

RESOLUTION OF THE EXECUTIVE COMMITTEE
OF THE OGLALA SIOUX TRIBE
(An Unincorporated Tribe)

RESOLUTION OF THE EXECUTIVE COMMITTEE OF THE OGLALA SIOUX TRIBE REQUESTING GOVERNMENT-TO-GOVERNMENT CONSULTATIONS WITH THE UNITED STATES BUREAU OF LAND MANAGEMENT AND THE UNITED STATES FISH AND WILDLIFE SERVICE ON THE FINDINGS OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR THE CONVERSE COUNTY (WYOMING) OIL AND GAS PROJECT.

OST authority to protect its tribal trust property

WHEREAS, the Oglala Band of the Teton Sioux is a sovereign band of Indians with attendant powers that reorganized the "Oglala Sioux Tribe of the Pine Ridge Indian Reservation" ("OST") by adopting the benefits of the Indian Reorganization Act ("IRA") of June 18, 1934, (25 U.S.C. § 5101 *et seq.*), and a Constitution and Bylaws under Section 16 of the Act, (25 U.S.C § 5123), and

WHEREAS, Article III, Section 1 of the Tribal Constitution provides that the governing body of the Oglala Sioux Tribe is the "Oglala Sioux Tribal Council," and

WHEREAS, the Tribal Constitution empowers the Tribal Council to:

1. "To negotiate with the Federal, State, and local governments, on behalf of the tribe, and to advise the representatives of the Interior Department on all activities of the Department that may affect the Pine Ridge Indian Reservation" under Article IV, Section 1 (a);
2. To protect and preserve the property, wild life and natural resources - gases, oil, and other materials, etc. - of the tribe . . ." under Article IV, Section 1 (m); and
3. "To adopt laws protecting and promoting the health and general welfare of the Oglala Sioux Tribe and its membership" under Article IV, Section 1 (w), and

The 1825, 1851 and 1868 Treaties

WHEREAS, the OST enjoys all of the rights and privileges guaranteed under its existing treaties with the United States in accordance with (25 U.S.C. § 71) and (25 U.S.C. § 5128), including rights and privileges under the Treaty of July 5, 1825 with the Sioune and Oglala Tribes (7 Stat. 252), the Fort Laramie Treaty of September 17, 1851 (11 Stat. 749), and the Fort Laramie Treaty of April 29, 1868 (15 Stat. 635), and

WHEREAS, the following 1825 Treaty provisions are pertinent and are directly applicable to the Draft Environmental Impact Statement ("Draft EIS") for the Converse County (Wyoming) Oil and Gas Project:

1. Article 2 of the 1825 Treaty, which provided that the OST agreed that it "reside[d] within the territorial limits of the United and . . . claim[ed] their protection", and
2. The Article 3 of the 1825 Treaty, which provided that the United States "agreed to bring the OST "under their protection", and
3. Under Articles 2 and 3 of the 1825 Treaty, the OST became a protectorate nation of the United States and established the initial *government-to-government and trust* relationship between the OST and the United States, and

WHEREAS, since the ratification of the 1825 Treaty, the trust relationship between the United States and OST (and other Indian tribes) has been continuously recognized by U.S. Presidents and the U.S. Congress as follows:

1. In President Clinton's Executive Order 13175 of November 6, 2000 (Consultation and Coordination With Tribal Governments), which provides in Sections 2 (a) that the "Federal Government has enacted numerous statutes and promulgated numerous regulations that establish and define a trust relationship with Indian tribes" and in Section 3 (a) that "[a]gencies shall respect Indian tribal self-government and sovereignty, honor tribal treaty and other rights, and strive to meet the responsibilities that arise from the unique legal relationship between the Federal government and Indian tribal governments";
2. In Acts of Congress, including the Mni Wiconi Act of October 24, 1988, P.L. 100-516, 102 Stat. 2566, which acknowledged in Section 2. (a) (4) that "the United States has a trust responsibility to ensure that adequate and safe water supplies are available to meet the economic, environmental, water supply and public needs of the Pine Ridge Indian Reservation"; and
3. In federal court decisions, including *Blue Legs v. U.S. Bureau of Indian Affairs*, 867 F.2d ,1094, 1100 (8th Cir. 1989) ("[t]he existence of a trust duty between the United States and an Indian or Indian tribe can be inferred from the provisions of a statute, treaty or other agreement, reinforced by the undisputed existence of a general trust relationship between the United States and the Indian people"); and *Covelo Indian Community v. FERC*, 895 F.2d 581 (9th Cir. 1990) (all government agencies have

