

RESOLUTION NO. 202-16

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[b], 1[c], 1[n], and 1[j], is empowered to negotiate with Federal, State and local governments and others on behalf of the Tribe, and is further empowered to promote and protect the health, education and general welfare of the members of the Tribe and to administer such services that may contribute to the social and economic advancement of the Tribe and its members, and is further empowered to authorize and direct subordinate boards, committee or Tribal Officials to administer the affairs of the Tribe and to carry out the objectives of the Tribal Council and is empowered to manage, protect and preserve the property of the Tribe and natural resources, including the waters, of the Standing Rock Reservation homeland; and

WHEREAS, the Standing Rock Sioux Tribe is a signatory to the Treaty of Fort Laramie of 1851 [11 Stat. 749], and Fort Laramie Treaty of 1868 [15 Stat. 635], which provides for the "undisturbed use and occupation" and a permanent homeland for the members of the Ojéti Sakowin Oyate, including the Hunkpapa, Ihunktowan, Cuthead and Blackfoot Bands of the Great Sioux Nation; and

WHEREAS, the Dakota Access Pipeline, LLC, [DAPL] proposes to construct a 1,100 mile pipeline with a capacity of 570,000 barrels of crude oil per day, to cross the Missouri River immediately above the mouth of the Cannonball River on the Standing Rock Reservation homelands, a flagrant violation of trespass on the properties of the individual members and the Standing Rock Sioux Tribe; and

WHEREAS, the Standing Rock Sioux Tribe established its Cultural Resource Code, Title XXXII to protect and preserve areas significant to the Standing Rock Sioux Tribe and other Tribal Nations within Aboriginal Homelands; and

WHEREAS, Section 106 of the National Historic Preservation Act of 1966 requires consultation with Tribes affected by an undertaking that has potential to significantly impact natural and cultural resources; and

WHEREAS, the listed areas lay within the Aboriginal Homelands of the bands of the Standing Rock Sioux Tribe; and there is high potential for the existence of cultural resources significant to the Standing Rock Sioux Tribe in this area; and Section 101[d][6][b] of NHPA provides individuals and Tribes the opportunity to place religious and cultural significance to areas within the Aboriginal Homelands; and

WHEREAS, Executive Order 13007 specifically enjoins Federal Agencies to accommodate access and ceremonial use of Indian sacred sites and to avoid adversely affecting the physical of sacred sites; and

WHEREAS, Dakota Access Pipeline, LLC, Environmental Assessment [EA] has not addressed the existence and protection of cultural resources and their significance to the Standing Rock Sioux Tribe in accordance with the Tribal Cultural Resource Code, Title XXXII[32]: Chapter 5 [Consultation]; Chapter 7 [Survey Policy]; Chapter 8 [Survey Requirements]; and Chapter 9 [Permit to Survey]; and

WHEREAS, there have been no Tribal identification efforts along the route, right of ways, or river crossings for the DAPL nor does the EA address the resolution of any impacts that may adversely affect historic properties of cultural and religious significance to the Standing Rock Sioux Tribe; and

WHEREAS, the Dakota Access Pipeline, LLC, has proceeded with surveys and construction of the pipeline without ACOE having completed the statutory requirements for Consultation under the NHPA with the Standing Rock Sioux Tribe; and

WHEREAS, the Army Corps of Engineers, as the lead Federal Agency for this undertaking did not fulfill the statutory requirements for Consultation under 36 CFR 800 of the National Historic Preservation Act with the Standing Rock Sioux Tribe for this project;

NOW THEREFORE BE IT RESOLVED, that the Standing Rock Sioux Tribe hereby denies any construction of any part of the Dakota Access Pipeline within the Aboriginal homelands of the bands of the Oceti Sakowin of the bed of the Missouri River, which is the property of the Standing Rock Sioux Tribe; and

BE IT FURTHER RESOLVED, that the Standing Rock Sioux Tribe invoke Title XXXII, Chapter 19 [Violations and Fees], which include: 32-1801[a] the excavation, removal, damage, alteration or defacement of archeological and [or] cultural resources [without a permit]: Fees: individual-up to \$100,000.00; Company-up to \$5 million and expulsion from Tribal land; 32-1003. General Permit Violations: Fees: individual-up to \$100,000.00; Company-up to \$5 million and expulsion from Tribal land [first offense]; [second offense]: individual-up to \$5 million; Company-up to \$50 million and expulsion from Tribal land and 32-1102 [1] Illegal Construction: up to \$500 million and expulsion from Tribal land; and


BE IT FURTHER RESOLVED, pursuant to 36 CFR 800.3[f][3], the Standing Rock Sioux Tribe and the Standing Rock Historic Preservation Office requests to be consulting parties to any and all actions pertaining to the Dakota Access Pipeline Draft EA and all actions pertaining to Section 106 of NHPA and the Dakota Access EIS; and

BE IT FURTHER RESOLVED, that the Chairman and Secretary of the Tribal Council are 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 17 constituting a quorum, were present at a meeting duly and regularly called, noticed, convened and held on the 3rd day of MAY, 2016, and that the foregoing resolution was duly adopted by the affirmative vote of 15 members, with 0 opposing, and with 2 not voting. THE CHAIRMAN'S VOTE IS NOT REQUIRED EXCEPT IN CASE OF A TIE.

DATED THIS 3rd DAY OF MAY, 2016.


