

2015 Annual Report

Powder River Training Complex (PRTC) in North Dakota, South Dakota, Montana, & Wyoming Prepared per PRTC Programmatic Agreement (PA)



May 1, 2016

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3. The Joint Resolution of the Coalition of Large Tribes (COLT), dated July 22, 2014
4. The Standing Rock Sioux Tribal Council's Resolution 670-08, dated November 5, 2008

1.0. Description of Activity from September 17, 2015 to December 31, 2015 (Stipulation VII.B.1.)

The day-to-day training and the Large Force Exercise (LFE) training accomplished, in PRTC airspace, in calendar year (CY) 2015, will be broken out in subparagraphs below. None of the Tribal activities listed in stipulation 2.A.1 occurred during this period.

1.1. General description of PRTC airspace

PRTC is a combination of Military Operations Areas (MOAs) and Air Traffic Control Assigned Airspaces (ATCAAs). PRTC MOAs are stratified into Low and High MOAs. PRTC Low MOAs are 500 feet above ground level (AGL) up to but not including 12,000 feet above Mean Sea Level (MSL). PRTC High MOAs are 12,000 feet MSL up to but not including Flight Level 180 (FL180, or approximately 18,000 feet MSL).

1.2. Day to day training airspace

For this report PRTC day to day training activity (CY2015) is broken down into hours and sorties (H/S). PR-1 – 8.5/45, PR-2 – 216.0/288, PR-3 – 38.7/91, PR-4 – 12.6/46. See below for discussion of each of these areas separately.

1.2.1 PR-1

The 8.5 hours and 45 sorties associated with PR-1 were almost entirely encapsulated within the December LFE detailed in 1.3 below. The lack of low altitude communications capability has kept PR-1 unusable below 12,000 feet MSL. This limits its utility for day to day training missions. During the LFE PR-1 was used primarily for marshalling aircraft before and after the 2 hour exercise, as well as stand-off orbits of support aircraft such as Tankers, Airborne Warning and Control System (AWACS), and reconnaissance aircraft.

1.2.2 PR-2

The 216 hours and 288 sorties associated with PR-2 show that it is still the centerpiece of Ellsworth's training activity. The activity contained here is very similar to what was contained in Powder River A and B MOAs for the 30 years prior to PRTC.

1.2.3 PR-3

The 38.7 hours and 91 sorties associated with PR-3 included more Minot B-52 activity than the Ellsworth B-1s. The lack of low altitude communications capability has kept PR-3 unusable below 12,000 feet MSL. This limits its utility for day to day B-1 training missions. During the LFE PR-3 was used extensively as aircraft that had marshalled in PR-1 and PR-4, flowed into and through PR2 and PR-3 during the 2 hour exercise.

1.2.4 PR-4

The 12.6 hours and 46 sorties associated with PR-4 were almost entirely encapsulated within the December LFE detailed in 1.3 below. PR-4 is limited by a floor of 12,000 feet MSL. This limits its utility for standard B-1 day to day training missions. Day to day use of PR-4 will be specific training events that do not require low altitude (below 12,000 feet MSL). During the December LFE, PR-4 was used primarily for marshalling aircraft before and after the 2 hour exercise, as well as stand-off orbits of support aircraft such as Tankers, AWACS, and reconnaissance aircraft.

1.3. LFE training airspace

One LFE occurred during CY15 on Wednesday December 2 and Thursday December 3. For this LFE, the following airspace was activated for 2 hours each day (from 10:00 to noon Local time): The Gap A, B, and

C High MOA/ATCAAs, PR-1A and C High MOA/ATCAAs, and the Gateway East ATCAA. These pieces of airspace, which can only be used for LFEs, function to connect the day to day use MOA/ATCAAs into a single area.

2.0. Scheduling changes proposed for military training in PRTC (Stipulation VII.B.2.)

2.1. There are no changes proposed for the scheduling and training in PRTC

3.0. Problems encountered in Programmatic Agreement (PA) Implementation (Stipulation VII.B.3.)

3.1. Annual Report (Stipulation VII.A)

The PRTC PA was executed September 4, 2014 (see attachment 1), well prior to the beginning of flying operations, which began 18 Sep 2015. Therefore, this first annual report was delayed until May 1, 2016 because a report on May 1, 2015 would not have contained substantive information.

3.2. National Park Service (NPS) visitor use survey (Stipulation I.A.1.c))

As the portion of the PRTC airspace over and around the Little Bighorn Battlefield National Monument is not yet usable, due to communication infrastructure limitations, there has yet to be coordination or planning for a visitor use survey.

3.3. Comprehensive in-brief (Stipulation III.A.1)

The comprehensive in-brief was completed and required to be viewed prior to PRTC operation by aircrew from both local and non-local flying units. This in-brief was circulated prior to the first PRTC flight operations (September 18, 2015) and prior to all non-local aircrews first flight within PRTC. However, prior to the first LFE, the required certifications were not attained from off station participants as required in stipulation III.A.1.a.). LFE planning documents and checklists have been updated to ensure that this oversight will not be repeated.

3.4. Annual Cultural Awareness class (Stipulation III.A.2)

A slide presentation was produced by 28th Bomb Wing (28 BW) and forwarded to the Consulting Parties for input (Letter dated September 1, 2015 with slides attached). We appreciated the quick response from the Montana and South Dakota SHPOs, but received no other input. 28 BW is still requesting input to ensure this class meets the intent of the PRTC PA. If no further input is received, a class will be scheduled and completed prior to September 18, 2016.

3.5. Avoidance Protocol (Stipulation IV.)

A draft document was produced by 28 BW and forwarded to the consulting parties for input (Letter dated September 1, 2015 with a draft document attached). We appreciated the quick response from the Montana and South Dakota SHPOs, but received no other input. As was stated in the cover letter, the draft will serve as an interim document until enough input is received to produce a more complete Avoidance Protocol. Consulting Parties may provide inputs on the Avoidance Protocol at any time.

4.0. Disputes and objections (Stipulation VII.B.4.)

4.1. New Disputes and objections.

No new disputes or objections have been noted during the reporting period.

4.2. Pre-existing Disputes and objections.

4.2.1. Northern Cheyenne Tribe.

4.2.1.1. The Northern Cheyenne Tribal Council's Resolution DOI-081 (2012), dated March 1, 2012), stated opposition to the proposed PRTC and recommended selection of the "No Action Alternative". (Attachment 2)

4.2.1.2. The Joint Resolution of the Coalition of Large Tribes (COLT), dated July 22, 2014), stated opposition to the proposed PRTC and recommended selection of the "No Action Alternative". (Attachment 3)

4.2.2. Standing Rock Sioux Tribe.

4.2.2.1. The Standing Rock Sioux Tribal Council's Resolution 670-08, dated November 5, 2008), stated opposition to the proposed PRTC. (Attachment 4)

5.0. Newly identified historic properties (Stipulation VII.B.5.)

No newly identified historic properties were identified to the Air Force during the reporting period.

6.0. Newly identified adverse effects (Stipulation VII.B.6.)

No newly identified adverse effects to historic properties were identified to the Air Force during the reporting period.

7.0. Proposed dates for annual meetings (Stipulation VII.B.7.)

On 31 Mar 2015 the 28BW Commander appointed the 28 BW Vice Commander as the PRTC Senior Tribal Liaison. Tribal consultations, to discuss the contents of this report, will be pursued with each of the PA identified Consulting Tribes, upon release of this report and to review PRTC-related activities that may affect historic properties of traditional and religious importance to the Tribes. Additionally, consultation with non-tribal PA signatories will be pursued as well.

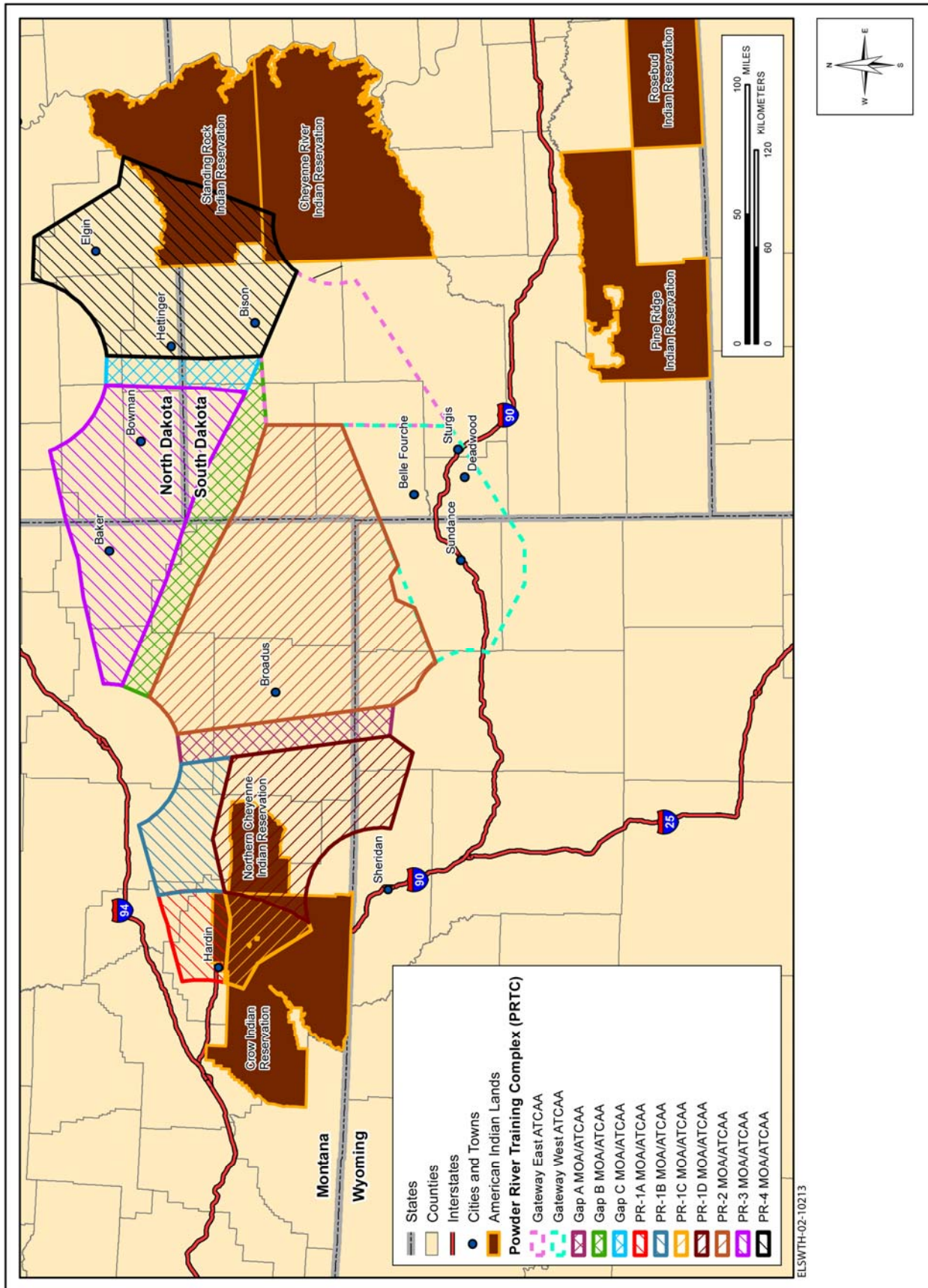


Figure 2. American Indian Lands located beneath the Proposed PRTC

**PROGRAMMATIC AGREEMENT
AMONG
28th BOMB WING, ELLSWORTH AIR FORCE BASE,
THE STATE HISTORIC PRESERVATION OFFICES OF
MONTANA, NORTH DAKOTA, SOUTH DAKOTA AND WYOMING,
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE PROPOSED DEVELOPMENT, IMPLEMENTATION AND OPERATION
OF THE POWDER RIVER TRAINING COMPLEX**

WHEREAS, the United States Air Force (AF), represented by the 28th Bomb Wing (hereafter “the 28 BW”), operates and maintains Ellsworth Air Force Base (EAFB), South Dakota, and

