

SUPPLEMENT TO PREFILED TESTIMONY

OF

FAITH SPOTTED EAGLE

Docket No. HP14-001

**IN THE MATTER OF THE APPLICATION OF TRANSCANADA KEYSTONE
PIPELINE, LP FOR ORDER ACCEPTING CERTIFICATION OF PERMIT ISSUED
IN DOCKET HP09-001 TO CONSTRUCT THE KEYSTONE XL PIPELINE**

35. You listed a number of tribal resolutions that were passed in response to the threat of the proposed pipeline. Do you know of any other tribal governing documents or agreements that have been adopted in response to the proposed project?

A. Yes, there is the International Treaty to Protect the Sacred which was signed January of 2013. There is also the Mother Earth Accord, which several tribes have adopted including the Oglala Sioux Tribe. Both of these documents express tribal opposition to the Keystone XL pipeline and development of the tar sands because of the threat to Mother Earth.

INTERNATIONAL TREATY TO PROTECT THE SACRED FROM TAR SANDS PROJECTS

The representatives from sovereign Indigenous Nations, tribes, and governments, participating in the Gathering to Protect the Sacred on January 23 – 25, 2013, on the 150 year anniversary of the *Treaty Between the Pawnee and Yankton Sioux*, have gathered on the Ihanktonwan homelands, and have resolved by our free, prior, and informed consent to enter into a treaty to be forever respected and protected. We agreed upon the following articles:

ARTICLE I

The undersigned Indigenous Peoples have inhabited and governed our respective territories according to our laws and traditions since time immemorial.

ARTICLE II

As sovereign nations, we have entered into bi-lateral and multi-lateral agreements with other nations including the *Treaty Between the Pawnee and Yankton Sioux*, *Mother Earth Accord*, the *Spiritual Leaders Declaration*, the *Agreement to Unite to use 16 Guiding Principles*, and the *Black Hills Sioux Nation Treaty Council Declaration*, and all the inter-tribal treaties in the Western hemisphere, among others, which promise peace, friendship, and mutual opposition to tar sands projects and energy development that threaten the lands, the waters, the air, our sacred sites, and our ways of life, and acknowledge other Indigenous Peoples such as the Yinka Dene, the People of the Earth' who have exercised their lawful authority to ban tar sands projects from their territories through Indigenous legal instruments such as the *Save the Fraser Declaration* and the *Coastal First Nations Declaration*.

ARTICLE III

We act with inherent, lawful, and sovereign authority over our lands, waters, and air, as recognized by Article 32 of the United Nations Declaration on the Rights of Indigenous Peoples which provides:

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

ARTICLE IV

We mutually agree that tar sands projects present unacceptable risks to the soil, the waters, the air, sacred sites, and our ways of life including:

- **The destruction of rivers, lakes, boreal forests, homelands and health of the Cree, Dene, and Métis peoples in the Northern Alberta tar sands region and downstream Dene communities of Northwest Territories**
- **The threat of pipeline and tanker oil spills into major river systems, aquifers and water bodies such as the Salish Sea, the North Pacific coast, and the Ogallala Aquifer.**
- **The negative cumulative health and ecological impacts of tar sands projects on Indigenous Communities.**
- **The irreparable harm to irreplaceable cultural resources, burial grounds, sacred and historic places, natural resources, and environmental resources of the central plains region which is the aboriginal homelands of many Indigenous Nations.**
- **Greenhouse gas pollution that could lock the planet onto a path of catastrophic climate change.**

ARTICLE V

We affirm that our laws define our solemn duty and responsibility to our ancestors, to ourselves, and to future generations, to protect the lands and waters of our homelands and we agree to mutually and collectively oppose tar sands projects which would impact our territories, including but not limited to the TransCanada Keystone XL pipeline, the Enbridge Northern Gateway, Enbridge lines nine (9) and sixty-seven (67), or the Kinder Morgan Trans Mountain pipeline and tanker projects.

