Preserving Difficult Histories
A report issued by the U.S. Army Corps of Engineers in July 2016 concluded that the construction of a portion of the Dakota Access Pipeline (DAPL) across federally managed lands adjacent to Lake Oahe, just north of the Standing Rock Sioux Reservation, would not have adverse environmental impacts on that area. That determination gave Dakota Access LLC the go-ahead to construct the pipeline along that route. Yet this area, at the confluence of the Cannon Ball and the Missouri rivers, is a traditional cultural landscape that contains ancient village sites, burial cairns, stone features, stone effigies, and sacred sites with great religious and cultural significance for the Standing Rock Sioux Tribe (SRST). The SRST spans both North Dakota and South Dakota and includes the Hunkpapa and Sihasapa bands of Lakota Oyate and the Ihunktuwona and Pabaksa bands of the Dakota Oyate.

Section 101 (d)(6)(b) of the National Historic Preservation Act (NHPA) requires that federal agencies that either support historic properties or impact them in carrying out their Section 106 responsibilities must consult with any Indian tribes that attach religious or cultural significance to those sites. This requirement was blatantly ignored when the Army Corps of Engineers approved the proposed route of the DAPL. The SRST, with support from archaeologists, anthropologists, historians, and others, has been forced to mount a legal challenge to preserve this revered environment, which has already been damaged and is further threatened by the construction process, the pipeline itself, and potential leakage.

ESSENTIAL CULTURAL KNOWLEDGE
Guiding outsiders to recognize—and respond appropriately and respectfully to—the cultural concerns of my people is my ongoing challenge as the SRST’s Tribal Historic Preservation Officer (SRST/
THPO). This regulatory office, authorized by the 1992 amendments to the NHPA, manages and protects SRST cultural resources, sacred areas, and sites within the original boundaries of the Fort Laramie Treaty of 1851 and 1868 as well as the aboriginal homelands of the Oceti Sakonwin, also known as the Great Sioux Nation.

My mother is Isanti Dakota from the Sisseton Wahpeton Oyate and my father is Hunkpapa Lakota from the SRST. I am fortunate to have known my grandparents and many elders in my lifetime, and it is my elders who, by sharing our oral history and sacred knowledge with me, endowed me with the capacity to serve my people. I have listened to our elders tell creation stories and impart star knowledge. It is because of their wisdom that I can tell when the first days of winter, spring, summer, and fall are just by looking at the stars. It is their teachings that have given me the ability to identify and evaluate stone features, burial cairns, and sacred sites without having to disturb the ground—and to determine when my ancestors were at these sites by examining their orientation and relationship to star constellations.

Given the depth of cultural knowledge, awareness, and sensitivity required to accurately make such determinations, nontribal archaeologists are largely unable to identify sites of religious and cultural significance. Only the tribes themselves have this ability, as the Advisory Council on Historic Preservation acknowledges when it “encourages agencies and the general public to fully understand the importance of consulting with Indian tribes and Native Hawaiian organizations and respecting sacred sites.”

THE LAKE OAHE SITE
The Lake Oahe site was once a place of commerce where traditional enemies camped within sight of each other, possessed with such a reverence for the land that no blood was spilt there. Over the years several Sundances—which are among the most holy of the seven sacred rites given to the Lakota/Dakota Oyate by the creator—have taken place in this area because of the sacred nature of the rivers and the land.
The Cannon Ball River was known to my ancestors as *Inyan Wakan Kagapi Wakpa* (River Where the Sacred Stones Are Made), and the Missouri River was known as *Mni Sose* (Turbulent Water). The force of those two rivers coming together once formed a great whirlpool that created perfectly round stones considered sacred to the Mandan, Arikara, Cheyenne, and Oceti Sakonwin. But the rivers’ confluence was **forever altered in 1958** when the Army Corps of Engineers created dams to generate hydroelectric power, neither consulting nor even informing the local community before beginning construction and flooding the river. The two rivers no longer produce the sacred stones. Our relatives and other communities that relied on the river bottom tell many sad stories about the deep spiritual wounds caused by its destruction. When they lost the river bottom, they lost traditional foods and medicine, which led to health problems that we had not previously encountered—diabetes, heart disease, and obesity—and caused us to become dependent on the Indian Health Service.
Our ancestors once prayed at the sacred stone that has long been at the Lake Oahe site. In an interview from the late 1800s, a warrior named Reclining Bear described the area:

_It was there when we came across the Missouri. I think it had been an Arikara stone. I think they found it first. They put things there, too. No one would strike an enemy around that place. Everyone was safe there. There were always many presents there. There were weapons and things to eat and valuable cloth on sticks. There were buffalo heads there, too, for meat to come around. It is very holy. It is there yet. I do not want to talk much about it._

The location of the stone, which is confidential and protected by this office, remains a place of prayer today—we still travel there to leave offerings, asking for good direction, strength, and protection on behalf of our people.

The site has also become a nesting ground for eagles—hundreds of them have been sighted at a time. Everett Jamerson, a spiritual leader from Standing Rock, once told me, “The eagle is considered sacred to our people because, out of all the winged, they fly the highest. They fly so high they can see the curve of Grandmother Earth and know what’s coming.” Although eagles are no longer on the federal list of endangered species, they remain sacred to many Native American people: the Lakota commonly make offerings of tobacco when eagles are sighted, and receiving an eagle feather is one of the highest honors.

