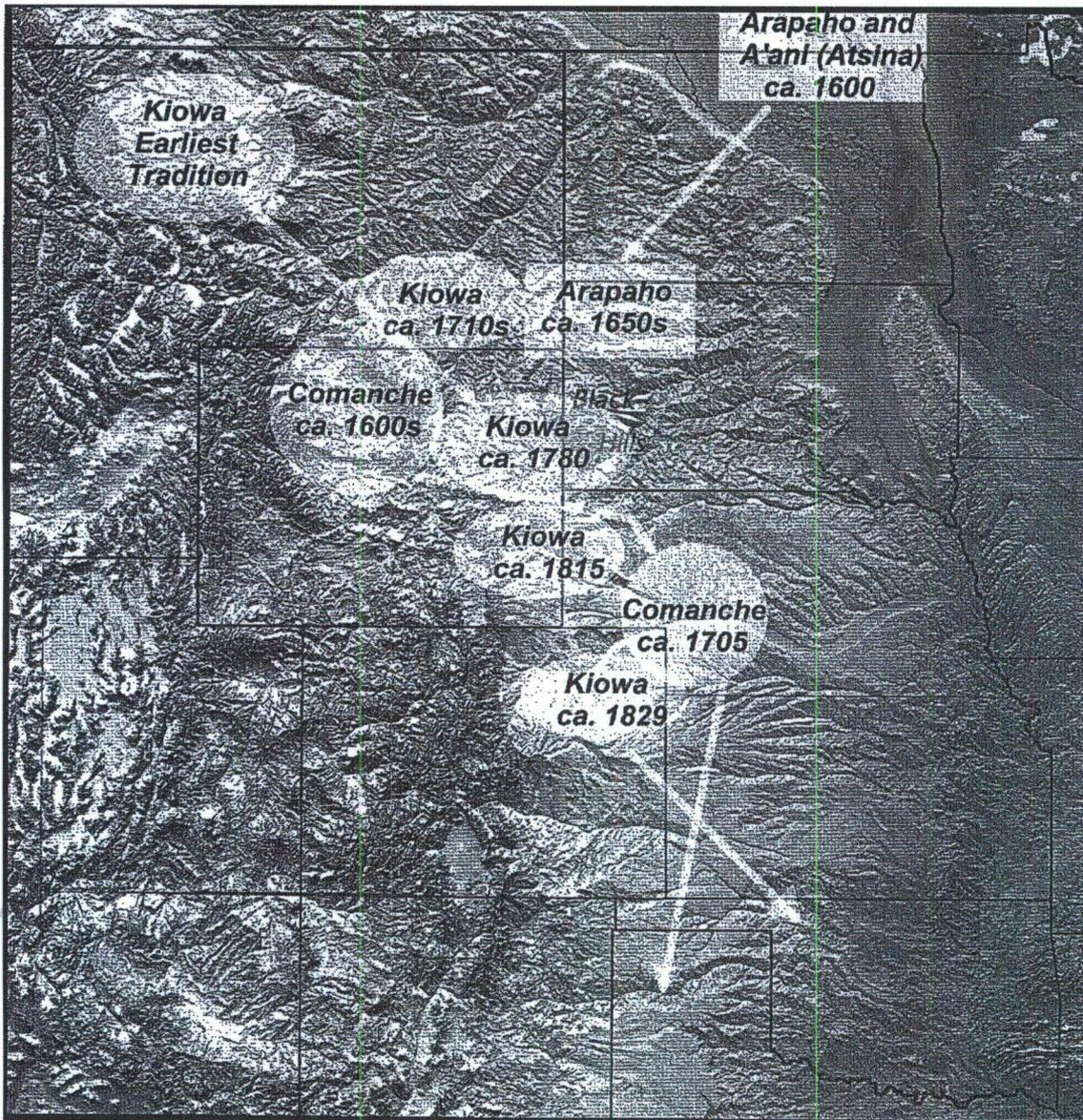


Figure 1 Kiowa, Arapaho and Comanche Migrations from the Seventeenth to the Nineteenth Centuries. Adapted and Compiled from maps and information in Mark David Spence PhD, *Passages Through Many Worlds: A Historic resource Study of Wind Cave National Park*. (National Park Service Department of the Interior.) 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.ⁱⁱⁱ

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.^{iv}

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.^v 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.^{vi}

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.^{vii}

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 west 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.^{viii}

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.