ARTICLE VI

We agree to mutually and collectively, as sovereign nations, call upon the Canadian and United States governments to respect our decision to reject tar sands projects that impact our sacred sites and homelands; to call upon the Canadian and United States governments to immediately halt and deny approval for pending tar sands projects because they threaten the soil, water, air, sacred sites, and our ways of life; and, confirm that any such approval would violate our ancestral laws, rights and responsibilities.

ARTICLE VII

We agree to the mutual, collective, and lawful enforcement of our responsibilities to protect our lands, waters, and air by all means necessary, and if called on to do so, we will exercise our peace and friendship by lawfully defending one another's lands, waters, air, and sacred sites from the threat of tar sands projects, provided that each signatory Indigenous Nation reserves and

does not cede their rights to act independently as the tribal governments see fit to protect their respective tribal interests, further provided that each signatory Indigenous Nation reserves its inherent sovereign right to take whatever governmental action and strategy that its governing body sees fit to best protect and advance tribal interests affected by the pipeline project consistent with the agreements made herein and subject to the laws and available resources of each respective nation.

This Treaty of mutual defense and support is made on the occasion of the 150 year anniversary of the *Treaty Between the Pawnee and Yankton Sioux* concluded between the Pawnee Nation and the Ihanktonwan Oyate/Yankton Sioux Tribe on January 23rd, 1863, and the parties thereto hereby commemorate the signing of that historic treaty that has endured without violation for 150 years.

This Treaty goes into effect once ratified by the governing bodies of the signatory nations.

IN WITNESS WHEREOF, the undersigned dually authorized representatives, after having deposited their full powers found to be in due and proper form, sign this treaty on behalf of their respective governments, on the date appearing opposite their signatures.

SIGNED:

Name of Representative	Representing	Signature	Date


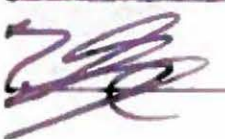
nt sovereign right to take whatever governmental action and strategy that its governing sees fit to best protect and advance tribal interests affected by the pipeline project with the agreements made herein and subject to the laws and available resources of respective nation.

Treaty of mutual defense and support is made on the occasion of the 150 year anniversary Treaty Between the Pawnee and Yankton Sioux concluded between the Pawnee Nation and Yanktonwan Oyate/Yankton Sioux Tribe on January 23rd, 1863, and the parties thereto commemorate the signing of that historic treaty that has endured without violation for years.

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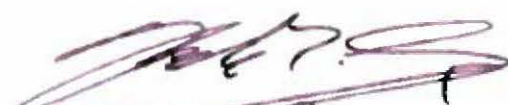
WITNESSED:

Signature of Representative	Representing	Signature	Date
	Oglala Lakota Nation	Tom Paulsen	1-25-13
	Yankton	Yankton George	1-25-

Tom Pam Bear

Tantoo Cardinal Kaidwin

Robert George



Tom Goldbach



CASEY CAMP Heinek - FORT Casey Camp Heinek

Robert Dorman BEALS R.

Jegnya Kte Fire Lightning Tiospage

Waybet. Ob Kingyan - Norica Shields Hone Tiospage

Philip N. Lane Jr. Deloria Tiospage

~~Ambyl...~~

~~Lin Group SM 144, 145 at~~

~~Handy Arrow~~

Faith spotted Lake Brave Heart Sully
Junkan Inajin Win Catote Dui K'la

Paula Hore Malle Sissaton Wakinyan Oyate Witness

Jwila Zepheri Shantouwan Oyate Witness

Marie Randall Oyate F Ki Ti pi Win

~~Adel Zepheri Shantouwan Oyate Witness~~

Roake Lake Thunder Wakinyan Ci K'la Tiospage

**PLEDGE OF SUPPORT to the
INTERNATIONAL TREATY TO PROTECT THE SACRED
FROM TAR SANDS PROJECTS**

January 2013

We the undersigned Indigenous Peoples Organizations, levels of government, businesses, unions, non-governmental organizations, and citizens hereby recognize and commit ourselves to upholding the January 2013 *International Treaty to Protect the Sacred from Tar Sands Projects*:

Name of Representative	Representing	Signature	Date
<i>Antonio Cardinal</i>	<i>the people</i>	<i>[Signature]</i>	<i>Jan 25/13</i>
<i>Tom Goldtooth</i>	<i>Indigenous Environmental Network</i>	<i>[Signature]</i>	<i>1/25/13</i>

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INTERNATIONAL TREATY TO PROTECT THE SACRED
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January 2013

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Name of Representative	International Couop Representing	Signature	Date
Bob Gough Bill Schumacher	International Couop International Couop		1/25/13 1/25/13
Phyllis Cole-Dai	Fest for the Earth		1/25/2013
Elizabeth Patton	Tar Sands Blockade		1/25/2013
Philip Strickland	Earth First!		1/25/2013
Andrea Wilson			1/25/2013
Matthew West	Earth First!		1/25/2013
Cristel Tejada Moripan	Earth First!		1/25/2013
Brynn Stachel	Farmer		1/25/2013
TERRY FRISCH	FARMER		1/25/13
JASON SOKS	global Revolution		1/25/2013
George Vest	Earth First!		1/25/2013
Tom Gernany	Nature's Land		1/25/2013
Lauren Zygmunt	Earth First!		1/25/2013
Bruce Beetham	Rounder		1/25/2013
Craig Neef	Chicago Indymedia		1/25/2013
Ashley Young	THE FEATHER PROJECT UN CSD EDUCATION CONCUS INT'L ASSN FOR THE ADVANCEMENT of innovative solutions to global challenges		1/25/2013
Kathleen McLeod	a friend of all people		1/25/2013
Lorenzo Serra	the movement		1/25/2013
ELIZABETH ARCE	THE MOVEMENT		1/25/2013
Shivani Lavra St. George			1/25/2013
Happy Waters-Catron	the movement		1/25/2013
Gallatin West North Star Energy Coalition			1-25-2013

Mother Earth Accord

September 2011

Tribal Government Chairs and Presidents, Traditional Treaty Councils, and US property owners, with First Nation 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:

Recognizing that TransCanada's proposed Keystone XL pipeline would stretch 1,980 miles, from Hardisty, Alberta, Canada to Nederland, Texas, carrying up to 900,000 barrels per day of tar sands crude oil, which would drive additional tar sands production;

Recognizing the existing resolutions and letters in opposition to the Keystone XL pipeline;

Guided by the principles of traditional indigenous knowledge, spiritual values, and respectful use of the land;

Affirming our responsibility to protect and preserve for our descendants, the inherent sovereign rights of our Indigenous Nations, the rights of property owners, and all inherent human rights;

Affirming our Indigenous view that the Earth is our true mother, our grandmother who gives birth to us and maintains all life;

Recognizing that the tar sands in northern Alberta, Canada is one of the largest remaining deposits of unconventional oil in the world, containing approximately 2 trillion barrels, and there are plans for a massive expansion of development that would ultimately destroy an area larger than the state of Florida;

Recognizing that tar sand development has devastating impacts to Mother Earth and her inhabitants and perpetuates the crippling addiction to oil of the United States and Canada;

Recalling in September 2010, the Assembly of First Nations of Canada called on the United States government to take into account the environmental impacts of tar sands production on First Nations in its energy policy, citing the high rates of cancer in the downstream Fort Chipewyan community, which prominent scientists say are potentially linked to petroleum products;

Recognizing the findings published in the Proceedings of the National Academy of Sciences that tar sands production releases 13 elements considered priority pollutants under the U.S. Clean Water Act, including lead, mercury, and arsenic into the Athabasca River in northern Alberta, which flows 3,000 miles downstream to the Arctic Ocean;

