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Date: May 5, 2015

**To: Mr. Dave Frankel, esq.
Attorney-at-Law**

Mr. Frankel,

As previously stated, the materials utilized for the Crow Butte Expansion cultural resource licenses appear to be faulted in several places. First, there does not appear to be any identification or accreditation of whomever it is that allegedly conducted the Class III survey or the TCP survey(s). There are, as I stated earlier, very specific qualifications must be met for field surveyors, supervisors and principal investigators of Class III archeological surveys and Traditional Cultural Property investigation. The standards for principal investigators are laid out in the *Secretary of Interior's Standards and Guidelines*, which are the defining standards nationally. The minimum qualification for the principal investigator is clearly spelled out in the "Professional Qualifications" pages of the *Standards*. This is defined for Archeology as a *minimum* of a graduate degree in archeology, anthropology or closely related field *plus*:

1. *At least 1 year of full-time professional experience or equivalent specialized training in archeological research, administration or management;*
2. *At least 4 months of supervised field analytic experience in general North American archeology, and*
3. *Demonstrated ability to carry research to completion.*

In addition to this minimum qualification, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. A professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

In addition to archeologists, a principal investigator may also have an advanced degree in History, Architectural History, Architecture, or Historic Architecture, however these last are generally meant primarily for principal investigators involved with Historical Archeology and Historical Traditional Cultural Properties. These also have additional field and supervisory qualification as appropriate to their own specific fields.

In other words, a principal investigator must have a minimum of a graduate degree in a specific field, with a minimum of one year of qualifying generalized work in that field, and addition specific areal work of usually 4 to 6 months within the general region of work.

In addition, Traditional Cultural Property are also held to this same high standard for principal investigators. Also, Traditional Cultural Property investigations need to be done in concert between anthropologists or historians qualified at this same high level, and qualified tribal elders of all concerned tribal groups. This last is in accordance with the stated goals of the *Protection of Historic Properties 36 CFR part 800 subpart B (the 106 process)*. In this case, we know that this has not been done, in that at a minimum the Oglalla Sioux Tribe has not been adequately consulted in any Traditional Cultural Property survey. How many other tribal groups that should have been consulted for both historic properties and Traditional Cultural Properties and were not is at this point, anyone's guess according to the available materials I have been able to read.

These surveys are not a simple viewing of the ground surfaces, but also a realization of the impact that any projects might have upon past or in fact, current traditional ceremonial or cultural properties, such as *hanblechia* (vision quest) or Sun Dance sites which can have their sacred view-shed and/or landscape impacted. To the best of my knowledge, and any literature available to me at this time, none of this has been considered at this time, which would be a direct violation of the current cultural heritage laws. In the last several years the Advisory Council on Historic Preservation has been, to say the very least, been frantically attempting to solve the problems of cultural groups and the myriad problems of Traditional Cultural Landscapes (see http://www.nps.gov/history/nr/publications/guidance/TCP_comments.htm) for example. To say that this has become an open wound for the Federal Government would be a gross understatement. This problem essentially began in the 1990's with two diverse landscapes or properties, San Francisco Peaks in Arizona and Poletown in Detroit, Michigan; a Native American site and a site traditionally important to Polish-Americans in Michigan. Both ended up being destroyed by "economic necessity" to the detriment of their cultural group. Traditional Cultural Properties or Landscapes are not investigations that can be written off by a simple piece of paper paid for with corporate monies. These are specifically defined just as definitively as Historical/Archeological Surveys are defined within the *Secretary of the Interior's Standards and Guidelines*. The qualifications for the principal investigators and other participants are just as high and therefore should be treated just as highly and seriously.

Also in reviewing the Nebraska State Historic State Historic Preservation Plan, especially the goals and standards for the state, it would seem that this project especially is in direct opposition to its stated plans of the State of Nebraska. Its specific goals, problems and solutions for cultural resources, archeology, and interaction with tribal groups and local populations seems to be directly opposed to what is happening at sites like Crow Butte and others in this region of the country. Not only are archeological materials being displaced, but traditional properties and landscapes are being impacted, as well as contemporary lifeways.

Sincerely,

A handwritten signature in cursive script, appearing to read "Louis A. Redmond".

Louis A. Redmond, PhD
President, Red Feather Archeology