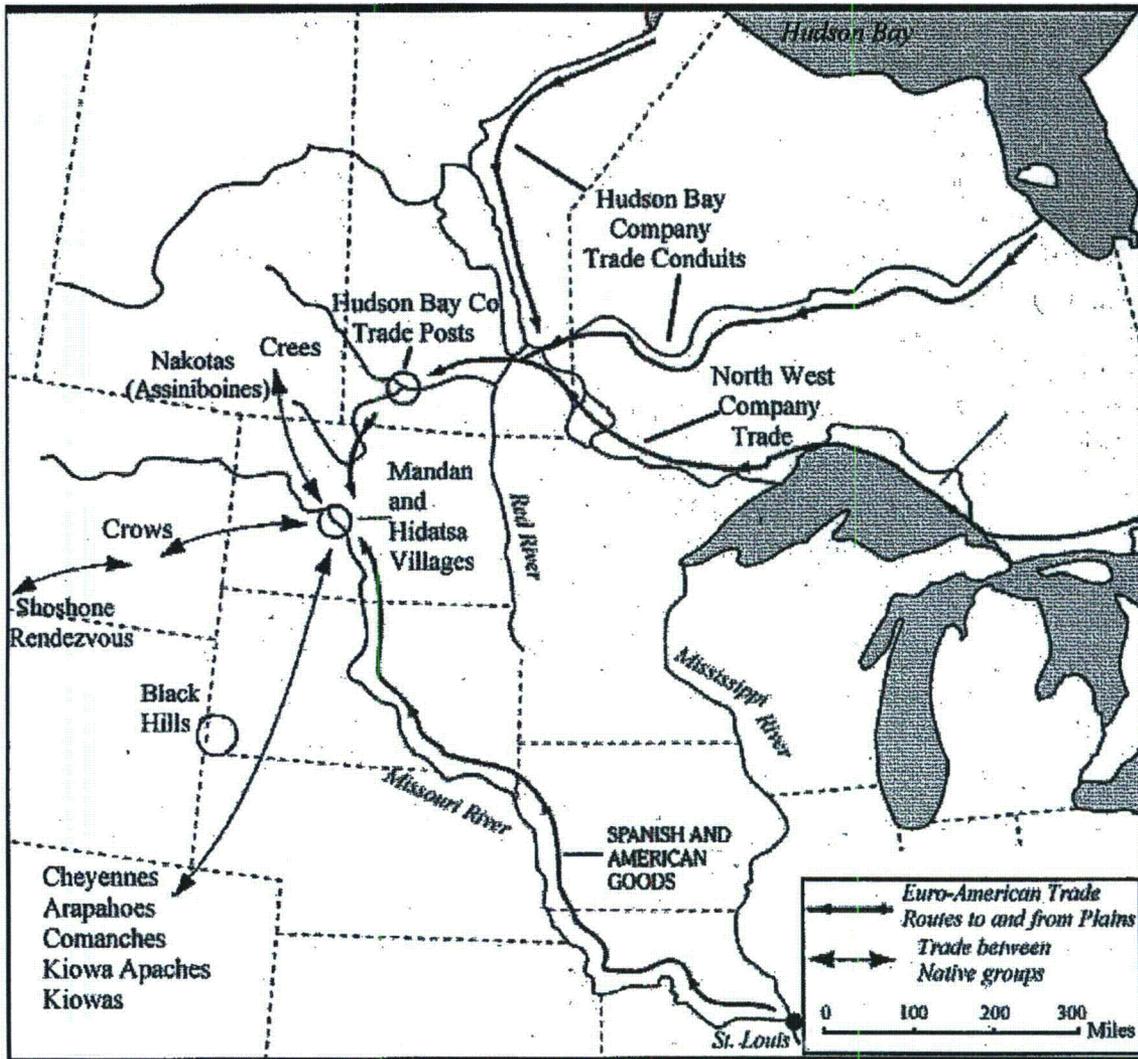


Figure 2 Upper Missouri river Trade Networks, ca.1800. Adapted and Compiled from maps and information in Mark David Spence PhD, *Passages Through Many Worlds: A Historic resource Study of Wind Cave National Park.* (National Park Service Department of the Interior.) 67

While the Arapahos after the mid 1700's ranged divided far and wide throughout much of the year, the 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.^{ix}

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.^x

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 3 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.

