

RESOLUTUION NO. 044-15

WHEREAS, the Standing Rock Sioux Tribe is an unincorporated Tribe of Indians, having accepted the Indian Reorganization Act of June 18, 1934, with the exception of Section 16; and the recognized governing body of the Tribe is known as the Standing Rock Sioux Tribal Council; and

WHEREAS, the Standing Rock Sioux Tribal Council, pursuant to the amended Constitution of the Standing Rock Sioux Tribe, Article IV, Section 1[a], 1[c], and 1[j], is empowered to negotiate with Federal, State and local governments and others on behalf of the Tribe, to promote and protect the health education and general welfare of the members of the Tribe, to manage, protect and preserve the property of the Tribe and the wildlife and natural resources of the Standing Rock Reservation; and

WHEREAS, three million gallons of brine spill has occurred on the Blacktail Creek, which runs into the Little Muddy River, which runs into the Missouri River, and thereby affecting the drinking water and the federal reserved water rights of the Standing Rock Sioux Tribe; and

WHEREAS, a one million gallons spill of brine has occurred on Lake Sakakawea at Mandaree, which runs into the Missouri River, thereby contaminating the drinking water source and affecting the federal reserved water rights of the Standing Rock Sioux Tribe; and

WHEREAS, a 60,000 gallon oil spill has occurred at Glendive...which runs into the Missouri River, thereby contaminating the drinking water and affecting the federal reserved water rights of the Standing Rock Sioux Tribe; and

WHEREAS, the U.S. Army Corps of Engineers does not have an Environmental Impact Statement for the over 300 pipelines already laid and illegally utilizes the 404 Permit for oil and gas projects when 404 is for municipal water use; and

WHEREAS, the 1851 and 1868 Fort Laramie Treaties are binding agreements between the United States and the Lakota Nation and as such, principles with regard to compliance with the terms of the treaty apply, including Article II, Proviso six (15 Stat. 635), which requires and Assessment of the oil development and damages for trespass occurring on the Missouri River; the National Environmental Protection Act and appropriate tribal laws, which are being ignored by the U.S. Army Corps of Engineers; and

WHEREAS, the U.S. Army Corps of Engineers does not possess the right to unilaterally breach material provisions of legislation (Permit 404) without the prior, free and fully informed consent of the members of the Standing Rock Sioux Tribe; and

WHEREAS, the U.S. Army Corps of Engineers cannot use the 404 Permit or policies to unilaterally apply, interpret or abrogate provisions of 15 Stat.635; and

WHEREAS, the U.S. Army Corps of Engineers has, and continues to materially breach the essential provisions of Article 11, Proviso 6, for Assessment and Damages on the oil spills occurring on the Missouri River and the U.S. Army Corps of Engineers does not intend to abide by essential and jurisdictional provisions of the treaties; and

WHEREAS, the Oil Spills and contamination and illegal use of the 404 Permit for administration of oil and gas development and use of the federal reserved right to water without the express consultation of the Standing Rock Sioux Tribe, and ignoring the assessment and damages requirements, is a breach and violation of the 1868 Treaty and constitutes a wrongful act.

NOW THEREFORE BE IT RESOLVED, that restitution is due to the Standing Rock Sioux Tribe for wrongful acts of the U.S. Army Corps of Engineers which remedial standards can only be measured by the Standing Rock Sioux Tribe; and

BE IT FURTHER RESOLVED, that reparations to the Standing Rock Sioux Tribe must be made for these wrongful acts of contamination and oil and brine spills into the waters of the Missouri River and the unilateral development by the Western Area Power Administration, the U.S. Army Corps of Engineers, and other federal agencies; and

BE IT FURTHER RESOLVED, that the 1868 Treaty (15 Stat.635) has been breached and the Standing Rock Sioux Tribe, hereby demands financial compensation for damages for U. S. wrongful acts committed; and liquidated damages for trespass within 180 days calculated at a rate of \$5 million per day.

BE IT FURTHER RESOLVED, that the Chairman and Secretary of the Tribal Council is hereby authorized and instructed to sign this resolution for and on behalf of the Standing Rock Sioux Tribe.

CERTIFICATION

We, the undersigned, Chairman and Secretary of the Standing Rock Sioux Tribe, hereby certify that the Tribal Council is composed of 17 members, of whom 11 constituting a quorum, were present at a meeting duly and regularly called, noticed, convened and held on the 13th day of **FEBRUARY, 2015**, and that the foregoing resolution was duly adopted by the affirmative vote of 10 members, with 0 opposing, and with 1 not voting. **THE CHAIRMAN'S VOTE IS NOT REQUIRED EXCEPT IN CASE OF A TIE.**

DATED THIS 13th DAY OF FEBRUARY, 2015.

ATTEST:


Dave Archambault II, Chairman
Standing Rock Sioux Tribe


Adele M. White, Secretary
Standing Rock Sioux Tribe

[OFFICIAL TRIBAL SEAL]

Meeting Date: 02-13-2015
Motion No. 11

SPECIAL TRIBAL COUNCIL MEETING
INTER-OFFICE FOLLOW-UP

MEETING DATE: February 13, 2015

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MOTION #11 IS CONTINUED.