WHEREAS, the 28 BW is responsible for identifying and managing historic properties at EAFB and identifying and considering effects to historic properties in areas used by the base for training, pursuant to Section 106 of the National Historic Preservation Act (NHPA) (16 USC §470f) and its implementing regulation, 36 CFR Part 800 (hereafter jointly referred to as “Section 106”); and

WHEREAS, the 28 BW proposes to establish the Powder River Training Complex (PRTC) to provide suitable and realistic training for military aircrews of multiple B-1 and B-52 squadrons assigned primarily to EAFB and Minot AFB, North Dakota. It would restructure and reconfigure the existing Powder River Military Operations Areas (MOAs) and associated Air Traffic Control Assigned Airspaces (ATCAAs) and add airspaces to become the PRTC. The establishment, development, and operation of the PRTC (also referred to in this document as “the undertaking”) would overlay about 35,000 square miles or 22.5 million acres in South Dakota, North Dakota, Montana, and Wyoming (Attachment 1), the lands beneath the PRTC airspace constituting the area of potential effect to historic properties; and

WHEREAS, the PRTC would designate the following training areas: Powder River (PR)-1A through 1D, PR-2, PR-3, PR-4 MOA/ATCAA; GAP A, B, and C MOA/ATCAA; and Gateway East and West MOA/ATCAA, as depicted in Attachments 1 and 2; and

WHEREAS, the PRTC would not require construction or other ground disturbance within the complex or at the using installations; supersonic flights for both fighter and bomber aircraft within the PRTC would occur only during Large Force Exercises (LFEs) which could be held quarterly but total no more than ten (10) days per year; an altitude of 10,000 feet above ground level (AGL) is proposed as the supersonic floor for all fighter aircraft during LFEs and 20,000 feet above mean sea level (MSL) is proposed as the floor for B-1 supersonic flight during LFEs; chaff bundles and flares would be employed throughout the PRTC airspace for countermeasures training with flares being used only at or above 2,000 feet AGL and only if conditions are suitable; and

WHEREAS, some 240 National Register of Historic Places (NRHP) listed properties are located beneath the PRTC airspace, including several National Historic Landmarks (NHLs) and Monuments (Attachment 3), as well as hundreds of recorded and unrecorded NRHP eligible archaeological sites, ghost towns, historic ranches, cultural landscapes, and places of traditional, religious, and cultural importance; and

WHEREAS, 28 BW has determined that the undertaking may have potential adverse effects that cannot be identified or anticipated today, that the potential exists for discovery of new historic properties in the PRTC and for changes in how such properties are understood and appreciated; and

WHEREAS, the AF and the Federal Aviation Administration (FAA), Central Service Center agree that, pursuant to 36 CFR §800.2(a)(2), the AF is hereby designated as the lead federal agency for purposes of compliance with Section 106 for the PRTC undertaking and the FAA is an invited signatory to this programmatic agreement (hereafter “PA”); and

WHEREAS, the AF is the lead agency and the FAA is a cooperating agency under the National Environmental Policy Act (NEPA) for development of the Environmental Impact Statement (EIS) for the PRTC proposal; and

WHEREAS, pursuant to 36 CFR §800.10(b) and 36 CFR §800.6(a)(1)(iii), the 28 BW has requested and received the participation of the Advisory Council on Historic Preservation (ACHP) in consultations leading to the development of this PA and to become a signatory to this PA; and

WHEREAS, the 28 BW has consulted with the State Historic Preservation Officers (hereafter "SHPOs") of Montana, North Dakota, South Dakota, and Wyoming to identify historic properties on lands within said states under the PRTC, and to discuss potential adverse effects from the proposed undertaking, and

WHEREAS, the 28 BW has consulted with the National Park Service (NPS) to identify historic properties on lands managed by it under the PRTC, and to assess adverse effects from overflights associated with the undertaking; and

WHEREAS, the 28 BW recognizes the additional requirements, per 36 CFR §800.10, for NHLs and specifically for Bear Butte, Frawley Historic Ranch, Deadwood Historic District, Deer Medicine Rocks, Wolf Mountains Battlefield/Where Big Crow Walked Back and Forth NHL, and Rosebud Battlefield which are situated on lands under or immediately adjacent to the existing training airspace of PRTC, and that the 28 BW requested and confirmed participation of the NPS and the ACHP in this consultation; and

WHEREAS, the U.S. Air Force Air Combat Command in June 2008 contacted tribes outside the APE that may have traditional cultural and religious affiliations to lands under the PRTC, including Spirit Lake Sioux Tribal Council, the Fort Peck Tribal Executive Board, the Fort Belknap Community Council, the Confederated Salish and Kootenai Tribe, the Oglala Sioux Tribal Council, the Arapaho Business Council, the Rosebud Sioux Tribe, the Eastern Shoshone Tribal Council, the Three Affiliated Tribes Business Council, the Turtle Mountain Tribal Council, and the Chippewa-Cree Business Committee; and

WHEREAS, the 28 BW consulted on the PRTC proposal since 2008 with the Cheyenne River Sioux Tribe, the Crow Tribe, the Northern Cheyenne Tribe, and the Standing Rock Sioux Tribe (hereafter, "Tribes"), each of which have tribal lands underneath the PRTC where military overflights, but no ground activities, would occur and provided each Tribe opportunities to consult on the development of and to become invited signatories to this PA; and

WHEREAS, the 28 BW has provided the Tribes opportunities to identify historic properties of traditional religious and cultural importance under the PRTC airspace, and on which the 28 BW will continue to consult through its devised continual approach to identify and evaluate properties of religious and cultural significance to Indian tribes in conjunction with the operation of the PRTC; and

WHEREAS, 28 BW solicited the views of the public on the PRTC through public hearings and other means associated with NEPA, in accordance with 36 CFR §§800.2(d)(3) and 800.8(a); and

WHEREAS, the NPS, Intermountain Region, and the Little Bighorn Battlefield National Monument intend to undertake a multi-year acoustic monitoring program and a visitor use study that will survey visitors regarding sounds that a visitor would expect at a national battlefield and investigate particular military aircraft noises and associated annoyance levels as a result of the PRTC;

NOW, THEREFORE, the 28 BW, the FAA, the NPS, the SHPOs, and the ACHP agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

I. Avoidance, Minimization, or Mitigation of Adverse Effects to Historic Properties under the PRTC

- A. Great Sioux War Battlefields: Little Bighorn Battlefield National Monument (Monument), Montana
 - 1. 28 BW shall:
 - a) Ensure that all military aircraft, when overflying the area of the Monument indicated on the map in Attachment 4 of this PA:
 - (1) Maintain an altitude of at least 5,000 feet AGL from one (1) hour before to one (1) hour after posted Hours of Operation of Little Bighorn Battlefield National Monument.
 - (2) Consider further restrictions of planned and potential PRTC activities during special events at the Monument.
 - b) Prohibit supersonic operation of aircraft when overflying the Little Bighorn Supersonic Avoidance Area above the area bounded by Powder River 1C, as indicated on the map in Attachment 4.
 - c) Coordinate on plans for multi-year acoustic monitoring in the Monument when requested by the NPS.
 - d) Coordinate on plans for a visitor use study when requested by the NPS.
 - 2. NPS shall promptly inform the 28 BW of military aircraft overflights of the Monument that are contrary to the stipulations immediately above, within 24 hours of the overflight event.
- B. Great Sioux War Battlefields historic properties in Montana, South Dakota, and North Dakota other than the Monument including, but not limited to, Deer Medicine Rocks and Wolf Mountains Battlefield/Where Big Crow Walked Back and Forth; and archaeological locations containing sensitive rock art throughout the area of potential effect, including the Tongue River Valley, Chalk Butte, and Slim Butte, Montana and North and South Cave Hills, South Dakota
 - 1. 28 BW shall:
 - a) Work cooperatively with other federal and state agencies, tribal governments, and the public to minimize potential adverse effects to historic properties in the PRTC from routine operations or from LFEs.
 - b) Energetically comply with the procedures in Stipulations III through V. The effectiveness of these procedures depends in part on the actions of consulting parties and the public to inform the 28 BW of potential adverse effects from military operations or non-compliance with the requirements of this agreement; see Stipulation IX.B.
 - c) Consult with the relevant consulting parties on appropriate responses, if, as a result of notifications and follow on assessments by the 28 BW, further mitigating actions may be required.

II. Avoidance, Minimization, or Mitigation of Adverse Effects to Historic Properties, Religious Ceremonies, and Important Tribal Events under the PRTC

- A. The 28 BW shall continue to consult with the Tribes on appropriate ways to avoid, minimize, or mitigate adverse effects to historic properties, religious ceremonies, and events important to the Tribes.
 1. This includes 28 BW authorizing reasonable temporary or seasonal avoidance areas for training objectives during the following events after consulting with the appropriate Tribe:
 - a) the "Crow Fair" of the Crow Tribe (PR-1A and PR-1C)
 - b) the "4th of July Chiefs Powwow" of the Northern Cheyenne Tribe (PR-1D)
 - c) the "Porcupine Powwow" of the Standing Rock Sioux Tribe (PR-4)
 - d) the "Fair Rodeo and Labor Day Powwow" of the Cheyenne River Tribe (PR-4);
or
 - e) other events, now and in the future as identified by 28 BW in consultation with the Tribes.
 2. Within six (6) months of executing this PA, 28 BW shall appoint a senior-level installation person as a Tribal Liaison to serve as the primary point of contact in facilitation of the government-to-government relationships with the Tribes, and coordinating and directing the 28 BW's participation in joint efforts.
 - a) Until such position is designated, the 28 BW Airspace Manager shall serve as the interim liaison.
 - b) The 28 BW will advise the Tribes within one (1) month of any changes to this liaison position.
 3. 28 BW shall meet with Tribal leaders at least annually to review PRTC-related activities that may affect historic properties of traditional and religious importance to the Tribes.
- B. A Tribe that is an invited signatory to this PA shall:
 1. Designate a point of contact (POC) to act as liaison with the 28 BW Tribal Liaison to coordinate and direct tribal participation identified in this PA, and advise the 28 BW in a timely manner of any changes to this position.
 2. Provide appropriate information to the 28 BW regarding historic properties, to include properties of traditional religious and cultural importance, which may be affected by military aircraft training that would occur in the PRTC and adjacent areas, when requested by the 28 BW.
 3. Review and provide comments on draft Air Force plans, programs, and reports for PRTC training and operations, upon request by the 28 BW. Negative replies are requested if no comments will be forthcoming. Planning responsibilities often require 28 BW to set timelines for responses. The 28 BW leadership will consider all comments received within these timelines when making a decision. Responses received after a timeline expires will be considered if practicable.

III. Awareness Training for Military Trainers and Aircrews Operating in the PRTC

A. 28 BW shall:

1. Prepare, within three (3) months of executing this PA, a comprehensive in-brief presentation covering current operating procedures, to include cultural sensitivities and mitigation procedures for flying units preparing to train in the PRTC airspace prior to their training within the PRTC.
 - a) Ensure all military aircrews participating in the LFEs be certified by their Unit Commander that they have received this comprehensive in-brief.
 - b) Include a summary of all training provided in the annual report in accordance with Stipulation VII.
2. Host an annual Cultural Awareness class for military aircrews to ensure tribal, SHPO, and federal agency cultural concerns are communicated properly.
 - a) Invite each Tribe, SHPO, and federal agency that has signed this PA to produce and present at the Cultural Awareness classes and offer travel and per diem expenses.
 - b) Include summaries of recent classes in the annual and five year updates of the EAFB Integrated Cultural Resources Management Plan (ICRMP).

IV. Avoidance Protocol

- A. Within six (6) months of executing this PA, 28 BW shall develop and implement a program to accept requests from consulting parties to avoid training in portions of the PRTC.
- B. The 28 BW shall consider requests from consulting parties to avoid using portions of the PRTC, said requests to include dates and approximate locations, preferably with coordinates, that should be avoided, no later than seven (7) to ten (10) days prior to the date of avoidance being sought.

V. Supersonic/Large Force Exercise (LFE) Notification

The 28 BW shall notify consulting parties fifteen (15) days prior to the use of supersonic operations and an LFE. Supersonic operations will take place only during LFEs, which occur at a maximum of ten days a year.

