



# GREAT PLAINS TRIBAL CHAIRMAN'S ASSOCIATION

1926 Stirling St, Rapid City, SD 57702

Phone: 605-388-5375 Fax: 605-343-3074

## **Resolution No. 30-9-28-11**

### GREAT PLAINS TRIBAL CHAIRMAN'S ASSOCIATION (GPTCA)

*Opposition to Keystone XL ("Keystone II") Pipeline now being considered for authorization by the United States Department of State, on the basis that construction of such pipeline is not in the national interests of the United States*

**WHEREAS**, The Great Plains Tribal Chairman's Association (GPTCA) is composed of the elected Chairs and Presidents of the 16 Sovereign Indian Tribes and Nations recognized by Treaties with the United States that are within the Great Plains Region of the Bureau of Indian Affairs; and

**WHEREAS**, The Great Plains Tribal Chairman's Association was formed to promote the common interests of the Sovereign Tribes and Nations and their members of the Great Plains Region which comprises the states of North Dakota, South Dakota, Nebraska; and

**WHEREAS**, The United States has obligated itself both through Treaties entered into with the sovereign Tribes and Nations of the Great Plains Region and through its own federal statutes, the Snyder Act of 1921 as amended, the Indian Self-Determination Act of 1976 as amended, and the Indian Health Care Improvement Act of 1976 as amended; and

**WHEREAS**, Indian Tribes are governments that pre-date the United States, and through the Indian Commerce, Treaty and Apportionment Clauses and the 14<sup>th</sup> Amendment, the United States recognizes the status of Indian Tribes as sovereigns and the status of American Indians as tribal citizens; and

**WHEREAS**, In treaties, the United States pledged to protect Indian Tribes, guaranteed the right of Tribal self-government, and has undertaken a trust responsibility to promote the viability of Indian reservations and lands as permanent homelands for tribes; and,

**WHEREAS**, On September 28, 2011, the Tribal Chairmen and the Tribal Council representatives from the Tribal Nations that are members of the Great Plains Tribal Chairman's Association, have been meeting at the GPTCA/BIA/USACE Tribal Water Management Summit, discussing issues of great importance to the Indian Tribal Nations of the Great Plains Region and their members; and

**WHEREAS**, a major oil transmission pipeline is planned to extend from northern Alberta, Canada, from areas that have sand mixed with tar and oil, called "tar sands", to refineries in the United States; and

**WHEREAS**, the route of the pipeline, called Keystone II, or Keystone XL, because it is the second oil transmission pipeline to be constructed by the same company that built the first Keystone pipeline, crosses through Indian country in northern Alberta, Saskatchewan, Montana, North Dakota, South Dakota and Nebraska, near and potentially over; many culturally significant areas for Tribal Nations within those provinces and states; and

**WHEREAS**, based on the relatively poor environmental record of the first Keystone pipeline, which includes numerous spills, U.S. regulators shut the pipeline down in late May, 2011, and, therefore, based on the record of the first Keystone pipeline, and other factors, it is probable that further environmental disasters will occur in Indian country if the new pipeline is allowed to be constructed; and

**WHEREAS**, the First Nations of Canada, representing the vast majority of First Nations impacted by "tar sands" development, have unanimously passed resolutions supporting a moratorium on new "tar sands" development and expansion until a "cumulative effects management system" is in place, and are also in opposition to the pipeline; and

**WHEREAS**, many U.S. Tribal Nations are also in opposition to the Keystone XL pipeline, including several Tribal Nations in the Great Plains, because it would threaten, among other things, the Oglala aquifer and other major water aquifers, rivers and water ways, public drinking water sources, including the Mni Wiconi Rural Water System, agricultural lands, animal life, cultural sites, and other resources vital to the peoples of the region in which the pipeline is proposed to be constructed; and

**WHEREAS**, Indian tribes including the Affiliated Tribes of Northwest Indians are also in opposition to the Exxon-Imperial "Heavy Haul" proposal to transport "tar sands" equipment through the Nez Perce Reservation and across scenic highways, and several Indian tribes have joined in litigation to stop this proposal; and

**WHEREAS**, the pipeline is unnecessary as a number of other pipelines are not at full capacity to carry oil from Canada to refineries in the U.S., and the oil is also not likely to end up on the U.S. market but will be exported to foreign countries; and