ROLL CALL VOTE: ARCHAMBAULT, II, DAVE – NOT VOTING

BROWN OTTER, Milton	EX.	ARCHAMBAULT, Paul	YES
CLAYMORE, Duane	YES	BROWN OTTER, Ron	YES
DUNN, Joe	YES	LITTLE EAGLE, Avis	YES
HARRISON, “Ben” Samuel	EX.	MCLAUGHLIN, Jesse	YES
TAKEN ALIVE, Robert	YES	TAKEN ALIVE, Jesse	YES
TWO BEARS, Cody	EX.	WHITE, Adele	YES
WHITE BULL, Frank	YES	WHITE, Sr., Randal	EX.
WHITE MOUNTAIN, Jr., Joseph	EX.	YOUNG, Phyllis	YES

VOTE: YES – 10 NO – 0 NOT VOTING – 1

MOTION CARRIED 5 – EXCUSED

#12. MOTION WAS MADE BY PHYLLIS YOUNG, SECONDED BY JESSE TAKEN ALIVE, TO APPROVE: **NOW THEREFORE BE IT RESOLVED**, THAT RESTITUTION IS DUE TO THE STANDING ROCK SIOUX TRIBE FOR WRONGFUL ACTS OF THE U.S. ARMY CORPS OF ENGINEERS WHICH REMEDIAL STANDARDS CAN ONLY BE MEASURED BY THE STANDING ROCK SIOUX TRIBE; AND; **BE IT FURTHER RESOLVED**, THAT REPARATIONS TO THE STANDING ROCK SIOUX TRIBE MUST BE MADE FOR THESE WRONGFUL ACTS OF CONTAMINATION AND OIL AND BRINE SPILLS INTO THE WATERS OF THE MISSOURI RIVER AND THAT UNILATERAL DEVELOPMENT BY THE WESTERN AREA POWER ADMINISTRATION, THE U.S. ARMY CORPS OF ENGINEERS, AND OTHER FEDERAL AGENCIES; AND; **BE IT FURTHER RESOLVED**, THAT THE 1868 TREATY [15 STAT. 635] HAS BEEN BREACHED AND THE STANDING ROCK SIOUX TRIBE, HEREBY DEMANDS FINANCIAL COMPENSATION FOR DAMAGES FOR U.S. WRONGFUL ACTS COMMITTED; AND LIQUIDATED DAMAGES FOR TRESPASS WITHIN 180 DAYS CALCULATED AT A RATE OF \$5 MILLION PER DAY, **BY RESOLUTION**.

ROLL CALL VOTE: ARCHAMBAULT, II, DAVE – NOT VOTING

BROWN OTTER, Milton	EX.	ARCHAMBAULT, Paul	YES
CLAYMORE, Duane	YES	BROWN OTTER, Ron	YES
DUNN, Joe	YES	LITTLE EAGLE, Avis	YES
HARRISON, “Ben” Samuel	EX.	MCLAUGHLIN, Jesse	YES
TAKEN ALIVE, Robert	YES	TAKEN ALIVE, Jesse	YES
TWO BEARS, Cody	EX.	WHITE, Adele	YES
WHITE BULL, Frank	YES	WHITE, Sr., Randal	EX.

SPECIAL TRIBAL COUNCIL MEETING
INTER-OFFICE FOLLOW-UP

MEETING DATE: February 13, 2015

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MOTION #9 IS CONTINUED.

ROLL CALL VOTE: ARCHAMBAULT, II, DAVE – NOT VOTING

BROWN OTTER, Milton	EX	ARCHAMBAULT, Paul	YES
CLAYMORE, Duane	YES	BROWN OTTER, Ron	YES
DUNN, Joe	YES	LITTLE EAGLE, Avis	YES
HARRISON, “Ben” Samuel	EX.	MCLAUGHLIN, Jesse	YES
TAKEN ALIVE, Robert	YES	TAKEN ALIVE, Jesse	YES
TWO BEARS, Cody	EX.	WHITE, Adele	YES
WHITE BULL, Frank	YES	WHITE, Sr., Randal	EX.
WHITE MOUNTAIN, Jr., Joseph	YES	YOUNG, Phyllis	YES

VOTE: YES – 11 NO – 0 NOT VOTING – 1

MOTION CARRIED 4 – EXCUSED

#10. MOTION WAS MADE BY JESSE TAKEN ALIVE, SECONDED BY ROBERT TAKEN ALIVE, TO APPROVE TO AUTHORIZE THE CHAIRMAN AND FINANCE OFFICER TO WORK WITH NUTRITION FOR THE ELDERLY AND TRIBAL ROADS DEPARTMENT TO KEEP THEM OPEN FOR ONE [1] MONTH.

ROLL CALL VOTE: ARCHAMBAULT, II, DAVE – NOT VOTING

BROWN OTTER, Milton	EX.	ARCHAMBAULT, Paul	YES
CLAYMORE, Duane	YES	BROWN OTTER, Ron	YES
DUNN, Joe	YES	LITTLE EAGLE, Avis	YES
HARRISON, “Ben” Samuel	EX.	MCLAUGHLIN, Jesse	YES
TAKEN ALIVE, Robert	YES	TAKEN ALIVE, Jesse	YES
TWO BEARS, Cody	EX.	WHITE, Adele	YES
WHITE BULL, Frank	YES	WHITE, Sr., Randal	EX.
WHITE MOUNTAIN, Jr., Joseph	N.V.	YOUNG, Phyllis	YES

VOTE: YES – 10 NO – 0 NOT VOTING – 2

MOTION CARRIED 4 – EXCUSED

#11. MOTION WAS MADE BY PHYLLIS YOUNG, SECONDED BY JESSE TAKEN ALIVE, TO APPROVE TO REAFFIRM RESOLUTION NO. 502-07: NOW THEREFORE BE IT RESOLVED, THAT THE STANDING ROCK SIOUX TRIBE REQUESTS THAT NO OIL PIPELINE BE CONSTRUCTED WITHIN THE BOUNDARIES OF THE ABORIGINAL HOMELANDS OF THE GREAT SIOUX NATION, **BY RESOLUTION.**

AMEND: TO INCLUDE DAKOTA ACCESS.