



Red Feather Archeology
PO Box 116
Yoder, WY 82244
(307) 534-2172
redfeather@wyomail.com

Date: January 28, 2013

To: David C. Frankel, esq.

Mr. Frankel,

As per your recent request, I have reviewed the CBR (Crow Butte Resources, Inc.) environmental report for the Marsland Expansion Area dated May 2012. Although I agree with Dr. T. Steinacher, the Nebraska Historical Archeologist, that the research submitted by Graves, et al would not impact any significant Historical properties, I do find several problems with the lack of any Native American properties located during the survey.

First, I worked in this general area from 1992 through the Fall of 1995 as the Forest Archeologist for the Nebraska National Forest. It was my experience that whenever we surveyed areas near or bordering on water resources, ponds, creeks, et cetera, we would almost invariably find prehistoric camp sites and related process sites. Throughout this proposed project area, there are a number of both permanent and intermittent water resources of all kinds, including creeks, springs and natural ponds.

Second, the survey that was performed in this area was over approximately 4,500 acres, which was surveyed between November 2010 and February 2011. It was also my experience in working in this area that during that time of the year, snow and ice covered most of the ground surface, at least greater than 85%. My problem with this scenario is that it would be relatively impossible to locate 99% of prehistoric/Native American sites without a much higher level of ground surface observation, i.e., greater than 60-75%, preferably greater than 90%. As stated in the synopsis of the cultural report, this area of the Nebraska Panhandle has not been subjected to even minor investigation. Due to this lack of research, it would appear intuitively evident that an investigation with little or no ground surface visibility would be insufficient to state that no Native American/prehistoric materials were present.

Thirdly, this project will eventually cause significant ground disturbance, and yet there is no evidence that any type of subsurface testing process for any level of cultural materials took place. It would seem that some form of subsurface testing to at least below the alluvium level be performed over at least the area where most of the surface impacts will occur. I would suggest that this type of processing be instituted on at least the higher elevations near water resources where the alluvium layer would be shallower due to natural erosional processes.

Fourth, although it is true that the primary tribal use of this area was by the Sioux (sic) and Cheyenne, a number of tribes utilized the Nebraska Panhandle area. According to just the treaties from this area, a number of tribes are not noted for this cultural review. One of the most encompassing of these treaties is the 1851 Fort Laramie Treaty involving the Sioux or Dahcotah (sic), Cheyennes, Arrapahoes, Crows, Assinaboines, Gros-Ventre Mandans, and Arrickaras. The People listed as "Sioux or Dahcotah" are not easily defined, but include the Lakota Nations of the Sicangu, Brule, Oglala, Minnecoujou, Hunkpapa, Izipaco, Sihasapa, and Ooinunpa nations. Added to these are the Sans Arcs, Santee and Yanktons who are Dakota speakers. The Mandans and Arrickara noted in the said treaty would also include the Hidatsa peoples of the Three Affiliated Nations. As to the Cheyenne defined in the 1851 Treaty, this would indicate both the current Northern and Southern Cheyenne Nations since the division is an artificial artifact of the Government reservation system. In addition, although not listed in this treaty, the Pawnee would also have utilized this area, at least the northern Pawnee or Skidi. This last is indicated by the number of stories, legends or accounts of battles between the Pawnee and many of the above noted Peoples throughout the current project areas. Added to this treaty are a number of other

treaties signed with individual tribes between 1851 and 1868, the time period of the two major treaties signed by the United States and a number of interested or subjugated tribes.

If there are any further questions or actions that you might require of me, please do not hesitate to contact me at the above address, telephone number and/or e-mail address.

Sincerely,

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

Louis A. Redmond, PhD
President/owner
Red Feather Archeology