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First name: Colten

Last name: Archambeau

Organization: Yankton Sioux Tribe

Title: Tribal Historic Preservation Officer

Comments: See attached letter and resolution.

Attached: "Jenny Gulch THPO Comments 81822"

8/18/22

Mystic Ranger District 8221 Mt. Rushmore Rd Rapid City, SD 57702 Re: 3 Gold/Jenny Gulch Exploration Dear Sir or Madam, We have reviewed the documentation for the referenced project(s). Based on the information provided, we would like to notify you that the Yankton Sioux Tribe Tribal Historic Preservation Office does not agree with this project. HeSapa (Black Hills) is sacred to the tribes and to determine that an undertaking will have no adverse effect is not possible, due to the fact that the entire HeSapa is a cultural landscape along with water ways down from the project and any undertakings that occur in the HeSapa have a major adverse effect on our sacred Black Hills. We are opposed to any projects that continually erode the Black Hills cultural landscape. The Yankton Sioux Tribe has adopted the Ihanktonwan Consultation Wo[r]squo[]ope (Protocols for Consultation with the Yankton Sioux Tribe). Accordingly, in order to go into consultation with the Yankton Sioux Tribe the Mystic Ranger District must follow the process set forth in the Ihanktonwan Consultation Wo[r]squo[]ope which has not been met yet from previous comments on this project. Also, there are treaties and international law that should allow these comments to be understood at a more extreme level. Failure to meet with us as a [ldquo]government-to-government[rdquo] is a violation of our protocols and from our perception legal consultation has not been met. Please retain this letter in your files as compliance with Section 106 of the National Historic Preservation Act of 1966, as amended. If there are any questions or concerns, please do not hesitate to contact us at our office by phone at XXX or by email at XXX. Sincerely, Colten Archambeau, THPO Director Tribal Historic Preservation Office Yankton Sioux Tribe of South Dakota--Attached: "BCCR 2018-27 AMENDED (Opposing Extraction Industry-THPO)" ANKTON SIOUX TRIBE BUSINESS AND CLAIMS COMMITTEE RESOLUTION NO. 2018-27 PPOSING EXTRACTION INDUSTRY ACTMTIES 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 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 1859 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.