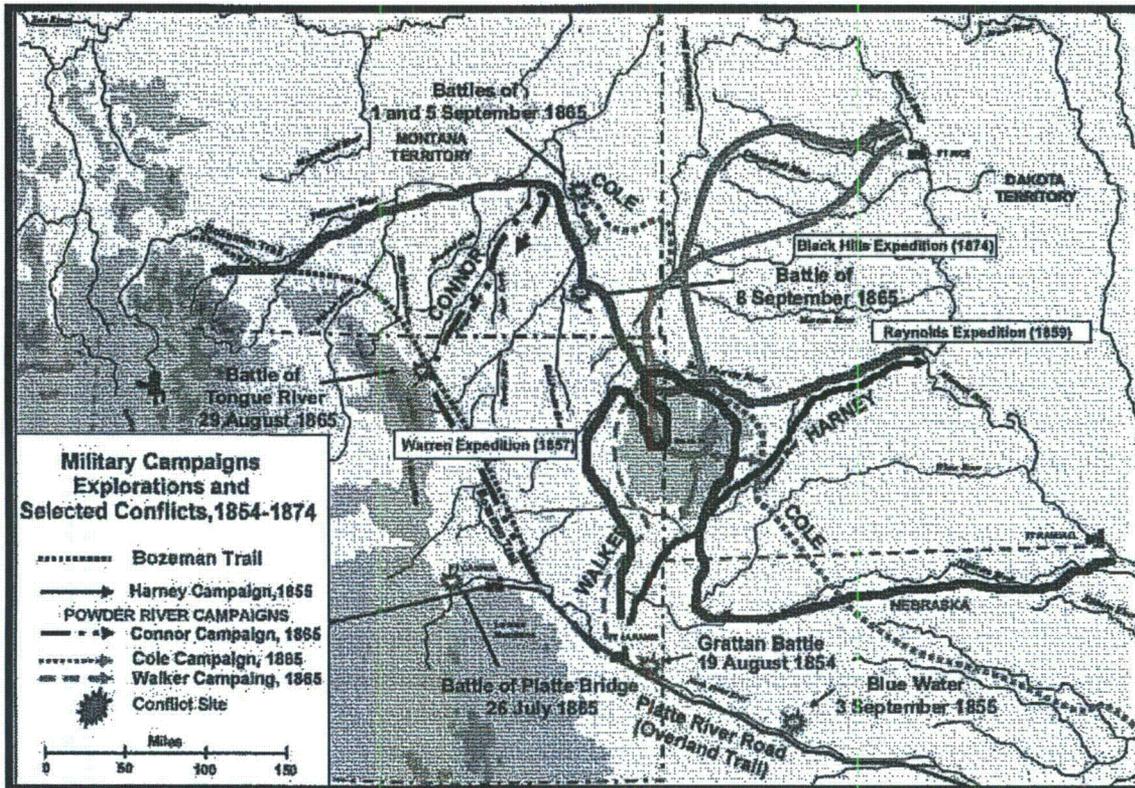


Figure 4 Military Campaigns Explorations and Select Battles, 1854-1874. Adapted and Compiled from maps and information in Mark David Spence PhD, *Passages Through Many Worlds: A Historic resource Study of Wind Cave National Park.* (National Park Service Department of the Interior.) 110

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.^{xi}

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.^{xii}

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.

