

AT LARGE

Jesse "Jay" Taken Alive

Margaret M. Gates

Charles W. Murphy

Dave Archambault II

Joseph McNeil Jr. December 6, 2007

Jesse McLaughlin

Dustin Johnson, Chairman
Public Utilities Commission of the State of South Dakota
500 East Capitol Avenue
Pierre, SD

DISTRICTS

Robert Cordova
Cannonball District

RE: TransCanada Keystone Pipeline, LP

Henry Harrison
Long Soldier District

Dear Mr. Johnson,

Joe Strongheart Sr.
Wakpala District

On October 19, 2007, the Standing Rock Sioux Tribal Council passed Resolution No. 502-07 opposing the Keystone Project.

Frank White Bull
Kenel District

Although the Standing Rock Sioux Tribe is not directly affected by the Keystone project, we have concerns because the land where the pipeline is to be built was a travel pathway used by our ancestors. Also, in the event of an oil spill from the Keystone pipeline in North or South Dakota, we believe that it could be a regional disaster with far-reaching impacts.

Joe White Mountain Sr.
Bear Soldier District

Milton Brown Otter
Rock Creek District

The following are the reasons the Standing Rock Sioux Tribe is opposed to the Keystone Pipeline project.

Frank Jamerson Jr.
Running Antelope District

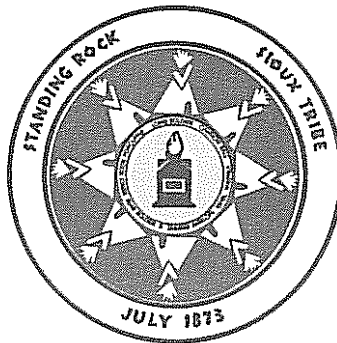
Richard D. Bird Jr.
Porcupine District

- 1) Keystone does not propose to conduct a Class III cultural resources survey and because this was a pathway of our ancestors, we request that a Class III inventory be conducted along the entire Keystone corridor.
- 2) We request that Keystone not only meet federal pipeline safety standards but exceed them in order to reduce potential negative impacts on the environment should there be an oil spill. We also request that Keystone increase the number of valves used to isolate ruptured sections of the proposed pipeline and annually reassess the Emergency Management Plan to incorporate new methodologies.
- 3) The waiver that was granted to the applicant on the maximum pipeline pressure and gauge of the pipe wall gives the impression that rural areas are not considered significant enough to protect with a higher, albeit more expensive quality of pipe.
- 4) Our Tribal Historic Preservation Office was not given ample amount of time to review extensive cultural resource surveys that were prepared and delivered to our office on October 19, 2007.

Sincerely,
STANDING ROCK SIOUX TRIBE



Ron His Horse Is Thunder
Chairman



Ron His Horse Is Thunder
Chairman

Avis Little Eagle
Vice Chairwoman

Geraldine Agard
Secretary

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SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

RESOLUTION NO. 502-07

WHEREAS, the Standing Rock Sioux Tribe is an unincorporated Tribe of Indians, having accepted the Indian Reorganization Act of June 18, 1934, with the exception of Section 16; and the recognized governing body of the Tribe is known as the Standing Rock Sioux Tribal Council; and

WHEREAS, the Standing Rock Sioux Tribal Council, pursuant to the amended Constitution of the Standing Rock Sioux Tribe, Article IV, Section 1[a], 1[c], 1[h], and 1[j], is authorized to negotiate with Federal, State and local governments and others on behalf of the Tribe, is further authorized to promote and protect the health, education and general welfare of the members of the Tribe; and

WHEREAS, in compliance with the National Environmental Policy Act 1969, the Department of State developed a "Draft Environmental Impact Statement for the Keystone Oil Pipeline Project" for the purpose of construction of 1,800 mile oil pipeline to transport crude oil from Hardisty Canada, through North and South Dakota, Nebraska, Kansas, Missouri and ending in Patoka, Illinois, with a possible extension to Cushing, Oklahoma; and

WHEREAS, the Tribal Historic Preservation Office has been delegated the responsibility to protect and preserve areas significant to the Standing Rock Sioux Tribe along with other Tribal Nations within Aboriginal Homelands; and

WHEREAS, Section 106 of the National Historic Preservation Act of 1966 requires consultation with Tribes affected by an undertaking that has potential to significantly impact natural and cultural resources; and

WHEREAS, the above listed areas lay within the Aboriginal Homelands of the bands of the Standing Rock Sioux Tribe; and there is a high potential for the existence of cultural resources significant to the Standing Rock Sioux Tribe in this area; and Section 101(d)(6)(B) of NHPA provides individuals and Tribes the opportunity to place religious and cultural significance to areas within the Aboriginal Homelands; and

WHEREAS, Executive Order 13007 specifically enjoins federal agencies to accommodate access and ceremonial use of Indian sacred sites and to avoid adversely affecting the physical integrity of sacred sites; and

WHEREAS, the Keystone Pipeline Environmental Impact Statement has not adequately addressed the existence and protection of cultural resources and their significance to the Standing Rock Sioux Tribe; and

NOW THEREFORE BE IT RESOLVED, that the Standing Rock Sioux Tribe requests that no oil pipeline be constructed within the boundaries of the Aboriginal Homelands of the Great Sioux Nation; and

BE IT FURTHER RESOLVED, pursuant to 36 CFR 800.3(f)(3) the Standing Rock Sioux Tribe and the Standing Rock Tribal Historic Preservation Office requests to be consulting parties to all actions pertaining to the Keystone Pipeline Draft EIS; and also requests to be consulting parties to all actions pertaining to Section 106 of NHPA and Keystone Pipeline Draft EIS; and

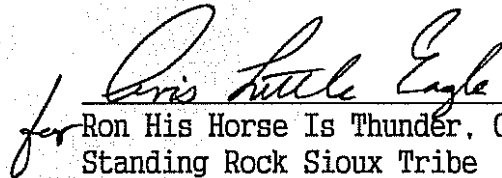
BE IT FURTHER RESOLVED, that the Standing Rock Sioux Tribe request continuing consultation on reasonable foreseeable development and proposed alternatives, including impacts to natural and cultural resources within the pipeline corridor; and

BE IT FURTHER RESOLVED, that the Chairman and Secretary of the Tribal Council are hereby authorized and instructed to sign this resolution for and on behalf of the Tribe.


CERTIFICATION

WE, the undersigned, Chairman and Secretary of the Tribal Council, hereby certify that the Tribal Council is composed of [17] members of whom 16 constitution a quorum, were present at a meeting thereof, duly and regularly called, noticed, convened and held on the 19th day of OCTOBER, 2007, and that the foregoing resolution was duly adopted by the affirmative vote of 15 members, and 0 opposing, and with 1 not voting. THE CHAIRMAN'S VOTE IS REQUIRED, EXCEPT IN CASE OF A TIE.

DATED THIS 19th DAY OF OCTOBER, 2007.


for Ron His Horse Is Thunder, Chairman
Standing Rock Sioux Tribe

ATTEST:


Geraldine Agard, Secretary
Standing Rock Sioux Tribe

[Official Tribal Seal]

Meeting Date: 10-19-2007
Motion No. 25