VI. Integrated Cultural Resource Management Plan (ICRMP) Revision

The 28 BW shall incorporate the activities mandated by the stipulations of this agreement into the procedures, goals, and objectives of the base ICRMP, to be completed by the date of its next five year update, estimated to be 2016. The 28BW shall provide draft, updated versions of the ICRMP to the parties to this PA. These parties may review and comment on the ICRMP and/or provide additional relevant information relevant to PRTC operations and historic properties as they deem appropriate.

VII. Monitoring and Reporting

- A. On March 1, starting in 2015, the 28 BW shall send a request to consulting parties, except the ACHP, for information pertaining to any additional historic properties or adverse effects identified during the previous operational year of the PRTC by that consulting party.
- B. Each May 1, starting in 2015, the BW shall provide all consulting parties, except for the ACHP, a summary report detailing the following:

- 1) the number of training exercises completed;
- 2) any scheduling changes proposed for military training in the PRTC;
- 3) any problems encountered with implementing the terms of this agreement;
- 4) any disputes or objections received as appropriate;
- 5) a summary of newly identified properties;
- 6) a summary of newly identified adverse effects; and
- 7) a meeting date to discuss the contents of the summary report.

VIII. Confidentiality

- A. Consistent with Section 304 of the NHPA, 36 CFR §800.11(c), the Archaeological Resources Protection Act (ARPA), and other applicable laws, 28 BW, after consultation with the Secretary of the Interior, shall withhold from public disclosure information about the location, character, or ownership of a historic property when disclosure may cause significant invasion of privacy, risk harm to a historic property, or impede the use of a traditional religious site by practitioners.
 1. Access to sensitive data, as defined in Section 304 of the NHPA, will be limited within 28 BW to individuals designated by the Wing Commander.
 2. Requests from parties external to this agreement for access to sensitive data on PRTC related historic and traditional properties held by the AF shall be considered jointly by 28 BW, SHPO/THPO, Tribes, and NPS as appropriate.
- B. All parties shall attempt to resolve disputes regarding access to sensitive data in a timely manner, not to exceed sixty (60) days. If a dispute regarding access to sensitive data cannot be resolved, 28 BW shall defer to the facility manager of public buildings, the land manager on public lands, the tribe on tribal lands, or in the case of privately owned lands, to the SHPO.

IX. Air Force Claims Program/Post Review Discovery

- A. The 28 BW, through its Public Affairs Office, shall, in the event of damages, injuries, or complaints associated with military operations in the PRTC, accept descriptive documentation and facilitate processing to the Air Force claims program. Contact the Public Affairs Office at (605) 385-5056 between 8:00 am and 5:00 pm, Monday through Friday, or via email at 28.bw.public.affairs@ellisworth.af.mil. The Public Affairs Office will immediately notify the Office of the Staff Judge Advocate of any potential claims. The Public Affairs Office shall maintain documentation of such reports and actions taken by the Air Force in response. This documentation will be summarized in a report and made available to the consulting parties annually, beginning one year after execution of this PA.
- B. In the event of the 28 BW becoming aware of a discovery within the PRTC APE of damage to historic properties as a result of PRTC operations, the discovery of previously unidentified adverse effects, or of non-compliance with the terms of this agreement by any consulting party, the 28 BW shall notify the appropriate SHPO/Tribes within 72 hours, providing a brief but detailed report. The 28 BW, after consultation with the appropriate SHPO/Tribes, will determine the appropriate response to any such discovery.

X. Duration

- A. This PA will be valid for five (5) years from the date of execution.

- B. At the conclusion of five (5) years from the date of execution, the signatories and invited signatories to the PA may carry out a review of the PA in order to determine if revisions to the PA are needed and to determine if the PA may continue for an additional five (5) years. If the signatories and invited signatories agree to the extension, the agreement will be documented in an amendment to this PA which will be signed by the signatories and invited signatories in accordance with Stipulation XIII.

XI. Compliance with the Anti-Deficiency Act

Any requirement established by the PA for the expenditure of Department of the Air Force funds by the 28 BW shall be subject to the availability of appropriated funds, and no provision here in shall be interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act (31 USC 1341). In the event that the 28 BW is unable to carry out one or more terms of this agreement due to the provisions of the Anti-Deficiency Act, the 28 BW shall advise the parties to this PA, and shall otherwise comply with pertinent requirements of this PA as appropriate.

XII. Dispute Resolution

Should any signatory or invited signatory to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, the 28 BW shall consult with such party to resolve the objection. If the 28 BW determines that such objection cannot be resolved, the 28 BW will:

- A. Forward all documentation relevant to the dispute, including the 28 BW's proposed resolution, to the ACHP. The ACHP shall provide the 28 BW with its advice on the resolution of the objection within thirty (30) calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the 28 BW shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and consulting parties, and provide them with a copy of this written response. The 28 BW will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the 28 BW may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the 28 BW shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and consulting parties to the PA, and provide them and the ACHP with a copy of such written response.
- C. The 28 BW's responsibility to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remain unchanged.

XIII. Amendments

- A. Any signatory to this Agreement may request that it be amended or modified. Any resulting amendments or addenda shall be developed and executed in the same manner as this original PA.
- B. The amendment or addenda will become effective on the date a copy is signed by all signatories and is filed with the ACHP.

XIV. Termination

- A. If any signatory to this PA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation XIII above. If within (30) calendar days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may withdraw from the PA upon written notification to the other signatories. Withdrawal by a SHPO or Tribe will terminate this PA only with respect to matters within the jurisdiction of that SHPO or Tribe.

- B. If any signatory withdraws from this PA, the remaining signatories shall consult and determine whether the PA shall continue in force with respect to matters within their jurisdiction. If said parties determine that the PA shall be terminated, the 28 BW must, as soon as practicable, either (a) execute a Memorandum of Agreement pursuant to 36 CFR § 800.6, (b) execute a revised PA pursuant to 36 CFR § 800.14(b)(3), or (c) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. The 28 BW shall notify the signatories as to the course of action it will pursue. The parties agree that all flying activities and measures in this PA to resolve adverse effects will continue in effect while 28 BW implements its decision.

XV. Signatories

- A. This PA shall be executed in counterpart, with a separate page for each signatory and invited signatory, and when combined will constitute the whole agreement. 28 BW shall ensure that each party is provided with a fully executed copy. This PA will become effective regarding historic properties in Montana, North Dakota, South Dakota, and Wyoming on the date of the last signature by 28 BW, the SHPO for each of those states, and the ACHP.
- B. Additional federal agencies or federally recognized tribes may be included in this PA as an invited signatory without its amendment if 28 BW notifies the current signatories and invited signatories in writing of the proposal and there is no objection from the current signatories or invited signatories within thirty (30) days of 28 BW's written notice. If no response is received within thirty (30) days, 28 BW may assume concurrence with the addition of the federal agency or federally recognized tribe to this PA. 28 BW shall ensure that each consulting party is provided with an updated copy of the PA.
- C. If the Cheyenne River Sioux Tribe, the Crow Tribe, the Northern Cheyenne Tribe, or the Standing Rock Sioux Tribe chooses to sign this PA as an invited signatory after the execution of the PA, it may do so without an amendment to the PA if 28 BW notifies the current signatories and invited signatories in writing of the proposal. 28 BW shall ensure that each consulting party is provided with an updated copy of the PA.

EXECUTION of this PA and implementation of its terms evidence that the 28 BW has taken into account the effects of the PRTC undertaking on historic properties and afforded the ACHP an opportunity to comment.

**PROGRAMMATIC AGREEMENT
AMONG
28th BOMB WING, ELLSWORTH AIR FORCE BASE,
THE STATE HISTORIC PRESERVATION OFFICES OF
MONTANA, NORTH DAKOTA, SOUTH DAKOTA AND WYOMING,
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE PROPOSED DEVELOPMENT, IMPLEMENTATION AND OPERATION
OF THE POWDER RIVER TRAINING COMPLEX**

SIGNATORY

28 BW, UNITED STATES AIR FORCE

By: 
KEVIN B. KENNEDY, COL, USAF
Commander, 28 Bomb Wing

Date: 

**PROGRAMMATIC AGREEMENT
AMONG
28th BOMB WING, ELLSWORTH AIR FORCE BASE,
THE STATE HISTORIC PRESERVATION OFFICES OF
MONTANA, NORTH DAKOTA, SOUTH DAKOTA AND WYOMING,
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE PROPOSED DEVELOPMENT, IMPLEMENTATION AND OPERATION
OF THE POWDER RIVER TRAINING COMPLEX**

SIGNATORY

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: John M. Fowler Date: 9/4/14
JOHN M. FOWLER

PROGRAMMATIC AGREEMENT
AMONG
28th BOMB WING, ELLSWORTH AIR FORCE BASE,
THE STATE HISTORIC PRESERVATION OFFICES OF
MONTANA, NORTH DAKOTA, SOUTH DAKOTA AND WYOMING,
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE PROPOSED DEVELOPMENT, IMPLEMENTATION AND OPERATION
OF THE POWDER RIVER TRAINING COMPLEX

SIGNATORY

MONTANA STATE HISTORIC PRESERVATION OFFICE

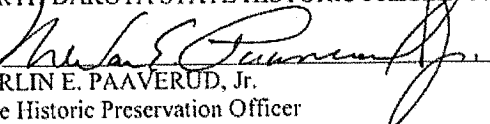
By:  _____
MARK BAUMLER
State Historic Preservation Officer

Date: 

PROGRAMMATIC AGREEMENT
AMONG
28th BOMB WING, ELLSWORTH AIR FORCE BASE,
THE STATE HISTORIC PRESERVATION OFFICES OF
MONTANA, NORTH DAKOTA, SOUTH DAKOTA AND WYOMING,
AND
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REGARDING THE PROPOSED DEVELOPMENT, IMPLEMENTATION AND OPERATION
OF THE POWDER RIVER TRAINING COMPLEX

SIGNATORY

NORTH DAKOTA STATE HISTORIC PRESERVATION OFFICE

By:  Date: 8-4-14
MERLIN E. PAAVERUD, Jr.
State Historic Preservation Officer

**PROGRAMMATIC AGREEMENT
AMONG
28th BOMB WING, ELLSWORTH AIR FORCE BASE,
THE STATE HISTORIC PRESERVATION OFFICES OF
MONTANA, NORTH DAKOTA, SOUTH DAKOTA AND WYOMING,
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE PROPOSED DEVELOPMENT, IMPLEMENTATION AND OPERATION
OF THE POWDER RIVER TRAINING COMPLEX**

SIGNATORY

SOUTH DAKOTA STATE HISTORIC PRESERVATION OFFICE

By: Jay D. Vogt Date: 07-11-2014
JAY D. VOGT
State Historic Preservation Officer

**PROGRAMMATIC AGREEMENT
AMONG
28th BOMB WING, ELLSWORTH AIR FORCE BASE,
THE STATE HISTORIC PRESERVATION OFFICES OF
MONTANA, NORTH DAKOTA, SOUTH DAKOTA AND WYOMING,
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OPERATION
OF THE POWDER RIVER TRAINING COMPLEX**

- A. Entirety of Agreement. This PA, consisting of thirty (30) pages, represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations and agreements, whether written or oral, regarding compliance with Section 106 of the National Historic Preservation Act for those aspects of the Proposed Development, Implementation and Operation of the Powder River Training Complex throughout the visual APE that will or may have adverse effects on the settings of historic properties.
- B. Prior Approval. This PA shall not be binding upon any party unless this PA has been reduced to writing before performance begins as described under the terms of this PA, and unless the PA is approved as to form by the Attorney General or his representative.
- C. Severability. Should any portion of this PA be judicially determined to be illegal or unenforceable, the remainder of the PA shall continue in full force and effect, and any party may renegotiate the terms affected by the severance.
- D. Sovereign Immunity. The State of Wyoming and the WYSHPO do not waive their sovereign or governmental immunity by entering into this PA and each fully retains all immunities and defenses provided by law with respect to any action based on or occurring as a result of the PA.