Recognizing that tar sands production produces three times the greenhouse gas emissions of conventional oil and NASA climate scientist James Hansen has said that if the tar sands are fully developed, it will be “essentially game over” for the climate;

Recognizing that Canada’s greenhouse gas emissions from tar sands development have more than doubled since 1990, which is the main reason Canada is failing to meet its greenhouse gas emissions reduction targets under the Kyoto Protocol;

Concerned that Indigenous people are most vulnerable to the social, cultural, spiritual, and environmental impacts of climate change;

Recognizing that Exxon-Imperial and ConocoPhillips Heavy Haul shipments are attempting to haul more than 200 oversized loads of heavy oil machinery from the Port of Lewiston, Idaho along Highway 12 into Montana, then north to the tar sands project in Alberta, Canada;

Concerned that tar sands crude oil is more toxic, corrosive, and abrasive than conventional crude oil and poses additional pipeline safety risks that have not been fully assessed by the U.S. Department of State in its final Environmental Impact Statement for the Keystone XL pipeline, issued August 26, 2011;

Recalling that TransCanada’s year-old Keystone pipeline, from Manitoba, Canada to Patoka, Illinois and Cushing Oklahoma, has had 14 spills in the U.S. portion since it started operation in June 2010, and was temporarily shut down by regulators in late May, 2011;

Recognizing TransCanada’s extremely poor safety record for the Keystone pipeline, it is probable that the Keystone XL pipeline will have frequent spills because it will have similar design specifications;

Concerned that oil spills from the Keystone XL pipeline would destroy live-sustaining water resources, including the Ogallala Aquifer, which provides drinking water for millions of people and farmland irrigation throughout the Midwestern United States;

Concerned that construction of the Keystone XL pipeline will impact sacred sites and ancestral burial grounds, and treaty rights throughout traditional territories, without adequate consultation on these impacts;

Concerned that the Keystone XL pipeline would increase air pollution in the communities surrounding the refineries that the pipeline would service where people of color, Indigenous peoples, and poor people are already experiencing high rates of cancer and respiratory illness;

Recalling that TransCanada’s permit application to the Canadian government for the Keystone XL pipeline said it will increase oil prices in the United States by \$4 billion per year;

Acknowledging that the Keystone XL pipeline is not designed to provide the United States with energy security and that industry documents indicate Gulf Coast refineries operate in a free trade

zone and plan to refine tar sands oil into petroleum products that are intended for export overseas;

Therefore, we are united on this Mother Earth Accord, which is effective immediately, that it be resolved as follows:

We support and encourage a moratorium on tar sands development;

We insist on full consultation under the principles of “free, prior and informed consent,” from the United Nations Declaration on the Rights of Indigenous Peoples both in the United States and Canada;

We urge regional authorities to halt the Exxon-Imperial and ConocoPhillips Heavy Haul shipments of tar sands equipment through the United States and Canada;

We urge the United States and Canada to reduce their reliance on oil, including tar sands, and invest in the research and development of cleaner, safer forms of sustainable energy and transportation solutions, including smart growth, fuel efficiency, next-generation biofuels and electric vehicles powered by solar and wind energy.

We strongly believe that the proposed Keystone XL tar sands pipeline is not in the national interest of the United States or Canada; and

We urge President Obama and Secretary of State Clinton to reject the Presidential Permit for the Keystone XL pipeline.

Signed by:

CERTIFICATE OF SERVICE

I certify that on this 7th day of August, 2015, a true and correct copy of **SUPPLEMENT TO PREFILED TESTIMONY OF FAITH SPOTTED EAGLE** was filed on the Public Utilities Commission of the State of South Dakota e-filing website. And also on this day, a true and accurate copy was sent via email to the following (or US Mail first-class postage prepaid where no email is given):

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/s/ J. Wagner
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Legal Secretary