

Charles W. Murphy
Chairman



**TRIBAL COUNCIL
(DISTRICTS)**

**TRIBAL COUNCIL
(AT LARGE)**

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Avis Little Eagle
Paul Archambault
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Vice Chairman

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Sharon Two Bears
Cannonball District
Henry Harrison
Long Soldier District
Duane Claymore
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Kenel District
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Bear Soldier District
Milton Brown Otter
Rock Creek District
Frank Jamerson Jr.
Running Antelope District
Samuel B. Harrison
Porcupine District

February 2, 2012

Colonel Mark W. Weatherington
Commander, 28th Bomb Wing
1958 Scott Drive
Ellsworth AFB, SD 57706-4710

Dear Colonel Weatherington:

This letter serves as a response to the Powder River Training Complex Environmental Impact Statement (EIS) Process.

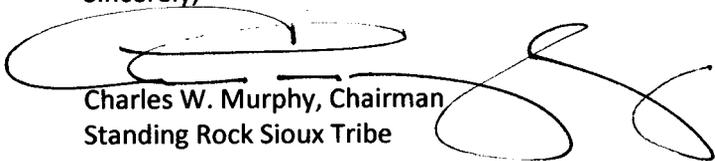
The Standing Rock Sioux Tribe appreciates the opportunity to be heard and afforded participation in this very important process. As you are aware, the communities on the Standing Rock Reservation have been involved in this process for many years and continue to voice their concerns.

Our people's primary and most important concern is the right to worship and practice the "hanbleca" or vision quest, the traditional religious rite guaranteed by the Indian Religious Freedom Act of 1978, without interference (buzzing) from low-level flying patterns.

The Standing Rock Tribal Council took this position in 1986 and 1987 and continues this position by the attached Resolution no 670-08 adopted in November 5, 2008 by the Long Soldier District Community at its October 2008 meeting and adopted by the Standing Rock Tribal Council on November 5, 2008.

September 22, 2010, the issue of the Powder River EIS was brought up at the Long Soldier Community meeting. Their record of attendance show 126 members present. At this meeting 97 members voted to reaffirm Resolution no. 670-08 regarding the EIS for the Powder River Training Complex.

Sincerely,


Charles W. Murphy, Chairman
Standing Rock Sioux Tribe

RESOLUTION NO. 670-08

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], and 1[h], is empowered to negotiate with Federal, State and local governments and others on behalf of the Tribe, and to authorize or direct subordinate boards, committees and Tribal Officials, to administer the affairs of the Tribe and to carry out the directives of the Tribal Council; and

~~WHEREAS, the Standing Rock Sioux Tribe has sovereign jurisdiction over and beneficial ownership of the land, water, air and other natural resources within the boundaries of the Standing Rock Nation as guaranteed by the Fort Laramie Treaty of April 29, 1868; and~~

WHEREAS, the Standing Rock Sioux Tribe is in the process of developing measures for the protection and use of the human environment and of the resources of the environment such as the air space, air quality, water resources, and subsoil, and land and land uses beyond the limits of national jurisdiction in order to supplement Tribal resources available for the achievement of the economic and social progress and development of the members of the Standing Rock Sioux Tribe; and

WHEREAS, the Standing Rock Sioux Tribe and its membership desire to live in peace and freedom from the dangers of nuclear war, oppose any propaganda and preparations for war, to participate in the economic development of Tribal resources and to preserve a healthy environment for those living; and

WHEREAS, the Standing Rock Tribal Council, in 1986 and 1987, objected to and opposed the use of airspace over Standing Rock for the purpose of low-level flight training by the United States Air Force due to the interference [buzzing] with the religious practice of "hanbleca" or vision quest at Sitting Bull Camp by traditional Lakota/Dakota men, as guaranteed by the Indian Religious Freedom Act of 1978; and

WHEREAS, the Standing Rock Tribal Council, has participated in the Scoping Hearings held at the Long Soldier Community Building as well as negotiating with the U.S. Air Force at Ellsworth Air Force Base in Rapid City, South Dakota; and

WHEREAS, the Standing Rock Nation has a relationship with the United States of America that has a legal Status far beyond and above any relationship with any entity, state, or corporation and for this reason, Standing Rock has prior and paramount rights to the airspace above the lands of Standing Rock, including the airspace in infinity; and the primary status of those rights stems from the 1868 Treat of Fort Laramie, the legal principle which provides protection relative to this sacred asset: airspace; and