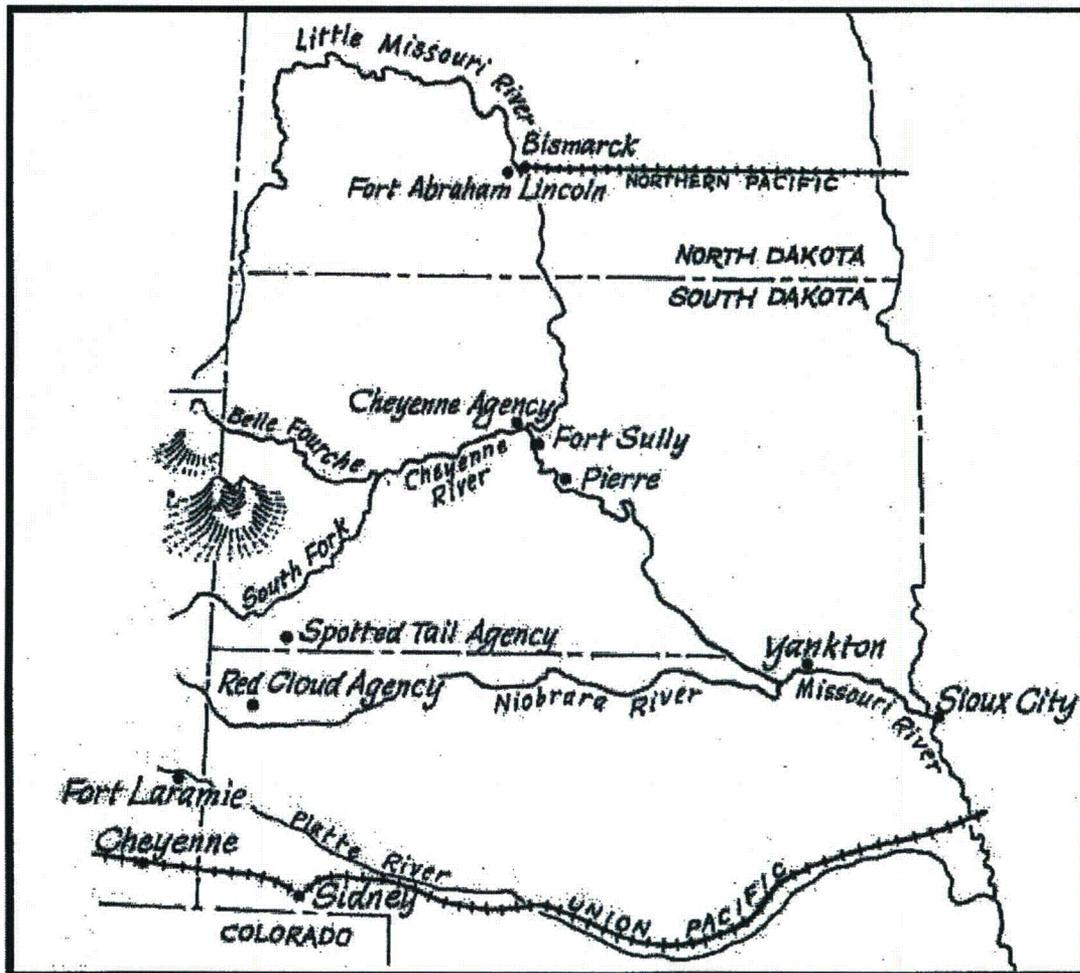


Figure 5 Map Showing the Major "Jumping Off" Points for the Black Hills during the Gold Rush. Adapted and Compiled from maps and information in Mark David Spence PhD, *Passages Through Many Worlds: A Historic resource Study of Wind Cave National Park*. (National Park Service Department of the Interior.) 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.

