

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE TRIBAL COUNCIL  
OF THE OGLALA SIOUX TRIBE  
(An Unincorporated Tribe)

RESOLUTION OF THE OGLALA SIOUX TRIBAL COUNCIL REQUESTING OFFICIAL CONSULTING STATUS CONCERNING OTTER CREEK MINE AND TONGUE RIVER RAILROAD ENVIRONMENTAL IMPACT STATEMENT PROCESSES, OPPOSING CURRENT PLANS FOR THOSE ACTIVITIES, AND REQUESTING OPPOSITION FROM ALL DESCENDANTS OF SIGNATORIES TO TREATIES OF FORT LARAMIE

WHEREAS, the Oglala Sioux Tribe organized in accordance with Section 16 of the Indian Reorganization Act of 1934 on December 14, 1935 by adopting a federally approved Constitution and By-laws, and

WHEREAS, the Tribal Constitution authorizes the Tribal Council, in Article IV Section 1(a) to negotiate with the federal, state, and local governments on behalf of the Tribe, in Section 1(f) to manage all economic affairs and enterprises of the Tribe, and in Section 1(w) to protect and promote the health and welfare of the Tribe and its members, and

WHEREAS, the Tribe has been made aware that a mine is proposed at Otter Creek in the Tongue River Valley in Montana, and the Tongue River Railroad is planned to serve the proposed mining activity in the area; and

WHEREAS the area where the mine is proposed is of great cultural significance to the Oglala Sioux Tribe because it is part of our aboriginal homeland; and

WHEREAS the area where the mine is proposed is of great cultural and spiritual significance to our people because that land contains many identified culturally significant places to our people; and

WHEREAS the area where the mine is proposed is of great cultural and spiritual significance to our people because that land is likely to contain the burial sites and remains of many of our ancestors, as well as battle site, stone features, and artifacts; and

WHEREAS the area where the mine is proposed is of great historical, cultural and spiritual significance to our people because that land is within the area originally promised to the leader of many of our ancestral families, Crazy Horse, as a Reservation, and the status of that act on the part of the United States has never been fully evaluated since Crazy Horse's death; and

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WHEREAS the area where the mine is proposed is of great historic, cultural and spiritual significance to our people because that land is within the hunting grounds our ancestors reserved in the Fort Laramie Treaties of 1851 and 1868, and our claim to the area as a hunting, fishing, and aboriginal gathering area for our people has never been ceded, extinguished, or diminished since our rights to the area were reserved in those Treaties; and

WHEREAS the area where the mine is proposed is of great cultural significance to our people because that land is also considered the homeland of our long-term allies the Cheyenne people, and the Northern Cheyenne Tribe could suffer potential harms if the mine is permitted without proper consideration being given to their concerns, and

WHEREAS, the application for permission to mine in the Otter Creek area should have been presented to the Oglala Sioux Tribe's Historical Preservation Office ("THPO") and/or legal counsel for the Tribe for review for purposes including but not limited to: tribal consultation, and oversight monitoring relating to the identification and evaluation of archeological sites, cultural artifacts, and the identification and protection of indigenous vegetation (which could potentially include important sites which contain traditional medicines) and animal and insect life; and

WHEREAS, the THPO and leaders of the Tribe have additional concerns regarding the curation and ownership of cultural artifacts found within the proposed project area; and

WHEREAS, the THPO and leaders of the Tribe have additional concerns regarding any human remains found in the area, in that early determination regarding the remains' cultural identification and disposition would likely be carried out without consultation from the tribes of the Great Sioux Nation; and

WHEREAS, the THPO and leaders for the Tribe have raised additional concerns regarding dispute resolution should a dispute arise, and there is no provision providing for any tribal court jurisdiction for such disputes, while tribal courts would be best suited to determine matters related to tribal cultural and spiritual significance as identified under the various federal laws including but not limited to the Native American Graves Protection and Repatriation Act, the National Historic Preservation Act; and

WHEREAS the Tribal Council has considered the matter and desires to express opposition on behalf of the Tribe with respect to permitting a mine at Otter Creek in the Tongue River Basin, and to development of the Tongue River Railroad to serve such

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proposed mining activity, and to request that the Tribe be formally included as a consulting party in the development of any Environmental Impact Statements involving the area; NOW

THEREFORE BE IT RESOLVED that the Tribal Council of the Oglala Sioux Tribe does hereby request that the Oglala Sioux Tribe be given consulting party status with respect to any development of Environmental Impact Statements in the location of Otter Creek and elsewhere in the Tongue River Basin, including but not limited to the proposed mining activity at Otter Creek and development of the Tongue River Railroad to serve that proposed mining activity; and

BE IT FURTHER RESOLVED that the Oglala Sioux Tribe does hereby express its opposition to the current proposal for mining activity at Otter Creek and for rail service to support such activity, for the reasons stated in this Resolution; and

BE IT FURTHER RESOLVED that all other descendants of the signatories of the Treaties of Fort Laramie are hereby called upon to resist and object to continuation of the project until such time as the concerns raised herein are adequately met and alleviated.

## C-E-R-T-I-F-I-C-A-T-I-O-N

I, as the undersigned Secretary of the Oglala Sioux Tribal Council, hereby certify that this Resolution was enacted by a vote of: \_\_\_ For; \_\_\_ Against; \_\_\_ Abstain; and \_\_\_ Not Voting; during a REGULAR/SPECIAL SESSION held on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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Rhonda Two Eagle  
Secretary  
Oglala Sioux Tribe

A-T-T-E-S-T

\_\_\_\_\_  
Bryan Brewer  
President  
Oglala Sioux Tribe

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