WHEREAS, the United States of America has the responsibility of adopting measures prohibiting the pollution and damage to the social progress and general welfare of the members of the Standing Rock Sioux Tribe and this responsibility cannot be delegated, denigrated or abrogated; and

WHEREAS, the Fifth Amendment of the United States Constitution provides for "just compensation" to property owners for any losses and this right includes members of the Standing Rock Sioux Tribe as determined by the treaties and the continuing rights derived from the treaties; and

WHEREAS, the Standing Rock Sioux Tribe is fully recognized by the United States of America pursuant to the Treaties of 1851 and April 29, 1868 at Fort Laramie and it is elemental that the rights to the use of airspace reserved by the Standing Rock Sioux tribe arises not from a grant by the United States to the Tribe but rather, the Tribe reserved those rights to the use of airspace when the Treaty was signed with the United States; and

WHEREAS, damages to the people of the Standing Rock Nation have not been determined, which includes damages to cultural resources, resulting from "buzzing" or interfering with religious practices as well as overall social cost damages resulting from electromagnetic fields created by flight paths, and impacts on all living beings; and it is the wishes of the people of Standing Rock Nation that these damages be estimated, mitigated and compensated immediately;

NOW THEREFORE BE IT RESOLVED, that the Standing Rock Sioux Tribe oppose the use of its airspace for any purpose until the United States Air Force submits a Plan for not polluting the Air [by electromagnetic fields or otherwise] and negotiate a dollar amount, depending on the scale of the project, which would allow the Tribe to make an independent assessment on Tribal Air Quality and Interference on Religious Practices, including "hanbleca"; and

BE IT FURTHER RESOLVED, that the Standing Rock Sioux Tribe negotiate a fee for the use of airspace that might pollute the air [by electromagnetic field or other pollutants] so that the Tribe can evaluate independently an assessment from how much pollution results from the use of the airspace; and

BE IT FURTHER RESOLVED, that the Standing Rock Sioux Tribe demands that the United States of America administer the rights derived from the Fort Laramie Treaty of April 29, 1868, by the establishment of a Commission that will address provisions necessary for rendering effective standards and regulations applicable to the use and withdrawal of airspace; 2) Provide compensation for use, damages, be they social or economic in nature, including restitution and reparations, caused as a result of aggression and of illegal occupation of boundaries claimed by Lakota/Dakota people; 3) Achieve total disarmament and utilize resources to be used only for the economic and social progress and general welfare of the members of Standing Rock Nation [Wind power development]; and 4) Adoption of measures prohibiting the tests of space weapons, the development, production and buildup of space weapons for preparation of war, and the pollution and damage to the members, the land, water and air of the Standing Rock Sioux Tribe; and

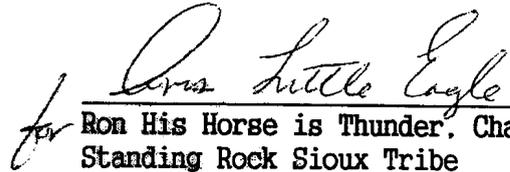
BE IT FURTHER RESOLVED, that the Chairman and Secretary of the Tribal Council are hereby authorized and instructed to sign this resolution for and on behalf of the Standing Rock Sioux Tribe.

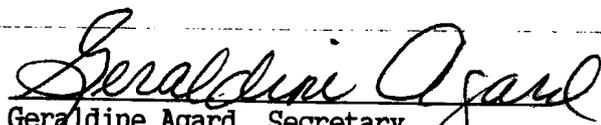
CERTIFICATION

We, the undersigned, Chairman and Secretary of the Tribal Council do hereby certify that the Tribal Council is composed of [17] members of whom 17 constituting an quorum, were present at a meeting, thereof, duly are regularly called, noticed, convened and held on the 5th day of NOVEMBER, 2008, and that the foregoing resolution was adopted by the affirmative vote of 16 members, with 0 opposing, and with 1 not voting. THE CHAIRMAN'S VOTE IS NOT REQUIRED EXCEPT IN CASE OF A TIE.

DATED THIS 5th DAY OF NOVEMBER, 2008.

ATTEST:


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


Geraldine Agard, Secretary
Standing Rock Sioux Tribe

[Official Tribal Seal]

Meeting Date: 11-05-2008
Motion # 23