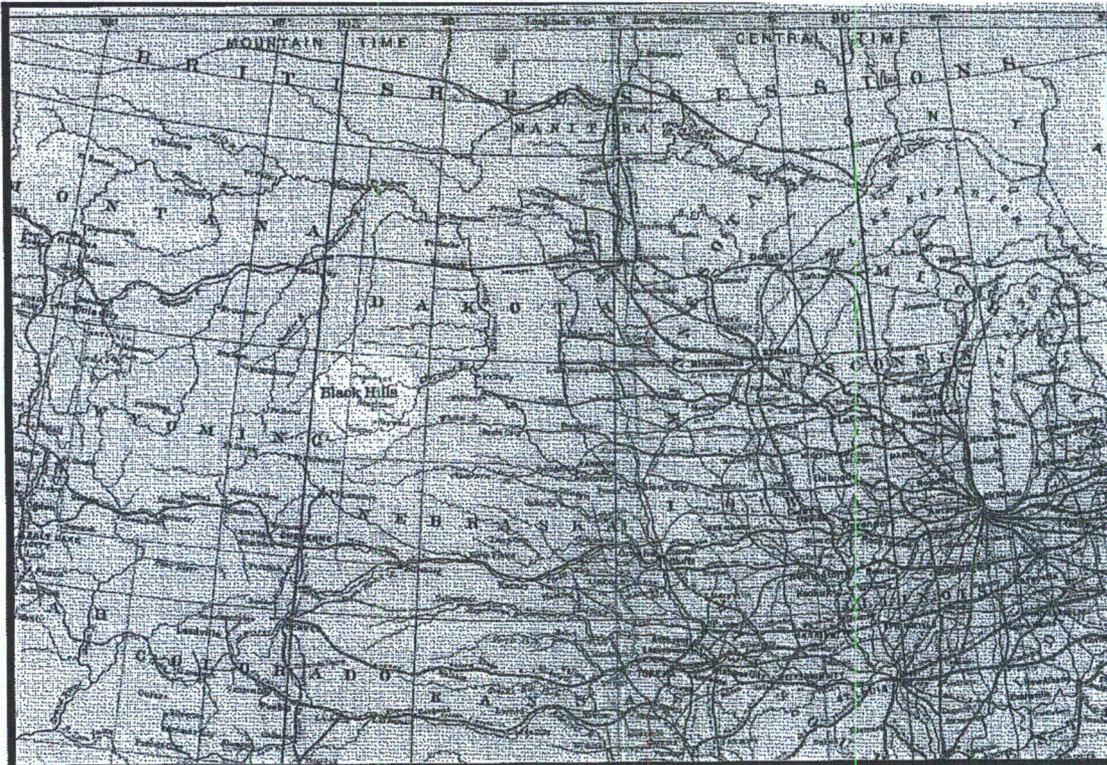


Figure 6 Western Railroad Routes, ca.1800. Adapted and Compiled from maps and information in Mark David Spence PhD, *Passages Through Many Worlds: A Historic resource Study of Wind Cave National Park.* (National Park Service Department of the Interior.) 114

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. ^{xiii}

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.

Traditionally the Northern Arapaho have migrated in and out of the area of Oshoto Reservoir and it features prominently in our Oral History, mainly around the gathering of

traditional medicines and plants to be used in ceremonies and other religious and cultural practices. The stories tell of a several days' journey in this direction to the waters surrounding the area.

Traditional Medicines were both historically and presently found within the Oshoto 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.

Some very important historical features are associated with the Oshoto Reservoir area. There is a clear view of Devil's Tower, a sacred site to many Plains tribes including the Northern Arapaho. There is also a Buffalo Jump nearby, bison being a sustaining cultural animal for the Northern Arapaho, providing substance, shelter clothing and other cultural and spiritual items.

Ethnographic literature and Tribal Oral history pinpoint Devils Tower as a significant cultural and spiritual landmark. The Northern Arapaho have both historical and geographical ties to Devils Tower or "Bears Tipi".

The Legend of Devils Tower Provided by the National Park Service is as follows:

□"An Arapaho lodge was camped at Bears Tipi. The father of this lodge was a head lodge and had seven children, five boys and two girls. The two girls had made an arrangement between themselves that the one who found the end bone (end rib) of a buffalo should receive the most favors from the brothers. The boys often made trips to other tribes. After a long search one of the girls found an end bone of a buffalo and on picking it up she turned into a bear and made some big scratches on her sister's back. The bear-girl told her sister, "if you tell the dogs will howl and this will be a signal so I will know that you have told." The sister did tell her brothers and when they heard the dogs howl and give the signal they were scared and started to run. □The bear-girl heard the signal and ran after them. The girl who had told was carrying a ball in her hand, which she dropped and accidentally kicked. The ball bounded up on the big, high rock. The bear-girl reached over her sister's shoulder to grab the ball, slipped and made very big scratches on the big rock and fell on her sister and broke the sister's chest. The bear-girl climbed to the top of the big, high rock and told her family that there would be seven stars in the shape of a diamond appear in the east and the first star out would be off to one side and would be brighter than the other stars. This first star would be called Broken Chest Star. From this time on the Arapaho called this big, high rock "Bears Tipi". □This legend was told to Dick Stone by Sherman Sage, 81 years old. Otto Hungary, Interpreter".^{xiv}



Figure 7 Devils Tower

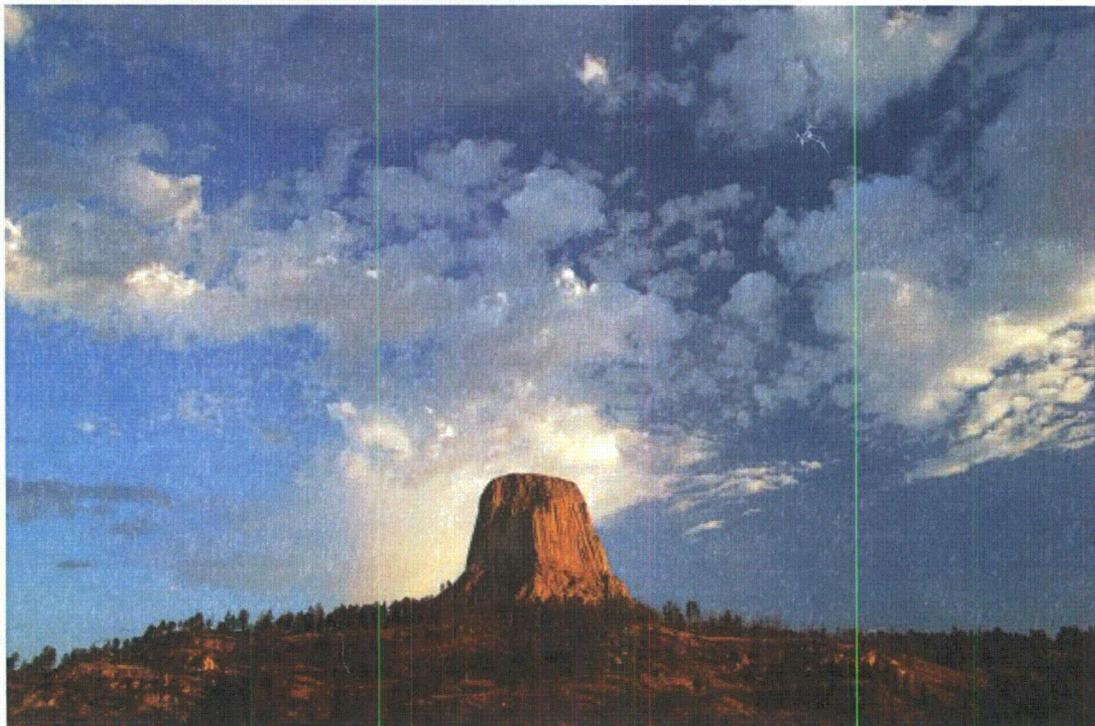


Figure 8 Devils Tower

The Vore Buffalo Jump is located near Beulah, Wyoming. The Vore Buffalo Jump is on the interface between what were once great bison pastures of the northern Great Plains and the Black Hills, making it highly attractive to various groups of buffalo hunters. In about 300 years, five or more tribes used the site. In a great state of preservation, within the site are the butchered remnants of as many as 20,000 bison as well as thousands of chipped stone arrow points, knives, and other tools. The materials are contained within 22 cultural levels that extend downward to a depth of nearly 20 feet.^{xv}