"fiduciary" responsibilities to tribes, and must always act in the interests of the beneficiaries), and

WHEREAS, Article 5 of the 1851 Treaty is pertinent and directly applicable to the Draft Environmental Impact Statement ("EIS") for the Converse County Oil and Gas Project as follows:

1. Article 5 described and acknowledged the ownership of the OST and other Teton Sioux and Yankton Sioux signatory tribes to a 60 million acre tract of territory, and fishing and travel rights, described as follows:

The aforesaid Indian nations do hereby recognize and acknowledge the following tracts of country, included within the metes and boundaries hereinafter designated, as their respective territories, viz: The territory of the Sioux or Dahcotah Nation, commencing the mouth of the White Earth River, on the Missouri River: thence in a southwesterly direction to the forks of the Platte River: thence up the north fork of the Platte River to a point known as the Red Bute, or where the road leaves the river; thence along the range of mountains known as the Black Hills, to the head-waters of Heart River; thence down Heart River to its mouth; and thence down the Missouri River to the place of beginning. * * * *It is, however, understood that, in making this recognition and acknowledgement, the aforesaid Indian nations do not hereby abandon or prejudice any rights or claims they may have to other lands; and further, that they do not surrender the privilege of . . . fishing or passing over any of the tracts of country heretofore described.*

2. All of Converse County, Wyoming, north of the North Platte River is located within the 1851 Sioux Treaty territory;
3. The "Sioux or Dahcotah Nation" with which the United States negotiated at Fort Laramie and in which title was recognized by the Treaty of September 17, 1851, included the Teton and Yankton divisions of Sioux, see *Sioux Nation v. United States*, 24 Ind. Cl. Comm. 147 (1970); and
4. The OST is one of seven Teton Sioux bands that are parties to the 1851 Treaty, and therefore has existing, unextinguished water and fishing rights within Converse County; and
5. Water rights, fishing rights and access rights, and the right to exercise such rights (among other rights) over property are classified as "usufructuary rights," but such OST's rights under the 1851 Treaty in Converse County, Wyoming should not be construed as an abandonment of the OST's underlying claims to

the 1851 Treaty territory in Wyoming as asserted and claimed by the OST in Indian Claim Commission Docket 74, and as articulated in part by Judge Newman's dissenting opinion in *Oglala Sioux Tribe and Rosebud Sioux Tribe v. United States*, 862 F2d 275 ([Fed. Cir. 1988), and

WHEREAS, Article 2 of the 1868 Treaty is also pertinent and directly applicable to the Draft Environmental Impact Statement ("EIS") for the Converse County Oil and Gas Project as follows:

1. Article 2 established the Great Sioux Reservation in western South Dakota; and
2. The Pine Ridge was carved out of the Great Sioux Reservation by Section 1 of the Act of March 2, 1889, 25 Stat. 888; and
3. The Cheyenne River also abuts the Pine Ridge Indian Reservation and so the middle channel of the river where it abuts the reservation is located within the boundaries of the reservation.

OST water and fishing rights in Converse County, Wyoming

WHEREAS, the OST has rights (along with other 1851 Treaty signatory Sioux tribes) in the territory constituting Converse County, Wyoming, including but are not limited to, the following:

1. Existing, unquantified OST aboriginal water rights in the Cheyenne River that traverses Converse County, Wyoming from its headwaters to the South Dakota state line (and includes the interconnecting ground water system that supplies water to the river) based on exclusive use and occupation of the 1851 Treaty territory "for a long time," see, e.g., *Turtle Mountain Band v. United States*, 23 Ind. Cl. Comm. 315 (1970) (exclusive use and occupation "for a long time" by a tribe is sufficient to give aboriginal title);
2. Existing unquantified OST Winters Doctrine water rights in the Cheyenne River, which abuts the Pine Ridge Indian Reservation, to fulfill the present and future water needs of the reservation under the doctrine, including the right to use such water rights for beneficial uses that includes maintaining wildlife habitat, i.e., fishing rights and irrigation;
3. Existing, unextinguished fishing rights in the Cheyenne River that includes;
 - a. A corresponding 1851 Treaty right to maintain the Cheyenne River inhabitable for the OST's fisheries from the

headwaters of the river in Converse County to the South Dakota state line, i.e., water rights that impose a duty on BLM and F&WLS to protect both the OST's water rights and fishing rights from hydraulic fracking contaminates and other contaminates that will negatively impact and/or destroy the fishing rights in the river, see, e.g., *United States v. Adair*, 723 F.2d 1394, 1408-1415 (9th Cir. 1983) ("*Adair II*"), *cert. denied sub nom, Oregon v. United States*, 467 U.S. 1252, 104 S. Ct. 3536, 82 L. Ed. 2d 841 (1984). (off-reservation treaty right to fish implied reservation of water to support tribal fisheries); *Dep't of Ecology v. Yakima Reservation Irrigation Dist.*, 850 P.2d 1306, 1317 (Wash. 1993) (Washington Supreme Court recognized that tribes with treaty language . . . reflecting a reservation of aboriginal rights to fish also have water rights for instream flow habitat protection);