SIGNATORY FOR THE AIR FORCE
28 BW, UNITED STATES AIR FORCE

By: 
KEVIN B. KENNEDY, COL, USAF
Commander, 28th Bomb Wing

Date: 31 July 2014

SIGNATORIES FOR THE STATE OF WYOMING
WYOMING STATE HISTORIC PRESERVATION OFFICE

By: 
MARY HOPKINS
State Historic Preservation Officer

Date: 8/20/14

WYOMING ATTORNEY GENERAL

By:


 #118476

Date: 8-19-14

**PROGRAMMATIC AGREEMENT
AMONG
28th BOMB WING, ELLSWORTH AIR FORCE BASE,
THE STATE HISTORIC PRESERVATION OFFICES OF
MONTANA, NORTH DAKOTA, SOUTH DAKOTA AND WYOMING,
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE PROPOSED DEVELOPMENT, IMPLEMENTATION AND OPERATION
OF THE POWDER RIVER TRAINING COMPLEX**

INVITED SIGNATORY

FEDERAL AVIATION ADMINISTRATION

By:  Date: 7-22-2014
KENT M. WHEELER
Manager
Operations Support Group
ATO Central Service Center, AJV-C2

**PROGRAMMATIC AGREEMENT
AMONG
28th BOMB WING, ELLSWORTH AIR FORCE BASE,
THE STATE HISTORIC PRESERVATION OFFICES OF
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AND
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REGARDING THE PROPOSED DEVELOPMENT, IMPLEMENTATION AND OPERATION
OF THE POWDER RIVER TRAINING COMPLEX**

INVITED SIGNATORY

NATIONAL PARK SERVICE

By: _____

SUE E. MASICA

Director, Intermountain Region

Date: _____

8/5/14

**PROGRAMMATIC AGREEMENT
AMONG
28th BOMB WING, ELLSWORTH AIR FORCE BASE,
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REGARDING THE PROPOSED DEVELOPMENT, IMPLEMENTATION AND OPERATION
OF THE POWDER RIVER TRAINING COMPLEX**

INVITED SIGNATORY

CHEYENNE RIVER SIOUX TRIBE

By: _____ Date: _____
Name
Title

**PROGRAMMATIC AGREEMENT
AMONG
28th BOMB WING, ELLSWORTH AIR FORCE BASE,
THE STATE HISTORIC PRESERVATION OFFICES OF
MONTANA, NORTH DAKOTA, SOUTH DAKOTA AND WYOMING,
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OF THE POWDER RIVER TRAINING COMPLEX**

INVITED SIGNATORY

CROW TRIBE

By: _____
Name
Title

Date: _____

**PROGRAMMATIC AGREEMENT
AMONG
28th BOMB WING, ELLSWORTH AIR FORCE BASE,
THE STATE HISTORIC PRESERVATION OFFICES OF
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REGARDING THE PROPOSED DEVELOPMENT, IMPLEMENTATION AND OPERATION
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INVITED SIGNATORY

NORTHERN CHEYENNE TRIBE

By: _____ Date: _____
Name
Title

**PROGRAMMATIC AGREEMENT
AMONG
28th BOMB WING, ELLSWORTH AIR FORCE BASE,
THE STATE HISTORIC PRESERVATION OFFICES OF
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INVITED SIGNATORY

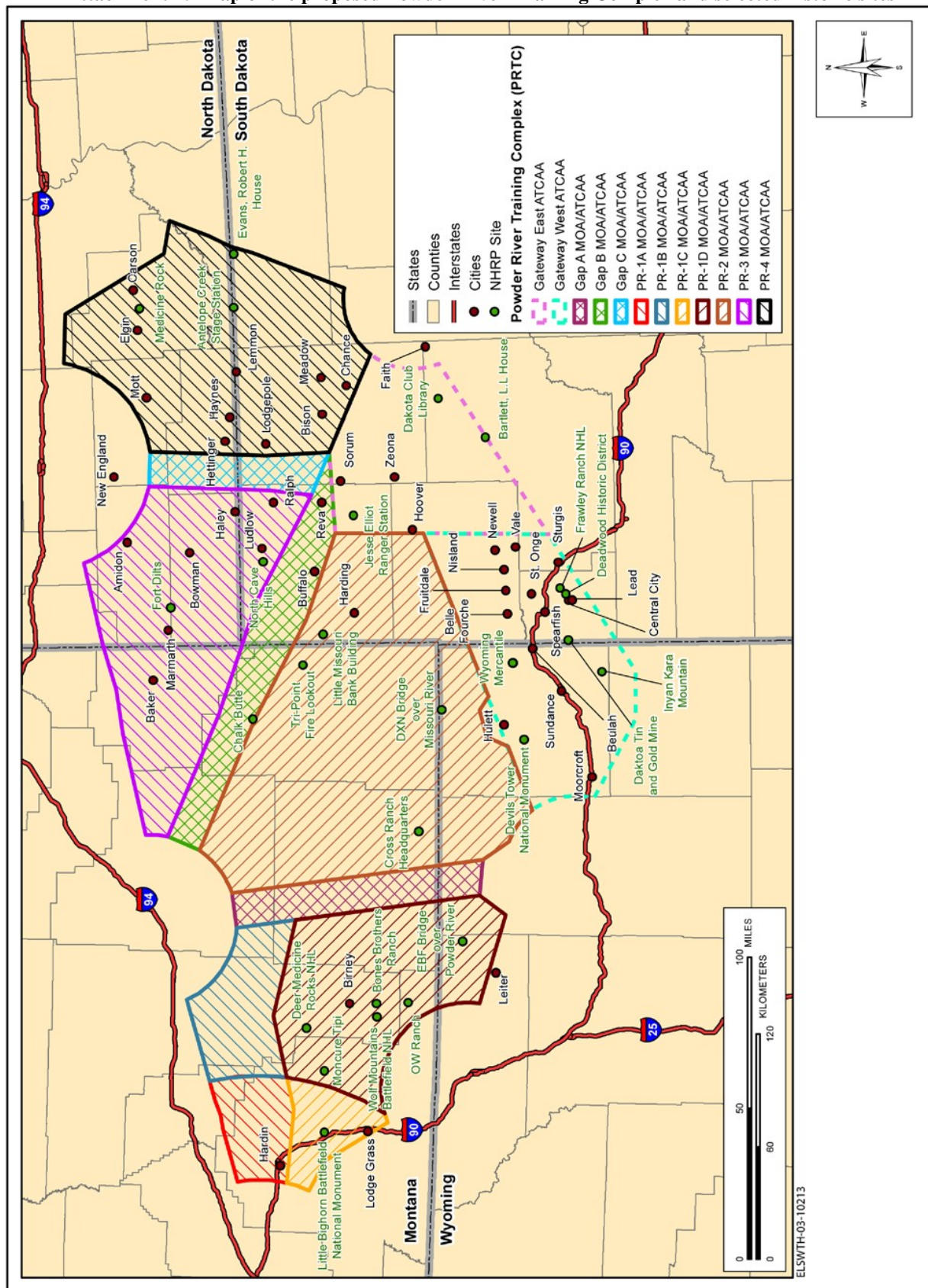
STANDING ROCK SIOUX TRIBE

By: _____ Date: _____
Name
Tribe

LIST OF ATTACHMENTS

1. Map of the proposed Powder River Training Complex (PRTC) and selected historic sites
2. Proposed PRTC MOA/ATCAA Complexes
3. Table describing National Register of Historic Places listed properties beneath the PRTC airspace (in multiple sub-tables)
4. Map of the Little Bighorn National Battlefield Monument Area per Stipulation I.A.1.

Attachment 1: Map of the proposed Powder River Training Complex and selected historic sites



Attachment 2. Proposed PRTC MOA/ATCAA Complexes	
MOA	Description
Powder River 1 MOA complex (PR-1)	Consists of PR-1A, PR-1B, PR-1C, and PR-1D MOAs, each of which would be stratified vertically into a Low MOA, a High MOA, and an ATCAA.*
Powder River 2 MOA complex (PR-2)	Consists of the PR-2 MOAs, which would be stratified vertically into a Low MOA, a High MOA, and an ATCAA*
Powder River 3 MOA complex (PR-3)	Consists of the PR-3 MOAs, which would be stratified vertically into a Low MOA, a High MOA, and an ATCAA*
Powder River 4 MOA	Consists of the PR-4 MOAs, which would be stratified vertically into a High MOA, and an ATCAA*
GAP A MOA	Separate PR-1 and PR-2, would consist of a Low MOA, a High MOA, and an ATCAA*
GAP B MOA	Separate PR-2 and PR-3, would consist of a Low MOA, a High MOA, and an ATCAA*
GAP C MOA	Separate PR-3 and PR-4, would consist of a Low MOA, a High MOA, and an ATCAA*
Gateway ATCAA	Modified and expanded to create the Gateway West and Gateway East ATCAAs*

**Note:* For the purposes of the definitions above: Low MOA = altitudes from 500 feet AGL up to, but not including 12,000 feet MSL High MOA = altitudes from 12,000 feet MSL up to, but not including 18,000 feet MSL ATCAA = altitudes from 18,000 feet MSL up to 26,000 feet MSL

Attachment 3: Historic Properties in the PRTC APE (in multiple sub-tables)

Table 3a. National Register Properties Under Proposed PRTC Airspace An * indicates that the property is located within the ATCAAs with altitudes from 18,000 feet MSL to 60,000 feet		
Property Name	General Location (County/Town)	Airspace
Wyoming		
Arch Creek Petroglyphs*	Crook/Moorcroft	Gateway West ATCAA
DXN Bridge over Missouri River	Crook/Hulett	PR-2
EBF Bridge over Powder River	Sheridan/Leiter	PR-1
Entrance Road—Devils Tower National Monument*	Crook/Devils Tower	Gateway West ATCAA
Entrance Station—Devils Tower National Monument*	Crook/Devils Tower	Gateway West ATCAA
Inyan Kara Mountain*	Crook/Sundance	Gateway West ATCAA
McKean Archaeological Site*	Crook/Moorcroft	Gateway West ATCAA
Old Headquarters Area Historic District*	Crook/Devils Tower	Gateway West ATCAA
Ranch A	Crook/Beulah	Gateway West ATCAA
Sundance School*	Crook/Sundance	Gateway West ATCAA
Sundance State Bank*	Crook/Sundance	Gateway West ATCAA
Tower Ladder-Devils Tower National Monument	Crook/Devils Tower	Gateway West ATCAA
Vore Buffalo Jump*	Crook/Sundance	Gateway West ATCAA
Wyoming Mercantile	Crook/Aladdin	Gateway West ATCAA
Montana		
Baker Hotel	Fallon/Baker	PR-3
Baldwin House	Big Horn/Lodge Grass	PR-1
Bones Brother Ranch	Rosebud/Birney	PR-1
Boyum, John, House	Big Horn/Hardin	PR-1
Burke, Thomas H., House	Big Horn/Hardin	PR-1
Cammocks's Hotel	Big Horn/Lodge Grass	PR-1
Chivers Memorial Church	Big Horn/Lodge Grass	PR-1
Commercial District	Big Horn/Hardin	PR-1
Cross Ranch Headquarters	Powder River/Broadus	PR-2
Deer Medicine Rocks National Historic Landmark	Rosebud	PR-1
Drew, J. W., Grain Elevator	Big Horn/Lodge Grass	PR-1
Ebeling, William, House	Big Horn/Hardin	PR-1
Eder, Charles S., House	Big Horn/Hardin	PR-1
Fallon County Jail	Fallon/Baker	PR-3
First Baptist Church	Big Horn/Hardin	PR-1
Haverfield Hospital	Big Horn/Hardin	PR-1
Kopriva, Francis, House	Big Horn/Hardin	PR-1
Little Bighorn Battlefield National Monument	Big Horn/Hardin	PR-1
Lodge Grass City Jail	Big Horn/Lodge Grass	PR-1
Lodge Grass Merchandise Company Store	Big Horn/Lodge Grass	PR-1
Moncure Tipi	Big Horn/Busby	PR-1
OW Ranch	Big Horn/Birney	PR-1
Pease's George, Second Store	Big Horn/Lodge Grass	PR-1
Ping, J. J., House	Big Horn/Hardin	PR-1
Reno Apartments	Big Horn/Hardin	PR-1
Residential District	Big Horn/Hardin	PR-1
Ryan's, John, House	Big Horn/Lodge Grass	PR-1
Sharp's Jay, Store	Big Horn/Lodge Grass	PR-1
Simmonsens's House	Big Horn/Lodge Grass	PR-1
St. Joseph's Catholic Church	Big Horn/Hardin	PR-1
Stevens, Dominic House	Big Horn/Lodge Grass	PR-1
Sullivan Rooming House	Big Horn/Hardin	PR-1
Sullivan, James J., House	Big Horn/Hardin	PR-1
Trytten, J. M., House	Big Horn/Lodge Grass	PR-1
Tupper, J. S., House	Big Horn/Hardin	PR-1
Wolf Mountains Battlefield/Where Big Crow Walked Back and Forth NHL	Rosebud/Birney	PR-1

