

**TRIBAL COUNCIL
(AT LARGE)**

Jesse "Jay" Taken Alive

Margaret M. Gates

Avis Little Eagle

Dave Archambault II

Joseph McNeil Jr.

Jesse McLaughlin

Charles W. Murphy
Chairman

Mike Faith
Vice Chairman



Adele M. White
Secretary

**TRIBAL COUNCIL
(DISTRICTS)**

Sharon Two Bears
Cannonball District

Henry Harrison
Long Soldier District

Duane Claymore
Wakpala District

Kerby St. John
Kenel District

Errol D. Crow Ghost
Bear Soldier District

Milton Brown Otter
Rock Creek District

Frank Jamerson Jr.
Running Antelope District

Samuel B. Harrison
Porcupine District

December 9, 2010

Ms. Linda DeVine
ACC/A7PS
129 Andrews St. Suite 337
Langley AFB, VA 23665-2701

RE: Powder River Training Complex Draft EIS

Dear Ms. DeVine,

The Standing Rock Sioux Tribe (Tribe) appreciates the opportunity to comment on the Powder River Training Complex Ellsworth Air Force Base, South Dakota Draft Environmental Impact Statement (DEIS) and its environmental impacts to the Standing Rock Indian Reservation (Reservation).

Before we begin our comments on the DEIS, the Standing Rock Sioux Tribe is very supportive of the U.S. military and its efforts to protect and serve our country. Many of our tribal members are proud to have served in the Armed Forces.

In the DEIS, we request that you use "Standing Rock Indian Reservation" when referring to our Reservation and "Standing Rock Sioux Tribe" when referring to our Tribe.

We were notified of this project two years ago when people from Ellsworth Air Force Base visited the Reservation and gave a presentation. At that time, we were told by several different military personnel that the flights over the Reservation would be infrequent, even nonexistent. The few flights that would take place would be at a very high altitude. However, in the recently released DEIS, it appears that there are plans to fly at altitudes of 500 ft. over our Reservation, contrary to what we were led to believe. The information provided by military personnel to the Tribe directly contradicts the proposed DEIS. If what we were told two years ago by Army personnel is correct, it should be included in the DEIS.

Our people are deeply concerned about low-level flights and sonic booms that would occur over our Reservation, especially during the summer months. Many tribal members practice traditional religious ceremonies outdoors in the summer on tribal lands. Aircraft flying at low-levels and/or sonic booms would be not only disruptive and intrusive but also highly disrespectful to our spiritual and religious practices.

Our religious practices take place outdoors and can occur anywhere on Tribal lands within the reservation boundaries, both day and night.

Also, many of our tribal members are also cattle ranchers and sonic booms and low-flying aircraft would be disruptive to their ranching activities such as calving, branding, weaning or other penning operations.

For these reasons, we are requesting that the entire Standing Rock Indian Reservation be made an avoidance area and that there be no low-level aircraft or sonic booms over tribal lands during the months of June, July and August. Please find attached a map of all tribal lands within the exterior boundaries of the Standing Rock Indian Reservation

Please be reminded that "Federal agencies shall protect and preserve Native American religious cultural rights and practices". [See, American Indian Religious Freedom Act, 42 U.S.C. §1996 (1978), et. seq.] In this case, we interpret that to mean that the U.S. Army will refrain from low-level flight and sonic booms during the summer months when tribal members are practicing their traditional and religious ceremonies.

Moreover, many of our tribal members are concerned about the dispersion of chaff over the Reservation. Although the DEIS claims that the chaff will likely disperse before reaching the ground and that there is little harm, we request that the military limit the use of chaff over the Reservation and start using new technologies available that create invisibility.

Our tribal members are also concerned about the potential of a lit flare reaching the ground and causing a fire. While there is a small chance this may occur, we would like the Air Force to assume full liability for all damages including the cost of fighting range fires started by flares.

We are disappointed in the brief history of Native Americans that is portrayed in the DEIS on pages 3-109 to 3-113. Not only are there misspellings but also factually incorrect information. We offer the following corrections for inclusion in the DEIS.

Page 3-109, second paragraph
Change the word legend to history.
Change semi-woodland to woodland
The last sentence uses the date mid-1800s, change to mid-1700s.

Page 3-110
The third paragraph starts with "The Treaty of Fort Laramie". Please note that you are referring to the second Treaty of Fort Laramie of 1868. The first Treaty of Fort Laramie was in 1851.

Ms. Linda DeVine
Powder River Training Complex Draft EIS
Page 3

Also in this paragraph, Yanktonai is misspelled

We ask for a rewrite of the fourth paragraph. The sentence "Conflict was exacerbated by the Black Hills gold rush" is a polite way of saying that the Fort Laramie Treaty was repeatedly violated by white settlers in search of gold. Please include language that states the Black Hills are sacred to the Dakota and Lakota, and were illegally taken from the Lakota and Dakota by the U.S Government. To this day, the Dakota and Lakota people refuse to accept money for their sacred Black Hills (Paha Sapa) and continue to fight legally. We object to the following language, "Mining and other intrusions in to the Great Sioux Nation created tension..." Mining in the Black Hills was a direct violation of the 1868 Fort Laramie Treaty.

Page 3-112

The last sentence in the first paragraph refers to the "battle" at Wounded Knee. This was not a battle but a massacre. All weapons were taken from the Dakota and Lakota and they were surrounded by the 7th Calvary. In less than one (1) hour, 350 Lakota men, women and children were slaughtered at the hands of the U.S. Government.

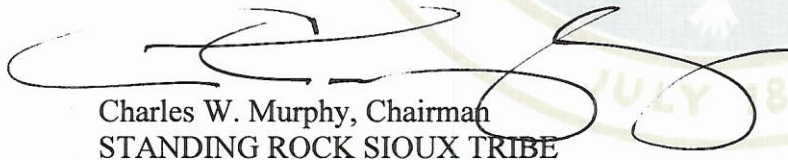
Page 3-112

In the third paragraph the first sentence is incorrect. The five reservations, including Standing Rock, were created by the Act of March 2, 1889, not the Dawes Act.

We hope that you are able to incorporate these changes into your historical section. We believe it is important that you provide an accurate account of history.

If you have any questions, please call my office at 701-8524.

Respectfully Submitted,



Charles W. Murphy, Chairman
STANDING ROCK SIOUX TRIBE