- b. A corresponding Winters Doctrine right to maintain the Cheyenne River inhabitable for wildlife, i.e., fishing rights (as well as irrigation) as a beneficial use free from hydraulic fracking contaminates and other contaminates upstream in Converse County that will negatively impact and/or destroy the use of the river for such purpose, see., e.g., *United States v. Alpine Land & Reservoir Co.*, 788 F. Supp. 2d 1209 (D. Nev. 2011) ("the Tribe retains a *Winters* right . . . to water to maintain the fishery"), citing *Nevada v. United States*, 463 U.S. 110 (1983), and

OST on-reservation Cheyenne River water rights and fishing rights

WHEREAS, the OST also has existing unextinguished water rights and fishing rights within the Pine Ridge Indian Reservation under the 1851 and 1868 Treaties, including the portion of the Cheyenne River and river bed that abuts the reservation; that Public Law 280, 25 U.S.C. § 1332 (b), defines the scope of the State of Wyoming's civil authority to regulate the OST's water rights and 1851 Treaty fishing rights in the Cheyenne River from Converse County Wyoming to the South Dakota state line as follows:

- (b) Alienation, encumbrance, taxation, and use of property; hunting, trapping or fishing.

Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian tribe . . . that is held in trust by the United States . . . ; or shall

authorize regulation of the use of such property in a manner inconsistent with any Federal treaty . . .; or shall deprive any . . . Indian tribe, band, or community of any right, privilege, or immunity afforded under Federal treaty . . . with respect to. . . fishing or the control, licensing, or regulation thereof, and

WHEREAS, The OST's aboriginal and/or Winters Doctrine water rights in the Cheyenne River includes water rights upstream to Converse County, Wyoming; that the Wyoming State Engineer has no authority to regulate the use of the OST's water rights in the river, or in the ground waters that feed the river, or 1851 Treaty fishing rights that depend on such water right, under 25 U.S.C. § 1332 (b), and

Trust status of OST water rights

WHEREAS, the OST's aboriginal waters rights, Winters Doctrine water rights and unextinguished 1851 Treaty fishing rights, are held in trust by the United States for the OST and other 1851 Treaty tribes and are vested property rights that are protected by the Fifth Amendment to the United States Constitution; See generally, Robert T. Anderson, *Indian Water Rights and the Federal Trust Responsibility*, 46 Nat. Resources J. 399 (2006) ("Indian reserved water rights are trust property with legal title held by the United States"); 55 Fed. Reg. 9223 (Mar. 12, 1990) ("Indian water rights are vested property rights for which the United States has a trust responsibility, with the United States holding legal title to such water in trust for the benefit of the Indians"), and

OST claim to burial sites, human remains, ownership of cultural resources, and access to Sacred Sites in Converse County Wyoming

WHEREAS, the OST has rights (along with other 1851 Treaty signatory Sioux tribes) to human remains and ownership rights to all Native American cultural resources excavated or discovered on:

1. Federal lands (recognized by a final judgment of the Indian Claims Commission or Court of Claims) in Converse County, Wyoming, under the Native American Graves Protection and Repatriation Act of November 16, 1990 (25 U.S.C. §§ 3001 et seq.) ("NAGPRA"); that the OST's ownership rights to the said cultural resources is supported by a final judgment of the Indian Claims Commission. See *Sioux Tribe v. United States*, 15 Ind. Cl. Comm. 577 (1965) (the 1851 treaty recognized title in the "Sioux or Dahcota Nation" to approximately 60 million acres of territory situated east of the Missouri River in what is now the states of North Dakota, South Dakota, Nebraska, Wyoming, and Montana) and *Sioux Nation v. United States*, 24 Ind. Cl. Comm. 147 (1970) (the "Sioux or Dahcota Nation" with which the United

States negotiated at Fort Laramie and in which title was recognized by the Treaty of September 17, 1851, included the Teton and Yankton divisions of Sioux); and