Table 3a. National Register Properties Under Proposed PRTC Airspace An * indicates that the property is located within the ATCAAs with altitudes from 18,000 feet MSL to 60,000 feet		
Property Name	General Location (County/Town)	Airspace
North Dakota		
Adams County Courthouse	Adams/Hettinger	PR-4
Carson Roller Mill	Grant/Carson	PR-4
Cedar Creek Bridge	Adams/Haynes	PR-4
Fort Dilts	Bowman/Rhame	PR-3
Hettinger County Courthouse	Hettinger/Mott	PR-4
Hettinger U.S. Post Office –	Adams/Hettinger	PR-4
Hope Lutheran Church	Grant/Elgin	PR-4
H-T Ranch	Slope/Amidon	PR-3
Medicine Rock State Historic Site	Grant/Heil	PR-4
Mystic Theatre	Slope/Marmarth	PR-3
Neuburg Congregational Church	Hettinger/Mott	PR-4
Original Slope County Courthouse	Slope/Amidon	PR-3
Riverside	Hettinger/New England	PR-4
Schade, Emma Petznick and Otto, House	Bowman/Bowman	PR-3
Stern, John and Fredricka (Roth), Homestead	Hettinger/Mott	PR-4
South Dakota		
Ainsworth, Oliver N., House*	Lawrence/Spearfish	Gateway West ATCAA
Antelope Creek Stage Station	Corson/Morristown	PR-4
Archaeological Site No. 39HN1	Harding/Ludlow	PR-3
Archaeological Site No. 39HN5	Harding/Ludlow	PR-3
Archaeological Site No. 39HN17	Harding/Ludlow	PR-3
Archaeological Site No. 39HN18	Harding/Ludlow	PR-3
Archaeological Site No. 39HN21	Harding/Ludlow	PR-3
Archaeological Site No. 39HN22	Harding/Ludlow	PR-3
Archaeological Site No. 39HN26	Harding/Ludlow	PR-3
Archaeological Site No. 39HN30	Harding/Ludlow	PR-3
Archaeological Site No. 39HN50	Harding/Ludlow	PR-3
Archaeological Site No. 39HN53	Harding/Ludlow	PR-3
Archaeological Site No. 39HN54	Harding/Ludlow	PR-3
Archaeological Site No. 39MD81*	Meade/Sturgis	Gateway West ATCAA
Archaeological Site No. 39MD82*	Meade/Sturgis	Gateway West ATCAA
Archaeological Site No. 39HN121	Harding/Ludlow	PR-3
Archaeological Site No. 39HN150	Harding/Ludlow	PR-3
Archaeological Site No. 39HN155	Harding/Ludlow	PR-3
Archaeological Site No. 39HN159	Harding/Ludlow	PR-3
Archaeological Site No. 39HN160	Harding/Ludlow	PR-3
Archaeological Site No. 39HN162	Harding/Ludlow	PR-3
Archaeological Site No. 39HN165	Harding/Ludlow	PR-3
Archaeological Site No. 39HN167	Harding/Ludlow	PR-3
Archaeological Site No. 39HN168	Harding/Ludlow	PR-3
Archaeological Site No. 39HN171	Harding/Ludlow	PR-3
Archaeological Site No. 39HN174	Harding/Ludlow	PR-3
Archaeological Site No. 39HN177	Harding/Ludlow	PR-3
Archaeological Site No. 39HN198	Harding/Ludlow	PR-3
Archaeological Site No. 39HN199	Harding/Ludlow	PR-3
Archaeological Site No. 39HN205	Harding/Ludlow	PR-3
Archaeological Site No. 39HN207	Harding/Ludlow	PR-3
Archaeological Site No. 39HN208	Harding/Ludlow	PR-3
Archaeological Site No. 39HN209	Harding/Ludlow	PR-3
Archaeological Site No. 39HN210	Harding/Ludlow	PR-3
Archaeological Site No. 39HN213	Harding/Ludlow	PR-3
Archaeological Site No. 39HN217	Harding/Ludlow	PR-3
Archaeological Site No. 39HN218	Harding/Ludlow	PR-3
Archaeological Site No. 39HN219	Harding/Ludlow	PR-3
Archaeological Site No. 39HN227	Harding/Ludlow	PR-3

Table 3a. National Register Properties Under Proposed PRTC Airspace An * indicates that the property is located within the ATCAAs with altitudes from 18,000 feet MSL to 60,000 feet		
Property Name	General Location (County/Town)	Airspace
Archaeological Site No. 39HN228	Harding/Ludlow	PR-3
Archaeological Site No. 39HN232	Harding/Ludlow	PR-3
Archaeological Site No. 39HN234	Harding/Ludlow	PR-3
Archaeological Site No. 39HN484	Harding/Ludlow	PR-3
Archaeological Site No. 39HN485	Harding/Ludlow	PR-3
Archaeological Site No. 39HN486	Harding/Ludlow	PR-3
Archaeological Site No. 39HN487	Harding/Ludlow	PR-3
Ashcroft, Thomas, Ranch	Harding/Bufalo	PR-2
Baker Bungalow*	Lawrence/Spearfish	Gateway West ATCAA
Bartlett, L. L., House*	Meade/Stoneville	Gateway East ATCAA
Bear Butte*	Meade/Sturgis	Gateway West ATCAA
Beckon, Donald, Ranch	Perkins/Zeona	Gateway East ATCAA
Belle Fourche Commercial District*	Butte/Belle Fourche	Gateway West ATCAA
Belle Fourche Dam*	Butte/Belle Fourche	Gateway West ATCAA
Belle Fourche Experiment Farm*	Butte/Newell	Gateway West ATCAA
Bethany United Methodist Church	Perkins/Lodgepole	PR-4
Blake Ranch House	Harding/Gustave	PR-2
Bolles, Charles, House*	Butte/Belle Fourche	Gateway West ATCAA
Butte County Courthouse and Historic Jail Building*	Butte/Belle Fourche	Gateway West ATCAA
Butte-Lawrence County Fairgrounds*	Butte/Nisland	Gateway West ATCAA
Carr No. 60 School	Perkins/Lodgepole	PR-4
Carr, Anna, Homestead	Perkins/Bison	PR-4
Cook, Fayette, House*	Lawrence/Spearfish	Gateway West ATCAA
Corbin, James A. House*	Lawrence/Spearfish	Gateway West ATCAA
Court, Henry, House*	Lawrence/Spearfish	Gateway West ATCAA
Dakota Club Library*	Dewey/Eagle Butte	Gateway East ATCAA
Dakota Tin and Gold Mine*	Lawrence/Spearfish	Gateway West ATCAA
Deadwood Historic District*	Lawrence/Deadwood	Gateway West ATCAA
Dickey, Eleazer C. and Gwinnie, House*	Lawrence/Spearfish	Gateway West ATCAA
Dickey, Walter, House*	Lawrence/Spearfish	Gateway West ATCAA
Ditchrider House*	Butte/Nisland	Gateway West ATCAA
Driskill, William D., House*	Lawrence/Spearfish	Gateway West ATCAA
Duck Creek Lutheran Church and Cemetery	Perkins/Lodgepole	PR-4
Emmanuel Lutheran Church and Cemetery	Harding/Ralph	PR-3
Episcopal Church of All Angels*	Lawrence/Spearfish	Gateway West ATCAA
Erskine School*	Meade/Sturgis	Gateway West ATCAA
Evans, Robert H., House*	Corson/	PR-4
Fort Manuel	Corson/ McIntosh	PR-4
Fort Meade District*	Meade/Sturgis	Gateway West ATCAA
Foster Ranch House	Perkins/Chance	PR-4
Fowler Hotel	Harding/Bufalo	PR-2
Frawley Historic Ranch*	Lawrence/Spearfish	Gateway West ATCAA
Frozenman Stage Station	Perkins/Bison	PR-4
Fruitdale School*	Butte/Fruitdale	Gateway West ATCAA
Fruitdale Store*	Butte/Fruitdale	Gateway West ATCAA
Galena School*	Lawrence/Lead	Gateway West ATCAA
Gartner, Carl Frederick, Homestead*	Butte/Newell	Gateway West ATCAA
Gay, Thomas Haskins, House*	Butte/Belle Fourche	Gateway West ATCAA
Giannonatti Ranch	Harding/Ludlow	PR-3
Golden Rule Department Store	Perkins/Lemmon	PR-4
Golden Valley Norwegian Church	Harding/Ralph	PR-3
Graf, Stephen and Maria, House*	Meade/Sturgis	Gateway West ATCAA
Halloran-Matthews-Brady House*	Lawrence/Spearfish	Gateway West ATCAA
Harriman, L. F., House	Perkins/Lemmon	PR-4
Harris, Fred S., House*	Butte/Belle Fourche	Gateway West ATCAA
Harvey, Jerome and Jonetta Homestead Cabin*	Lawrence/Lead	Gateway West ATCAA

