

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION BY)
TRANSCANADA KEYSTONE PIPELINE, LP)
FOR A PERMIT UNDER THE SOUTH DAKOTA)
ENERGY CONVERSION AND TRANSMISSION)
FACILITIES ACT TO CONSTRUCT THE)
KEYSTONE XL PROJECT)

HP14-001

APPLICATION FOR
PARTY STATUS BY
THE CHEYENNE RIVER
SIOUX TRIBE

COMES NOW, the Cheyenne River Sioux Tribe, by and through its undersigned signatory, and pursuant to SDCL §49-41B-17(2)(3) petitions to be granted party-status in the above referenced matter. The petitioner's interests are as follows:

1. The Cheyenne River Sioux Tribe is a federally- recognized Indian Tribe residing on the Cheyenne River Sioux Reservation of South Dakota. The address of the Tribal government headquarters is Post Office Box 590, Eagle Butte, South Dakota 57625.

2. The Keystone XL project would cross lands that has been adjudged by the U.S. Indian Claims Commission and the U.S. Court of Claims to be the aboriginal and Treaty-titled land of the petitioner Cheyenne River Sioux Tribe. *United States v. Sioux Nation of Indians*, 601 F.2d 1157, 1172 (Ct. Cl. 1975) *aff'd* 448 U.S. 384 (1980); *Sioux Nation v. United States*, 21 Ind. Cl. Comm. 371, 382 (1974).

3. The proposed Keystone XL (KXL) pipeline threatens to contaminate the source of water for our Mni Waste Water System. The pipeline is proposed to run through our aboriginal homelands just south of the western border of our present reservation. The proposed route of the pipeline will cross the Cannonball River, Grand River, Moreau River, and Cheyenne River in the Dakotas and these rivers individually and collectively enter the Missouri River in Lake Oahe, the Pick Sloan Reservoir immediately upstream from our intake. At the present time the Cheyenne River Sioux Tribal membership uses water from the Cheyenne River for drinking water supply.

4. The petitioner Tribal government includes programs empowered to protect water quality (Environmental Protection Department) and to preserve historical sites (Cultural Preservation Office). Their mission includes the protection of water quality and historic properties both within and outside of the exterior boundaries of the Cheyenne River Sioux Indian Reservation. *See* 33 U.S.C. §1377(e) (authorizing Tribes to be treated as states for water quality standards under the Clean Water Act); 16 U.S.C. §470a(d)(2) (authorizing Tribes to assume State Historic Preservation Office

functions under the National Historic Preservation Act). The proposed Keystone XL project will traverse land and waters of concern to the Cheyenne River Sioux Tribe's Environmental Protection Office and Cultural Preservation Office.

5. The petitioner possesses proprietary rights to certain human remains, funerary objects and cultural objects of Native American origin that may be unintentionally unearthed during construction of the Keystone XL project. These rights are codified in section 3 of the federal Native American Graves Protection and Repatriation Act, 25 U.S.C. §3002(a)(2).

6. Secondary environmental and health effects of the construction of the Keystone XL project would directly impact the Cheyenne River Sioux Tribe, such as increased traffic on U.S. Highway 212, SD Highway 63 and SD Highway 34 which run directly on or boarder on the Reservation, the possible development of worker camps and infrastructure near Indian land in Meade County, and place further stress on limited rural health care resources in our region.

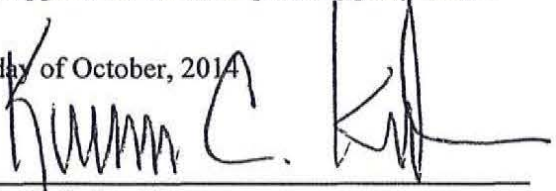
7. The cumulative environmental impacts of the Keystone XL project and other recently-proposed projects, such as the Dakota Access Pipeline, have not been evaluated, and may have a significant effect on the Cheyenne River Sioux Tribal environment.

8. The petitioner possesses rights under other federal statutes, regulations, executive orders, and treaties, compliance with which has not been demonstrated by TransCanada Keystone Pipeline, LP.

WHEREFORE, petitioner respectfully applies for an order granting party status.

Dated this 14th day of October, 2014

By:

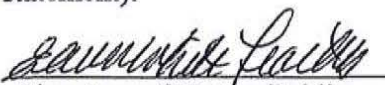

Kevin C. Keckler
Chairman
Cheyenne River Sioux Tribe
PO Box 590
Eagle Butte, SD 57625
(605) 964-4155
kevinckeckler@yahoo.com

State of South Dakota

County of Dewey

Subscribed and sworn to (or affirmed) before me on this 14th day of October,
20 14, by _____ (name of person making statement).

(Seal)


Signature of Notary Public

My commission expires: 5/18/19

**BEFORE THE PUBLIC UTILITIES
COMMISSION OF THE STATE OF SOUTH
DAKOTA**

Print

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

**APPLICATION FOR PARTY
STATUS
HP14-001**

Pursuant to SDCL 49-41B-17,

Cheyenne River Sioux Tribe

(Name of Applicant)

petitions the Public Utilities Commission to be granted party status in the above-referenced facility permit proceeding.

Briefly explain your interest in this permit proceeding. Form is limited to 1000 characters.

Please see attached documents.

Signature of Applicant

Kevin C. Keckler

Print or Type Name

Address: P.O. Box 590

Eagle Butte, SD 57625

1 (605) 964-4155

Phone Number

kevinckeckler@yahoo.com

E-mail Address

Cheyenne River Sioux Tribe

Name of Organization (If applicable)

October 14, 2014

Date

Subscribed and sworn to before me this 14th day of October, 2014.

(Seal)

Notary Public

My Commission expires: 5/18/19

NOTE:

The petition was filed Sept. 15, 2014. This Application for Party Status form must be filed in the Commission's offices on or before Oct. 15, 2014.

Executive Director
South Dakota Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501-5070
Electronic Filing: <http://puc.sd.gov/EFilingOptions.aspx>

000307