2. Private lands under the legal principles recognized in *Charrier v. Bell*, 496 So. 2(d) 601 (La. App. 1 Cir. 1986) cert. denied, 498 So. 2d 753 (La. 1986) (Tunica-Biloxi Tribe retained ownership of cultural items discovered on privately held lands) and *Black Hills Inst. of Geological Research v. South Dakota Sch. of Mines*, 12 F.3d 737, 742-744 (8th Cir. 1993) (Black Hills III) (Because the [dinosaur] fossil was trust property that was removed from the Indian trust land without the knowledge or consent of the United States, it remained the property of the United States and the attempted sale of the fossil was void and the Institute had no legal right, title, or interest in the fossil as severed from the land), cert. denied, 513 U.S. 810 (1994); that cultural items found on private lands in Converse County remain the trust property of the OST and other 1851 Treaty Sioux Tribes, and were not conveyed to the present non-Indian occupants under the Homestead Act or otherwise, and the United States and its agencies, i.e., BLM and F&WLS, continue to have a fiduciary duty to protect them to the same extent as they had a duty to protect the fossil in the *Black Hills Inst. Of Geological Research v. South Dakota School of Mines* case cited above, and

WHEREAS, the U.S. Department of Interior and its agencies, including the BLM and F&WLS are hereby put on notice that the OST claims (along with other 1851 Treaty signatory Sioux tribes) all Native American burial sites and human remains, and an ownership interest in all cultural items, associated funerary objects, unassociated funerary objects, sacred objects, cultural patrimony, including stone features, i.e., stone rings, stone effigies, stone alignments, and rock cairns located on federally held lands in Converse County under NAGPRA, and a right of access to sacred sites located on federally held lands within Converse County, under the American Indian Religious Freedom Act ("AIRFA"), 42 U.S.C. § 1996, and

WHEREAS, the U.S. Department of Interior and its agencies are further put on notice that the OST claims (along with other 1851 Treaty signatory Sioux tribes) all Native American burial sites and human remains, and an ownership interest in all cultural items, associated funerary objects, unassociated funerary objects, sacred objects, cultural patrimony, including stone features, i.e., stone rings, stone effigies, stone alignments, and rock cairns located on privately held lands in Converse County under the legal principles recognized in the *Charrier v. Bell* and *Black Hills Inst. of Geological Research v. South Dakota School of Mines* cases cited above, and that the OST regards such

items located on privately held lands to be its trust property for which the United States and its agencies have a fiduciary duty to protect, and

**Necessity for water quality to protect OST
off-reservation and on-reservation water and fishing rights**

WHEREAS, the Draft EIS indicates that five oil and gas developers, i.e., Anadarko Petroleum Company, Chesapeake Energy Corporation, Devon Energy, EOG Resources, Inc., and SM Energy, have proposed (under Preferred Alternative "B") to develop 5,000 oil wells on 1,500 new well pads, plus an additional 455 pads for production, for water source wells and for water disposal wells on 1.5 million acres in Converse County, all of which will directly and negatively impact the air quality, water quality, cultural resources, and tribal off-reservation and on-reservation water rights and fishing rights; that water quantity and quality (free from hydraulic fracking) is essential to maintain the Tribe's 1851 Treaty fishing rights in rivers and streams in the 1851 Treaty territory as well as fishing rights, irrigation rights, and other beneficial uses, in the Cheyenne River which originates in Converse County and abuts the Pine Ridge Indian Reservation downstream. See, e.g., *Hopi Tribe v. U.S.*, 782 F.3d 662, 669 (Fed. Cir. 2015) (In some circumstances, [the Winters Doctrine] may also give the United States the power to enjoin others from practices that reduce the quality of water feeding the reservation); Judith V. Royster, *Water Quality And The Winters Doctrine*, 107 *Water Resources Update* 50 (1997), <http://opensiuc.lib.siu.edu/cgi/viewcontent.cgi?article=1291&context=jcwre> (A tribe may receive the quantity of water called for under its Winters rights, but the quality of the water may make it unusable for the purposes for which it was intended . . . * * * If the water provided at the reservation border is so degraded that it cannot be used for irrigation, then the water right is essentially meaningless), and

**Rights to Government-to-Government and
NHPA Section 106 consultations under federal and tribal law**

WHEREAS, neither the BLM nor the F&WLS have engaged in government-to-government consultations with the Oglala Sioux Tribe on the Draft EIS in the manner required by federal and tribal law as follows:

