

Testimony before the South Dakota Public Utilities Commission  
Monday July 6, 2015

of

John Paul Clifford, Member of the Rosebud Sioux Tribe, and Owner  
of Trust Land under the Tribal Land Enterprise System

█ █ St. Francis, SD 57570  
Ladies and Gentlemen of the Commission,

My name is John Paul Clifford, I am a member of the Rosebud Sioux Tribe, and have come here today because I learned that the land I have in production is located in the Spill Zone of the intended route for the Keystone XL Pipeline. At the very least, I should have been notified that the Trans-Canada pipeline had been intending to cross and create a hazard of incredible proportions to the land. None of us affected in this defined area has had any notice.

While I am here to speak to you, what I am telling you, with the confidence of the Constitution and force of our Treaty Rights, is that: You have no jurisdiction to rule on anything that could potentially affect Indian Land on the Reservation or those lands that are Federal Indian Trust Lands and most certainly not to grant a permit to any corporate entity, foreign or domestic which would encroach in any way by crossing, spilling or causing any disturbance to these lands which afford financial support and homesteads to the Native American Indian Tribal Members.

Any ruling you make which would have any effect on Indian Lands is in direct violation of Article Six of the U. S. Constitution whereby Treaties are deemed the "**Supreme Law of the Land**" and in particular treaties made with Lakota Nations. Therefore, as a member of the Rosebud Sioux Tribe I hereby assert sovereign immunity and deem any granting of an easement or permit through my land as null and void and as inherently an unconstitutional invasion of my rights and resources.

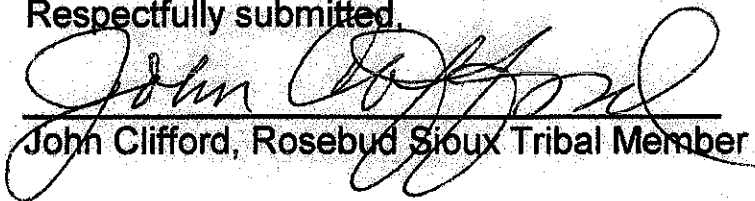
However, even if it were allowable for you to grant the permit, as a citizen of the United States I am entitled, again under the Constitution, to full, equitable, and prompt compensation for any damage sustained and for any loss of income and loss of income producing property. as a result of any government entity's decision by which I am adversely affected. The same applies to all individual property owners adversely affected by your granting of a pipeline permit. It is then incumbent upon you, the PUC, to require of

the grantee adequate and full insurance coverage and bonding not only for me but also for all property owners who sustain similar damage and loss of income. To date you have provided no documentation showing that you are requiring that the grantee is providing full and adequate coverage for those losses and damages sustained by property owners as a result of your decision to grant a permit. Running pipeline protection ads by the grantee is no substitute for bankruptcy-proof insurance coverage and bonding.

Also incumbent upon you, the PUC, is the responsibility to ensure that you avoid the same disastrous results that the oil spills of the Exxon Valdez and the BP Gulf disaster produced. That extensive damage has yet to be adequately cleaned up and the victims to be equitably compensated.

I am holding you accountable for even considering this lawless act of granting a permit to this foreign entity which is using the precious lands and waters of our country to profiteer for themselves and which in the end fail to benefit our country in any significant way. Trans-Canada is sending the oil sands to New Orleans for process and shipment to other countries, The few jobs it produces do not dignify the degradation of our precious resources, land and water,

Respectfully submitted,

  
John Clifford, Rosebud Sioux Tribal Member