Table 3a. National Register Properties Under Proposed PRTC Airspace An * indicates that the property is located within the ATCAAs with altitudes from 18,000 feet MSL to 60,000 feet		
Property Name	General Location (County/Town)	Airspace
Hay Creek Bridge*	Butte/Belle Fourche	Gateway West ATCAA
Hewes, Arthur, House*	Lawrence/Spearfish	Gateway West ATCAA
Homestake Workers House*	Lawrence/Spearfish	Gateway West ATCAA
Hoover, Alexander House*	Butte/Hoover	Gateway East ATCAA
Hoover Store*	Butte/Hoover	Gateway East ATCAA
Immanuel Lutheran Church*	Perkins/Zeona	Gateway East ATCAA
Jesse Elliott Ranger Station	Harding County	Gateway East ATCAA
Johnson, Axel, Ranch	Harding/Reva	Gap B MOA
Johnson, William, House*	Butte/Fruitdale	Gateway West ATCAA
Keets, Henry, House*	Lawrence/Spearfish	Gateway West ATCAA
Kenaston, William G., House*	Butte/Newell	Gateway West ATCAA
Knight, Webb, S., House*	Lawrence/Spearfish	Gateway West ATCAA
Kroll Meat Market and Slaughterhouse*	Lawrence/Spearfish	Gateway West ATCAA
Langdon School*	Butte/Nisland	Gateway West ATCAA
Lead Historic District	Lawrence/Lead	Gateway West ATCAA
Lemmon Petrified Park	Perkins/Lemmon	PR-4
Lemmon, G. E., House	Perkins/Lemmon	PR-4
Lightning Spring	Harding/Ludlow	PR-3
Lincoln School*	Butte/Belle Fourche	Gateway West ATCAA
Little Missouri Bank Building	Harding/Camp Crook	PR-2
Livingston, John and Daisy May, Ranch	Perkins/Sorum	Gateway East ATCAA
Lown, William Ernest, House*	Lawrence/Spearfish	Gateway West ATCAA
McLaughlin Ranch Barn*	Lawrence/Spearfish	Gateway West ATCAA
Minnesela Bridge*	Butte/Belle Fourche	Gateway West ATCAA
Mount Theodore Roosevelt Monument*	Lawrence/Deadwood	Gateway West ATCAA
Newell Depot Bridge*	Butte/Newell	Gateway West ATCAA
Newell High School*	Butte/Newell	Gateway West ATCAA
Nisland Bridge*	Butte/Nisland	Gateway West ATCAA
Old Finnish Lutheran Church*	Lawrence/Lead	Gateway West ATCAA
Old Redwater Bridge*	Lawrence/Spearfish	Gateway West ATCAA
Old Spearfish Post Office*	Lawrence/Spearfish	Gateway West ATCAA
Olson Bridge*	Butte/Belle Fourche	Gateway West ATCAA
Peace Valley Evangelical Church and Cemetery	Harding/Ralph	PR-3
Qullian, Thomas, House*	Lawrence/St. Onge	Gateway West ATCAA
Raskob, Jacob and Elizabeth Ranch*	Meade/Sturgis	Gateway West ATCAA
Richards Cabins*	Perkins/Faith	Gateway East ATCAA
Riley, Almira, House*	Lawrence/Spearfish	Gateway West ATCAA
Rockford No. 40 School	Perkins/Bison	PR-4
Scotney, John Aaron, House*	Butte/Belle Fourche	Gateway West ATCAA
Shevling, L. W., Ranch	Harding/Harding	PR-2
Sittner Farm	Perkins/Meadow	PR-4
Small, Charles and Eleanor House*	Butte/Belle Fourche	Gateway West ATCAA
Snoma Finnish Cemetery*	Butte/Fruitdale	Gateway West ATCAA
Soper-Behymer Ranch*	Butte/Belle Fourche	Gateway West ATCAA
Sorum Cooperative Store	Perkins/Sorum	Gateway East ATCAA
Sorum Hotel	Perkins/Sorum	Gateway East ATCAA
South Dakota Department of Transportation Bridge No. 10-109-360*	Butte/Belle Fourche	Gateway West ATCAA
South Dakota Department of Transportation Bridge No. 10-270-338*	Butte/Newell	Gateway West ATCAA
Spearfish City Hall*	Lawrence/Spearfish	Gateway West ATCAA
Spearfish Filling Station*	Lawrence/Spearfish	Gateway West ATCAA
Spearfish Fisheries Station*	Lawrence/Spearfish	Gateway West ATCAA
Spearfish Historic Commercial District*	Lawrence/Spearfish	Gateway West ATCAA
Spring Creek School*	Perkins/Zeona	Gateway East ATCAA
Stokes, Oliver O., House	Harding/Harding	PR-2
Stonelake Bridge*	Butte/Newell	Gateway West ATCAA
Stomprude Trail Ruts	Perkins/Bison	PR-4

Table 3a. National Register Properties Under Proposed PRTC Airspace		
An * indicates that the property is located within the ATCAAs with altitudes from 18,000 feet MSL to 60,000 feet		
Property Name	General Location (County/Town)	Airspace
Sturgis Commercial Block*	Meade/Sturgis	Gateway West ATCAA
Sturgis High School*	Meade/Sturgis	Gateway West ATCAA
St. Onge Schoolhouse*	Lawrence/St. Onge	Gateway West ATCAA
St. Onge State Bank*	Lawrence/St. Onge	Gateway West ATCAA
St. Lawrence O'Toole Catholic Church*	Lawrence/Central City	Gateway West ATCAA
Tallent, Annie, House*	Meade/Sturgis	Gateway West ATCAA
The Mail Building*	Lawrence/Spearfish	Gateway West ATCAA
Toomey House*	Lawrence/Spearfish	Gateway West ATCAA
Tri-State Bakery*	Butte/Belle Fourche	Gateway West ATCAA
Uhlig, Otto L., House*	Lawrence/Spearfish	Gateway West ATCAA
Vale Bridge*	Butte/Vale	Gateway West ATCAA
Vale Cut Off Belle Fourche River Bridge	Butte/Belle Fourche	Gateway West ATCAA
Vale School*	Butte/Vale	Gateway West ATCAA
Veal, Thomas J., Ranch	Perkins/Chance	PR-4
Vessey School	Harding/Haley	PR-3
Viken, Nicholas Augustus Homestead	Butte/Newell	Gateway West ATCAA
Walsh Barn*	Lawrence/Spearfish	Gateway West ATCAA
Walton Ranch*	Lawrence/Spearfish	Gateway West ATCAA
Wenke, John G., House*	Meade/Sturgis	Gateway West ATCAA
Whitewood Historic District*	Lawrence/Whitewood	Gateway West ATCAA
Whitney, Mary, House*	Lawrence/Spearfish	Gateway West ATCAA
Wide Awake Grocery Building*	Butte/Belle Fourche	Gateway West ATCAA
Wolzmuth, John, House*	Lawrence/Spearfish	Gateway West ATCAA
Woodmen Hall*	Lawrence/St. Onge	Gateway West ATCAA

Table 3b. National Monuments Under Proposed PRTC Airspace		
Name	General Location	Airspace
Wyoming		
Devils Tower	Devils Tower	Gateway West ATCAA
Montana		
Little Bighorn Battlefield	Garryowen	PR-1

Table 3c. National Historic Landmarks Under Proposed PRTC Airspace		
Landmark Name	General Location	Airspace
Montana		
Deer Medicine Rocks	Rosebud County	PR-1
Wolf Mountains Battlefield/Where Big Crow Walked Back and Forth	Birney, Rosebud County	PR-1
South Dakota		
Bear Butte	Sturgis	Gateway West ATCAA
Deadwood Historic District	Deadwood	Gateway West ATCAA
Frawley Ranch	Whitewood	Gateway West ATCAA

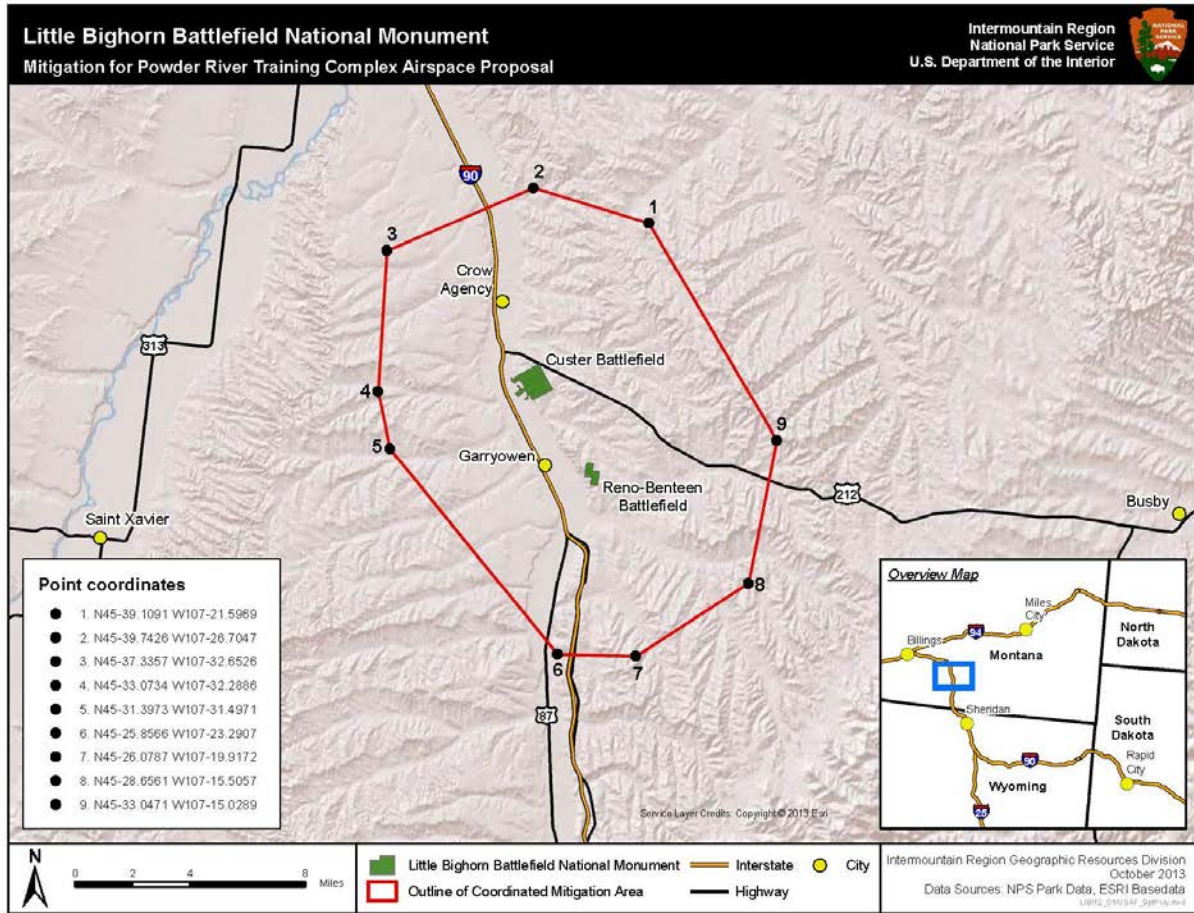
Table 3d. Historic Ranches Under Proposed PRTC Airspace			
Name	General Location	Status	Airspace
Wyoming			
Ranch A	Beulah	National Register Property	Gateway West
Montana			
Bones Brothers Ranch	Rosebud/Birney	National Register Property	PR-1

Table 3d. Historic Ranches Under Proposed PRTC Airspace			
Name	General Location	Status	Airspace
Cross Ranch Headquarters	Powder River/Broadus	National Register Property	PR-2
Drew, J. W., Grain Elevator	Big Horn/Lodge Grass	National Register Property	PR-1
Lee Homestead	Big Horn/Decker	National Register Property	PR-1
OW Ranch	Big Horn/Birney	National Register Property	PR-1
North Dakota			
H-T Ranch	Slope/Amidon	National Register Property	PR-3
South Dakota			
Ashcroft, Thomas, Ranch	Harding/Buffalo	National Register Property	Gap B MOA
Beckon, Donald, Ranch	Perkins/Zeona	National Register Property	Gateway East
Blake Ranch House	Harding/Gustave	National Register Property	PR-2
Carr, Anna, Homestead	Perkins/Bison	National Register Property	PR-4
Foster Ranch House	Perkins/Chance	National Register Property	PR-4
Frawley Ranch	Lawrence	National Historic Landmark	Gateway West
Gartner, Carl Frederick, Homestead	Butte/Newell	National Register Property	Gateway West ATCAA
Giannonatti Ranch	Harding/Ludlow	National Register Property	PR-3
Johnson, Axel, Ranch	Harding/Reva	National Register Property	Gap B MOA
Livingston, John and Daisy May, Ranch	Harding/Sorum	National Register Property	Gateway East ATCAA
McLaughlin Ranch Barn	Lawrence/Spearfish	National Register Property	Gateway West
Raskob, Jacob and Elizabeth Ranch	Meade/Sturgis	National Register Property	Gateway West ATCAA
Shevling, L.W., Ranch	Harding/Harding	National Register Property	PR-2
Soper-Behymer Ranch	Butte/Belle Fourche	National Register Property	Gateway West
Veal, Thomas J., Ranch	Perkins/Chance	National Register Property	PR-4
Viken, Nicholas Augustus Homestead	Butte/Newell	National Register Property	Gateway West ATCAA
Walsh Barn	Lawrence/Spearfish	National Register Property	Gateway West
Walton Ranch	Lawrence/Spearfish	National Register Property	Gateway West
William Holst Farmstead	Meade/Vale	South Dakota State Register Property	Gateway West ATCAA

Table 3e. Traditional Cultural Properties Under Proposed PRTC Airspace		
Area Name	General Location	Airspace
Wyoming		
Devils Tower National Monument	Devils Tower	Gateway West ATCAA
Inyan Kara Mountain	South of Sundance	Gateway West ATCAA
Unnamed 1	North of Gillette	Gateway West ATCAA
Unnamed 2	Northwest of Hulett	PR-2
Montana		
Chalk Buttes	Ekalaka	Gap B MOA
Wolf Mountains Battlefield/Where Big Crow Walked Back and Forth NHL	Tongue River	PR-1
South Dakota		
Bear Butte NHL	Sturgis	Gateway West ATCAA

Table 3f. Nominated Cultural Landscape Under Proposed PRTC Airspace in Montana		
Area Name	General Location	Airspace
Tongue River Valley	Ashland	PR-1

Attachment 4: Map of the Little Bighorn Battlefield National Monument Area per Stipulation I.A.1.