**WHEREAS**, Tribal Nations and First Nations within Indian country near the route of the proposed pipeline have already stated their opposition to the proposed route of the pipeline, and because of earlier opposition from both Tribes and

environmental groups, a supplemental environmental impact statement has been required by the United States Environmental Protection Agency from the proposed operators of the pipeline, a draft of which is now available for public comment; and

**WHEREAS**, since the pipeline is designed to cross the U.S.-Canadian border, the United States Department of State is the lead U.S. agency in evaluating whether the pipeline should be allowed to be constructed in the U.S.; and

**WHEREAS**, the First Nations of Canada and Tribal Nations within the U.S. have a long history of working to ensure protection of their environment, and the Keystone XL pipeline poses grave dangers if it is constructed; and

**WHEREAS**, the U.S. Department of State is continuing to accept public comments until October 7, 2011, but despite the concerns of the numerous Tribal Nations and the First Nations of Canada has recently received notice from the U.S. Environmental Protection Agency of a "Finding of No Significant Impact" from the proposed pipeline; and

**WHEREAS**, the U.S. Department of State did not properly consult with the Tribes along the route of the Keystone XL Pipeline and, as a result of the mechanisms used for what consultation was provided, the affected Tribal Nations were not provided the opportunity for "free and informed consent" regarding the construction of the pipeline; and

**WHEREAS**, the GPTCA hereby urges all its member Tribal Nations to submit comments to the U.S. Department of State regarding the Keystone XL project as not in the tribal nor the national interest; and

**WHEREAS**, Tribal Government Chairs and Presidents, Traditional Treaty Councils, and US property owners, met with the First Nations Chiefs of Canada, impacted by TransCanada's proposed Keystone XL tar sands pipeline and tar sands development present at the Rosebud Sioux Tribe Emergency Summit, September 15-16, 2011, on the protection of Mother Earth and Treaty Territories, developed the Mother Earth Accord for sign on by all First Nations and Tribal Nations.

**NOW, THEREFORE, BE IT RESOLVED**, that the Great Plains Tribal Chairman's Association stands in solidarity with the First Nations of Canada and with Tribal Nations in the United States in opposing the Keystone XL pipeline and the Exxon-Imperial Heavy Haul proposal and their negative impacts on cultural sites and the environment in those portions of Indian country over and through which it is proposed to be constructed, and disagrees with the Finding of No Significant Impact issued by the U.S. Environmental Protection Agency, and agrees to file these comments regarding this opposition to the Keystone XL pipeline with the Secretary of State as soon as possible; , and

**BE IT FURTHER RESOLVED** that the Great Plains Tribal Chairman's Association approves the Mother Earth Accord among the First Nations of Canada and the Tribal Nations within the United States; and

**BE IT FURTHER RESOLVED** that the United States is urged to reduce its reliance on the world's dirtiest and most environmentally destructive form of oil – the “tar sands” – that threatens Indian country in both Canada and the United States and the way of life of thousands of citizens of First Nations in Canada and American Indians in the U.S., and requests the U.S. government to take aggressive measures to work towards sustainable energy solutions that include clean alternative energy and improving energy efficiency; and

**BE IT FINALLY RESOLVED** that the Great Plains Tribal Chairman's Association requests a meeting with the Tribal Leaders and Hilary Clinton, Secretary of State, and the Administration to present the Mother Earth Accord and voice the concerns of the US Tribal Nations and the First Nations of Canada opposing the construction of the Keystone XL Pipeline across Treaty Lands as not in the national interest.

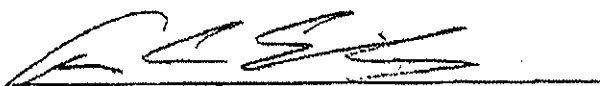
**NOW, THEREFORE BE IT FINALLY RESOLVED** that this resolution shall be the policy of the Great Plains Tribal Chairman's Association until otherwise amended or rescinded or until the goal of this Resolution has been accomplished.

**Resolution No. 30-9-28-11**

**CERTIFICATION**

This resolution was enacted at a duly called meeting of the Great Plains Tribal Chairman's Association held at Rapid City, SD on September 28, 2011 at which a quorum was present, with 10 members voting in favor, 0 members opposed, 0 members abstaining, and 6 members not present.

Dated this 28<sup>th</sup>. Day of September, 2011.



Secretary,  
Great Plains Tribal Chairman's Association

Attest:



Chairman, Tex Hall, Chairman, Mandan, Hidatsa and Arikara Nations (Three  
Affiliated Tribes)  
Great Plains Tribal Chairman's Association