

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 TO COLLECTIVELY AND RESPECTFULLY REQUEST IMMEDIATE APPROVAL OF THE U.S. FOREST SERVICE'S PROPOSED MINERAL WITHDRAWAL SURROUNDING THE PACTOLA RESERVOIR IN THE BLACK HILLS OF SOUTH DAKOTA, EXTENDING THIS WITHDRAWAL TO ENCOMPASS THE REMAINING 90% OF THE RAPID CREEK WATERSHED AREA AND THE ENTIRETY OF THE BLACK HILLS NATIONAL FOREST.

WHEREAS, the Oglala Sioux Tribe is a sovereign tribal nation that has entered into treaties as the "supreme law of the land" with the United States government pursuant to the U.S. Constitution Article VI, and is a signatory to the Treaty of Fort Laramie of 1851, 1 Stat. 749 (Sept.17, 1851), and the Treaty of Fort Laramie of 1868, 15 Stat. 635 (Apr. 29, 1868) and continues the nation to nation relationship with the federal government, and

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

WHEREAS, Article IV, Section 1(f) of the Tribal Constitution empowers the Tribal Council to manage all economic affairs and enterprises of the Oglala Sioux Tribe, and Article IV, Section (w) authorizes the Tribal Council to adopt laws protecting and promoting the health and general welfare of the Oglala Sioux Tribe and its membership, and

WHEREAS, the Oglala Sioux Tribe, are successors to the Great Sioux Nation, entered into the Fort Laramie Treaty of 1851 (11 Stat. 749) and the Fort Laramie Treaty of 1868 (15 Stat. 635) with the United States, and

WHEREAS, the Sioux Nation's treaties, including the 1851 Treaty of Ft. Laramie and the 1868 Treaty of Fort Laramie, remain valid, living, and binding agreements, and

WHEREAS, Article VI of the United States Constitution declares treaties as "the Supreme Law of the Land," and

WHEREAS, both the 1851 Treaty and the 1868 Treaty with the US reserve for the Sioux Nation's "absolute and undisturbed use and occupation" large portions of land in what is considered western "South Dakota," including the sacred He Sapa also known as Black Hills, and

WHEREAS, The United States Forest Service (USFS) has filed an application with the Bureau of Land Management (BLM) requesting that the Secretary of the Interior withdraw 20,574 acres of National Forest System (NFS) lands in Pennington County, South Dakota, from settlement, sale, location, or entry under the public land laws; location and entry under the United States mining laws; and leasing under the mineral and geothermal leasing laws for 20 years, subject to valid existing rights, to protect the cultural and natural resources of the Pactola Reservoir-Rapid Creek Watershed, including municipal water for Rapid City and Ellsworth Air Force Base, from the adverse impacts of minerals exploration and development, and

WHEREAS, the actual area of the Rapid Creek Watershed, meaning not only the Pactola Reservoir but also the acres of tributary creeks, drainages, and streams that feed into and recharge it, constitutes an area of approximately 198,000 acres in total, which makes the scope of the current proposal inadequate to serve its stated purpose of protecting these critical water sources, and

WHEREAS, one of our most sacred sites, Pe' Sla, is located less than 10 miles from the proposed protected watershed, and allowing mining activities poses a continuous threat to our cultural, religious, medicinal, and ceremonial practices, and

WHEREAS, historical records indicate that mining activities in our sacred He Sapa ("Black Hills") have already destroyed wildlife habitats and contaminated vital water source, and

WHEREAS, a "mineral withdrawal" is a preventative action that can be done by the Secretary of the Interior which removes a specified area of Federal land from any future rights to mining, exploratory drilling, and mineral development for the purpose of maintaining other values on that tract of land or reserving it for a particular purpose, and

WHEREAS, approval of the Mineral Withdrawal is essential to uphold unbroken treaty rights, engaging in a meaningful nation-to-nation relationship, and preventing the extraction and exploitation of our un-abrogated treaty lands, and

WHEREAS, approval of the Mineral Withdrawal also safeguards crucial Lakota cultural and sacred sites in the affected area, preserving the free exercise of our religion in the He Sapa, the site of our most sacred ceremonies and practices, and

WHEREAS, the immediacy of the potential harm to the water, air, and land in He Sapa requires that this Mineral Withdrawal undergo only the Environmental Assessment (EA) review process, with a strong encouragement for an immediate Finding of No Significant Impact (FONSI) once the EA is complete; and the failure to act now will result in irreparable harm to the land, water, and way of life on which we all depend, and

WHEREAS, the Oglala Sioux Tribe, as a successor tribe to the treaties, demands that the United States honor and uphold its treaty obligations to the Sioux Nation with respect to the Black Hills and protection of its water resources; now

THEREFORE BE IT RESOLVED, that the Oglala Sioux Tribe collectively and respectfully request immediate approval of the U.S. Forest Service's proposed Mineral Withdrawal surrounding the Pactola Reservoir in the Black Hills of South Dakota, extending this withdrawal to encompass the remaining 90% of the Rapid Creek Watershed area and the entirety of the Black Hills National Forest, and


BE IT FURTHER RESOLVED, that the Tribal President, or in his absence, the Vice President, are hereby authorized to sign documents necessary to execute the resolution hereby approved.

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: 12 For; 0 Against; 0 Abstain; 2 Not Voting; during a REGULAR SESSION held on the 31ST day of JANUARY, 2024.


STACY L. TWO LANCE
Secretary
Oglala Sioux Tribe

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


FRANK D. STAR COMES OUT
President
Oglala Sioux Tribe

RECEIVED

FEB 05 2024

BUREAU OF INDIAN AFFAIRS
OFFICE OF THE SUPERINTENDENT