COLT



From Historic Joint Meeting

July 21 & 22, 2014

**JOINT RESOLUTION OF:
The Coalition of Large Tribes (COLT)
The Montana-Wyoming Tribal Leaders Council and
The Great Plains Tribal Chairmen's Association
SUPPORTING THE NORTHERN CHEYENNE TRIBE IN OPPOSING ELLSWORTH
AIRFORCE BASE'S POWDER RIVER TRAINING COMPLEX LOCATED IN RAPID
CITY, SD, REGARDING THEIR DRAFT ENVIRONMENTAL IMPACT STATEMENT
(DEIS) AND THE PROPOSED EXPANSION OF THEIR AIRSPACE OVER THE
NORTHERN CHEYENNE RESERVATION.**

WHEREAS, the Coalition of Large Tribes (COLT) was formally established in early April 2011, and is comprised of large land based Tribes including the Mandan, Hidatsa and Arikara Nation, the Oglala Sioux Tribe, the Crow Tribe, the Navajo Nation, the Sisseton Wahpeton Sioux Tribe, the Blackfeet Tribe (of Montana), the Rosebud Sioux Tribe, the Ute Tribe, the Shoshone-Bannock Tribes, the Colville Confederated Tribes, the Spokane Tribe and the Cheyenne River Sioux Tribe; and

WHEREAS, the Montana Wyoming Tribal Leaders Council was formally created for the purpose of providing a unified voice for all of its eleven member tribal governments; and

WHEREAS, the Great Plains Tribal Chairman's Association was formally established to promote the common interests of the sixteen Great Plains sovereign Indian Tribes and their members in the states of North Dakota, South Dakota and Nebraska; and

WHEREAS, by acting in unison to direct the formation of national, regional and local policy elected Tribal Leaders succeed in providing leadership on all issues that may affect the Tribes and reservation communities; and,

WHEREAS, the elected Tribal Leaders constantly strive to fulfill their solemn duty to advance and to safeguard the sovereign authority and cultural integrity of each member Tribe; and,

WHEREAS, by Tribal Council Resolution No. DOI-081-(2012), the Northern Cheyenne Tribe has opposed Ellsworth Air Force Base's proposed Powder River Training Complex (PRTC) located in Rapid City, SD, regarding their Draft Environmental Impact Statement (DEIS) and the proposed expansion of their airspace over the Northern Cheyenne Reservation; and,

WHEREAS, Ellsworth AFB have attempted to circumvent the National Historic Preservation Act (NHPA) and other federal laws by requesting that the Northern Cheyenne Tribe sign onto a Programmatic Agreement without appropriate meaningful consultation; and,

WHEREAS, by duly approved Tribal Council Resolution, the Northern Cheyenne Tribe has strongly requested that Ellsworth AFB consider a No-Action Alternative (4.7.3.4) that eliminates the expansion of training airspace and provide that PR-A, PR-B MOAS would not overfly Native American Reservations; and,

WHEREAS, the Northern Cheyenne Tribe has further requested by Tribal Council Resolution that the PRTC consider Powder River Training aircrafts not to fly over sacred culturally significant sites such as Bear Lodge (Devils Tower National Monument) and Bear Butte (National Historic Landmark); and,

NOW THEREFORE BE IT RESOLVED, the Montana-Wyoming Tribal Leaders Council, the Coalition of Large Tribes and the Great Plains Tribal Chairman's Association, hereby support the Northern Cheyenne Tribe in their opposition of Ellsworth Air Force Base's (AFB) Powder River Training Complex (PRTC) located in Rapid City SD, regarding their Draft Environmental Impact Statement (DEIS) and the proposed expansion of their airspace over the Northern Cheyenne Reservation for the following:

1. As delineated and provided in the Northern Cheyenne Tribal Council Resolution No. DOI-081 (2012);
2. Strongly request that Ellsworth AFB consider a No-Action Alternative (4.7.3.4) that eliminates the expansion of airspace and provide that PR-A, PR-B MOAS would not overfly Native American Reservations;
3. That PRTC consider Powder River Training aircrafts not to fly over sacred cultural significant sites such as Bear Lodge (Devils Tower National Monument) and Bear Butte (National Historic Landmark);
4. Ellsworth AFB must meaningfully consult with the Northern Cheyenne Tribe and other Tribes regarding the proposed expansion of Powder River Training Complex, as proposed in the DEIS;
5. Montana-Wyoming Tribal Leaders Council, the Coalition of Large Tribes and Great Plains Tribal Chairman's Association request for the support of the U.S. Congress.

CERTIFICATION

This resolution was enacted and approved unanimously at a duly called meeting of the Coalition of Large Tribes, the Montana Wyoming Tribal Leaders Council, and the Great Plains Tribal Chairmen's Association at a joint meeting held in Billings, Montana on July 22 & 23, 2014, at which a quorum of each organization was present and with all members voting in favor.

Dated this 22nd day of July, 2014.

Tex G. Hall, Chairman Coalition of Large Tribes

Ivan Posey, Chairman
MT-WY Tribal Leaders Council

Tex G. Hall, Chairman
Great Plains Tribal Chairmen's Association



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
NORTHERN CHEYENNE AGENCY
P.O. BOX 40
LAME DEER, MONTANA 59043

IN REPLY REFER TO:

MAR - 1 2012

Executive Direction
Code 101

Leroy A. Spang, President
Northern Cheyenne Tribe
P.O. Box 128
Lame Deer, MT 59043

Dear President Spang:

This is in reference to Northern Cheyenne Tribal Resolution No. DOI-081 (2012) enacted by the Council on February 20, 2012 and received in this office on February 28, 2012.

Resolution No. DOI-081 (2012) – opposing Ellsworth Air Force Base's Powder River Training Complex located in Rapid City, SD regarding their draft environmental impact statement and proposed expansion of their airspace over the northern Cheyenne Reservation.

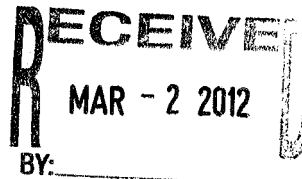
Resolution No. DOI-081 (2012) is hereby noted. The Northern Cheyenne Tribal Council has the authority to take this action pursuant to Article IV Section 1 (k) and (r) of the Northern Cheyenne Tribe's Amended Constitution and Bylaws.

All necessary copies of this resolution have been retained for our files.

Sincerely,

Superintendent

Enclosure



**TRIBAL COUNCIL OF THE NORTHERN CHEYENNE TRIBE
NORTHERN CHEYENNE RESERVATION
LAME DEER, MONTANA**

RESOLUTION NO. DOI-081 (2012)

A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL OPPOSING ELLSWORTH AIRFORCE BASE'S POWDER RIVER TRAINING COMPLEX LOCATED IN RAPID CITY, SD REGARDING THEIR DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROPOSED EXPANSION OF THEIR AIRSPACE OVER THE NORTHERN CHEYENNE RESERVATION.

WHEREAS, the Northern Cheyenne Tribal Council ("Tribe council") is the governing body of the Northern Cheyenne Tribe ("Tribe") by the authority of and pursuant to the Amended Constitution and Bylaws of the Northern Cheyenne Tribe as approved by the Secretary of the Interior on May 31st, 1996 ("Amended Tribal Constitution"); and

WHEREAS, the Tribal Council possesses and exercises a broad array of governmental powers including the following powers: Power to protect Tribal lands, interests in land, minerals, gas, oil, and other tribal assets; Power to cultivate and preserve tribal culture and ceremonies; and

WHEREAS, the Ellsworth AFB of Rapid City, SD proposes to expand their Airspace by having public hearings for the Powder River Training Complex (PRTC) Draft Environmental Impact Statement (EIS) to analyze potential consequences of the proposed PRTC; and

WHEREAS, the PRTC draft EIS consists of: establishing new and modifying existing training airspace; defensive training with chaff and flare countermeasures in the new and modified airspace; providing for quarterly Large Force Exercises (LFEs) in the new and modified airspace; authorizing supersonic flight for B-1s above 20,000 feet mean sea level (MSL) to be scheduled only during the expected 10 days per year of LFEs; and authorizing other military units with fighters to conduct supersonic flight above 10,000 feet above ground level (AGL) to be scheduled only during the expected 10 days per year of LFEs; and

WHEREAS, a public scoping was held in Lame Deer in 2008 to for the public to review and provide formal comments on the Draft EIS and the turnout was minimal; and

WHEREAS, as a result of the low turnout an internal tribal scoping process consisting of tribal programs was developed and initiated to gather tribal program responses regarding the Draft EIS that resulted in the following recommendations and responses:

1. The Tribe monitors air pollution from various sources on and off the Reservation and concerned with the potential emissions such as carbon monoxide, sulfur dioxide, uranium tailings, and other toxins from the "jet trail" and their long term negative effects on human health
2. With the designation of the Reservation's Class I Air, we are concerned with the impacts to visibility and air quality caused by the PRTC, particularly with respect to

carbon monoxide, nitrogen oxides, sulfide dioxide, uranium tailings and other pollutants that are likely to be emitted by the increase in air traffic over the Reservation's air space. The Air Force should analyze the effects of the PRTC on the "increments" established for the Reservation under the Prevention of Significant Deterioration (PSD) provisions of the Clean Air Act, 42 U.S.C. 7473. This analysis is required under NEPA because an EIS must discuss the possible conflicts of the proposed action with federal, state, and local (including tribal) laws as well as the "significance" of the potential impacts. 40 C.F.R. 1502.16(a)-(c). The Montana DEQ prepared an "increment consumption analysis" as part of its EIS for the Roundup power plant (Roundup, MT) in 2002. This document showed that the Class I increments for 24-hour and 3-hour SO₂ had been exceeded and that the post-baseline projects such as the Colstrip Units #3, and #4 (Colstrip, MT) have consumed significant parts of the increments for annual NO₂ and 24-hour PM₁₀. The EIS for the PRTC should include a similar increment consumption analysis so as to avoid any further violations of federal law.

3. Visibility is a very significant issue for the Tribe. The EIS should analyze the cumulative impacts of the PRTC on visibility on and near the Reservation as well as acute visibility impacts from individual jet contrails.
4. The deployment of chaff and flares can cause fire leading to collateral impacts to the Reservation and the property of the Tribe and tribal members. Potential fire concerns affect the total environment of the Reservation from quality of water, fish, wildlife, plant fauna, to the people who live here. The scoping document indicates that the Air force will coordinate fire response efforts. The EIS should examine this in detail given the large area covered by the project, the limited resources on the Reservation to combat PRTC-caused fires, and the importance of a quick response time to protect tribal resources, including timber in the hot, dry Montana summer weather.
5. Noise pollution is a significant concern. Sonic booms would be highly disruptive to tribal communities on and near the Reservation. Noise pollution can disrupt normal activities such as sleep, prayer, ceremonies and other traditional and day-to-day activities. Tribal members have told us that they chose to live on the Reservation (rather than urban areas) because of the peace and quiet that life here provides, particularly when outside in the hills, valleys and forests for fishing, hunting, gathering berries and medicinal plants, and participating in traditional ceremonial and family gatherings. A major change in air traffic over or near the Reservation would severely impact this vital aspect of the local environment. Sudden and dramatic noise impacts could cause short-and long-term health problems, especially for those that are sensitive to noise. The EIS should examine the baseline noise on the Reservation and predict the increase in noise caused by the PRTC in its analysis of the impacts of noise on the Reservation environment. It is critical that this examination consider "single-event" (e.g. the noise caused by a single fly over or sonic boom) rather than average noise that will be caused by the PRTC
6. The threat of aircraft accidents, during training, is a serious concern. Fallout from air collisions and other potential accidents would create hazards for the local environment, including safety of those on the ground, fire, and property damage. The distraction caused by unpredictable, low flying, loud aircraft could also lead to an increased risk of accidents on the ground.

