

RESOLUTION OF THE OGLALA SIOUX TRIBAL COUNCIL
OF THE OGLALA SIOUX TRIBE
(An Unincorporated Tribe)

RESOLUTION OF THE OGLALA SIOUX TRIBAL COUNCIL OF THE OGLALA SIOUX TRIBE OPPOSING THE PROPOSED ROCHFORD EXPLORATION PROJECT IN THE BLACK HILLS NATIONAL FOREST, REQUESTING FUNDING FROM THE BUREAU OF INDIAN AFFAIRS TO RETAIN EXPERT WITNESSES, REQUESTING GOVERNMENT-TO-GOVERNMENT CONSULTATION WITH THE FOREST SERVICE IN THE U.S. DEPARTMENT OF AGRICULTURE ON THE PROPOSED PROJECT, AND AUTHORIZING LITIGATION IF THE FOREST SERVICE DOES NOT RESPECT THE RIGHTS OF THE OGLALA SIOUX TRIBE AND ITS MEMBERS IN THIS MATTER.

WHEREAS, the Oglala Sioux Tribe adopted its Constitution and By-Laws by referendum vote on December 14, 1935, in accordance with Section 16 of the Indian Reorganization Act of 1934, codified as amended at 25 U.S.C. § 5123, and under Article III of the Oglala Sioux Tribe Constitution, the Oglala Sioux Tribal Council is the governing body of the Oglala Sioux Tribe, and

WHEREAS, the Oglala Sioux Tribe is signatory to the Fort Laramie Treaty of 1868 and a constituent tribe of the Sioux Nation, and

WHEREAS, in the Fort Laramie Treaty of 1868, the Sioux Nation reserved to itself the territory known as the Great Sioux Reservation, including the sacred Black Hills, and the United States promised that this territory would be “set apart” as our “permanent home” for our “absolute and undisturbed use and occupation,” Fort Laramie Treaty of 1868, art. II, and

WHEREAS, the United States broke its promise in 1877, when it enacted the Act of February 28, 1877, taking the Black Hills and other lands from the Sioux Nation, and the United States Supreme Court acknowledged the illegality of the United States’ taking of the Black Hills in the case of *U.S. v. Sioux Nation* (1980), and

WHEREAS, to this day, the Oglala Sioux Tribe maintains our claim to the Black Hills, steadfastly maintaining that the Act of February 28, 1877, was unconstitutional and that the United States should honor our treaty and return the Black Hills, and

WHEREAS, the Black Hills are sacred to our *Lakota* people. We refer to them as the *Pahá Sápa*, and we say they are the heart of everything that is, and

WHEREAS, the Oglala Sioux Tribe is committed, now and forever, to protecting the Black Hills and preserving our claim to our sacred lands, and

WHEREAS, several Sioux Tribes recently purchased the sacred lands known as *Pe’ Sla* in the heart of the Black Hills. The United States approved an application made by the Tribes to

take our sacred *Pe' Sla* lands into trust. The tribes intend to keep the lands in their original and natural state, reintroducing buffalo and other natural species, and preserving the area for traditional cultural and religious ceremonies, and

WHEREAS, in derogation of our rights, much of the land in and around the Black Hills is now managed by the Forest Service in the U.S. Department of Agriculture as the Black Hills National Forest, and

WHEREAS, the Oglala Sioux Tribe is aware that the Forest Service is considering a proposal to allow Mineral Mountain Resources to explore for, and ultimately extract, gold from lands near *Pe' Sla* in the Black Hills. This proposal is referred to as the Rochford Exploration Project and the Rochford Gold Project, and

WHEREAS, the Oglala Sioux Tribe is opposed to gold mining on Forest Service lands in the Black Hills, and

WHEREAS, it appears that the proposed gold exploration and mining project would involve construction of up to twenty-one (21) drill pads in an area of the Black Hills near Rochford, South Dakota. The proposed project involves the collection of core samples with a diamond core drill rig, either track mounted or rubber tired. The proposed project involves the use of all-terrain vehicles or a 4x4 pickup truck to shuttle materials to and from the drill sites, and the use of construction equipment, including mini excavators or skid steer loaders, for conducting reclamation at the drill sites. The proposed project also includes a staging area where vehicles, spare parts, core boxes, fuel, etc., will be stored. The proposed project may also include use of overland routes, installation of lights, and other activities, and