Dave Archambault II, Chairman
Standing Rock Sioux Tribe

ATTEST:


Adele M. White, Secretary
Standing Rock Sioux Tribe

[OFFICIAL TRIBAL SEAL]

MEETING DATE: 05/03/2016
MOTION NO. 28

REGULAR TRIBAL COUNCIL MEETING
INTER-OFFICE FOLLOW-UP

MEETING DATE: May 3, 2016

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MOTION #25 IS CONTINUED.

FOR THE PROTECTION OF THE ENVIRONMENT [AND REGULATIONS ARISING UNDER SUCH LAW] BUT NOT LIMITED TO [13] LAWS AS NEGOTIATED WITH THE UNITED STATES JUSTICE DEPARTMENT IN STANDING ROCK SIOUX TRIBE VS. SALAZAR, SECRETARY OF INTERIOR, APRIL 4, 1012, **BY RESOLUTION.**

AMEND: WITH CORRECTIONS, "2012".

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

CLAYMORE, Duane	YES	ARCHAMBAULT, Paul	YES
DUNN, "Joe" James	YES	FAITH, JR., Mike	YES
HARRISON, "Ben" Samuel	YES	HARRISON, Chad	YES
TAKEN ALIVE, Robert	YES	MCLAUGHLIN, Jesse	N.V.
THOMPSON, Caroline	YES	MCLAUGHLIN, Kory	YES
TWO BEARS, Cody	YES	WALKER, Charles	YES
WHITE BULL, Frank	YES	WHITE, Adele	YES
WHITE MOUNTAIN, Jr., Joseph	YES	YELLOW FAT, Dana	YES

VOTE: YES – 15 NO – 0 NOT VOTING – 2

MOTION CARRIED

#26. MOTION WAS MADE BY DUANE CLAYMORE, SECONDED BY DANA YELLOW FAT, TO APPROVE THAT STANDING ROCK SIOUX TRIBE HEREBY DENIES ANY CONSTRUCTION OF ANY PART OF THE **DAKOTA ACCESS PIPELINE** WITHIN THE ABORIGINAL HOMELANDS OF THE BANDS OF THE OCETI SAKOWIN OR THE BED OF THE MISSOURI RIVER, WHICH IS THE PROPERTY OF THE STANDING ROCK SIOUX TRIBE, **BY RESOLUTION.**

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

CLAYMORE, Duane	YES	ARCHAMBAULT, Paul	YES
DUNN, "Joe" James	YES	FAITH, JR., Mike	YES
HARRISON, "Ben" Samuel	YES	HARRISON, Chad	YES
TAKEN ALIVE, Robert	YES	MCLAUGHLIN, Jesse	N.V.
THOMPSON, Caroline	YES	MCLAUGHLIN, Kory	YES
TWO BEARS, Cody	YES	WALKER, Charles	YES
WHITE BULL, Frank	YES	WHITE, Adele	YES
WHITE MOUNTAIN, Jr., Joseph	YES	YELLOW FAT, Dana	YES

REGULAR TRIBAL COUNCIL MEETING
INTER-OFFICE FOLLOW-UP

MEETING DATE: May 3, 2016

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MOTION #26 IS CONTINUED.

VOTE: YES – 15 NO – 0 NOT VOTING – 2

MOTION CARRIED

ECONOMICS COMMITTEE – Frank White Bull reporting.
April 25, 2016

#27. MOTION WAS MADE BY DUANE CLAYMORE, SECONDED BY SAMUEL “BEN” HARRISON, TO APPROVE FOR POSTING FOR PUBLIC COMMENT THE TRANSPORTATION IMPROVEMENT PLAN [TIP], WITH THE ADDITION OF THE PS&E’S FOR LONG SOLDIER DISTRICT HOUSING PROJECT, WITH ADDITION OF RESURFING THE ROAD OVER THE BOX CULVERT ON HALF WAY CREEK ON BIA ROUTE 6.

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

CLAYMORE, Duane	YES	ARCHAMBAULT, Paul	YES
DUNN, “Joe” James	YES	FAITH, JR., Mike	YES
HARRISON, “Ben” Samuel	YES	HARRISON, Chad	YES
TAKEN ALIVE, Robert	YES	MCLAUGHLIN, Jesse	N.V.
THOMPSON, Caroline	YES	MCLAUGHLIN, Kory	YES
TWO BEARS, Cody	YES	WALKER, Charles	YES
WHITE BULL, Frank	YES	WHITE, Adele	YES
WHITE MOUNTAIN, Jr., Joseph	YES	YELLOW FAT, Dana	N.V.

VOTE: YES – 14 NO – 0 NOT VOTING – 3

MOTION CARRIED

#28. MOTION WAS MADE BY JAMES “JOE” DUNN, SECONDED BY SAMUEL “BEN” HARRISON, TO APPROVE TO PROCEED WITH THE GRANT APPLICATION PROCESS FOR NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION [NHTSA] DWI COURT GRANT AND HIGHWAY SAFETY FUNDS THROUGH NDDOT AND SDDPS, TRIBAL TRANSPORTATION PROGRAM SAFETY FUNDS [TTPSF], AND THE INDIAN HIGHWAY SAFETY PROGRAM [IHSP] LAW ENFORCEMENT [LE] GRANT.

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

CLAYMORE, Duane	YES	ARCHAMBAULT, Paul	YES
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