7. The PRTC would conflict with and jeopardize current air traffic over the reservation, such as by ranchers who own planes. The PRTC would also significantly impact future plans for an airport within the Reservation. In addition to considering these effects on the Northern Cheyenne Reservation, the Air Force should examine the effects of other commercial and military aircraft operations located in proximity to Indian reservations in other parts of the country. We understand that such operations near other reservations have adversely impacted on-reservation economic development efforts.
8. The Reservation's wildlife is already scarce and subject to intense pressure from coal bed methane and other energy development near the Reservation. The EIS should examine how PRTC activities will impact wildlife on and near the Reservation, including whether animals will take refuge in other areas where there is less aerial activity. Deer, elk, and other land animals are vital to the subsistence and ceremonial existence of tribal members, and we cannot afford to have additional pressures on these resources. The EIS should examine how reduced access to wildlife will affect the subsistence, cultural and ceremonial practices of the Tribe.
9. The spirituality of the Northern Cheyenne people will be compromised by the PRTC. The reservation and surrounding area is considered one contiguous cultural landscape. There are many places where ceremonials and other spiritual activities would be significantly and adversely affected by the noise, visual and other likely impacts of the PRTC. The EIS must consider these impacts
10. The social and economic impacts are far reaching and will create unforeseen circumstances. For example, economic development on the Reservation, which has historically been very difficult to achieve, could be frustrated because of noise impacts caused by low-altitude and supersonic flights, possible on-the-ground accidents related to sudden and loud noises and other adverse impacts of the PRTC. This is also an environmental justice issue, as the impacts of the PRTC would be more heavily felt by the tribal community than other groups. The Tribe has a high rate of poverty and must be able to take advantage of any economic development opportunities that are feasible for the remote location of its Reservation. For example, the Tribe is considering development of a casino on tribal trust lands near the Tongue river Reservoir at Decker, Montana; now

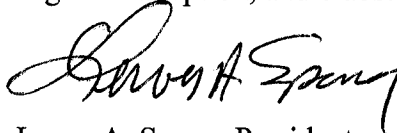
THEREFORE BE IT RESOLVED, that the above comments were gathered by the Tribe as part of the internal tribal scoping process and that the tribes has considered all the alternatives and supports the recommendations and responses by the tribal membership.

BE IT FURTHER RESOLVED, that the Tribe requests the Air force strongly consider and adopt a No-Action Alternative (4.6.3.4.) including a No-Action Alternative (4.7.3.4) that would eliminate the expansion of training airspace and provide that PR-A, PR-B MOAS would not overfly Native American reservations.

BE IT FURTHER RESOLVED, that the PRTC consider Powder River Training aircrafts not to fly over cultural significant sites such as Bear Lodge (Devils Tower) and Bear Butte.


BE IT FINALLY RESOLVED, that the Northern Cheyenne Tribe, through the Northern Cheyenne Tribal Council, is opposed to any consideration and alternatives that would jeopardize the integrity of the reservation's air quality standards, environmental and cultural standards and any type of flyover on the Northern Cheyenne reservation.

PASSED, ADOPTED AND APPROVED by the Northern Cheyenne Tribal Council by 8 votes for passage and adoption, 0 votes against passage and adoption, and 0 abstentions this 20th day of February 2012.



Leroy A. Spang, President
Northern Cheyenne Tribe

ATTEST:



Melissa Lonebear, Secretary
Northern Cheyenne Tribe

NOTED:



SUPERINTENDENT

MAR - 1 2012

**TRIBAL COUNCIL
(AT LARGE)**

Jesse "Jay" Taken Alive

Ronald C. Brownotter

Avis Little Eagle

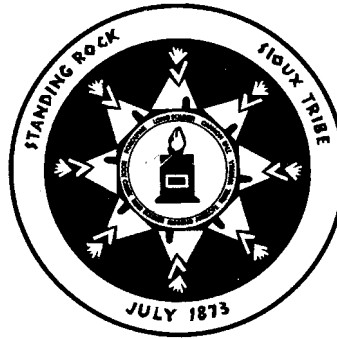
Paul Archambault

Phyllis Young

Randal J. White Sr.

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

February 2, 2012

Colonel Mark W. Weatherington
Commander, 28th Bomb Wing
1958 Scott Drive
Ellsworth AFB, SD 57706-4710

Dear Colonel Weatherington:

This letter serves as a response to the Powder River Training Complex Environmental Impact Statement (EIS) Process.

The Standing Rock Sioux Tribe appreciates the opportunity to be heard and afforded participation in this very important process. As you are aware, the communities on the Standing Rock Reservation have been involved in this process for many years and continue to voice their concerns.

Our people's primary and most important concern is the right to worship and practice the "hanbleca" or vision quest, the traditional religious rite guaranteed by the Indian Religious Freedom Act of 1978, without interference (buzzing) from low-level flying patterns.

The Standing Rock Tribal Council took this position in 1986 and 1987 and continues this position by the attached Resolution no 670-08 adopted in November 5, 2008 by the Long Soldier District Community at its October 2008 meeting and adopted by the Standing Rock Tribal Council on November 5, 2008.

September 22, 2010, the issue of the Powder River EIS was brought up at the Long Soldier Community meeting. Their record of attendance show 126 members present. At this meeting 97 members voted to reaffirm Resolution no. 670-08 regarding the EIS for the Powder River Training Complex.

Sincerely,


Charles W. Murphy, Chairman
Standing Rock Sioux Tribe

RESOLUTION NO. 670-08

WHEREAS, the Standing Rock Sioux Tribe is an unincorporated Tribe of Indians, having accepted the Indian Reorganization Act of June 18, 1934, with the exception of Section 16; and the recognized governing body of the Tribe is known as the Standing Rock Sioux Tribal Council; and

WHEREAS, the Standing Rock Sioux Tribal Council, pursuant to the amended Constitution of the Standing Rock Sioux Tribe, Article IV, Section 1[a], 1[c], and 1[h], is empowered to negotiate with Federal, State and local governments and others on behalf of the Tribe, and to authorize or direct subordinate boards, committees and Tribal Officials, to administer the affairs of the Tribe and to carry out the directives of the Tribal Council; and

~~WHEREAS, the Standing Rock Sioux Tribe has sovereign jurisdiction over and beneficial ownership of the land, water, air and other natural resources within the boundaries of the Standing Rock Nation as guaranteed by the Fort Laramie Treaty of April 29, 1868; and~~

WHEREAS, the Standing Rock Sioux Tribe is in the process of developing measures for the protection and use of the human environment and of the resources of the environment such as the air space, air quality, water resources, and subsoil, and land and land uses beyond the limits of national jurisdiction in order to supplement Tribal resources available for the achievement of the economic and social progress and development of the members of the Standing Rock Sioux Tribe; and

WHEREAS, the Standing Rock Sioux Tribe and its membership desire to live in peace and freedom from the dangers of nuclear war, oppose any propaganda and preparations for war, to participate in the economic development of Tribal resources and to preserve a healthy environment for those living; and

WHEREAS, the Standing Rock Tribal Council, in 1986 and 1987, objected to and opposed the use of airspace over Standing Rock for the purpose of low-level flight training by the United States Air Force due to the interference [buzzing] with the religious practice of "hanbleca" or vision quest at Sitting Bull Camp by traditional Lakota/Dakota men, as guaranteed by the Indian Religious Freedom Act of 1978; and

WHEREAS, the Standing Rock Tribal Council, has participated in the Scoping Hearings held at the Long Soldier Community Building as well as negotiating with the U.S. Air Force at Ellsworth Air Force Base in Rapid City, South Dakota; and

WHEREAS, the Standing Rock Nation has a relationship with the United States of America that has a legal Status far beyond and above any relationship with any entity, state, or corporation and for this reason, Standing Rock has prior and paramount rights to the airspace above the lands of Standing Rock, including the airspace in infinity; and the primary status of those rights stems from the 1868 Treat of Fort Laramie, the legal principle which provides protection relative to this sacred asset: airspace; and

WHEREAS, the United States of America has the responsibility of adopting measures prohibiting the pollution and damage to the social progress and general welfare of the members of the Standing Rock Sioux Tribe and this responsibility cannot be delegated, denigrated or abrogated; and

WHEREAS, the Fifth Amendment of the United States Constitution provides for "just compensation" to property owners for any losses and this right includes members of the Standing Rock Sioux Tribe as determined by the treaties and the continuing rights derived from the treaties; and

WHEREAS, the Standing Rock Sioux Tribe is fully recognized by the United States of America pursuant to the Treaties of 1851 and April 29, 1868 at Fort Laramie and it is elemental that the rights to the use of airspace reserved by the Standing Rock Sioux tribe arises not from a grant by the United States to the Tribe but rather, the Tribe reserved those rights to the use of airspace when the Treaty was signed with the United States; and

WHEREAS, damages to the people of the Standing Rock Nation have not been determined, which includes damages to cultural resources, resulting from "buzzing" or interfering with religious practices as well as overall social cost damages resulting from electromagnetic fields created by flight paths, and impacts on all living beings; and it is the wishes of the people of Standing Rock Nation that these damages be estimated, mitigated and compensated immediately;

NOW THEREFORE BE IT RESOLVED, that the Standing Rock Sioux Tribe oppose the use of its airspace for any purpose until the United States Air Force submits a Plan for not polluting the Air [by electromagnetic fields or otherwise] and negotiate a dollar amount, depending on the scale of the project, which would allow the Tribe to make an independent assessment on Tribal Air Quality and Interference on Religious Practices, including "hanbleca"; and

BE IT FURTHER RESOLVED, that the Standing Rock Sioux Tribe negotiate a fee for the use of airspace that might pollute the air [by electromagnetic field or other pollutants] so that the Tribe can evaluate independently an assessment from how much pollution results from the use of the airspace; and

BE IT FURTHER RESOLVED, that the Standing Rock Sioux Tribe demands that the United States of America administer the rights derived from the Fort Laramie Treaty of April 29, 1868, by the establishment of a Commission that will address provisions necessary for rendering effective standards and regulations applicable to the use and withdrawal of airspace; 2) Provide compensation for use, damages, be they social or economic in nature, including restitution and reparations, caused as a result of aggression and of illegal occupation of boundaries claimed by Lakota/Dakota people; 3) Achieve total disarmament and utilize resources to be used only for the economic and social progress and general welfare of the members of Standing Rock Nation [Wind power development]; and 4) Adoption of measures prohibiting the tests of space weapons, the development, production and buildup of space weapons for preparation of war, and the pollution and damage to the members, the land, water and air of the Standing Rock Sioux Tribe; and

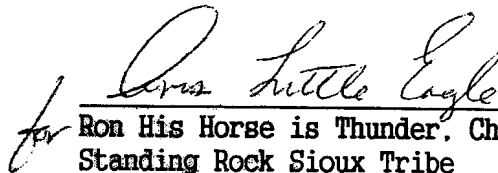
BE IT FURTHER RESOLVED, that the Chairman and Secretary of the Tribal Council are hereby authorized and instructed to sign this resolution for and on behalf of the Standing Rock Sioux Tribe.

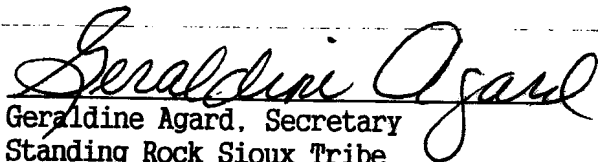
CERTIFICATION

We, the undersigned, Chairman and Secretary of the Tribal Council do hereby certify that the Tribal Council is composed of [17] members of whom 17 constituting an quorum, were present at a meeting, thereof, duly are regularly called, noticed, convened and held on the 5th day of NOVEMBER, 2008, and that the foregoing resolution was adopted by the affirmative vote of 16 members, with 0 opposing, and with 1 not voting. THE CHAIRMAN'S VOTE IS NOT REQUIRED EXCEPT IN CASE OF A TIE.

DATED THIS 5th DAY OF NOVEMBER, 2008.

ATTEST:


for Ron His Horse is Thunder, Chairman
Standing Rock Sioux Tribe


Geraldine Agard, Secretary
Standing Rock Sioux Tribe

[Official Tribal Seal]

Meeting Date: 11-05-2008
Motion # 23