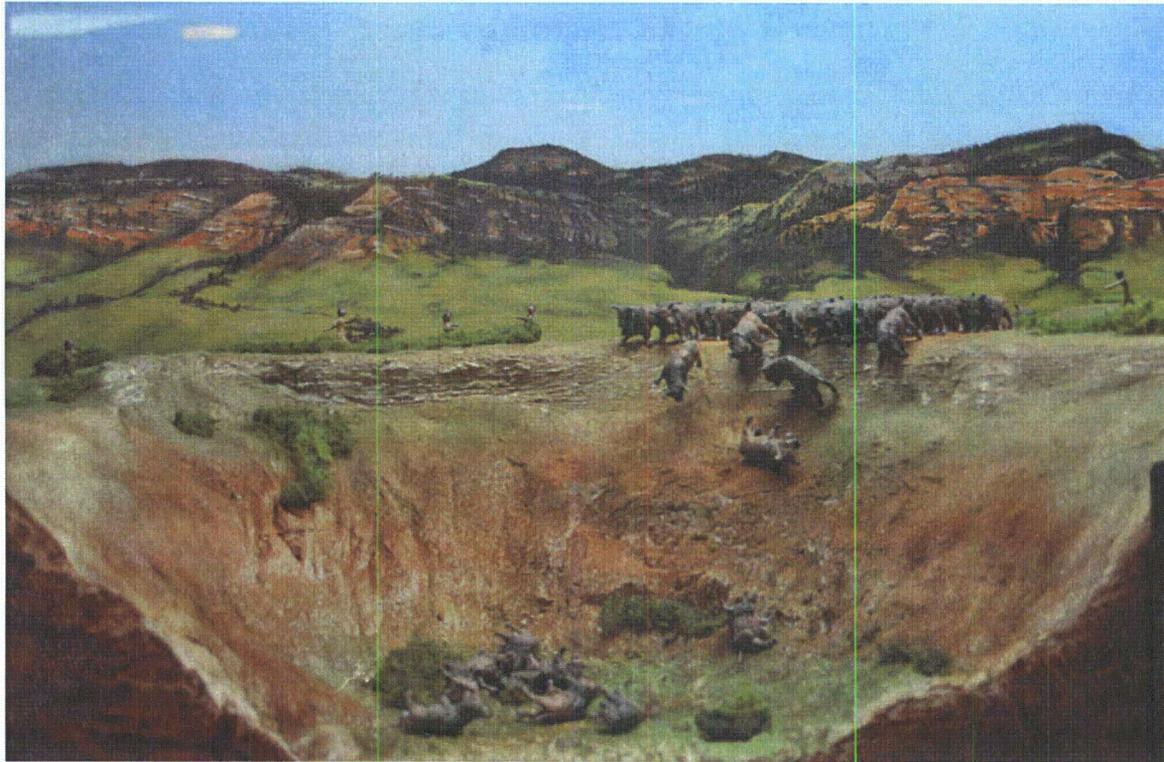


Figure 9 Vore Buffalo Jump

Field Results

The Northern Arapaho, in conjunction with other tribes, completed a large-scale pedestrian survey of the Ross Project Area approximately 1710 acres with a focus on several sites of high potential impact area. Previous tribes had concluded a prior 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 shows 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. There was evidence of traditional plants and paints in the Oshoto Reservoir area that are used by the Northern Arapaho for ceremonies as well. Several important cultural landmarks also exist nearby. Devils tower is in full view of several important Traditional Cultural Properties and the Vore Buffalo Jump is nearby as well.

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.

Conclusion

The Northern Arapaho Tribal Historic Preservation Office concludes that this area shows particularly important historical use by tribes frequenting the Black Hills. The presence of several ceremonial sites and fasting areas is of paramount importance. There was evidence of traditional plants and paints in the Ross Project region that are used by the Northern Arapaho for ceremonies as well. Oral Histories place the Northern Arapaho at Oshoto for traditional plant gatherings in more than one occasion. The tribes also consider the region important for its hunting history such as nearby buffalo jumps, and the presence of Devils Tower. The History of the Northern Arapaho clearly shows a deep cultural, spiritual and historical connection with Oshoto, the Black Hills and surrounding areas.

Figures

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