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Business & Claims Committee:

Robert Flying Hawk, CHAIRMAN
Jason Cooke, VICE CHAIRMAN
Kenneth Cook, TREASURER
Glenford "Sam" Sully, SECRETARY



B&CC Members:

Greg Cournoyer Jr.
Darrell Drapeau
Robert Kazena
Perry Little
Greg Zephier

**YANKTON SIOUX TRIBE
BUSINESS AND CLAIMS COMMITTEE
RESOLUTION NO. 2018-27
**** AMENDED ******

**OPPOSING EXTRACTION INDUSTRY ACTIVITIES ON THE
RESERVATION, TREATY TERRITORY, ABORIGINAL TITLE LANDS,
AND ANCESTRAL TERRITORY.**

- WHEREAS: the Yankton Sioux Tribe ("Tribe") is an unincorporated Tribe of Indians operating under an amended Constitution and By-Laws approved on April 24, 1963, June 16, 1975, and March 23, 1990; and
- WHEREAS: the Tribe's Business and Claims Committee is the elected body constituted for the purpose of considering the business of and serving the best interest of the Tribe and its membership; and
- WHEREAS: pursuant to Article IV, section 1 of the Amended By-Laws of the Business and Claims Committee, the Committee has the authority to "investigate and transact all Tribal business of a routine nature and Indian legislation including Industry . . . and shall also act in the capacity of a liaison delegation between the Tribe and Federal, State and local governments, and such other agencies or parties that may offer opportunities for the Tribe[;]" and
- WHEREAS: Native Americans have historically been subjected to environmental injustice through a high density of extraction industry activities on tribal lands and lands in which tribes retain interests; and
- WHEREAS: All extraction industry activities, including but not limited to pipeline construction and mining activities, pose threats to the Tribe's cultural, spiritual, and physical existence; and
- WHEREAS: In 1851, the Tribe and other member bands of the *Oceti Sakowin* entered into the *Treaty of Fort Laramie* with the United States, in part reserving to the tribes vast areas of land in South Dakota, North Dakota, Nebraska, and Wyoming; and

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WHEREAS: The Tribe's interest in the 1851 Treaty territory necessarily included usufructuary rights in those lands; and

WHEREAS: In 1858, the Tribe and the United States entered into the *1858 Treaty with the Yankton Sioux*; and

WHEREAS: Because they were never abrogated by Congress, the Tribe's usufructuary rights in the 1851 Treaty territory remained intact following the 1858 Treaty and continue to exist today; and

WHEREAS: In 1970, the Indian Claims Commission determined that the Tribe held aboriginal title to significant lands in present-day southeast South Dakota; and

WHEREAS: It is vital to the future of our People that our land interests, cultural resources, spiritual resources, ability to hunt, fish, and gather, and tribal sovereignty be preserved and protected; and

WHEREAS: The extraction industry poses a dire threat to these interests and our future; and

WHEREAS: The tribal "consultation" process with federal agencies is defective and has proven ineffective to protect the Tribe's interests; and

WHEREAS: It is therefore necessary for the health, welfare, and future of the Tribe that the Tribe oppose the extraction industry from desecrating or otherwise harming our Reservation, treaty territory, aboriginal title lands, and ancestral territory.


NOW, THEREFORE, BE IT RESOLVED, that the Business and Claims Committee, pursuant to its authority under Article IV, Section 1 of the Amended By-Laws of the Business and Claims Committee, hereby asserts the Tribe's opposition to all extraction industry activities, including but not limited to the pipeline construction and mining activities, on the Tribe's Reservation, Treaty territory, Aboriginal Title lands, and ancestral territory.


NOW, THEREFORE, BE IT FINALLY RESOLVED, that the Business and Claims Committee hereby authorizes and approves its Chairman, or in his absence, the Vice-Chair, to execute any and all documents as may be necessary and appropriate to carry out the terms, conditions, and intent of this Resolution.

CERTIFICATION

THIS IS TO AFFIRM AND CERTIFY that the above and foregoing resolution was duly considered and passed by the Yankton Sioux Tribe's Business and Claims Committee on the 26 day of March, 2018, at a meeting held at the Tribal Headquarters, Wagner, South Dakota, on the Yankton Sioux Reservation, by a vote of 5 in favor; 0 opposed, 1 abstaining, 3 absent. **MOTION CARRIED.**

ATTEST


Robert Flyinghawk, Chairman
Yankton Sioux Tribe
Business and Claims Committee


Glenford "Sam" Sully, Secretary
Yankton Sioux Tribe
Business and Claims Committee