

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 REQUESTING THE NUCLEAR REGULATORY COMMISSION TO REQUIRE POWERTEC (USA) TO INCREASE THE AMOUNT OF FUNDS NEEDED TO COMPLETE AN ADEQUATE CULTURAL RESOURCES SURVEY OF THE DEWEY-BURDOCK IN SITU URANIUM MINING PROJECT IN THE SOUTHERN BLACK HILLS.

WHEREAS, the Oglala Sioux Tribe organized under Section 16 of the Indian Reorganization Act of 1934 on December 14, 1935 (25 U.S.C. § 5123) by adopting a federally approved Constitution and By-laws, and under Article III of the Tribal Constitution, the Tribal Council is the governing body of the Oglala Sioux Tribe, and

WHEREAS, under Article IV, Section 1(a), of the Tribal Constitution, the Tribal Council is vested with the power to negotiate with the United States on behalf of the Tribe and its members, and

WHEREAS, under Article IV, Section 1(w), of the Tribal Constitution, the Tribal Council is vested with the power to adopt laws protecting and promoting the health and general welfare of the Oglala Sioux Tribe and its members, and

WHEREAS, the Black Hills are within the aboriginal and treaty guaranteed homeland of the Oglala Sioux Tribe, and other Sioux tribes, and is also an acknowledged Sacred territory of the Sioux tribes, see Treaty of 1851, 11 Stat. 749 (Sept. 17, 1851), and the Treaty of 1868, 15 Stat. 635 (Apr. 29, 1868), and

WHEREAS, the Black Hills were confiscated by the United States in the Act of February 28, 1877 (19 Stat. 254) in violation of Article 12 of the 1868 Treaty, and provided in Article 8 that the Sioux tribes would be subject to the laws of the United States and "each individual Sioux Indian would be protected in his rights of property, person and life", and

WHEREAS, the Supreme Court interpreted the "subject to the laws of the United States," in the 1877 Act as being "subject to the laws of the United States, not in the sense of citizens, but, as they had always been, as wards subject to a guardian, which acknowledged a trust responsibility between the United States and the Oglala Sioux Tribe, see *Ex Parte Crow Dog*, 109 U.S. 556-568-69 (1883), and

RESOLUTION NO. 18-89

Page Two

WHEREAS, protection of the persons and lives of each tribal member includes a federal trust obligation to protect the ground waters in the southern Black Hills from contamination within the Cheyenne River water shed that includes all the ground waters in the Southern Black Hills, which ground waters will ultimately flow into the Cheyenne River including that part of the Cheyenne River that constitutes the river bed of the river that abuts and is located within the exterior boundaries of the Pine Ridge Reservation, and

WHEREAS, In Situ uranium mining in the southern Black Hills will contaminate the ground waters and Cheyenne River and will adversely affect the persons and lives of tribal members residing on the reservation and surrounding communities, and the United States and its agencies must fulfill its trust responsibility to the Oglala Sioux Tribe and prevent such contamination from happening, and

WHEREAS, in addition to protect the person and lives of individual tribal members of the Oglala Sioux Tribe, the Tribe also has many cultural resources in the southern Black Hills that are the property of the Tribe, and human remains of ancestors that must be protected in the area referred to as the "Dewey-Burdock" area under NEPA, NHPA, NAGPRA, ARPA, and other applicable federal laws including Article 8 of the 1877 Act, and

WHEREAS, the Nuclear Regulatory Commission (NRC) has approved an Economic Impact Statement (EIS) and has issued a Record of Decision (ROD) for the Dewey Burdock In Situ Uranium Mining Project for Powertec (USA) to engage in extensive In-Situ uranium mining in the Dewey-Burdock area of the southern Black Hills in South Dakota, but the cultural resources survey completed for the EIS is inadequate and must now be completed in consultation with the Oglala Sioux Tribe as required by federal law and regulations, and

WHEREAS, Powertec has approved a budget of \$10,000 (ten thousand dollars) to complete the cultural resources survey which is woefully inadequate to comply with federal laws and regulations, and tribal laws, and

WHEREAS, the Oglala Sioux Tribe Natural Resources Department and Tribal Historic Preservation Office has come up with a budget of \$2,178,665.69 (two million, one hundred seventy-eight thousand, six hundred sixty-five dollars and sixty-nine cents) to adequately complete the cultural sources survey on the Dewey-Burdock 10,500-plus acres involved in Powertec In Situ uranium mining project; now

RESOLUTION NO. 18-89

Page Three

THEREFORE BE IT RESOLVED, that the Oglala Sioux Tribal Council of the Oglala Sioux Tribe does hereby requests the Nuclear Regulatory Commission to require Powertec (USA) to provide the \$2,178,665.69, determined by the Oglala Sioux Tribal Natural Resources Department and Historic Preservation Office, to adequately complete the cultural resources survey for the Dewey-Burdock 10,500-plus acres for the cultural resources survey and that such a survey be completed prior to any further activity in the affected area, and

BE IT FURTHER RESOLVED, that the Oglala Sioux Tribal Council adopts this Resolution to ensure full compliance will all applicable laws and does so without waiving its opposition to any uranium mining that is not conducted in full compliance will all applicable laws and treaties, including the Fort Laramie Treaties of 1851 and 1868, and

BE IT FURTHER RESOLVED, that the Oglala Sioux Tribe is opposed to any uranium mining and without waiving its opposition requests compliance with all laws including this.

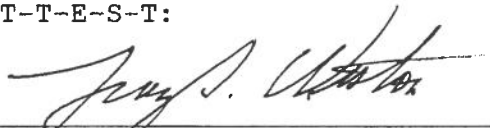
C-E-R-T-I-F-I-C-A-T-I-O-N

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: 14 For; 0 Against; 0 Abstain; and 0 Not Voting; during a REGULAR SESSION held on the 27TH day of JUNE, 2018.



DONNA M. SALOMON
Secretary
Oglala Sioux Tribe

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



TROY S. WESTON
President
Oglala Sioux Tribe

Dewey-Burdock 10,500 acres tribal cultural survey				
Activity	# Units	Unit	Cost	Totals
Record Search with SD State Historical Society	1	Each	\$130.00	\$130.00
Fieldwork Authorization	0	Hours	\$50.00	\$0.00
Record Search Time & Mapping	1	Days	\$400.00	\$400.00
Field Work Preparation	5	days	\$400.00	\$2,000.00
Field Inventory 10 meter intervals	400	Days	\$500.00	\$200,000.00
Site Recording & Evaluation Estimated 200 sites	200	Days	\$500.00	\$100,000.00
Field Mileage	20000	Miles	\$0.535	\$10,700.00
Lodging & Per Diem	400	Nights	\$195.00	\$78,000.00
Report preparation	200	Days	\$400.00	\$80,000.00
Tribal Elder + Support personnel Costs, Fees/Gifts			\$0.00	\$500,000.00
Oral History Research & Interviews	365	Days	\$400.00	\$146,000.00
Oral History Report Preparation	180	Days	\$400.00	\$72,000.00
Oral History Mileage	18000	Miles	\$0.535	\$9,630.00
Oral History Per Diem	90	Nights	\$195.00	\$17,550.00
Materials and Supplies, Equipment			\$0.00	\$100,000.00
Project Management	365	Days	\$500.00	\$182,500.00
Sub Total				\$1,498,910.00
Indirect Costs/Tribal Overhead	45.35			\$679,755.69
Total				\$2,178,665.69