



# Cultural Resource Issues and Stone Feature Sites

Tribal Concerns and  
Involvement in  
NDDOT Projects

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# Curley Youpee, THPO, Fort Peck Assiniboine and Sioux Tribes

“The idea of consultation between different peoples – non-Indian, Indian, ... Native American folks – it’s a unique opportunity to see each other. I believe that’s what this programmatic agreement does. It allows us to see each other in our own light.

# Legal Requirements

- Key NHPA 1992 Amendments
  - **Provided Native Americans and Hawaiians a greater role in the S.106 Process**
    - “Consultation...should be conducted in a manner sensitive to the concerns and needs of the Indian Tribe...”
    - Regulations acknowledge Tribal expertise in identification and evaluation of cultural resources of value to them
  - **Required Federal Agencies to withhold funds in cases of Anticipatory Demolition**
- NDDOT/FHWA Response
  - ACHP final Regulations - Spring 1998
  - January 1998 meeting with CRS, NDDOT Management and FHWA ND Division Management
    - Proactive Approach to Tribal Involvement
    - Face to Face not Letters

# NDDOT Tribal Consultation

- NDDOT consulted with Tribes on projects within Reservations in ND prior to 1998
- NDDOT consulted face to face with 8 Tribes from 1998-2006
- We worked together from 2004 to 2006 to create a Programmatic Agreement (PA) on how we would consult with each other
- This PA also excludes certain types of NDDOT projects from consultation
  - Projects with no/little disturbance to intact ground (Signing, Resurfacing, Bridge Repair, Guardrail, Median Barriers. Traffic Monitoring Related, TE in Cities, etc.)

# Early Consultation Efforts

## Jamestown Bypass



## Highway 2 Four Lane



# Consultation Results

- **Primary Concern for Stone Features**
  - Ceremonial
    - Sioux say these features are almost entirely ceremonial.
  - Even when residential they are considered sacred

# Stone Circles, Arcs, Alignments

- Effigies (representations of star alignments, people, animals, various geometric designs with spiritual meaning)
- Places where spiritual activities took place
- Prior to AD 1500 the Crow used stones to hold down the hides of their tepees

# Cairns

- Cairns are Rock Piles
  - Mark Burials
  - Mark Caches of Food or Tools or Raw Materials
  - Trail Markers
  - Commemorative Markers
    - Mark the death of a relative with no remains available
    - Mark an event
  - Prayers

# Avoidance Examples on NDDOT Projects

- Highway 2 – 4 Lane
  - Reduced Median and Steeper Backslopes through portions of the White Earth Valley
- Highway 22 North of Killdeer
  - Shifted slightly in one area – introduced equation into stationing
- Watford City Bypass
  - Surveyed block area and designed bypass to avoid stone feature sites
- Williston Bypass
  - Defined two additional alternatives
  - Worked out a compromise to avoid stone features and provide the Local Governments with the access they need