1. Congress, through the 1992 amendments to the National Historic Preservation Act of 1966 ("NHPA"), passed Section 101 (d) (2) (A) that established *Tribal Historic Preservation Officers* (THPOs) on reservations to assume State Historic Preservation Officers (SHPOs) responsibilities within federally recognized reservation boundaries; and to provide THPOs authority to "regulate" Federal undertakings through consultation on any Section 106 activity *within their respective reservation boundaries on tribal lands.*

2. The main purpose of the 1992 amendments to NHPA was lobbied by the leadership of tribal governments to allow *Indian Tribes* to identify areas and places, cultural resources and sacred areas significant to the Indian Tribe's heritage and cultural identity with Congress; this process was the foundation to require government-to-government consultation with said Indian Tribes outside reservation boundaries.

3. Because of these lobbying efforts, Congress also amended the NHPA in 1992 creating a new section in the act (referenced in 36 CFR 800.2 (c) (ii) which stated in part that:

"Section 101 (d) (6) (B) of the act requires the agency official to consult with any Indian tribe . . . that attaches religious and cultural significance to historic properties that may be affected by an undertaking. This requirement applies regardless of the location of the historic property."

4. 36 CFR 800.2 (c) (ii) (C) of the NHPA created the government-to-government consultation requirement with Indian tribes as follows:

Consultation with an Indian tribe must recognize the government-to-government relationship between the Federal Government and Indian tribes. The agency official shall consult with representatives designated or identified by the tribal government Consultation with Indian tribes ...should be conducted in a manner sensitive to the concerns and needs of the Indian tribe. The Indian tribe has to designate or identify by resolution the official tribal governmental leader(s) to consult with Federal and non-federal agencies, individuals or private industry outside reservation boundaries when that respective tribal government attaches religious and cultural significance to historic properties to areas or resources significant to them.

5. On November 6, 2000, President Clinton issued Executive Order 13175, which required federal departments and agencies to consult with Indian tribal governments when considering policies that would impact tribal communities and reiterated the federal government's previously acknowledged commitment to tribal self-government and limited autonomy; that President Obama thereafter issued a Memorandum issued on November 5, 2009 to fully implement Executive Order 13175; and that Executive Order No. 13175 is applicable to the OST's request for the government-to-government consultations on the Draft EIS for the Converse County Oil and Gas Project.

6. In 2011, the Oglala Sioux Tribal Council passed Ordinance No. 11-10 which defined the procedures that federal agencies must comply with to constitute a NHPA Section 106 consultation or a government-to-government consultation with the OST; that Section 7.a. of Ordinance No. 11-10 provides that all consultations between the OST and federal agencies must "*occur through a formal meeting with the Oglala Sioux Tribal Council,*" and

WHEREAS, the Oglala Sioux Tribal Council has never been consulted with by BLM or F&WLS on the Draft EIS under NHPA Section 106, or under Executive Order No. 13175 as implemented by President Osama's November 5, 2009 memorandum, or under Oglala Sioux Tribal Council Ordinance No. 11-10, and

WHEREAS, the BLM and F&WLS are hereby put on notice that the meeting between the BLM and THPOs that was held at the BLM office at Casper, Wyoming on February 20-21, 2018, did not constitute a NHPA Section 106 consultation, an Executive Order 13175 government-to-government consultation or a OST Tribal Council Ordinance No. 11-10 consultation, between the BLM and the OST on the Draft EIS, and

WHEREAS, official consultations on the Draft EIS must still be held between BLM, the F&WLS and the Oglala Sioux Tribal Council to comply with NHPA Section 106 and Oglala Sioux Tribal Council Ordinance No. 11-10.

**Lack of NEPA Public Scoping Meetings on
Pine Ridge Indian Reservation on Draft EIS**

WHEREAS, neither BLM or F&WLS have held any NEPA scoping meetings on the Pine Ridge Indian Reservation and surrounding non-Indian communities that will be impacted by the Draft EIS for the Converse County Oil and Gas Project, as required by 43 CFR §§ 46.235 (a) and 46.235 (b), and

**Protection of tribal water right, fishing rights,
cultural resources and Sacred Sites under UNDRIP**

WHEREAS, the also OST also notes, and brings to BLM's attention, the following articles contained in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the General Assembly on Thursday, 13 September 2007, and supported by the December 6, 2010, declaration of President Obama:

Article 11: Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites

Article 12: Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains. 2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing . . . administrative measures that may affect them.

Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters . . . and other resources and to uphold their responsibilities to future generations in this regard.