WHEREAS, the location of the proposed gold exploration and mining project is near our sacred *Pe' Sla* lands in the Black Hills, and the Oglala Sioux Tribe has legitimate concerns that project would interfere with our use of these sacred lands, and

WHEREAS, these issues should be addressed through ongoing government-to-government consultation between the Forest Service and the Oglala Sioux Tribe and full compliance with Federal law, including Executive Orders 13007 and 13175, which require the Federal Government to honor our treaty rights and “the responsibilities that arise from the unique legal relationship between the Federal Government and Indian tribal governments,” respect our Indian people and governments, and avoid any action that “may adversely affect access to, ceremonial use of, or the physical integrity of sacred sites,” and

WHEREAS, the Oglala Sioux Tribe also has legitimate concerns that the proposed gold exploration and mining project would cause irreparable harm to archaeological, historical, cultural, and sacred sites and areas present in and around the proposed project area. These issues should be addressed through ongoing government-to-government consultation between the Forest Service and the Oglala Sioux Tribe and full compliance with Federal law, including Section 106 of the National Historic Preservation Act, and

WHEREAS, the Oglala Sioux Tribe has legitimate concerns that the proposed gold exploration and mining project would cause environmental harms to the land, natural resources, and fish and wildlife in the Black Hills, including surface lands, subsurface structures, water, threatened and endangered species, and other natural resources. These issues should be addressed through ongoing government-to-government consultation between the Forest Service and the Oglala Sioux Tribe and detailed environmental analysis under the National Environmental Protection Act, including a comprehensive Environmental Impact Statement, and

WHEREAS, the Oglala Sioux Tribe is opposed to any gold exploration or mining in the Black Hills that would harm our sacred *Pahá Sápa*, including our sacred *Pe' Sla*, and our traditional cultural and religious use of those lands. We are opposed to any exploration or development of minerals in the Black Hills that would harm the land, water, natural resources, and fish and wildlife in the Black Hills, and

WHEREAS, the Oglala Sioux Tribe is opposed to a categorical exclusion of the proposed gold exploration and mining project from the detailed environmental analysis required under the National Environmental Policy Act, and

WHEREAS, the Oglala Sioux Tribe is opposed to a categorical exclusion of the proposed gold exploration and mining project from the requirements of the National Environmental Protection Act, and

WHEREAS, on February 6, 2018, the Land and Natural Resources Committee of the Oglala Sioux Tribal Council approved a motion to recommend that the Oglala Sioux Tribe take the actions set forth below to protect the Tribe's rights in and to the Black Hills, and the Oglala Sioux Tribal Council agrees with the Committee's recommendation; now

THEREFORE BE IT RESOLVED, that the Oglala Sioux Tribal Council hereby declares that the Oglala Sioux Tribe is opposed to gold exploration and mining on Forest Service lands in the Black Hills, including the Mineral Mountain Resources Rochford Exploration Project and Rochford Gold Project in the Black Hills National Forest, and

BE IT FURTHER RESOLVED, that the Oglala Sioux Tribal Council hereby requests funding from the Bureau of Indian Affairs to allow the Oglala Sioux Tribe to retain experts on archaeological, historical, cultural, and sacred sites and properties in the Black Hills and on the harms the proposed project would cause to those sites and properties and to the land, water, natural resources, environment, and fish and wildlife in the Black Hills, and

BE IT FURTHER RESOLVED, that the Oglala Sioux Tribal Council hereby requests ongoing government-to-government consultation with the Forest Service in the U.S. Department of Agriculture on the proposed project and an opportunity to present expert reports to the Forest Service, and

BE IT FURTHER RESOLVED, that the Oglala Sioux Tribal Council hereby authorizes litigation against the U.S. Forest Service if the U.S. Forest Service does not respect the rights of the Oglala Sioux Tribe and its members in regards to this matter.

C-E-R-T-I-F-I-C-A-T-I-O-N

I, as the undersigned Secretary of the Oglala Sioux Tribal Council, of the Oglala Sioux Tribe hereby certify that this Resolution was adopted by a vote of: 17 For; 0 Against; 0 Abstain; and 0 Not Voting; during a REGULAR SESSION held of the 6TH day of FEBRUARY, 2018.