**MNI WICONI (WATER OF LIFE)**

Water, too, is sacred to my people. Our word for water is _Mni_, and we refer to it as _Mni Wiconi_, the water of life, because without water there can be no life. For nine months our mothers carried us in water. Long ago when a woman gave birth, the afterbirth was buried wherever her water had broken and touched the earth, forever connecting her child to that place. We are made up primarily of water, and we believe that it’s the water in us that reacts to spoken words. My elders taught me that—long ago, while the morning star was still in the sky—our ancestors would come out of
their lodges and pray with water, thus activating its life-giving properties. Water is considered the first medicine.

Our people still go to the Missouri River to make offerings and pray that all life sustained by our river—people, horses, buffalo, deer, fish, birds—may thrive. The waterways of this nation were the highways of previous times, as my ancestors traveled from lake to lake, river to river, stream to stream. Water defined our ancestral territory. Stone features, burial cairns, and stone effigies are found near water on hilltops and along ridges, hillsides, and drainages.

**INYAN (STONE)**

My elders taught me a deep reverence for the land. We do not look at *Unci Maka*, Grandmother Earth, as a resource, but rather as a living being who provides and nurtures. “Le makoce ki teunkilapi sni ki hehan un Lakotapi kte sni,” we say, which translates to, “When we no longer cherish the land, we will no longer be Lakota.”

My ancestors followed the buffalo, and the buffalo followed the stars. They traveled as far west as Wyoming and Montana, as far north as the Canadian bush country, as far east as the Great Lakes, and as far south as Kansas. This territory was the aboriginal homelands of the Oceti Sakonwin where my ancestors prayed with *Inyan*—stone. Wherever the buffalo roamed, my ancestors left evidence of their existence on the stone features of the land.

Protecting stone features is very important to the SRST. On July 2, 2014, the tribe passed resolution 378-14, which reads:

> **NOW THEREFORE BE IT RESOLVED,** the four (4) bands on the Standing Rock Reservation who are members of the original structure of Oceti Sakonwin claim all stone feature sites, our identified burial/places, stone alignments and effigies, our sacred landscapes and drainages that are connected to these sacred areas and sites, regardless of location, within our original homelands of Oceti Sakonwin: and

> **BE IT FURTHER RESOLVED,** that wherever the buffalo roam and left its evidence of occupation, use and bone material is considered Oceti Sakonwin homelands as we are considered the Buffalo Nation or people and that is where you will find our
sacred areas, burials, stone effigies and stone alignments of our star knowledge and sacred stone feature sites that only member band of the original Oceti Sakowin can claim.

THE LEGAL BATTLE
On September 2, 2016, SRST lawyers filed an emergency injunction with the United States District Court for the District of Columbia based on evidence from a survey that former SRST/THPO Tim Mentz had conducted beginning on August 28. Mentz discovered more than 80 stone features and 27 ancient burials within the pipeline project area. The 2015 Cultural Resource Survey prepared by the Army Corps of Engineers for Dakota Access LLC made no mention of sites along the construction corridor, even though an archaeologist surveying the area would have literally had to walk right over them and not see what was on the ground in order to miss them. On September 3, the pipeline company knowingly destroyed sites of religious and cultural significance to SRST, thus violating the NHPA, the Native American Graves Protection and Repatriation Act, North Dakota state law, and the terms of the permit issued by the Public Service Commission.

The SRST/THPO office sent a letter to the North Dakota State Historic Preservation Office asking for a Stop Work Order in order to evaluate the damage to our sites. I followed up with an in-person meeting, and the North Dakota Deputy State Historic Preservation Officer (SHPO) agreed to conduct an onsite investigation in conjunction with our office. We found out later that the SHPO and the state archaeologist conducted that investigation without consulting with the SRST.

Standing Rock Sioux cultural expert Tim Mentz.
PHOTO BY U.S. DEPARTMENT OF AGRICULTURE LICENSED UNDER CC BY 2.0
In September 2016 the Natural History Museum sent a letter to the Obama administration, Department of Justice, Department of the Interior, and the Army Corps condemning the destruction of our sacred sites. The letter, which was signed by more than 1,280 archaeologists, anthropologists, historians, and museum personnel, stated:

As archaeologists, anthropologists, historians, and museum workers committed to responsible stewardship, we are invested in the preservation and interpretation of archaeological and cultural heritage for the common good. We join the Standing Rock Sioux Tribe in denouncing the recent destruction of ancient burial sites, places of prayer and other significant cultural artifacts sacred to the Lakota and Dakota people.

The letter concluded:

We call on the federal government to abide by its laws and to conduct a thorough environmental impact statement and cultural resources survey on the pipeline route, with proper consultation with the Standing Rock Sioux Tribe. We stand with the Standing Rock Sioux Tribe and affirm their treaty rights, tribal sovereignty, and the protection of their lands, waters, cultural and sacred sites, and we stand with all those attempting to prevent further irreparable losses.


PHOTO BY ROB87438
LICENSED UNDER CC BY-SA 4.0
Native languages, oral history, and sacred knowledge should be the database for American anthropology and archaeology. Our language, creation stories, star knowledge, oral histories, and sacred knowledge are the foundation that allows me as a THPO to properly identify and evaluate sacred sites without having to disturb the ground. The worldview and traditions of our people—passed down over generations and embodied by our sacred landscapes—are essential, irreplaceable American cultural resources, and must be recognized and protected accordingly.

JON EAGLE SR. has 17 years of experience consulting with tribal, state, and federal agencies and has served as the Tribal Historic Preservation Officer for the Standing Rock Sioux Tribe since February 2016.

**TAKEAWAY**
Read the National Trust’s guide to preserving Native American places.

**AUDIO**
Listen to a recording of an October 2016 Forum Webinar about the legal landscape of the Standing Rock Sioux Tribe’s case against the U.S. Army Corps of Engineers.