Article 29: Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources.

Article 32: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources; now

THEREFORE BE IT RESOLVED, that the OST hereby petitions and requests BLM (through Mike Robinson, Planning and Environmental Coordinator/Project Manager of the Casper Field Office) and the F&WLS to enter into NHPA Section 106, Executive Order No. 13175 and Oglala Sioux Tribal Ordinance No. 11-10 consultations with the Oglala Sioux Tribal Council on the Draft EIS for the Converse County Oil and Gas Project for the aforesaid reasons, and for other reasons to be brought up and discussed and resolved during the consultations, and

BE IT FURTHER RESOLVED, the consultations with the BLM and F&WLS requested in this resolution (on the Draft EIS for the Converse County Oil and Gas Project) shall be held at Prairie Wind Casino/Hotel

Conference Room on the Pine Ridge Indian Reservation on April 17-18, 2018, and

BE IT FURTHER RESOLVED, that Mike Robinson is hereby directed (as trustee of the OST) to personally participate in the consultations, and to notify the appropriate officials of the F&WLS of the Tribe's request for them to participate in the consultations requested in this resolution, and

BE IT FURTHER RESOLVED, that because of concerns among tribal members about the adverse impacts caused, or will be caused, from natural gas flaring and hydraulic fracking from the Converse County, Wyoming Oil and Gas Project (which is located approximately 100 miles due west of the Pine Ridge Indian Reservation) on tribal water rights, fishing rights, NAGPRA rights, and on the health, economy and general welfare of the OST and its members, the Tribal President and all Council and Executive Committee members are requested to attend the consultations on the Draft EIS for the Project, and

BE IT FURTHER RESOLVED, that the Tribal President shall send a copy of this Resolution and a copy of Oglala Sioux Tribal Council Ordinance No. 11-10 to Mike Robinson by certified mail, return receipt request, and by fax, as required by Section 7. a. of Ordinance No. 11-10, and

BE IT FURTHER RESOLVED, that the Tribal President shall invite the following Tribes to attend the consultations: (a) Cheyenne River Sioux Tribe, (b) Crow Creek Sioux Tribe, (c) Flandreau Sioux Tribe, (d) Fort Peck Sioux Tribe, (e) Lower Brule Sioux Tribe, (f) Rosebud Sioux Tribe, (g) Santee Sioux Tribe, (h) Sisseton-Wahpeton Oyate, (i) Standing Rock Sioux Tribe, (j) Yankton Sioux Tribe, and (k) the Eastern Shoshone and Arapahoe Tribes of Wyoming, and

BE IT FURTHER RESOLVED, that the Tribal President shall request that the Standing Rock Sioux Tribe authorize cultural resources expert Tim Mentz to make a presentation on the Draft EIS for the Converse County Oil and Gas Project at the consultations meeting., and

BE IT FURTHER RESOLVED, that the Tribal President shall direct the OST THPO to attend the consultations and make a report on the status of the THPO's involvement on the Draft EIS for the Converse County Oil and Gas Project, and

BE IT FURTHER RESOLVED, that the Tribal President shall invite Mary Hopkins, the Wyoming State Historic Preservation Officer (SHPO), to attend the consultations and make a report on the status of the State's involvement in the Draft EIS for the Converse County Oil and Gas Project and to Lisa Lindemann, Wyoming State Engineer's Office, to report on the number of state ground water permits that have been issued for the Oil

and Gas Project, and to which oil and gas companies they were issued, and

BE IT FURTHER RESOLVED, that the Tribal Secretary and Fifth Member shall be responsible for:

1. Arranging for a meeting room at the Prairie Wind Casino for the consultations between the BLM, F&WLS, and the Tribal Council;
2. Establishing an agenda for the consultations;
3. Arranging for a moderator to chair the consultations;
4. Arranging for discounts at the Prairie Wind Casino Hotel for tribal representatives attending the consultations;
5. Arranging for refreshments for participants attending the consultations, and
6. Arranging for a Power Point/overhead projectors and a PA System for speakers for the consultations.

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

I, as the undersigned Secretary of the Executive Committee of the Oglala Sioux Tribe, do hereby certify that this Resolution was adopted by a vote of: 4 For; 0 Against; 0 Abstaining; 0 Not Voting during a REGULAR SESSION held on the 21ST day of MARCH, 2018.



DONNA M. SALOMON
Secretary
Oglala Sioux Tribe

A-T-T-E-S-T:



TROY S. WESTON
President
Oglala Sioux Tribe

