

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION BY)	
TRANSCANADA KEYSTONE PIPELINE, LP)	HP14-001
FOR A PERMIT UNDER THE SOUTH DAKOTA)	APPLICATION FOR
ENERGY CONVERSION AND TRANSMISSION)	PARTY STATUS BY
FACILITIES ACT TO CONSTRUCT THE)	THE CHEYENNE RIVER
KEYSTONE XL PROJECT)	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.

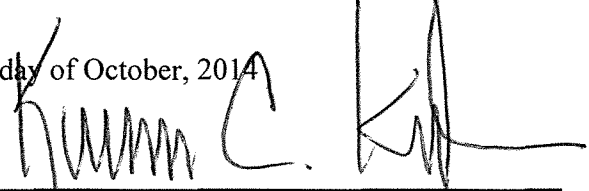
7. The cumulative environmental impacts of the Keystone XL project and other recently-proposed projects, such as the Dakota Access Pipeline, have not been evaluated, and may have a significant effect on the Cheyenne River Sioux Tribal environment.

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:

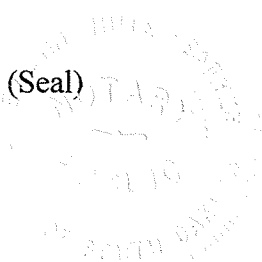

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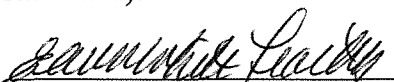
State of South Dakota

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

